

Dehybridization of the General Competence of the Jurisdictional Bodies

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Abstract

In this article, I have analyzed the criteria for delimiting the powers of jurisdictional bodies in the settlement of civil cases, which I have argued are also criteria that prevent the hybridization of these attributions. We presented the danger of the phenomenon of hybridization for the normal functioning of judicial bodies and gave solutions to minimize it in the legislative system. We analyzed the hybridization within the regulations on general jurisdiction, which delimit the powers of several jurisdictional bodies, such as: courts of law, arbitration, the Constitutional Court and others. The legal normative basis is the legislation of the Republic of Moldova. In order to highlight the practical issues, the judicial and constitutional practice of the Republic of Moldova was analyzed. The methodology applied in the development of this article was comparison and analysis. In order to formulate fundamentally multifaceted opinions, we started from the French, Moldavian and Russian doctrine. In some of these sources, certain ideas regarding the dehybridization of powers of jurisdiction are developed, and we have supplemented them. Finally, a synthesis was made starting from all the criteria for dehybridization of the powers of jurisdictional bodies.

Keywords: competence, institution, hybridization, jurisdiction, criteria.

JEL Classification: K41

DOI: 10.62768/PLPA/2024/13/1/20

Please cite this article as:

Prisac, Alexandru, „Dehybridization of the General Competence of the Jurisdictional Bodies”, *Perspectives of Law and Public Administration* 13, no. 1 (March 2024): 184-191

Article History

Received: 9 September 2023

Revised: 14 November 2023

Accepted: 18 December 2023

1. Introduction

In the complex system of general competence, the hybridization of the powers of jurisdictional bodies takes place by mixing different specific and non-specific powers of certain jurisdictional bodies determined by legislative imperfection or its incorrect interpretation or incorrect conceptualization of the competence of these bodies. Of course, this hybridization takes place through the mixture of the attributions of the special administrative jurisdiction and the jurisdictional one, or even through the mixture with the attributions of the constitutional jurisdiction. Thus, there is a need for a dehybridization of the competence of the jurisdictional bodies, particularly in the Republic of Moldova, in order to promote the professionalism and the principle of the specialty of the competence of the jurisdictional bodies.

2. Definition of criteria for dehybridization of general competence

Regarding jurisdictional hybridization in the French specialized literature, it is mentioned that the phenomenon of hybridization of jurisdictional bodies' competence is aimed at achieving certain specific needs in a state. But these conflicts between the administrative order and the civil procedural order lead to certain procrastinations, create the risk of issuing contradictory decisions and, besides these, can have the effect of restricting access to justice and also denigrating justice². Undoubtedly recognizing the negative character of the hybridization of the general competence, we believe that it can be minimized by promoting the legislative policy of dehybridization of the competence of the jurisdictional bodies, which in concrete can be achieved by establishing some rigorous criteria for the delimitation of the general competence of the jurisdictional bodies. We will

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² Cadet L., Normand J., Mekki S., *Théorie générale du procès*. Paris: Presses Universitaires de France, 2010, p. 422-423.

analyze them below, although some of them are already exposed in the specialized literature, we will analyze their applicability in the regulations of the Republic of Moldova regarding general competence and we will follow their improvement and adaptation to the specifics of this legal system.

The criteria for delimiting general jurisdiction are defined in Russian doctrine as rules for delimiting the powers of jurisdictional bodies in the resolution of legal cases. We also fully support the opinion that the structural reform of the jurisdictional bodies and the restructuring of the jurisdiction by object of the empowered bodies, is achieved, first of all, due to the changes at the legislative level of the criteria for the general jurisdiction of legal cases³. But in French doctrine, these criteria exist in the form of rules delimiting the powers of administrative bodies from those of courts of law to resolve legal cases⁴. We believe that these criteria should be seen not only as rules for delimiting the powers of certain jurisdictional bodies by the subjects who apply the law, but also as guiding principles for the legislator in order not to admit the hybridization of general jurisdiction.

