

# Konstytucja niepodległego Naddniestrza z 1991 roku

## Streszczenie

Status prawny niepodległej Naddniestrzańskiej Republiki Mołdawskiej, która w 1990 roku ogłosiła niepodległość, od tego czasu niezmiennie pozostaje niejasny. Państwo to faktycznie istnieje już przez prawie trzydzieści lat, niemniej nie zostało ono uznane przez społeczność międzynarodową. Z punktu widzenia prawa konstytucyjnego i teorii państwa status Naddniestrza jest sprzeczny z tym określonym przez prawo międzynarodowe, zgodnie z którym Naddniestrze w dalszym ciągu pozostaje regionem autonomicznym Mołdawii, mającym status specjalny. Niniejsze opracowanie, stanowiące część szerszej zakrojonych badań nad statusem prawnym Naddniestrza, ma na celu ustalenie pierwotnych podstaw jego systemu politycznego. Opracowanie obejmuje zatem analizę powstania i rozwoju jego pierwszej niepodległej ustawy zasadniczej, która stanowiła podstawę powyższych rozwiązań. W pracy podjęto się nie tylko analizy, ale także oceny pierwotnych założeń i rozwoju systemu politycznego Naddniestrza, jako nowo utworzonego państwa, w pierwszych latach jego istnienia. Przedmiot opracowania w szczególności skupia się na analizie kształtu i treści pierwszej konstytucji Naddniestrza z 1991 roku, która obowiązywała przez pierwsze cztery lata jego niepodległości – do czasu wejścia w życie obecnej ustawy zasadniczej z 1995 roku. Jest również próbą spojrzenia na to, jak praktyka funkcjonowania tej ustawy kształtowała konstytucyjną i polityczną rzeczywistość.

*Słowa kluczowe:* konstytucja, Naddniestrzańska Republika Mołdawska, system polityczny, forma rządu, niezależne zasady konstytucji, podstawowe prawa i wolności, system organów państwowych.

## Abstract

The legal status of the Pridnestrovian Moldavian Republic, which declared its independence in 1990, since that time has unchangingly remained ambiguous. The state has factually existed for almost thirty years so far, although it has not hitherto been recognised by any member of the international community. Its status from the constitutional law viewpoint is contradictory to the one analysed in the light of the international law, according to which Transnistria still formally remains a Moldavian autonomous region of a special status. This paper, being a part of the wider research carried out over Transnistria's legal status, aims at establishing its primary political system's grounds. Therefore, it comprises the analysis of the origin and development of Transnistrian first independent basic law, which appeared to be the foundation of the abovementioned solutions. The paper undertakes an attempt to not only analyse, but also evaluate the political system's primary principles and development of Transnistria as a newly created state in the first years of its functioning. The subject of the work is particularly focused on the shape and content of the first constitution of Transnistria of 1991, which bound during the first four years of the state's independence till the presently binding constitution of 1995 entered into force, along with observing of how its functioning in practice shaped the constitutional and political reality.

*Key words:* the Constitution, the Pridnestrovian Moldavian Republic, political system, the form of government, fundamental principles of the constitution, fundamental rights and freedoms, the system of state authorities.

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## The 1991 constitution of independent Transnistria

The Pridnestrovian Moldavian Republic (Moldovan: *Република Молдовеняскэ Нистрянэ*, Russian: *Приднестровская Молдавская Республика*, Ukrainian: *Придністровська Молдавська Республіка*), also called Transnistria (sometimes Transdniester, Trans-Dniestr or Transdniestria) is a state, unrecognised by the prevailing majority of the international community, which was created in 1990 as a result of its secession from the Soviet Union or, to be more precise, from the Moldavian Soviet Socialist Republic. Transnistria is a small region, in other words, a strip of land<sup>1</sup> spreading along the left (eastern) bank of the Dniester River (except the town Bendery placed on its right bank), west to the Bug River, situated in the Southern-Eastern part of Europe, to the North from the Black Sea, at the borders between Moldavia and Ukraine. This territory had never had its own separate statehood and during the centuries had been a subject of conflicts between the neighbouring countries, similarly to the closely situated regions, Bessarabia and Bukovina. Since Transnistria declared its independence on 2 September 1990, there has been no homogenous opinion in the matter of its statehood, nor has the doctrine determined its legal status unambiguously<sup>2</sup>. Thus, for

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<sup>1</sup> Transnistria's area is about 4163 m<sup>2</sup>; it is a strip of land being around 200 km long with the average width of around 12–15 km; in its narrowest point it is 6 km, while in its widest one it is 38 km; it is inhabited by about 555 thousand people.

