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**LEGAL REGULATION OF THE PRINCIPLES
OF ELECTORAL LAW IN THE REPUBLIC OF MOLDOVA**

552.01 - CONSTITUTIONAL LAW

Summary of the PhD of law thesis

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1. Conceptual milestones of the research

Timeliness and importance of the topic. From its beginnings to the present, humanity always strives for freedom and justice - invaluable socio-human values. Not by chance, probably, in the Universal Declaration of Human Rights, adopted and proclaimed by the UN General Assembly, right from the beginning, in art. 1, in the first sentence it is stated that "*All human beings are born free and equal in dignity and rights*"¹.

The Republic of Moldova, in a very short historical period, managed to develop, approve and put into use three fundamental state documents: "Declaration of Sovereignty" (June 23, 1990), "Declaration of Independence" (August 27, 1991) and "Constitution of the Republic of Moldova" (July 29, 1994). In these important legislative acts it is stipulated that the bearer and source of sovereignty is *the people*, that sovereignty is achieved in the interests "*of the entire people*"², that The Republic of Moldova "guarantees the exercise of the social, economic, cultural rights and political freedoms of all citizens of the Republic of Moldova"³, that "*the will of the people constitutes the basis of state power, that this will is expressed through **free elections, which take place periodically through universal, equal, direct, secret and freely expressed suffrage, that justice and political pluralism they are supreme values***"⁴.

So, in a more explicit or less explicit form, *the principles of electoral law are provided as characteristics, conditions, norms* in the Declaration of Sovereignty of the Republic of Moldova, in the Declaration of Independence of the Republic of Moldova, in the Constitution of the Republic of Moldova, but also in other legislative acts - in the Electoral Code, in the Regulations of the Parliament of the Republic of Moldova, etc.⁵.

¹Declarația Universală a Drepturilor Omului: demnitate și dreptate pentru toți. Ediție jubiliară, 1948-2008. *Organizația Națiunilor Unite*. Chișinău: S. m., 2008.

²Declarația de suveranitate a Republicii Sovietice Socialiste Moldova, Nr.148-XII din 23.06.90, „Veștile” Nr. 8/192, 1990. [cited 03 march 2018]. Available: <https://www.constcourt.md/pageview.php?l=ro&idc=11&id=275&t=/obsie/ictoriaea-kc/Declaratia-suveranitatii/>

³ Lege Nr. 691 din 27.08.1991 privind Declarația de independență a Republicii Moldova. In: *Monitorul Oficial al Republicii Moldova* Nr. 011 din 27.08.1991, art Nr. 103;118, Promulgat: 27.08.1991. [cited 03 martie 2018]. Available: https://www.legis.md/cautare/getResults?doc_id=64806&lang=ro

⁴ Constituția Republicii Moldova adoptată la 29 iulie 1994, în vigoare din 27 august 1994. In: *Monitorul Oficial al Republicii Moldova*, 1994, nr.1. [cited 03 martie 2018]. Available: https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#

⁵ JELESCU, Dumitru. THE INTERCONNECTION OF THE PRINCIPLES OF ELECTORAL LAW AND TYPOLOGY OF POWER / INTERCONEXIUNEA PRINCIPILOR DREPTULUI ELECTORAL ȘI TIPOLOGIEI PUTERII. *CHALLENGES AND PROBLEMS OF MODERN SCIENCE, Proceedings of the XII International Scientific and Practical Conference*, 04-05 January 2024. London, United Kingdom, 2024. În: WOC WORLD OF CONFERENCES, ESD Group, pp. 16-19. ISBN 978-92-44513-83-5. [cited 03 martie 2024]. Available: <https://zenodo.org/records/10475605>.

At the current stage, it is important that the political and legal reforms taking place in our country pass from the theoretical bed of regulating the power of the people to the practical one, to be placed from their formal framework into the real one. Because, as is known, the basis of the power of the people in the state is *the political rights and freedoms* of the citizens and the mechanism of their regulation. From this point of view, "the first documents on human rights appeared in Great Britain, thus maintaining a recognized authorship over all the instruments adopted in this matter at the European and world level"⁶. Professor and scholar Teodor Cârnaț defines **human rights** as "*rights that belong human being from birth, are inalienable and inherent to every human being by virtue of his belonging to the human species and which are universally recognized*"⁷. Veaceslav Zaporojan, lecturer and researcher, believes that "human rights are those natural prerogatives, based on which man, according to his subjective will, can carry out an action, for the exercise of a human value, for the purpose of his coexistence in society"⁸. Referring to the Constitution, the researcher and lecturer Serghei Țurcan claims that "the Republic of Moldova is declared a democratic and legal state, for which human dignity, rights and freedoms, the free development of the human personality, justice and political pluralism are supreme values and must be guaranteed"⁹. The author is of the opinion that "Achieving these goals of the state is possible only by establishing a constitutional system based on the observance of some fundamental *principles* (the emphasis is ours - DJ) unanimously recognized in the democratic society, such as the principle of national sovereignty, the principle of the supremacy of the Constitution, the principle of legality, the principle of equality before the law, the principle of guaranteeing fundamental human rights and freedoms, the principle of political pluralism and, last but not least, the principle of supremacy and collaboration of the branches of power in the state"¹⁰. The researcher also shows that "The European Union is founded on the individual and universal values of human dignity, freedom, equality and solidarity, on *the principles of democracy and the rule of law*"¹¹ (the emphasis is ours - DJ). Regarding the observance of the principle of supremacy and the collaboration of the branches of power in the state, Serghei Țurcan devoted both his doctoral

⁶ Duculecu, v., Călinoiu, C., Duculescu, G. *Drept constituțional comparat*. Ed. a doua, revăzută și adăugată. Cuvânt înainte de prof. univ. dr. Tudor Drăganu. Vol.I. București: Lumina Lex, 1999, p. 329. 648 p. ISBN 973-588-093-8.

⁷ Cârnaț, T. *Drept Constituțional*. Chișinău: Print-Caro, 2010, pp. 270-271. 513 p.

⁸ Zaporojan, Veaceslav. *Protecția drepturilor fundamentale în justiția constituțională a Republicii Moldova*. Teză de doctor în drept. Chișinău, 2007, p. 11. 165 p.

⁹ Țurcan Serghei. *Reglementarea constituțională a participării autorităților executive la procesul legislativ*. Teză de doctor în drept. Chișinău, 2003, p. 3. 193 p.

¹⁰ Ibid.

¹¹ Țurcan Serghei. *Aspecte privind consacarea drepturilor fundamentale ale omului în constituțiile statelor Uniunii Europene*. In: *Dreptul internațional umanitar la 60 de ani de la semnarea Convențiilor de la Geneva*. Materialele Colocviului Internațional „Promovarea drepturilor omului în contextul integrării europene: teorie și practică”. 30-31 octombrie 2009. Redactor-șef Vitalie Gamurari, conf. univ. dr. Chișinău: ULIM, 2009, p. 234/pp. 234-237.

thesis and other works, such as: "Commentary on Chapter VI of the Constitution of the Republic of Moldova "Government" (part I)"¹²; "Commentary on Chapter VI of the Constitution of the Republic of Moldova "Government" (Part II)"¹³; "Commentary on Chapter VII of the Constitution of the Republic of Moldova "Parliament Relations with the Government"¹⁴; to.