In the literature on the Russian specialty, the criteria for delimiting general competence are well represented, these being:

- the character of the material-litigious legal relationship;
- the subjective composition (the composition of the trial participants);
- the litigious or non-litigious character of the right;
- the existence of a contract between the parties to the dispute;
- the character of the legal act (it has a normative character or it has an individual character);
- the body that issued the normative act (taking into account the entire hierarchy and structure of state power bodies and local public authority bodies)⁵.

3. Analysis of the dehybridization criteria of general competence

In the following, we will analyze the existing general competence delimitation criteria, including those mentioned above, through the lens of their formulation as rules to be based on the dehybridization of the jurisdictional bodies' general competence. Specific to the criteria presented by us is that they primarily start from the delimitation of the general competence of the courts compared to the competence of other jurisdictional bodies, because the former occupy a central place in the system of jurisdictional bodies, having a scope deriving from the common law nature of the civil procedure and the criminal process that was detached from the regulations of the civil procedure.

3.1. The object of examination and resolution in the activity of the jurisdictional body should be specific to its activity

It is specific that object of the examination in the activity of the jurisdictional body if it is suitable for the purpose for which it is constituted. Thus, in the civil procedure (in case of violation or contestation of rights) the object of defense is formed by: a) the rights; b) freedoms; c) the interests protected by law of the person (legitimate interests). Claims that have nothing to do with the rights, freedoms or legitimate interests of the person cannot be submitted to the court. The claims that constitute the object of the civil action must have a legal character and result from the facts that are considered legal by law, and the claims that do not bear such a character cannot be the object of judicial defense in the civil procedure⁶. Therefore, the court according to art. 169 lit. a) from the Civil Procedure Code of the Republic of Moldova⁷ (CPC) will refuse to receive the

³ Burova, Inna Leonidovna, *Jurisdiction of cases to arbitration courts*. Dissertation candidate of legal sciences, 2005, p. 56-62.

⁴ Cadet L., Jeluand E., *Droit judiciaire privé*, Lexis Nexis SA, 2020, p. 122-123.

⁵ V.V. Yarkova (ed.), *Civil process. Textbook*, 5th ed. Wolters Kluwer, 2004, p. 151-152

⁶ Zhuikov, V. M., *Judicial protection of the rights of citizens and legal entities*. Gorodets, 1997, p. 303-305.

⁷ Civil Procedure Code of the Republic of Moldova: no. 225 of May 30, 2003. In: Official Gazette of the Republic of Moldova. 2003, no. 111-115, art. 451. https://www.legis.md/cautare/getResults?doc_id=81048&lang=ro# (last visited Sept. 05, 2022).

summons request, if the request is not to be tried in the court in civil procedure⁸. In the procedure of the constitutional jurisdiction, the object referred to the defense, according to art. 3 lit. (a) from the Law of the Republic of Moldova no. 317 of 13 December 1994 regarding the Constitutional Court⁹, will constitute, first of all, the guarantee of the supremacy of the Constitution.

Compliance with this criterion ensures the functionality of judicial bodies and contributes to maintaining their competence starting from the principles of a democratic society in a state of law. Any deviation from this criterion could affect the essence and meaning of a judicial body as a democratic institution, because the specifics of their competence are already unanimously recognized in every rule of law. A form of deviation from the specific competence of a jurisdictional body could be manifested, in particular, by the hybridization of their competence following the assumption of non-specific powers.