<sup>2</sup> For more detailed digressions over the problem see: Serzhanova 2016a: p. 203–221, 2016b: p. 13–32, 2016c: 165–183, 2016d: p. 262–277, 2016e: p. 94–106, 2017: p. 253–269. On the problems of Transnistria in different dimensions in the Russian literature see: Babilunga et al. 2007, 2003; Balala 2001; Yakovlev et al. 1993; Brusalinskaya 2007; Dieviatkov 2014: p. 51–56; Skvoznikov 2011: p. 3–12. In the Polish doctrine it is also worth reaching for: Gil 2005; Kosienkowski 2009a, 2010, 2009b; Solak 2009, 2010; Czachor 2011: p. 34–36; Zdaniuk 2006: p. 143–158, 2016: p. 105–110.

almost thirty years already, Transnistria has remained a *de facto* state, or a quasi-state unrecognised by the prevailing majority of the international community. According to the international law it is formally treated as an autonomous region of a special status within the Republic of Moldova, while from the perspective of the theory of state and constitutional law it possesses all the statehood attributes.

Wishing to omit the doctrinal disputes concerning the legal status of this state entity here, the fact of its existence does not rise any doubts. Independently from the lack of its recognition by the international community, the Republic's authorities endeavour to control its territory and organise the state according to all the principles of its correct and effective functioning. The process of creating the Pridnestrovian Moldavian Republic, its constitution and its whole political system are undoubtedly very interesting issues not only in the field of the theory of state and constitutional law, but also in political science.

The present paper is another publication in a series aiming at conducting a wider research over Transnistria's legal status. It contains fragmentary results of the next research phase over this issue, which is devoted to the discussion on the origin and development of the independent Transnistria's constitutions. This article is dedicated to the first basic law of the sovereign state created at the Transnistrian lands, which was adopted in 1991 and was valid for a little over than four years, i.e. till January 1996, when the binding constitution of 1995 entered into force. The subject of the research comprises the analysis of the shape and the exegesis of the content of this act. It allows to determine the primary assumptions of the constitutional and political system of the newly created state under its rule and the intended direction of their further development, as well as enables to estimate their efficiency and sensitivity for the beginning period of the independent state's functioning. In consequence, the results of this research stage contribute to establishing more reliable conclusions concerning both the present political and constitutional system and form of government in Transnistria, as well as to more homogeneous and clearer determining of its legal status in the further research phases.

### **Preparing the foundations for adopting the first constitution of independent Transnistria**

The first formal step taken by Transnistria on the way to achieving independence was declaring the creation of the Pridnestrovian Moldavian Soviet Socialist Republic

(PMSSR) as one of the federation subjects within the Soviet Union. This decision was taken by Transnistria's authorities during II Extraordinary Session of Pridnestrovian People's Deputies of all levels in Tiraspol (Volkova 2006). Appointing the new authorities in the region seemed to be an essential deed. This process was based on an idea of creating some temporary bodies first, in order to found the permanent ones later (Todorashko 1999). During the abovementioned II Extraordinary Session there was formed and approved the Temporary Supreme Council of the Pridnestrovian Moldavian SSR. It consisted of 50 deputies, who were empowered to conduct the elections to the permanent Supreme Council by 1 December 1990. On the next day, i.e. 3 September, the Presidium of the Supreme Council, consisting of 18 deputies, was elected, as well as the President of the Temporary Council.