At the same time, we must not diminish the role of the *theoretical treatment of law* for the everyday practice of the democratic state we intend to build. Let's not forget that the most practical thing is a well-developed theory (Niels Bohr). In this sense, it is necessary to follow the call of the fundamental work "*Principles of European Constitutional Law*", in which the Principles are put, treated and estimated in the foreground *Constitutional* within the European Union¹⁵. Also, here in *the Principles Constitutional*, it is shown that "The Constitutional Treaty, given its sometimes confused architecture, will not put many scholars out of business, but, on the contrary, due to its *genesis* (the emphasis is ours - DJ) it lends itself even more than the current treaties"¹⁶. According to Armin von Bogdandy, the fact that European constitutional law is based on certain principles constitutes "*an ambitious normative program* (the emphasis is ours - DJ), the details of which, perhaps, only legal science and the courts are capable of developing, although the limitations already mentioned of a doctrine about the applicable principles of a concrete legal situation must be respected"¹⁷.

In the theory of law in the Republic of Moldova, and not only, there is still much to be done. For example, studying parliamentary law, scholar and professor Victor Popa finds that "Parliamentary law is not an independent branch in the legal system of the Republic of Moldova", a fact that the author demonstrates in the scientific monograph "Parliamentary Law of the Republic of Moldova" 1999)¹⁸. In the monograph "Parliamentary Law" (2015), researcher and professor Alexandru Arseni further develops the theory and practice of this law in the Republic of Moldova¹⁹. The same applies, we believe, to electoral law in the legal system of the Republic of Moldova, to its principles, etc., which must be further developed and perfected, because the latter, the principles of electoral law, for now, are not stipulated as such in the legislation of the Republic of Moldova, but appears as norms, features, standards, criteria, conditions of the vote. Not by

¹²Revista Studii Juridice Universitare. Anul IV, Nr. 3-4 (19-20). 2012, pp. 241-251. ISSN 1857-4122.

¹³Revista Studii Juridice Universitare. Anul V, Nr. 3-4 (13-14). 2011, pp. 207-221. ISSN 1857-4122.

¹⁴Journal of University Legal Studies. Year V, No. 3-4 (13-14). 2011, pp. 207-221. ISSN 1857-4122.

¹⁵ Armin von Bogdandy. *Constitutional principles*. – In: Principles of European Constitutional Law. Edited by Armin von Bogdandy and Jürgen Bast. Max Planck Institute for Comparative Public Law and International Law. Oxford and Portland, Oregon, 2006, pp. 3-52. 833 p. ISBN-13: 978-1-84113-464-2 (hardback).

¹⁶ Ibid., p.5

¹⁷ Ibid., p.11.

¹⁸Popa Victor. *Drept parlamentar al Republicii Moldova*. Chişinău: ULIM, 1999, p.7. 232 p. ISBN 9975-920-15-2.

¹⁹Alexandru Arseni. *Drept parlamentar. Monografie*. Chişinău: CEP USM, 2015, 324 p. ISBN 978-9975-71-705-5.

chance, probably, Octavian Paler, a well-known politician, deputy in the Romanian Parliament, harshly criticized the undemocratic politics of his time, claiming that it "has no principles, only interests"²⁰. In this sense, we believe that the principles of democratic electoral law must appear not only as norms, features, standards, criteria, conditions, etc., but also as mandatory, imperative, unconditional.

In the Russian specialized literature, the problem of the principles of electoral law found its reflection in the works of researchers Y.V. Chernyshev, A.H. Ruppel, A.A. Yashin, S.D. Knyazev, D.V. Katkov, E.V. Korchygo, S.V. Yusov, Yu. A.Vedeneev, Ivanchenko A.V., Yu. Novikov, V.Y. Fadeev, etc., who made the attempt to define, classify, include them in the country's legislation, opinions being divided.

In Romania, in the works of researchers I. Muraru, E.S. Tănăsescu, Gh. Iancu, I. Gîrleanu, E.M. Nica, M. Safta, G. Vrabie, etc., the problem of free elections, which take place periodically through "suffrage universal, equal, direct, secret and freely expressed", was not and is not formulated as a problem of the principles of electoral law, these being conceived as traits, standards, criteria.

In our country, the problem of electoral law principles was treated, in general and conceptually, in the works of scholars I. Guceac, T. Cârnaț, V. Popa, A. Arseni, etc.

Being, however, very complex according to their social, political, cultural, economic, legal, psychological, etc. nature, but also very important in their practical implementation, the principles of electoral law and the legislation that regulates them are constantly being perfected, so that the respective problem remains to be open and stringent. At the moment, in the practice of establishing the rule of law, the Republic of Moldova is faced with a diverse and complex conception of the notion of "*principles of electoral law*", their classification, codification and practical realization, this also constituting ***the problem of recent research***.

The purpose of the work consists in the research, development and further legal regulation of the principles of electoral law in the Republic of Moldova and outside its borders.

In order to achieve the proposed goal, we set the following **objectives**:

- analysis, synthesis and generalization of specialized literature regarding the conceptual delimitation of the principles of electoral law;
- establishing the evolution of the principles of electoral law in the Republic of Moldova;
- elucidating the problem of systematization and classification of electoral law principles;

²⁰ PALER, Octavian [online]. Citate celebre [cited 08.09.2019]. Available: <https://cuvintecelbre.ro/citade/autori/octavian-paler/>.

- ascertaining the need to further perfect the system of principles of electoral law;
- elucidation of the particularities of the principles of electronic voting;
- revealing, substantiating and explaining the essence of the new category of principles of the totalization and verification of election results;
- arguing the need for the consecration and practical realization of the principles of electoral law;
- studying the possibility of solving the issue of the registration right to vote from the age of 16 in the Republic of Moldova.

Assumptions research:

1. In the Republic of Moldova, the legislation regarding the principles of electoral law has a certain evolution.
2. At the current stage there are multiple legislative and theoretical problems regarding the principles of electoral law.
3. In perspective, if strict measures will be taken, the legislation and the system of principles of electoral law can be perfected.

Methodology research derives from the purpose, objectives and hypotheses formulated and consists of the following **methods**: historical (description of the process of emergence and evolutionary development of the principles of electoral law), analysis (examination of the components that make up the system of principles of electoral law), synthesis (recomposition of the elements in a whole that forms the system of principles of electoral law), comparison (establishing similarities and differences regarding the notion and classification of principles of electoral law), induction (the reasoning that ensures the transition from particular theses to a general conclusion regarding the system of principles of electoral law) , deduction (the reasoning that ensures the transition from a general thesis to some particular ones regarding the system of principles of electoral law), exegesis (interpretation, commentary, historical and philological explanation of the principles of electoral law).