We could highlight the problematic application of this criterion by analyzing the powers of the Constitutional Court of the Republic of Moldova to examine and resolve referral no. 184h/2022 regarding the control of the constitutionality of the "Sor" Political Party, which was admitted by the Constitutional Court's Decision regarding the control of the constitutionality of the "Sor" Political Party (referral no. 184h/2022) dated 06-19-2023¹⁰. One of the issues that was put before the Constitutional Court was whether this referral could be the subject of constitutionality control or whether these requirements refer to the exclusive competence of common law courts. Thus, in the separate Opinion of the Judge of the Constitutional Court Vladimir Țurcan¹¹ regarding the resolution of referral no. 184h/2022 regarding the control of the constitutionality of the "Sor" Political Party was mentioned: "The Constitutional Court does not have the competence to ensure the independent investigation and evaluation of all the evidence in the criminal files that do not have the force of *res judicata* (a fact that emerges from articles 134 and 135 of the Constitution). In the present case, the Court had the opportunity to ensure only the investigation of the evidence presented by the parties. Therefore, during the process, the Government lawyer (the author of the notification) presented all the documents from the criminal files that he considered appropriate, but the representatives of the "ȘOR" political party, being also lawyers in these unfinished criminal files, were bound by the confidentiality agreement and, therefore, they could not present evidence from these criminal files. In my view, in order to avoid superseding the common law courts by exercising a party's constitutionality review, the Court could not base its conclusions on these records from the pending criminal proceedings. Moreover, the risk of not ensuring the guarantees of a fair trial was created, e.g. trial of the case by a competent court, equality of arms, adversarial process and respect for the presumption of innocence¹²." Thus, in the separate opinion of this judge, the substitution of common law courts by the Constitutional Court is invoked in this case. The given problem started, first of all, from the provisions of art. 22, para. (1) lit. c) and d) from Law of the Republic of Moldova no. 294 of 12-21-2007 regarding political parties¹³, which provides the following: The political party ceases its activity by: c) dissolution by final decision of the court, at the request of the Ministry of Justice; d) declaration of the unconstitutionality of the party by decision of the Constitutional Court.

We believe that these two grounds for the termination of the activity of a political party should be interpreted starting from the criterion analyzed by us, i.e. starting from the specificity of the object of examination and resolution in the activity of these two jurisdictional bodies. Analyzing as a whole the Decision of the Constitutional Court regarding the control of the constitutionality of

⁸ Prisac A., Bănărescu A., Bănărescu I. *Drept procesual civil. Partea Generală*. Chișinău, 2021, p. 141.

⁹ Law on the Constitutional Court: no. 317 of December 13, 1994. In: Official Gazette of the Republic of Moldova, 1995, no. 8, art. 86.

¹⁰ The decision of the Constitutional Court regarding the control of the constitutionality of the "Sor" Political Party (referral no. 184h/2022) of 06-19-2023. In: Official Gazette of the Republic of Moldova, 2023, no. 267-270, art. 89.

¹¹ The separate opinion, presented on the basis of article 27 para. (5) of the Law on the Constitutional Court and of article 67 of the Constitutional Jurisdiction Code of the Constitutional Court Judge Vladimir Țurcan [online]. 2023 https://www.constcourt.md/public/ccdoc/opinii/Opinia_separata_184h_V_Turcan.pdf (last visited Sept. 05, 2023)..

¹² Ibid.

¹³ Law on political parties: no. 294 of December 21, 2007. In: Official Gazette of the Republic of Moldova, no. 42-44, art. 119.

the "Sor" Political Party (referral no. 184h/2022) of 19-06-2023 we notice that the Constitutional Court of the Republic of Moldova relied on this criterion to consider that it has the competence to examine this referral, because it applied the general principles that are the basis of a constitutional system, which characterizes the constitutional jurisdiction. So, to the point. 125 of the Decision of the Constitutional Court of 19-06-2023 the Court ruled: „[...] The Court notes the systematic nature of the non-transparent financing committed intentionally, deliberately in the last six years by the "Shor" Political Party, which unbalanced the democratic system and which are incompatible with the fundamental principles of democracy and the rule of law¹⁴.”