During its sessions the Temporary Council took such important decisions for the emerging country, as in the matter of appointing the state power authorities, creating a financial and credit system by founding the Bank of the Republic, and preparing the budget for 1991. Moreover, the Council was also entrusted to establish the organisational structure of the enterprises, institutions and organisations situated on the territory of the Pridnestrovian Republic. During the period of its activity (from 2 September to 25 November 1990) the Temporary Council took 60 resolutions, appointed the Constitutional Committee consisting of 24 deputies and on 2 October adopted a law on the election of people's deputies to the Supreme Council of the PMSSR<sup>3</sup>. As one may see, the activity of the Temporary Council was rather intensive and aimed at preparing the legal basis for the purpose of creating the system of the state authorities, the foundations of its political, as well as economic and social systems, which undoubtedly ought to be assessed positively.

On 25 November 1990, on the basis of the binding legislation, the first elections to the new, permanent Supreme Council of the PMSSR were conducted. During the next year the Council adopted a series of laws important for the state's political system, which regulated the structure of the state power in the Republic: the Law of 25 March 1991 on the Government of the Pridnestrovian Moldavian Republic (Law 1991a), the Law of 22 October 1991 on the Elections of the President of the Pridnestrovian Moldavian Republic (Law 1991b), the Law of 27 October 1991 on the Status of the Judges

<sup>3</sup> A valuable work containing the detailed analysis of the complex problematic of government and politics of independent Transnistria from the constitutional law perspective is given by Brusalinskaya 2007: p. 13 & seq. The author makes, among others, a deep research over the beginnings of the organisation of the newly created state on Transnistria lands.

of the Pridnestrovian Moldavian Republic (Law 1991c), etc. During this period of time the first Constitution of the Republic (Constitution 1991) was also adopted.

On 25 August 1991 the Supreme Council undertook the next step to strengthen the state's independent status and adopted a declaration of independence, by this means making a factual secession. As a result of the Soviet Union's disintegration, on 5 November 1991 the Pridnestrovian Moldavian Soviet Socialist Republic changed its name into the Pridnestrovian Moldavian Republic, colloquially also called Transnistria. On 1 December 1991 there were held the first elections of the President, as well as a referendum, in which the majority of the population participating in the voting supported keeping Transnistria's independence.

### **The content and structure of Transnistrian constitution of 1991**

The first Constitution of the Pridnestrovian Moldavian Republic ought to be regarded the one, which was adopted a week after declaring by Transnistria its independence. The draft of this basic law was prepared on the basis of three legal acts fundamental for the beginning of the state's functioning, which significance could not be overestimated at that time: the Declaration on Sovereignty of the Pridnestrovian Moldavian Soviet Socialist Republic, the Declaration on Independence of the Pridnestrovian Moldavian Soviet Socialist Republic and the Decree on the State Power of the Pridnestrovian Moldavian Soviet Socialist Republic. The Supreme Council adopted the Constitution on 2 September 1991 during its X Session of I term (Constitution 1991). During the four years of its validity the Constitution was amended twice: shortly after its entering in force, i.e. 20 September 1991, and at the end of its functioning – on 5 November 1994.

Transnistria's Constitution of 1991 was a relatively lengthy legal act, which consisted of the preamble and 117 articles, systematised in 15 chapters, set in VII parts.

As far as its general systematisation is concerned, it is worth paying attention to the fact that while constructing its first independent basic law, despite difficult political circumstances, the lasting conflict and fight for independence, which were not unimportant at all, or maybe just because of that, Transnistria's constitutional legislator did not choose the model of the systematisation characteristic for authoritarian states<sup>4</sup>. They usually un-

<sup>4</sup> According to Maria Kruk-Jarosz, the systematisation of the constitution is one of the keys to the essence and axiology of a political system. On a more detailed and very apposite digression over the problem see: Kruk-Jarosz 2010: p. 61. See also: Sarnecki 1997: p. 20–34.

derline the supreme role of the state and for this purpose place provisions relating to the state apparatus at the beginning of the basic law, while the regulations dedicated to the rights and freedoms of men and the citizens are moved to its final parts, which proves the subordination of an individual to the state. However, the Constitution of Transnistria was constructed in a different way. In the first place the constitutional legislator determined the fundamentals of government and politics and the state's social system. On the second place there was established the catalogue of the rights, freedoms and duties of the citizens. In the further parts there were regulated: the system of the supreme state authorities in its division into the legislative, executive and judicial powers, the system of self-government authorities, the organs of legal protections and finally there were placed the provisions concerning the constitutional amendments and its entering into force.