Scientific novelty and originality of the thesis lies in the fact that a theoretical research was carried out regarding the genesis, development and legal regulation of the system of principles of electoral law as well as the possibility of its further perfection by including a new block of principles regarding the totalization and verification of election results (the concept belongs to us) and regarding the possibility/impossibility of solving the issue of the registration right to vote from the age of 16 in the Republic of Moldova.

The obtained results that contribute to the solution of an important scientific problem consist in *determining the genesis, development and legal regulation of the principles of electoral law* in the Republic of Moldova from the origins to the present , *a fact that led to the elaboration, substantiation, title and description of a new block of principles* regarding the totalization and verification of election results and regarding the age census of the right to vote of the citizens of the Republic of Moldova (art. 38 paragraph (2) of the Constitution of the Republic of Moldova), *for practice* their further development in the theory and practice of electoral law.

Significance of the work consists in the scientific research of the principles of electoral law by delimiting the respective notion , by describing the evolution of the principles of electoral law in the Republic of Moldova, by legal regulation , elucidation and completion of the system of principles of electoral law with a new category of principles regarding totalization and verification election results, the age census relative to the right to vote of the citizens of the Republic of Moldova.

The applicative value of the thesis resides in the possibility of applying in practice the recommendations regarding the need for changes in the legislation of the Republic of Moldova regarding the principles of electoral law and their regulation.

Approval and implementation of research results. The results of the investigation were presented, discussed and approved over the years at the meetings of the Tutors' Commission of the Doctoral School in Law at the Free International University of Moldova, composed of Teodor Cârnaț, Habilitated Doctor of law, University Professor, Vitalie Gamurari, PhD of law, Associate Professor, Veaceslav Zaporojan, PhD of law, Associate Professor, Țurcan Serghei, PhD of law, Associate Professor. The research results were also presented, discussed and approved at the scientific forums in the Republic of Moldova, Romania and Ukraine, Germany, Great Britain, as follows (*in chronological order*):

- International Scientific Conference from 2-3 November 2012, Chisinau, Institute of Education Sciences "Optimization of education in the context of knowledge-based society": Optimization or maximization of education in the Republic of Moldova?

- Scientific and practical conference with international participation "Modern Psychological Practice" from 26-28 September 2014 at PSU "Ion Creanga", Chisinau: The role of contemporary psychology in the formation of electoral interests.

- National scientific-practical conference "Tradition and modernity: the dialogue of generations" on 31 October 2014 at PSU "Ion Creanga" in Chisinau: The problem of electoral absenteeism and interest in voting of first-year students.

- Scientific-practical conference "Prerogatives of pre-university and university education in the context of knowledge-based society" from 7-8 November 2014, Chisinau US from Tiraspol: Electoral interests of first-year students.

- International Scientific Conference on 14-15 November 2014 at the Romanian Academy - Cluj-Napoca Branch, Institute of History "George Baritiu", Department of Socio-Human Research - Cluj-Napoca: Argonaut, 2014: Principles of electoral law: conceptual delimitations and their classification.

- International Scientific Conference "Efficiency of education - vector of modern educational policies", 11-12 December 2014, Chisinau, Institute of Education Sciences: Electoral education and interest in elections of first-time voters.

- International scientific and practical internet conference " Topical scientific research in the modern world" on 13-14 June 2015 at Pereiaslav Khmelnytsky State Pedagogical Institute, Ukraine: Principles of totalization of voting results.

- Practical-scientific conference with international participation "Modern psychological practice" on 23-25 September 2016 at PSU "Ion Creanga": Entrepreneurial training of specialists.

- International Scientific Conference "Institute of Educational Sciences: History, Performances, Personalities" from 20-21 October 2016, dedicated to the 75th anniversary of the Institute of Educational Sciences in Chisinau: "A new paradigm for the education system in the Republic of Moldova: entrepreneurial education".

- Scientific conference with international participation "Local legal science through the prism of European values and traditions. The contribution of academia to strengthening the dialogue between the Republic of Moldova and strategic partners in the context of regional crises" on 18 October 2017, FIUM, Chisinau: "Historical period of electoral law principles in the Republic of Moldova".

- International scientific-practical conference "Performance in education: key factor in ensuring human security", from 9-10 October 2020, Academy of Public Administration, Chisinau: "Entrepreneurship: knowledge, solution, vector towards European integration".

- National scientific conference with international participation "Quality in education - imperative of contemporary society", from 4-5 December 2020, Univ. State Ped. "Ion Creanga", Chisinau: "Preparing specialists for digital education in pre-school, early pre-school and middle pre-school ages".

- International scientific conference "Conference On Comparative And International Law", The Society of Juridical and Administrative Sciences, Bucharest, Romania, on June 24, 2022: "Legal regulation of the principles totalization and verification of voting results".

- National scientific conference with international participation "The concept of the resultant: theoretical and practical importance", dedicated to the 75th anniversary of the birth of Mr. Petru JELESCU, doctor habilitated, university professor, on 01 December 2023. State Pedagogical University "Ion Creanga" of Chisinau, Faculty of Psychology and Special Pedagogy, Department of Psychology: "Electronic voting from the point of view of the concept of result".

- XII international scientific conference. London. Great Britain. World of Conferences, 04-05.01.2024: "The interconnection of the principles of electoral law and typology of power".

Twenty-one scientific articles were published for the doctoral thesis. I participated in the drafting of various bills as a deputy of a member of Parliament of the Republic of Moldova from the 20th legislature.

Thus, the given thesis constitutes a certain contribution to the enrichment of scientific literature in the field of constitutional law and can be used by legislators and electoral bodies in order to solve problems regarding the principles of electoral law, by teachers, students, masters and doctoral students regarding their legal professional training, by students and teachers in relation to human rights education. At the same time, the work presented is limited by the fact that, for the time being, for example, the practical application of the recommendations regarding the changes in the legislation of the Republic of Moldova regarding *the principles of totalization and verification of election results, of the age census relative to the right to vote at the age of 16 of the citizens of the Republic of Moldova*, but only their elaboration, substantiation and scientific description. The implementation of these principles in practice will obviously require some time, but also new efforts on the part of scholars, the Parliament, the Constitutional Court, the Central Electoral Commission, parties, NGOs, etc.

2. Synthesis of the chapters (the content of the doctoral thesis)

The thesis with the generic "**Legal regulation of the principles of electoral law in the Republic of Moldova**" has a structure consisting of an introduction, four chapters, general conclusions, recommendations, bibliography, appendices, the statement regarding the assumption of responsibility, the candidate's CV.