The specific nature of declaring a political party unconstitutional, as a specific object of the examination by the Constitutional Court, in the case mentioned above, also resulted from the exceptional circumstances existing when declaring the unconstitutionality of the "Sor" Political Party. In this sense, it was correctly mentioned in the point. 26 of the Opinion of the Venice Commission no. 1115.2022 of 19-12-2022 regarding the declaration of the unconstitutionality of a political party, starting from the ECtHR jurisprudence: "In the opinion of the Court, the competence of the state authorities to dissolve a political party should only refer to exceptional circumstances, it must have a narrow size and to be applied only in extreme cases. Even if the measure is clearly provided by law, accessible and predictable (the principle of legality), in order to respect the principle of proportionality in cases of dissolution, the European Court has also established that the authorities must demonstrate that there are no other means to achieve the stated objectives that would constitute a less serious interference in the right to freedom of association¹⁵." So, the specific nature of the object of the examination of the notification regarding the declaration of the unconstitutionality of a party has features only of the constitutional jurisdiction, which by its essence could not be transferred to the jurisdiction of the courts.

In the same way, the specific nature of the object of the examination can also be derived from the branch affiliation of the legal relations from which the legal dispute or any other legal cause resulted. However, in our view, not all legal cases resolved by the jurisdictional bodies only involve disputes arising from the rules of a single branch of law. Some processes may involve the application of civil and administrative legal rules; family law rules and civil law rules; the rules of fiscal law and administrative law, etc. Moreover, according to art. 12 para. (1) of the CPC, judicial instances resolve civil cases based on several categories of normative acts. The specific character of the object of the examination is established starting from the purpose for which the jurisdictional body is established.

3.2. The quality of the subjects of the legal report should be close to the object of examination in the activity of the jurisdictional body

The parties involved in a dispute or in a non-contentious proceeding have different capacities. Thus, the rights violated or contested are also different in nature. For this reason, the jurisdictional bodies can also be different because they defend different rights and interests specific to their defense object.

In the legislation of the Republic of Moldova we find several legal provisions that delimit the general competence of the jurisdictional bodies depending on the quality of the subject of the legal report. For example, art. 5, para. (1) of the CPC, the provisions of art. 6 para. (1) from the Law on Arbitration no. 23 of 02-22-2008¹⁶, the provisions of art. 36 para. (1) of the Family Code of the

¹⁴ The decision of the Constitutional Court regarding the control of the constitutionality of the "Sor" Political Party (referral no. 184h/2022): no. 10 of June 19, 2023. In: Official Gazette of the Republic of Moldova, 2023, no. 267-270, art. 89.

¹⁵ Opinion of the Venice Commission no. 1115.2022 of 19-12-2022 regarding the declaration of the unconstitutionality of a political party, approved by the Council for Democratic Elections at its 75th meeting (15 December 2022) and adopted by the Venice Commission at its 133rd plenary session (Venice, 16-17 December 2022). <https://www.constcourt.md/libview.php?l=ro&idc=199&id=2520&t=/Media/Opinia-Comisiei-de-la-Venetia/Opinia-Comisiei-de-la-Venetia-referitoare-la-declararea-neconstitutionalitatii-unui-partid-politic> (last visited Sept. 05, 2022).

¹⁶ Law on arbitration: no. 23 of February 22, 2008. In: Official Gazette of the Republic of Moldova, 2008, no. 88-89, art. 314.

Republic of Moldova¹⁷, the provisions of art. 349 of the Labor Code of the Republic of Moldova¹⁸, etc. But for some civil cases, the legislator does not expressly provide for this subjective criterion, although the systemic interpretation shows that the legislator applies it to the delimitation of the general competence of the jurisdictional bodies. Well, in the specialized literature, some authors use this subjective criterion to answer the question of whether the contestation of acts of public authorities regarding employees is examined in the administrative litigation procedure or in the general procedure. The respective author mentions: „The procedure in administrative litigation applies only to legal actions aimed at legal relationships that fall within the scope of the Administrative Code, i.e. relationships related to an administrative activity. The new legislative approach is a combination of the subject criterion (the author of the act is a public authority) and the object criterion (the legal relationship is one in which the public authority acts as a public authority, and not as a natural person or a commercial company or a non-commercial organization). [...] In disputes that have as their object the relationship between a public authority and its employees, attention must be drawn to the legal status of the employee, which determines the nature of the legal service relationship: if the employee is a public official, the legal relationship is of public law and enters within the scope of the Administrative Code. In the case of the other employees, however, the general procedure for civil actions established by the CPC will be applied”¹⁹. We note that the respective author started from several legal reasonings in collaboration with certain procedural provisions (art. 5, art. 10, art. 189 of the Administrative Code, art. 2 of the Civil Code), which concludes that it is to be applied subject criterion. Such a tumultuous systemic interpretation was needed because the legislator did not expressly provide that these requirements are examined in the civil action procedure. But a law is free from imperfections if it does not require complex interpretations. Thus, we consider that in order to ensure a dehybridization of jurisdictional bodies, the legislator should operate more with express provisions starting from the quality of the subject involved in the material-legal relationship. In other words, the legislator will expressly provide that in certain civil cases in which certain participants are involved, they will be examined by certain jurisdictional bodies.