The above arrangement of the main systematising units shows that, despite the political and social situation, the constitutional legislator used the construction proper for the constitutions of modern democratic states, to the basics of which, as it is commonly known, there are taken the liberal doctrines, exposing the role of an individual in the state. It usually entails extending the catalogues of human and citizen rights and freedoms, as well as placing them in the first parts (chapters) of the basic laws, more frequently just after the fundamental principles of government and politics. As for the regulations devoted to the organisation and functioning of the public authorities, they are more often situated in the further parts of such constitutions, which underlines their subordination to the individual. In case of the first independent Transnistria's Constitution it did not happen otherwise, which is symptomatic for determining the intended direction of the state's further development.

Returning to the detailed systematisation, it presents in the following way:

- I. Fundamentals of the Social and Political System of the Pridnestrovian Moldavian Republic
  - Chapter 1. The Political System of the Pridnestrovian Moldavian Republic (art. 1–10)
  - Chapter 2. The Economic System of the Pridnestrovian Moldavian Republic (art. 11–19)
  - Chapter 3. The Social and Cultural Development of the Republic. Its External Economic Activity (art. 20–30),
- II. Citizenship, Basic Rights, Freedoms and Duties of a Citizen of the Pridnestrovian Moldavian Republic

- Chapter 4. Citizenship (art. 31–33)
- Chapter 5. Basic Rights, Freedoms and Duties of a Citizen of the Pridnestrovian Moldavian Republic (art. 34–55),
- III. The Pridnestrovian Moldavian Republic – A Sovereign and Independent State
  - Chapter 6. The Pridnestrovian Moldavian Republic – A Sovereign and Independent State (art. 56–62),
- IV. The System of the State Power Authorities and the Government in the Pridnestrovian Moldavian Republic
  - Chapter 7. The Organisation and Procedure of Activity of the Councils of People’s Deputies of the Pridnestrovian Moldavian Republic (art. 63–68)
  - Chapter 8. The Supreme Council of the Pridnestrovian Moldavian Republic (art. 69–79)
  - Chapter 9. The President of the Pridnestrovian Moldavian Republic (art. 80–85)
  - Chapter 10. The Government of the Pridnestrovian Moldavian Republic (art. 86–93)
  - Chapter 11. The Local Councils of the People’s Deputies, Self-Government. Government Administration (art. 94–98),
- V. The Protection of Lawfulness and Legal Order
  - Chapter 12. The Constitutional Court of the Pridnestrovian Moldavian Republic (art. 99–100)
  - Chapter 13. The Court, Arbitrary, Attorneyship (art. 101–109)
  - Chapter 14. Public Prosecutor’s Office (art. 110–111),
- VI. The State Symbols and the Capital of the Pridnestrovian Moldavian Republic
  - Chapter 15. The Coat of Arms, Flag, Anthem and the Capital of the Pridnestrovian Moldavian Republic (art. 112–115),
- VII. Validity of the Constitution of the Pridnestrovian Moldavian Republic. Implementing Amendments into It (art. 116–117).

The detailed arrangement of this act seems to be rather original, if we analyse its division into the main systematising units. In fact, the numeration of the subordinate units (chapters), despite the existence of the main ones, is kept in the uniform sequence. Usually each main unit is divided into the subordinate ones, which are numbered from the beginning. In this case the introduced solution is different. As far as the main units are concerned, they are numerated with the Roman numbers and do not have any name (e.g. part), but only a title,

which also seems to be an interesting feature of the detailed systematisation of this Constitution. One cannot but notice a certain inexactness, or even lack of consequence of the Constitution's creators as to dividing the main units into the subordinate ones (chapters). Some of them contain only one chapter having a similar or even identical title as the main unit (e.g. III, IV and VII). Therefore, it is not clear what justifies the division of such main units into the subordinate ones, if their number does not exceed one. Although it is not a significant disadvantage for the functioning of a state organism, still such non-refinement ought to be estimated critically. On the other hand the circumstances, in which this act was constructed, were not easy and slight inadequacies could be justified by it.