Chapter 1 "*Genesis and development of the principles of electoral law in the Republic of Moldova*" is devoted to the analyzed appearance, development and further regulation of the principles of electoral law in the Republic of Moldova starting from the ancient period of the ghetto-Dac state and ending with the current period (Elena Aramă, Ioan Ceterchi, Emil Cernea,

Emil Molcut, Costică Voicu, Ioan T. Amuza, Bogdan Stanciu, Ion Guceac, Teodor Cârnaț, Paul Negulescu, etc.). The latter, the current period, includes the examination of scholars' opinions regarding the notion and classification of the principles of electoral law (Ion Guceac, Ion Gîrleanu, François Muselier, Teodor Cârnaț, Victor Popa, Diana Claudia Popa, Carmen Teodora Popa, A.H Rupel, D.B. Katkov, Ioan Muraru, Elena Simina Tănăsescu, Gheorghe Iancu, Radu-Florin Geamănu, Elena Mădălina Nica, Jean-Claude Masclet, etc.), substantiating the need to supplement the principle of *the admissibility of different electoral systems* with electronic voting and the *principles of totalization and verification of election results*. At the end of this chapter, rigorous conclusions are drawn.

At the same time, their own definitions of the terms "electoral right" and "principles of electoral right" were formulated. Thus, given that, in our understanding, *electoral law* represents the set of legal principles and norms that regulate the democratic processes of exercising the sovereignty of the people through voting and expressing opinions regarding policies and issues of public interest, *the principles of electoral law* can be defined as "fundamental ideas that are the basis of the electoral law system and its norms, determined by social relations, being the concentrated expression of the values promoted and defended by law, which guide legal regulations and the application of electoral law"²¹.

Thus, analyzing the historical path of the emergence and development of the principles of electoral law in the Republic of Moldova, we will find the following:

1. The principles of electoral law have a great prehistory and a modest history in its development in the Republic of Moldova. In one form or another, the prehistory of the development of these principles began with the appearance of the unwritten rules of electoral law, adopted by tradition (custom). This period has its roots in antiquity and lasted until the contemporary era, when the quality of *conditions* for citizens participation in elections by virtue of the universal, equal, direct, secret and freely expressed electoral right was replaced with the quality of *principles* of electoral law (subchapter .1.9.1).

2. Observing the evolution and development of the principles of electoral law in the Republic of Moldova starting from its origins (6th century BC) until now, we can see that these principles have not yet been formalized and specified in a legal act, being in reality *conditions for*

²¹ JELESCU, Dumitru, CÂRNAȚ, Teodor. Principles of electoral law: conceptual delimitations and their classification. In: Studies and research in the field of socio-human sciences . Volume 27. Materials of the annual scientific session of November 14-15, 2014. Romanian Academy - Cluj-Napoca Branch, "George Barițiu " Institute of History, Department of Socio-Human Research. Cluj-Napoca: Limes & Argonaut, 2014, pp. 158 – 166. ISBN 978-973-726--861-7. [cited 2016 March 03]. Available: https://www.academia.edu/110135700/Principiile_dreptului_electoral_delimit%C4%83ri_conceptuale_%C8%99i_clasificarea_lor.

participation citizens in elections and/or features of the electoral process (universal, equal, direct, secret and freely expressed).

3. At the same time, we can consider that the progress made throughout history in this field prepared the ground for the emergence of electoral law and its principles. In this sense, custom (customary law) had an important role, within which, together with other unwritten principles, some principles of electoral law were empirically applied - the obligation to conduct elections, their periodicity, the competition of candidates and the opportunity to establish them.

4. Due to the long custom of applying election rules in certain positions and/or governing bodies, in the second half of the 19th century it was possible to adopt the first Electoral Law (1864) and the first Romanian Constitution (1866), which reflected some characteristics of voting (universal, direct, secret).

5. With the adoption of the Romanian Constitution of 1923, in addition to the characteristics of universal, equal, direct and secret voting, the obligation to vote was also proclaimed, which remained in force until the adoption of the socialist Constitutions that were in force on the territory of the Republic of Moldova.

6. Starting with the RASSM Constitution from 1938 and up to that of the RSSM from 1978, within the Union of Soviet Socialist Republics, universal, equal, direct and secret suffrage was proclaimed in the Republic of Moldova, thus returning to the situation in the 1923 Constitution.

7. The declaration of sovereignty and independence of the Republic of Moldova on August 27, 1991 was the starting point for the establishment of electoral law and its principles.

8. The Constitution of the Republic of Moldova (1994) created not only the conditions for the development of the national mechanism for ensuring electoral rights and freedoms, but also for the regulation of the right to apply international democratic standards and principles in the electoral field (universal, equal, direct, secret and free vote expressed).

9. The adoption of the Electoral Code of the Republic of Moldova (1997) contributed to the consolidation of electoral law and the creation of premises for the emergence of the principles of electoral law.

10. The proper history of the principles of electoral law in the Republic of Moldova begins with the formulation of the problem of their recognition in the Constitution of the Republic of Moldova (subchapter 1.9.2).

11. Synthesizing the various attempts to explain the concept of principles of electoral law, we can conclude that there is still no unanimously accepted opinion leading to a singular definition. Researchers define this notion in different ways: as fundamental theses, standards or as a

specialized expression of the fundamental norms (subchapter 1.9.2). In the specialized Romanian legal literature, the notion and classification of *electoral law principles* is missing.

12. *Principles of electoral law* formulated by foreign scholars is accepted (subchapter 1.9.2).

13. Regarding the classification of the principles of electoral law, at this stage there is no unanimously accepted opinion. Some authors classify them in the freedom of voting and the sincerity of electoral operations; other authors - in fundamental and complementary; some scholars – in universal principles, substantive principles of electoral law and procedural principles of electoral law; others - in the principles of organizing and holding elections and the principles of citizens' participation in elections; also in the principles of organizing and holding elections; the principles of citizen participation in elections; publicity, transparency, the territorial nature of elections and responsibility for the violation of citizens' electoral rights ; other scientists - in the principles of organizing and holding elections; the principles of citizen participation in elections; complementary principles (subchapter 1.9.2).

14. The role of Information Communication Technologies is progressively increasing in organizing, conducting, calculating, recording and announcing election results, which allows us to highlight another category of *principles of electoral law*, namely *the Principles of electronic voting* (subchapter 1.9.2).

15. The electoral process represents a unitary system, which has a certain beginning, development and end, a fact that requires to be highlighted (along with organization, development, participation) and the fourth category of principles of electoral law, namely *the principles of totalization and verification of election results*.

16. For the time being, in the legal literature no single vision has been outlined regarding the classification of the principles of electoral law, this being in a state of scientific discussion and continuous search (subchapter 1.9.2).

17. The hypothesis that in the Republic of Moldova the legislation regarding the principles of electoral law has a certain evolution has come true.

In **chapter 2 "*Principles of the organization and conduct of elections*"** the essence and content of each principle in the mentioned category are presented and described (obligatory conduct of elections, their authenticity, periodicity, opportunity, freedom of elections, their alternative, competitiveness of elections, admissibility of different election systems, independence electoral bodies, the distribution of powers between the subjects of the electoral process, the issue of the ban on the simultaneous holding of elections and the referendum) as well as the practical

implementation of these principles (Ion Guceac, Teodor Cârnaț, etc.). At the end of the chapter, appropriate conclusions are drawn.