3.3. The existence or lack of legal disputes

This criterion delimits the competence between the courts and the bodies of the executive power (e.g.: civil status bodies), as well as the notary (which performs the activity of non-litigious jurisdiction – the notarial form of defense of legitimate rights and interests). According to this criterion, civil cases regarding indisputable rights are assigned to the jurisdiction of the courts only in the cases expressly provided by law²⁰. For example, civil cases examined in the special procedure, provided by art. 281 para. (2), letter c) CPC, the finding by the court of the fact regarding the registration of birth, adoption, marriage, divorce and death. In the cases regarding the dissolution of the marriage, the general jurisdiction of the courts of common law and of the civil status bodies (art. 36 para. (1) of the Family Code)²¹.

In order to limit the phenomenon of the hybridization of the general competence of the jurisdictional bodies, the highlighted criterion contributes to the elimination of the powers to examine and resolve certain civil cases inappropriate for certain jurisdictional bodies and with their other powers. According to their nature, for certain jurisdictional bodies the competence to examine certain civil cases involving a legal dispute is incompatible, and for other jurisdictional bodies it is appropriate. For example, it would be inappropriate to authorize the civil status body to dissolve the

¹⁷ Family code: no. 1316 of October 26, 2000. In: Official Gazette of the Republic of Moldova, 2001, no. 47-48, art. 210.

¹⁸ Labor Code of the Republic of Moldova: no. 154 of March 28, 2003. In: Official Gazette of the Republic of Moldova, 2003, no. 159-162, art. 648.

¹⁹ Jimbei, Ina, *Contestarea actelor autorităților publice în privința angajaților: procedura contenciosului administrativ sau procedura generală pe acțiuni civile?* [online]. 2023 <https://www.bizlaw.md/contestarea-actelor-autoritatilor-publice-in-privinta-angajatilor-procedura-contenciosului-administrativ-sau-procedura-general-pe-actiuni-civile> (last visited Sept. 05, 2023).

²⁰ V.V. Yarkova (ed.), *op. cit.*, p. 154.

²¹ Prisac, A., Bănărescu, A., Bănărescu, I. *op. cit.*, p. 148.

marriage when there are misunderstandings regarding the division of common property in divorce, the maintenance, education and residence of common minor children or the maintenance of one of the spouses (art. 37, para. (1) from the Family Code of the Republic of Moldova). So, the resolution of legal disputes is not the nature of the civil status body. It only resolves cases without a legal dispute.