Nonetheless, one should remember that the conditions in which a new basic law is created in the period of serious political system transformations are usually very difficult, require arduous work of the constitutional bodies, frequently many years of social consultations in order to achieve a satisfactory compromise inside the constitutional expert legislator and receiving the support for the provisions of the basic law from certain organised social and political forces (e.g. political parties, trade unions, etc.), without which the constitution would not have a chance to exist and become a stable and permanent value of the state and society. In the extreme social and political circumstances, in which Transnistria found itself after 1990, it lacked such time. Still, without any doubt the constitutional legislator had a strong will and determination to desire a modern and fully democratic for that time legal act of the supreme force to be the fundamentals of the state's political system.

To my mind it largely succeeded in achieving this goal, for the Constitution, as one can see, was a rather up-to-date legal act for that time and formally seemed to meet the basic demands of a democratic legal state. However, in fact it lack full realisation of its provisions and many of them remained inactive, and the constitutional and political practice significantly missed the normative reality. Therefore, this Constitution could rather be classified as a factual more, than a legal one. As a matter of fact, any statement concerning the developing constitutional system practice would be untrustworthy here, because this Constitution was in force only for four years.

### **The main principles of the political and constitutional system**

The Constitution of the Pridnestrovian Moldavian Republic of 1991 introduced the fundamentals of the political, social and economic system of the newly created sta-



te, the principles of its organisation and objectives, as well as established a very vast catalogue of the rights, freedoms and duties of the citizens. It guaranteed a series of democratic constitutional principles, such as: the principle of a sovereign and independent state; the principle of territorial integrity; the principle of a democratic legal state; the principle of a multinational sovereign; the principle of the universal, equal, direct and secret electoral law; the forms of direct (referendum) and indirect democracy; the principle of the civil society, with the participation of political parties and social organisations in its political life.

The system of the supreme state authorities was then constructed partly according to the soviet model on the basis of the principle of the homogeneity of power. The system of people's councils was kept on the central and local levels and all the other state authorities were to be subordinated to them. This move was natural to a certain extent, and probably also conscious, for the state made its first steps towards independence (though yet before adopting the constitution), being a subject of the federation within the Soviet Union. And although hypothetically the constitutional legislator could at once introduce a totally new system of legislative authorities, which would possess features, or at least some elements characteristic for the parliamentary government, in practice, however, it did not decide to abandon the principle of the homogeneity of power on that stage yet.

This approach is also understandable, because Transnistria had never had a status of a federation subject before, or even an autonomous one that is why the system of local authorities was not adapted to a higher degree of self-reliance and did not have any structures, on the basis of which an effective apparatus of the new independent state could be created. Therefore, it seems that the constitutional legislator assumed a certain transitional period, during three to four years, while a state usually manages to transform, or even construct a totally new state apparatus able to function correctly. In the remaining scope this constitution introduced a series of modern democratic solutions of government and politics for that time and circumstances. Moreover, in the system of state authorities there could also be found: the institution of a Vice-President, the Government, local self-government and the Constitutional Court.

As far as the basic principles regarding the form of government are concerned, even before adopting the first constitution (during I Session of the People's Deputies of Municipal, Regional and Rural Councils of Transnistria Region of the Moldavian SSR

on 2 June 1990, as well as during II Extraordinary Session of the People's Deputies of all levels of Transnistria Region on 2 September 1990, when Transnistria declared its independence), they consisted in the evolution leading to a gradual transformation from the soviet to the parliamentary model and further, along with introducing a function of the President<sup>5</sup> – consequently to the mixed formula at least, i.e. parliamentary-presidential, or semi-presidential, or later even the “classical” presidential one. It happened so indeed, under the rule of the presently binding basic law of 1995, for the constitution of 1991 did not provide a separate post of the prime-minister (the chief of the Government) and it was the President who was its head.