Thus, analyzing the principles of organizing and conducting elections in the Republic of Moldova, we will find the following:

1. At the current stage, the principles of organizing and conducting elections appear as such only in the science of electoral law in the Republic of Moldova, but not in the legislation in force. The same situation can be seen in the Russian Federation.

2. Both in the legal literature in Romania regarding electoral law, and in the legislation of this country, the principles of organizing and conducting elections are completely missing.

3. The principles of electronic voting are, in essence, the same as the principles of citizens' participation in elections, but also supplemented with the principles of transparency, system control, security and trust, aimed at the electronic voting system, thus recognizing the legality and legitimacy of electronic voting. For the Republic of Moldova, for now, e-voting must be an additional way of voting. Over time, however, it could gradually become the only way to vote.

4. In Internet voting systems, the principles of democratic elections must be respected regarding their organization, conduct, participation, totalization, legitimization and publication.

5. Currently, in the Republic of Moldova, the issue of the principles of electronic voting is not addressed in the legislation and in the legal literature on electoral law, although there is Recommendation Rec (2004)11 and Recommendation CM / Rec (2017) 5 of the Council of Europe. That is why, we believe, it is time to approach and gradually introduce the Principles of electronic voting into the legislation of the Republic of Moldova.

6. Analyzing the principles of electoral law in the Republic of Moldova regarding the organization, conduct and participation in voting, both through the presence at the polls/in person and through the Internet/electronically, we can see that at the current stage in this field there are multiple problems. Thus, the formulated hypothesis came true.

7. Arising from the integrity of the electoral process as a unitary system, which has a certain beginning, development and end, it is necessary, in our view, to highlight a new category of principles of electoral law, namely the *principles of totalization and verification of election results* (the concept belongs to us), which we substantiated and described and which need to be included in the electoral legislation of the Republic of Moldova.

8. Although the category of complementary principles is highlighted in the specialized literature on electoral law, their content is not reproduced, since their specifics, as mentioned, are examined in the context of the electoral process.

9. At the current stage, there are multiple legislative and theoretical problems regarding the principles of organizing and conducting the elections, as well as with reference to the complementary principles, which must be resolved.

Chapter 3 "Principles of citizen participation in voting" contains, in accordance with international and local normative acts, with the opinions of researchers in the field of constitutional and electoral law from the country and abroad (Ion Guceac, Teodor Cârnaț, Victor Popa, Gheorghe Costachi, Alexandru Arseni, Vitalie Gamurari, Serghei Țurcan, Veaceslav Zaporojan, Ioan Muraru, E.S. Tănăsescu, Ghirleanu, Y. Rupel, S.V. Yusov, V.Y. Fadeev, description and explanation of the principles of the citizens' participation in the vote (of the principles of universality, equality, secret and freely expressed). The theoretical research on the issue of the voter registration from the age of 16 and the possibility/impossibility of solving it in the Republic of Moldova was carried out and is described (D. Jelescu). The basic conclusions of this chapter are presented.

Thus, analyzing the principles of citizen participation in voting, we will find the following:

1. The principles of citizen participation in elections were formulated first, being the most important, fundamental, basic.

2. Unlike other categories, the principles of citizen participation in elections/voting were and are treated differently: either as actual principles, as dispositions, features, conditions, standards, criteria, norms, etc.

3. Even though the Parliamentary Assembly of the Council of Europe pleaded for the reduction of the minimum voting age to 16 in the 47 member states of the pan-European organization, in the Republic of Moldova this lowering of the minimum age for exercising the right to vote still remains a problem.

4. In general, although the principles of citizens' participation in voting were formulated first, electoral law and the corresponding legislation still face various problems regarding these principles today.

5. The principles of electronic voting are, in essence, the same as the principles of citizens' participation in elections, but also supplemented with the principles of transparency, system control, security and trust, aimed at the electronic voting system, thus recognizing the legality and legitimacy of electronic voting. For the Republic of Moldova, for now, e-voting must be an additional way of voting. Over time, however, it could gradually become the only way to vote.

6. In Internet voting systems, the principles of democratic elections must be respected regarding their organization, conduct, participation, totalization, legitimization and publication.

7. Currently, in the Republic of Moldova, the issue of the principles of electronic voting is not addressed in the legislation and legal literature on electoral law, although there is Recommendation Rec (2004)11 and Recommendation CM / Rec (2017) 5 of the Council of Europe. That is why, we believe, it is time to approach and gradually introduce the Principles of electronic voting into the legislation of the Republic of Moldova.

8. Analyzing the principles of electoral law in the Republic of Moldova regarding the organization, conduct and participation in voting, both through the presence at the polls/in person and through the Internet/electronically, we can see that at the current stage in this field there are multiple problems. Thus, the hypothesis formulated in chapters 2 and 3 came true.

9. Arising from the integrity of the electoral process as a unitary system, which has a certain beginning, development and end, it is necessary, in our view, to highlight a new category of principles of electoral law, namely the *principles of the totalization and verification of results elections* (the concept belongs to us - ch. 4).

Chapter 4 "*Principles of the totalization and verification of election results*" reflects a new, original group of principles of electoral law, which the author of the thesis has elaborated, substantiated, titled and described and which reflect the logical continuity of the previous groups of principles (D. Jelescu). This new group of principles consists of "the principle of the integrity of the vote counting procedure, the principle of accurate registration of election results, the principle of integrity of the centralization of election results, the principle of parallel counting of votes, the principle of truthful calculation of electronic voting results, the principle of announcement and correct publication of election results, the principle of verifying election results, the principle of confirming election results". At the end of the chapter, the corresponding conclusions are formulated.

Thus, the core of the first of these principles, namely the *principle of the integrity of the vote counting procedure*, is the fact that in the process of totalizing the voting results, any errors, intentional or unintentional, *in the calculation of votes* must be excluded and not allowed no omissions or additions thereof.

The principle of accurate registration of election results requires the inadmissibility of making errors *in writing/electronic recording* of the results of the correct counting of votes. No one, neither the secretaries of the electoral commissions, who record the results of the correct counting of votes in the Minutes, nor the artificial electronic system have the right to make a mistake in any way: willfully, imposed or unintentionally.

According to *the principle of integrity of the centralization of election results*, sending the information regarding the voting results from the electoral offices of the polling stations to the

Central Electoral Commission must be unrestricted, open, undisguised, transparent, but protected and fair.

The principle of parallel counting of votes calls for the simultaneous counting of votes in each polling station by electoral bodies as well as by other organizations (NGOs, parties, observers, etc.), starting with the direct counting of votes at each polling station in country and abroad.

The essence of *the principle of the truthful calculation of electronic voting results* requires that the procedure of the automated calculation of the results be carried out in accordance with *the truth*, with the representation and with the *common vision of reality*, so that, in the end, it corresponds to it.