We see the importance of the respective criterion to be exemplified, in particular, in the procedure regarding the establishment of facts that have legal value due to its compensatory character. In specialized literature, the compensatory character of this special procedure in the civil procedure is explained by the fact that the term "compensate" also has the meaning of "replacing with something else from the point of view of value and the function it fulfills." Thus, this particularity of the special procedure in cases concerning the establishment of facts that have legal value is expressed by the fact that the legislator stipulates the possibility of applying this special procedure in the event of the impossibility of applying the administrative order to establish or record the corresponding legal facts and release the necessary documents. At the same time, the existence of the analyzed special procedure consists in the need to be applied in order to give a solution to the mistakes of the legislator in the distribution of the powers of the administrative authorities regarding the establishment and registration of legal facts through the regulations of the norms of material law, as well as the impossibility of the administrative authorities to fulfill their functions regarding the registration of legal facts and the release of documents about their registration, for reasons independent of the will of these public authorities. So, this effect explains the fact that the legislator aims first for the litigant to defend his rights, freedoms and legitimate interests, first by administrative means, and in the case of the impossibility of achieving them by these means, to go to court. It is obvious that the criterion of the existence or absence of legal disputes comes into play here. Thus, according to art. 282 para. (2) of the CPC, "if, during the examination of the case for the establishment of a fact with legal value, a legal dispute arises that does not belong to the jurisdiction of the courts, the court examines the request for the establishment of this fact in a special procedure." If this legal dispute would be within the competence of the courts, then the court will be competent to examine the dispute not in the special procedure, but in the general procedure. However, if the examination of the case for establishing a fact with legal value belongs to the competence of an administrative body, the judge will refuse to accept the summons request (art. 169 para. (1) letter a) of the CPC).

In this sense, it should be reported that in a civil case pending before the Supreme Court of Justice regarding the establishment of the fact that has legal value, the petitioner requested the Căușeni Court, Central Headquarters, to establish the fact that he legally resides on the territory of the Republic of Moldova, starting from 10 February 1978 to date. The first court correctly considered that this case belongs to the jurisdiction of the court, since the petitioner has no other possibility to obtain or restore the documents that would certify the legal fact whose finding he requests, but correctly rejected the action on the grounds that they were presented as evidence the documents issued by the non-constitutional authorities of the Transnistrian region, which do not produce legal effects on the territory of the Republic of Moldova, which also results from the decision of the Superior Council of Magistracy no. 209/14 of April 3, 10, 2012 according to which any document issued by the authorities self-proclaimed from this part of the Republic of Moldova contravene the Constitution from the start.

If it were not for the compensatory character of civil proceedings in general, this litigation mentioned above would not even be within the jurisdiction of the court. This compensatory character, in our view, constitutes a so-called "plug" of the competence gap for the administrative bodies in solving some requirements, because if the court did not empower them to solve them, this gap would have created impediments in realizing the rights, freedoms and legitimate interests of the person. This natural gap will exist permanently in the system of judicial bodies in the Republic of Moldova and in all the states of the world. That competence gap can never be filled because in everyday life there may be different civil cases with different circumstantial background, for which it may not be predetermined in the jurisdiction of a judicial body to solve it. For this reason, the

most suitable solution has always been to be supplemented with powers of the courts. We call it the "Black Hole of the general competence of the jurisdictional bodies", which will permanently exist in the system of the jurisdictional bodies in each state.

Starting from the mentioned, we consider it natural to admit, as an exception, the hybridization of the jurisdiction of the court with the attributions of the administrative bodies only by virtue of the compensatory character of the civil procedures. All this because a gap in the competence of the administrative bodies requires in an individual case a civil case to be resolved by the court in order not to be deprived of the defense of certain rights and legitimate interests of the person.

3.4. The existence of an agreement concluded between the parties to the dispute

This criterion delimits the power to examine and resolve certain civil cases between courts and arbitration, as well as in the case of acceptance by the parties of the notarial form of defense of rights at the conclusion of a legal act, in the event that the law does not stipulate the obligation of the authentic form. The realization of the given criterion takes place only in compliance with the limits provided by the law regarding the arbitrability of the dispute.

Starting from this criterion for delimiting the general competence of the jurisdictional bodies, we can realize the opinion that the legal nature of arbitration is twofold: contractual by its source and jurisdictional, by the procedure and especially by the decision pronounced by the arbitrators. Therefore, although the parties initially choose an arbitrator by contract, he later acts as judges, for this reason the exclusive jurisdiction of the courts cannot be violated by an arbitration clause or compromise, because otherwise there would be an eloquent hybridization between the jurisdiction of arbitration and the courts of law. judgment. The limits of arbitrability are to be strictly observed.