One cannot disagree with the opinion that a part of the act's provisions resembled the constitutions constructed on the basis of the soviet model, which was a characteristic feature of the first basic laws of many states emerging after the fall of the Soviet Union, especially if they were adopted very shortly after gaining independence<sup>6</sup>. This thesis is proved at least by the fact of holding the principle of homogeneity of power and based on it system of the people's councils, being the authorities of the legislative power. Moreover, one should mention keeping the land as exclusively state-owned, lack of its private property, as well as basing agriculture on the principle of collective farming, which shows rather the relics of socialist ideology, than strictly comprehended political, or to be more precise, economic system. On the other hand one cannot but perceive some features indicating the constitutional legislator's will to leave the authoritarian direction and proceed to the democratic system, for it implemented a series of democratic constitutional principles, an extended catalogue of right and freedoms, etc.

The fact that the content of the basic law itself does not always prejudice the factually realised model of the political system, gains a special sense in the context of the first Transnistria's constitution. The system is largely determined by the constitutional and political practice and by the methods of ruling the most. Naturally, certain mechanisms follow from, or are stipulated in the state's constitution, but not always. In other words, the basic law may comprise the most democratic content, but

<sup>5</sup> The primary text of the constitution of 1991 did not stipulate the existence of the institution of the President of the Republic as the head of state, because at the beginning this function was supposed to be exercised by the President of the Supreme Council of the Pridnestrovian Moldavian SSR.

<sup>6</sup> A radical enough opinion in this matter is presented by Siergiey Markiedonov. He states that the first Transnistria's basic law was a typically soviet constitution, copied from the patterns taken from the legislation of the Soviet republics and autonomies (Markiedonov 2009). The thesis cannot be neglected in principle, but personally I would not fully agree with it.

the reality of the practical state's functioning and the governing style may bestow it an authoritarian direction, and in outmost cases even a totalitarian one<sup>7</sup>. But here, in fact, we encroach more into the area of deliberations on a political regime (governing style, methods of exercising power), than strictly understood issues of government and politics, the constitutional theory or the form of government. It seems that in this case (of the first Transnistrian constitution) there ought to be underlined the lack of executing of its provisions in practice more than its undemocratic content<sup>8</sup>. Transnistrian Constitution did lack the full realisation of its provisions indeed, and without any doubt many of them were left inactive.

Moreover, Transnistrian Constitution did not prove to be a perfect act, nor a stable value. It endured only four years, and during this very short period of time the constitutional legislator matured to implement a new basic law. Wishing to omit slight disadvantages in its principles and content, the will and determination to hold independence turned out to be less important in the practice of the beginnings of the new state's functioning. This decision seemed to be influenced not only by the necessity to conduct an extended reform of the system of state authorities, finish the transitory stage and precisely determine the form of government. I am convinced that the weakest element here was the political and legal culture of the society, which is an extremely significant factor influencing the constitution's functioning. The level of knowledge of the constitutional norms' content and their approval by the citizens and collective subjects of the society's political organisation, the practice of the public authorities' functioning, as well as the application of fair rules and compromise in the public activities are extremely important factors providing to the respect of the constitutional norms. The content of the basic law and the constitution itself ought to be placed high in the hierarchy of the state's and nation's goods and values. In this dimension the constitution should not be only treated as a legal act of the supreme force, but it should also become one of the significant values accepted by the whole community. It

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<sup>7</sup> For the most expressive example of such a case there may serve the Weimar Constitution of 1919, which was considered to be one of the most democratic basic laws of its times. In spite of this fact, in 1933, under its rule, as a result of the democratic elections, the power was gained by the National Socialist German Workers' Party (NSDAP) with Adolf Hitler at the head, and the Weimar Constitution was formally in force not only during the period of the Weimar Republic (1919–1933), but practically till the fall of Nazism and the end of III Reich in 1945.

<sup>8</sup> In political sciences and sociological literature such a phenomenon is called „facade democracy” and is one of the characteristic features of authoritarian states. Deeply and competently from the sociological perspective authoritarianism is discussed by Jadwiga Koralewicz (Koraliewicz 2008); see also: Marek Bankowicz (Bankowicz 2007: p. 174).

ought to be considered one of the civilisation achievements of the nation, sometimes also being its symbol. In some societies characterised by mature democratic traditions basic laws significantly exceed the position of acts having the supreme force and are perceived as a commonly accepted and definite democratic symbol. Unfortunately, it did not happen to the first constitution of independent Transnistria, for the society lacked then this kind of maturity and traditions of democracy.