According to *the principle of announcement and correct publication of election results*, no mistakes, whether intentional or unintentional, should be admitted in the announcement of these results, in any form and at any stage of the totalization, as, in the end, the responsible electoral body of the totalization of election results to announce and publish as soon as possible the general results of the elections, if the appeals presented to him or the court do not affect the results of the elections.

According to *the principle of verifying election results*, any voter, but also the CEC, parties, NGOs, etc., must *have the possibility to control* the voting results, live or electronically, to ascertain whether they correspond to the truth, the requirements, the quality, certain data, etc.

Given that the finale crowns the work (*finis coronat opus*), *the principle of confirming election results* has as its imperative the approval by the courts in the area of activity of the electoral bodies and/or by the adoption of a *decision* by the Constitutional Court of the legality of the voting results. In case of necessity, the persons who admitted violations must answer immediately for the committed acts.

The conditions for the implementation of electoral principles in the Republic of Moldova, in particular, the implementation of *the principles of totalization and verification of election results*, depend, firstly, on the general conditions of their implementation in the European Union, and secondly, as shown in *the Code of good practices in electoral matters* (p. 26), on the context of the specific electoral system and the given system of parties from the Republic of Moldova.

In perspective, if strict measures will be taken, the legislation and the system of principles of electoral law they can be perfected and expanded.

The opinion, according to which the legislation and the system of principles of electoral law can be completed, completed with a new category of principles, namely with *the principles of*

totalization and verification of election results, has come true. Thus, the hypothesis formulated in this chapter was confirmed.

Analyzing and summarizing the knowledge about the genesis, development *and legal regulation* of the principles of electoral law, in general, as well as about *the principles of totalization and verification of election results*, in particular, in its prehistory, history and actuality, we obtained the dialectic of the development and legal regulation of *the Genealogical Tree of the principles of electoral law in the Republic of Moldova from its origins to the present*. This illustration in the form of a tree can be found in the graph present in Appendix 1, available at the end of the thesis. This approach illustrates and facilitates the understanding of the dialectical evolution of these principles in the Republic of Moldova in the past, present and future.

3. General conclusions and recommendations

The general conclusions contain a summary of the results obtained in terms of the genesis, development and legal regulation of the principles of electoral law in the Republic of Moldova from its origins to the current stage inclusive, in which the ways of achieving the objectives formulated in the introduction regarding the principles of electoral law are mentioned and in which the opinions and personal contribution are reflected in the study and elucidation of the problem addressed. Also here are proposed the theoretical and practical **recommendations** regarding the future directions of research related to the theme of the principles of electoral law in the Republic of Moldova, as well as proposals for using the results obtained for the fields of electoral law.

The scientific approach undertaken allows us to formulate the following conclusions:

1. In the Republic of Moldova, the principles of electoral law have a great prehistory and a modest history in its development. In one form or another, *the prehistory* of the development of these principles began with the appearance of the unwritten rules of electoral law, adopted by tradition (custom). This period has its roots in antiquity and lasted until the contemporary era, when the quality of *conditions* for citizens' participation in elections by virtue of the universal, equal, direct, secret and freely expressed electoral right was replaced with the quality of *principles* of the electoral right (chap. .1). We can note that these principles are still not unanimously formulated and specified in *the legal acts*, they are actually, de facto, *conditions* for citizens' participation in elections and/or *characteristics* of voting (universal, equal, direct, secret and freely expressed). At the same time, we can consider that the achievements achieved throughout history in this field, however, prepared *the premises* for the emergence of electoral law and its principles

in the Republic of Moldova. In this sense, an important role was played by custom (customary law), in which, along with other unwritten principles, some principles of electoral law were also applied at an *empirical* (experiential) level - the obligation to hold elections, their periodicity, the competitiveness of candidates, the opportunity to fix the elections.

2. Studying the legislation regarding the principles of electoral law in the Republic of Moldova, we can see that it *is not static*, immutable, but *dynamic*, moving, changing. The regulation of these principles as conditions found its place, practically, in all known constitutions in the process of *evolution* constitutionalism in our republic. Due to the millennia-long habit of applying certain election rules in certain positions and/or governing bodies, in the second half of the century. XIX century, it was possible to adopt the first Electoral Law (1864) and the first Romanian Constitution (1866), in which some voting *conditions* were reflected (universal, direct, secret). Then, the vote became universal, equal, direct, binding and secret for the election of the Assembly of Deputies and binding, equal, direct and secret for the election of Senators (Romanian Constitution of 1923). Then, the age and capacity census was instituted in order to exercise the right to vote for the election of the Assembly of Deputies (Romanian Constitution of 1938). Later, the 1941 Constitution of the SSR, like the previous one (1938), provided for a separate chapter devoted to the electoral system. The election of deputies in the Supreme Soviet of the Moldavian, in the county, district, city, town and village soviets was carried out by universal, equal, direct and secret vote. After that, the RSSM Constitution of 1978 regulated the election procedure through rules concentrated in a separate chapter "The Electoral System". According to the Constitution, deputies were elected by universal, equal, direct and secret vote.

3. In 1991, as well as the adoption of the Constitution of the Republic of Moldova (1994), the Electoral Codes of the Republic of Moldova (1997; 2022) contributed to the basis of the consolidation of the electoral right and to the creation of the premises for the emergence of the principles of the electoral right. At the current stage, both the Constitution of the Republic of Moldova and the Electoral Code stipulate that the will of the people constitutes the basis of state power, that this will is expressed through free elections, which take place periodically through universal, equal, direct, secret and *freely expressed* suffrage and that citizens have the right to vote from the age of 18, up to and including election day, with the exception of those banned in the manner established by law. The Constitution also guarantees the right of citizens to be elected for those who have the right to vote, under the law.

4. *Actual history of the principles of electoral law in the Republic of Moldova* begins with the formulation of the problem of their recognition *as such* in the Constitution of the Republic of Moldova (chap. 1). Thus, we can state that the principles of electoral law in the Republic of

Moldova have a modest history, listing approximately 30 years. For now, they appear specifically as principles with the respective name only in the science of electoral law, not in the legislation regarding this right.

5. Generalizing the efforts to explain the notion of *principles of electoral law*, we can conclude that currently there is no consensus leading to a single definition. Russian researchers define this notion differently: as *fundamental theses, standards*, as *a specialized expression*, as *fundamental norms*. In the specialized Romanian legal literature, the notion and classification of *electoral law principles* is missing. In the Republic of Moldova, researchers accept the notion of *principles of electoral law* formulated by Russian scholars.

6. Regarding the classification of the principles of electoral law, at this stage there is no unanimously accepted opinion. Some authors classify them in the freedom of voting and the sincerity of electoral operations; other authors - in fundamental and complementary; some scholars – in universal principles, substantive principles of electoral law and procedural principles of electoral law; others - in the principles of organizing and holding elections and the principles of citizens' participation in elections; also in the principles of organizing and holding elections; the principles of citizen participation in elections; publicity, transparency, the territorial nature of elections and responsibility for the violation of citizens' electoral rights; other scientists - in the principles of organizing and holding elections; the principles of citizen participation in elections; complementary principles (chap.1) .