3.5. The legal force of the contested normative act

This criterion is applied to the delimitation of the general competence of the jurisdictional bodies in the case of challenging normative acts. These being the Constitutional Court and the courts of common law. The Constitutional Court exercises control over the constitutionality of laws and other normative acts expressly provided for by art. 135 para. (1), letter a) of the Constitution of the Republic of Moldova, and common law courts exercise control over the legality of normative acts. The object of the control of the legality of normative acts are only the normative acts subordinated to the laws, adopted in order to organize or execute the laws in practice. This problem exists more with regard to the competence of the Constitutional Court of the Republic of Moldova. Such a duality contributes to the hybridization of general jurisdiction as a negative phenomenon in the system of judicial bodies in the Republic of Moldova.

4. Conclusion

The delimitation of the general competence is to be clearly delimited a priori by the legislator starting from these highlighted criteria, which will be highlighted in the regulatory procedure. This delimitation of dehybridized general competence cannot be regulated only chaotically by stipulating special rules, but it is necessary that these special rules derive from general criteria that do not admit a mixture of different powers of different jurisdictional bodies. The criteria for dehybridization of the general competence of the judicial bodies cannot be exhaustively listed by the legal doctrine because the specifics of their activity are dynamic.

Bibliography

1. Burova, I. L., *Jurisdiction of cases to arbitration courts*. Dissertation candidate of legal sciences, 2005.

2. Cadiet, L. & Jeluand, E., *Droit judiciaire privé*, Lexis Nexis SA, 2020.
3. Cadiet, L., Normand, J. & Mekki, S., *Théorie générale du procès*. Paris: Presses Universitaires de France, 2010.
4. Civil Procedure Code of the Republic of Moldova: no. 225 of May 30, 2003. In: Official Gazette of the Republic of Moldova. 2003, no. 111-115, https://www.legis.md/cautare/getResults?doc_id=81048&lang=ro# (last visited Sept. 05, 2022).
5. Family Code: no. 1316 of October 26, 2000. In: Official Gazette of the Republic of Moldova, 2001, no. 47-48.
6. Jimbei, I., *Contestarea actelor autorităților publice în privința angajaților: procedura contenciosului administrativ sau procedura generală pe acțiuni civile?* [online]. 2023 <https://www.bizlaw.md/contestarea-actelor-autoritatilor-publice-in-privinta-angajatilor-procedura-contenciosului-administrativ-sau-procedura-general-pe-actiuni-civile> (last visited Sept. 05, 2023).
7. Labor Code of the Republic of Moldova: no. 154 of March 28, 2003. In: Official Gazette of the Republic of Moldova, 2003, no. 159-162.
8. Law on arbitration: no. 23 of February 22, 2008. In: Official Gazette of the Republic of Moldova, 2008, no. 88-89.
9. Law on political parties: no. 294 of December 21, 2007. In: Official Gazette of the Republic of Moldova, no. 42-44.
10. Law on the Constitutional Court: no. 317 of December 13, 1994. In: Official Gazette of the Republic of Moldova, 1995, no. 8.
11. Opinion of the Venice Commission no. 1115.2022 of 19-12-2022 regarding the declaration of the unconstitutionality of a political party, approved by the Council for Democratic Elections at its 75th meeting (15 December 2022) and adopted by the Venice Commission at its 133rd plenary session (Venice, 16-17 December 2022), <https://www.constcourt.md/libview.php?l=ro&idc=199&id=2520&t=/Media/Opinia-Comisiei-de-la-Venetia/Opinia-Comisiei-de-la-Venetia-referitoare-la-declararea-neconstitutionalitatii-unui-partid-politic> (last visited Sept. 05, 2022).
12. Prisac A., Bănărescu A., Bănărescu I. *Drept procesual civil. Partea Generală*. Chișinău, 2021.
13. Yarkova, V.V. (ed.), *Civil process. Textbook*, 5th ed. Wolters Kluwer, 2004.
14. Zhuikov, V. M., *Judicial protection of the rights of citizens and legal entities*. Gorodets, 1997.