## Conclusions

The first Constitution of Transnistria was adopted in a very short period of time after the new state's creation. A year had passed since its formal declaration of independence and only a week since its factual secession. This justifies the fact that it turned not to be very stable and durable. It is understandable that the constitutional legislator strived to construct the legal grounds for the organisation and functioning of the new state as quickly as possible, for it had not had its own traditions of statehood, any degree of self-reliance, nor any experience in this subject. Despite very difficult circumstances, in which the state was emerging, the lasting conflict caused by the secession, the political reality, in which the whole system of constitutional values, principles, catalogue and guarantees of the rights and freedoms, as well as the state apparatus needed to be constructed from the very beginning, basing on totally different rules than before, the Constitution of 1991 was a rather modern act for that, which met the minimum basic demands of a democratic legal state, though it undoubtedly contained certain formal and editorial disadvantages. Keeping the constitutional principle of the homogeneity of power, along with ensuring political pluralism, did not shatter the chances for correct functioning in the democratic conditions, which is expressively exemplified by the case of Switzerland. The constitutional legislator's assumptions were to proceed to the direction of implementing the principle of the separation of powers, for the form of government which it favoured from the very beginning was supposed to evolve to the presidential model. Nevertheless, it lacked certain stable democratic traditions and the appropriately high level of political and legal culture, which greatly influence the durability of basic laws in states so that they could become a permanent value unifying the society.

## References

- The CONSTITUTION (1991) of the Pridnestrovian Moldavian Republic of 2 September 1991.
- The LAW (1991a) of 25 March 1991 on the Government of the Pridnestrovian Moldavian Republic.
- The LAW (1991b) of 22 October 1991 on the Elections of the President of the Pridnestrovian Moldavian Republic.
- The LAW (1991c) of 27 October 1991 on the Status of the Judges of the Pridnestrovian Moldavian Republic.
- BABILUNGA Nikolay (ed.) (2003), *Fienomen Pridniestrovia*, Tiraspol.
- BABILUNGA Nikolay, BOMESHKO Boris, SHORNIKOV Piotr (2007), *Gosudarstvennost' Pridniestrovia: istoria i sovremiennost'*, Tiraspol.
- BALALA Viktor (2001), *Stanovlenie i razvitie gosudarstvennosti Pridniestrovia*, Tiraspol.
- BANKOWICZ Marek (2007), *Oblicza autorytaryzmu*, in: Marek Bankowicz, Wiesław Kozub-Ciembroniewicz, *Dyktatury i tyranie. Szkice o niedemokratycznej władzy*, Kraków.
- BRUSALINSKAYA Galina (2007), *Organy zakonodatelnoy i ispolnolnitelnoy vlasti Pridniestrovskoy Moldavskoy Respubliki na sovremiennom etapie*, Moskva.
- CZACHOR Rafał (2011), *Niepodległe, nieuznawane. Perspektywy rozwiązania problemu statusu nieuznawanych republik na obszarze postradzieckim*, „Stosunki Międzynarodowe”, no 69-70.
- DIEVIATKOV Andriey (2014), *Mezhdunarodno-politicheskiye posledstviya „De-fakto gosudarstvennosti“ Pridniestrovia*, „Vestnik Tiumenskogo gosudarstvennogo universiteta”, No 2.
- GIL Andrzej (2005), *Naddniestrzańska Republika Mołdawska jako element przestrzeni politycznej Europy Środkowo-Wschodniej*, Lublin.
- KORALEWICZ Jadwiga (2008), *Autorytaryzm, lęk, konformizm*, ed. II, Warszawa.
- KOSIENKOWSKI Marcin (2009), *Federacja Rosyjska wobec Naddniestrza*, an editorial series: *Analizy Instytutu Europy Środkowo-Wschodniej*, t. 21, ed. Jerzy Kłoczowski, Andrzej Gil, Lublin.
- KOSIENKOWSKI Marcin (2010), *Naddniestrzańska Republika Mołdawska: determinanty przetrwania*, Toruń.