7. We observe a progressive increase in the role of Information Communication Technologies in organizing, conducting, calculating, recording and announcing election results. This evolution allowed us to emphasize, within the principle of "*Admissibility of different electoral systems*" and a specific category of principles of electoral law, namely "*the principles of electronic voting*" (chap. 2). Basically, the principles of electronic voting are the same as the principles of citizens' participation in elections, but supplemented with the principles of transparency, system control, security and trust, aimed at the electronic voting system, thus recognizing the legality and legitimacy of the electronic voting method. Currently, in the Republic of Moldova, the issue of the principles of electronic voting is not addressed either in the existing legislation or in the legal literature on electoral law, although there are Recommendations *Rec (2004)11* and *Rec (2017) 5* of the Council of Europe.

8. According to the opinion of specialists from the Republic of Moldova, until now, the legal literature has not yet crystallized a unanimous vision regarding the classification of the principles of electoral law. This situation is characterized by an early phase, where the process of scientific search and debate is ongoing. Moreover, at the given stage, as I said, the principles of

electoral law appear *as such* (as principles) only in the science of electoral law in the Republic of Moldova, but not in the legislation in force. The same situation can be seen in the Russian Federation. In the Romanian legal literature regarding the electoral law as well as in the legislation of this country, the principles of organizing and conducting elections are completely missing, they being treated as features of the electoral law.

9. The principles of citizens' participation in elections were formulated first, they being the most important, fundamental, basic. At the same time, unlike other categories, the principles of citizens' participation in elections were and are treated differently: as actual principles, as dispositions, features, conditions, standards, criteria, norms, etc.

10. Although the Parliamentary Assembly of the Council of Europe ruled in favor of lowering the minimum voting age to 16 in the 47 member states of the pan-European organization, in the Republic of Moldova lowering this voting age remains a problem.

11. Arising from the integrity of the electoral process as a unitary system, which has a certain beginning, development and end, it is necessary to highlight a new category of principles of electoral law, namely the *principles of the totalization and verification of election results* (the concept belongs to us), which I elaborated, substantiated and described in this paper and which must be included in the specialized literature and, as the case may be, in the electoral legislation of the Republic of Moldova .

12. Analyzing and summarizing the knowledge about the genesis, development *and legal regulation of* the principles of electoral law, in general, as well as about *the principles of totalization and verification of election results*, in particular, in its prehistory, history and actuality, we obtained the dialectic of the development and legal regulation of *the Genealogical Tree of the principles of electoral law in the Republic of Moldova from its origins to the present*. This illustration in the form of a tree can be found in the graph present in Appendix 1, available at the end of the thesis. This approach illustrates and facilitates the understanding of the dialectical evolution of these principles in the Republic of Moldova in the past, present and future.

13. The principles of electoral law, in general, as well as *principles of totalization and verification of election results*, in particular, do not by themselves ensure the democratic nature of elections (the principles and practices that ensure that the electoral process is open, transparent and fair for all citizens involved). The confirmation of this fact became evident in the course of history, for example, in the decades of the Soviet history of the USSR, when the principles of electoral law, proclaimed at the constitutional level, were largely fictitious. This phenomenon can be explained by the "ideological load that electoral law carries as a democratic institution".

14. In perspective, if strict measures will be taken, the legislation and the system of principles of electoral law they can (must) be perfected, extended, deepened, etc., as they affect all aspects of human life and activity: social, economic, political, cultural, etc.

15. The importance of the principles of electoral law, in general, as well as the *principles of tallying and verifying the results elections*, in particular, is great not only in the judicial field, serving to defend the electoral rights of citizens, but also in the activity of the Electoral Commissions, which must strictly follow these principles.

Following the research, ***we propose the following recommendations*** for implementation and research:

1. Since *the principles of totalization and verification of election results* constitute an important category of fundamental ideas, imperative in the system of principles of electoral law, they can and must be included in the branch of this ordinary right with the other categories of principles, which together would contribute to reconsideration of the electoral right.

2. In accordance with Recommendation *Rec (2004)11* of the Council of Europe and Recommendation *CM/Rec(2017)5* of the Committee of Ministers to member states regarding standards for electronic voting (adopted by the Committee of Ministers on June 14, 2017, at the 1289th meeting of the representatives of the ministers), we propose that electronic voting and its principles be included in the legislation of the Republic of Moldova , including *the principles of tallying, verification and legal regulation of electronic voting results*.

3. The results of the research undertaken by us can be used by legislators and electoral bodies in order to solve problems regarding the principles of electoral law. They can be used by students and master's students for their legal professional training, by students in relation to human rights education.

4. Given the fact that the Republic of Moldova has taken the course towards European integration and considering that in some countries of the European Union the right to vote is from the age of 16, it is reasonable to study the possibility of lowering the minimum voting age from 18 to 16 years and in the Republic of Moldova, so that then the respective amendments are inserted into the corresponding legislative acts – in the Constitution, in the Electoral Code.

5. In perspective, considering that the Republic of Moldova has accepted the course towards the European Union and tends to join it, it would be the case that, on the one hand, we should study and get to know its electoral legislation, and, on the other hand, research , how, in what way, in what form, to what extent, conditions, the principles of electoral law in the Republic of Moldova can be correlated and adjusted to those in the EU, including *the principles of tallying and verifying election results* and, in particular, electronic voting.

6. The limits of the conducted research consist in the fact that, although the author of this paper has elaborated, substantiated, titled and described a new, original and very up-to-date block of principles of totalization and verification of election results, it is still, in whole or in part, not implemented and respected in theory and practice electoral law in the Republic of Moldova.

4. List of published scientific papers

1. **CÂRNAȚ, Teodor, JELESCU, Dumitru.** Principiile totalizării rezultatelor votării. In: *Актуальные научные исследования в современной науке: материалы Международной науч.-практ. инт.-конф., 13-14 июня 2015 г. Переяслав-Хмельницкий. Сб. науч. тр. Переяслав-Хмельницкий, 2015. Вып. 1, ч. 2, сс. 152-156. 176 с. УДК 001.891(100) «20», ББК 72.4, А43.* [cited 03 martie 2016]. Available: <https://iscience.in.ua/arkhyv/13-14-yiunia-2015>

2. **CÂRNAȚ, Teodor, JELESCU, Dumitru.** Problema conceperii și clasificării principiilor dreptului electoral. In: *Revista Națională de Drept.* 2014, nr. 8, pp. 15-20. ISSN:1811-0770. [cited 03 martie 2018]. Available: <https://uspee.md/wp-content/uploads/2019/04/RND-nr.-8-2014.pdf>