- KOSIENKOWSKI Marcin (2009), *Ukraina wobec Naddniestrza*, an editorial series: Analizy Instytutu Europy Środkowo-Wschodniej, t. 27, ed. Jerzy Kłoczowski, Andrzej Gil, Lublin.
- KRUK-JAROSZ Maria (2010), *Nowe idee konstytucyjne*, in: *Prawa człowieka – społeczeństwo obywatelskie – państwo demokratyczne. Księga jubileuszowa dedykowana Profesorowi Pawłowi Sarneckiemu*, ed. P. Tuleja, M. Florczak-Wątor, S. Kubas, Warszawa.
- MARKIEDONOV Siergiej (2018), *Pridniestrovie: kak vyiti iz konstitutsyonnyh tuppikov ?* „Informatsionnyi sait POLITCOM.RU”, <http://politcom.ru/9160.html> (03.03.2018).
- SARNECKI Paweł (1997), *Systematyka konstytucji*, in: *Charakter i struktura norm konstytucji*, ed. Janusz Trzcíński, Warszawa.
- SERZHANOVA Viktoria (2016a), *Geneza ustrojowa ziem naddniestrzańskich*, “Przeegląd Prawa Konstytucyjnego”, no 5.
- SERZHANOVA Viktoria (2016b), *Obowiązująca Konstytucja Naddniestrzańskiej Republiki Moldawskiej z 1995 r.*, „Studia Prawa Publicznego”, no 4.
- SERZHANOVA Viktoria (2017), *Powstanie Naddniestrzańskiej Republiki Moldawskiej i jego implikacje*, „Studia Europejskie”, no 1.
- SERZHANOVA Viktoria (2016c), *The Consitution of the Pridnestrovian Moldavian Republic*, “Przeegląd Prawa Konstytucyjnego”, no 6.
- SERZHANOVA Viktoria (2016d), *The Origin and Evolution of the Government and Politics of Transnistria Lands*, in: *Dialectica necesităţii şi libertăţii în educaţie*, Conferinţa ştiinţifică internaţională Chişinău 30 martie – 1 aprilie 2016, ed. Valentin Constantinov, Norbert. G. Piķuła, Jakub Bartoszewski, Joanna Łukasik, Katarzyna Jagielska, Chişinău: US Tiraspol.
- SERZHANOVA Viktoria (2016e), *The Process of Forming the Pridnestrovian Moldavian Republic and Its Implications*, ‘Acta Universitatis Lucian Blaga, Jurisprudentia’, no 1.
- SKVOZNIKOV Aleksandr (2011), *Fenomien niepriznannyh i chastichno priznannyh gosudavst i osobiennosti ih pravosubiektnosti*, „Vestnik Samarskoy gumanitarnoy akademii. Seria: Pravo”, No 2.
- SOLAK Janusz (2010) *Konsekwencje zamrożonego konfliktu o Naddniestrze dla bezpieczeństwa europejskiego*, an annex to „Zeszyty Naukowe Akademii Obrony Narodowej”, Warszawa.

- SOLAK Janusz (2009), *Moldawia – republika na trzy pęknięta: historyczno-społeczny, militarny i geopolityczny wymiar „zamrożonego konfliktu” o Naddniestrze*, Toruń.
- TODORASHKO Zinaida (1999), *Istoria gosudarstvennyh uchrezhdeniy Pridniestrovskoy Moldavskoy Respubliki. Vysshye organy vlasti i upravleniya 1990-1995 gody*, Periodicheskiye izdaniya, Tiraspol, No 1.
- VOLKOVA Anna (2006), *Syezdy deputatov vseh urovniy Pridniestrovskoy Moldavskoy Respubliki (1990–2006 gg.)*, Tiraspol.
- YAKOVLEV Valisiy (red.) (1993), *Bessarabskiy vopros i obrazovanie Pridniestrovskoy Moldavskoy Respubliki*, ., Tiraspol.
- ZDANIUK Bartłomiej (2016), *Konsolidacja państwa w Republice Mołdawii*, Warszawa.
- ZDANIUK Bartłomiej (2006), *Naddniestrze – ostatni relikw zimnej wojny*, „Społeczeństwo i Polityka. Pismo edukacyjne”, nr 3.