3. **CIOBANU, Igor, JELESCU, Dumitru.** Sigmund Freud și doctrina psihanalitică. In: *Studia Universitatis Moldaviae.* 2014, nr.3(73), pp. 175-182. ISSN 1814-3199. [cited 30.06.2016]. Available: <https://social.studiamsu.md/wp-content/uploads/2014/01/23.-p.175-182.pdf>; <http://dspace.usm.md:8080/xmlui/bitstream/handle/123456789/228/23.-p.175-182.pdf?sequence=2>

4. **JELESCU, Dumitru, CÂRNAȚ, Teodor.** Principiile dreptului electoral: delimitări conceptuale și clasificarea lor. In: *Studii și cercetări din domeniul științelor socio-umane. Volumul 27. Materialele sesiunii științifice anuale din 14-15 noiembrie 2014.* Academia Română – Filiala Cluj-Napoca, Institutul de istorie „George Barițiu”, Departamentul de cercetări socio-umane. Cluj-Napoca: Limes & Argonaut, 2014, pp. 158 – 166. ISBN 978-973-726--861-7. [cited 03 martie 2016]. Available: https://www.academia.edu/110135700/Principiile_dreptului_electoral_delimit%C4%83ri_conceptuale_%C8%99i_clasificarea_lor

5. **JELESCU, Dumitru, JELESCU, Petru, CIOBANU, Elvira.** Educația electorală și interesul pentru alegeri al votanților începători. In: *Eficiența învățământului – vector al politicilor educaționale moderne. Materialele Conferinței Științifice Internaționale din 11-12 decembrie*

2014. Partea II. Chişinău, IŞE: Cavaiol, 2014, pp. 3-8. 455 p. ISBN 978-9975-48-068-0. [cited 24 august 2023]. Available: https://ibn.idsi.md/sites/default/files/imag_file/3-8_14.pdf

6. JELESCU, Dumitru, JELESCU, Petru, ELPUIAN, Olga. Antreprenoriatul: cunoaştere, soluţionare, vector spre integrarea europeană. În: Materialele conferinţei ştiinţifico-practice cu participare internaţională „Performanţa în educaţie: factor-cheie în asigurarea securităţii umane”, conferinţă ştiinţifico-practică internaţională (2020; Chişinău). Performanţa în educaţie: factor-cheie în asigurarea securităţii umane: Materialele Conferinţe ştiinţifico-practice internaţionale, 9-10 octombrie 2020 / coordonator: Ludmila Roşca; comitetul ştiinţific: Oleg Balan [et al.]; comitetul organizatoric: Ludmila Roşca [et al.]. – Chişinău: Academia de Administrare Publică, 2020 (Tipogr. „Print-Caro”), pp. 132-137. – 340 p. ISBN 978-9975-3492-0-8. [cited 24 august 2023]. Available: https://ibn.idsi.md/sites/default/files/imag_file/132-137_17.pdf

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9. JELESCU, Dumitru, ȚURCAN, Serghei. Legal regulation of the principles totalization and verification of voting results. In: Revista cu aparitie online „Perspectives of Law and Public Administration”. International Academic Publisher, Bucharest, Paris, Calgary, 2022. Vol.11, special issue, october 2022. 2nd CONFERENCE ON COMPARATIVE AND INTERNATIONAL LAW, Bucharest, Romania, on June 24, 2022. ISSN 2601-7830, ISSN-L 2601-783. [cited 29.12.2022]. Available: <http://www.adjuris.ro/revista/articole/An11nr3/3.%20Turcan%20Serghei,%20Jelescu%20Dumitru%20EN.pdf>.

10. JELESCU, Dumitru. Arborele genealogic al apariției, dezvoltării și reglementării principiilor dreptului electoral în Republica Moldova. In: REVISTA NAȚIONALĂ DE DREPT, Publicație periodică științifico-practică, Nr. 1 (249), anul 24 (2023), pp.116-125. ISSN 1811-0770. E-ISSN 2587-411X. [cited 29.12.2023]. Available: <https://uspee.md/wp-content/uploads/2023/11/Dumitru-JELESCU.pdf>

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ANNOTATION

Jelescu Dumitru. Legal regulation of the principles of electoral law in the Republic of Moldova. Doctoral thesis in law, specialty 552.01- Constitutional law. Chisinau, 2024.

Thesis structure: the paper consists of annotations (in Romanian, Russian and English), introduction, four chapters, general conclusions and recommendations, bibliography of 168 titles, 1 annex, 149 pages of basic text; the obtained results are published in 21 scientific papers.

Keywords: electoral law, principles of electoral law, emergence and evolution of electoral law principles, census, legal regulation, principles of organization and conduct of elections, principles of citizen participation in elections, complementary principles, principles of totalization and verification of election results (concept belongs to us).

The purpose of the paper is to further research, development and legal regulation of the principles of electoral law in the Republic of Moldova and abroad.

Research objectives: analysis, synthesis and generalization of the literature on the conceptual delimitation of the principles of electoral law; establishing the evolution of the principles of electoral law in the Republic of Moldova; elucidating the problem of systematization and classification of the principles of electoral law; legal regulation of the principles of electoral law, finding the need to further complete the system of principles of electoral law; revealing, substantiating, naming and explaining the essence of the new category of principles of totalization and verification of election results; arguing the need to enshrine and put into practice the principles of electoral law; studying the possibility of solving the problem of the census voting right from the age of 16 in the Republic of Moldova.

Scientific novelty and originality: lies in the fact that theoretical research was conducted on the genesis, development and regulation of the system of electoral law principles and the possibility of further developing its perfection by including a new block of principles of totalization and verification of election results (the concept belongs to us) and regarding the solution of the problem of the census voting right from the age of 16 in the Republic of Moldova.

The results obtained that contribute to solving an important scientific problem consist in determining the genesis, development and regulation of the principles of electoral law in the Republic of Moldova from its origins to the present, which led to the elaboration, substantiation, title and description of a new block of principles. totaling and verifying the voting results and regarding the age census of the voting right of the citizens of the Republic of Moldova (art. 38 paragraph (2) of the Constitution of the Republic of Moldova), for their subsequent application in the theory and practice of electoral law.

The theoretical significance of the paper: consists in scientific research of the principles of electoral law by delimiting the notion, by revealing and explaining the evolution of electoral law principles in the Republic of Moldova, by legal regulation of electoral law principles, by elucidating and supplementing the system of electoral law with a new category of principles of totalization and verification of election results, the age census relative to the voting right of the citizens of the Republic of Moldova.

The applicative value of the thesis: lies in the possibility of applying in practice the recommendations regarding the need for changes in the legislation of the Republic of Moldova on the principles of electoral law and their regulation.

Implementation of scientific results. The thesis constitutes a certain contribution to the enrichment of the scientific literature in the field of constitutional law and can be used by legislators and electoral bodies in order to solve problems regarding the principles of electoral law, by professors, students, master students and doctoral students regarding their legal professional training by high school students in connection with their human rights education.

JELESCU DUMITRU

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OF ELECTORAL LAW IN THE REPUBLIC OF MOLDOVA**

SPECIALTY 552.01 - CONSTITUTIONAL LAW

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