

THE INNOVATIVE STATE: A CHALLENGE FOR THE FUTURE OF THE SOVEREIGNTY OF THE REPUBLIC OF MOLDOVA

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Abstract

Taking into account the fact that the humanity has stepped into the stage of knowledge-based society, as well as its final result is the creation of new knowledge, innovations, systems and technologies and their application in various spheres of human activity, the implementation of the doctrine of the innovative state in the engineering of the constitutional construction of the state power in the Republic of Moldova, declared as a sovereign state, is very well justified. At the beginning of the reforming process of the Republic of Moldova, it was created the impression that, after obtaining sovereignty and improving the national legislation, our state will begin to thrive, the standard of living will rise sharply, the branches of the national economy will move to new development methods, and all these achievements will positively affect the social culture of the country. Today, with regret, these aspirations appear in more gloomy colours, because their application has revealed a number of difficulties in organizational and legal terms.

Keywords: *sovereignty; Republic of Moldova; democracy*

The global economic development trends show that the modern economy is geared more towards a knowledge-based economy, which is, in fact, the main strategic source, as well as capital in the industrial society, exerting a decisive influence on the development and the prosperity of any state. It is well known that, in highly economically developed countries, the intensive use of knowledge is the key factor for the sustainable development of the economy.¹

The Republic of Moldova, as well as other states in transition, does not have the capacities for modernization and needs cardinal changes, which will ensure the state a sustainable development, in accordance with the trends and requirements of the present society.

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¹ G. Belostecinic. *Dezvoltarea economică a Republicii Moldova*. Akademos, nr. 1(12) 2009, p. 5.

In this context, the state must create conditions for the promotion of science and culture, but also for the implementation of the results of intellectual activity.¹

After obtaining the sovereignty and independence of the Republic of Moldova, the research and development infrastructure has gone through a profound crisis caused by financial failure and instability, by the deterioration of the material and technical-scientific basis, which has caused the massive exodus of the human potential in the research field.²

At the crossroads of the millennium, the Republic of Moldova must choose the most progressive development path - the innovation economy, not in vain, the word "innovation" being one of the most commonly used in contemporary society. In this regard, we mention that innovation is a concept and a specific way of action, analyzed and defined in the Oslo Manual.³

Developed countries around the world, including the EU Member States, rely heavily on the innovation process, considering that innovation is a complex process that allows the results of research to be transformed into benefits for society. The Republic of Moldova, like other candidate countries, has an Action Plan called to ensure the implementation of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part. This document contains a compartment (2.6 Transport, Energy, Telecommunications, Environment and Research, Development and Innovation), in which three basic actions are foreseen for the *Research, Development and Innovation Sector*: 1. *Prepare Moldova's Integration into the European Research Area (ERA) and into the Community R&D Framework Programmes on the basis of scientific excellence*; 2. *Develop Moldova's capacity in technological R&D to support the economy and society*; 3. *Support Moldova's integration in high level scientific exchanges*.

According to the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic

¹ И. Гучак. Нормативно-правовые аспекты взаимодействия научного сообщества с международными организациями: опыт Республики Молдова. *Ін: Висник, Nr. 11, Украина, 2015, p. 41.*

² *Research and Development Strategy of the Republic of Moldova by 2020, Government Decision of the Republic of Moldova No 920 of 07.11.2014, Official Journal No 386-396 / 1099.*

³ *Oslo Manual: Guidelines for Collecting and Interpreting Innovation Data, 3rd Edition, OECD, Paris, http://www.oecd.org/document/33/0,3343,en_2649_34273_35595607_1_1_1_37417,00.html*

Energy Community and its Member States, on the other hand (art. 127)¹, the Republic of Moldova shall promote cooperation in all areas of civil scientific research and technological development and demonstration (RTD) on the basis of mutual benefit and subject to appropriate and effective protection of intellectual property rights. The RTD cooperation also concerns (art. 128): increasing research capacity and the participation of research entities of the Republic of Moldova in the research Framework Programme of the EU; the promotion of joint projects for research in all areas of RTD; training activities and mobility programmes for scientists, researchers and other research staff engaged in RTD activities etc.

If the importance of R & D for the revival of the national economy and the sustainable development of the country is recognized as one of the basic priorities, a solution, in our view, would be the constitutionalization of the concept of “innovative state”.

In its simplest form, the innovative state can be considered as the state that promotes the innovation at national level, thus contributing to the substantial increase of innovative capacities at all levels of state organization. This kind of state ensures:

- the allocation of sufficient financial means to innovations, in the development of new technologies, in the marketing of discoveries and inventions;
- to obtain reproducible innovations at all times, thereby ensuring, as far as possible, overcoming events in real life, being prepared for it in time, not to react, almost always, post factum, as is the ordinary state;
- the consolidation of intellectual potential to address issues related to new technologies and their implementation, with the ultimate goal of obtaining the profit and its equitable distribution between members of society, as is specific to a fair state, where in the head of the table is the creator, the worker, but not the individual who has enriched himself through a contest of circumstances, often dubious;
- the selection and the promotion, in the administration bodies and various expert groups, only of people capable of conducting innovative, creative and managerial activities.

In this context, the promotion of the doctrine of innovative state must become, for the Republic of Moldova, a project that encompasses the entire society.

¹ Law No. 112 for the ratification of the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and their Member States, on the other hand, the Official Journal No. 185-199.

Undoubtedly, some efforts are needed to achieve this goal. First of all, we believe that serious investments are needed in the field of innovation so as to revive the process of marketing ideas, inventions, discoveries made by scientists in our country.

This implies both a series of reforms in some areas of normative regulation (for ex.: innovative enterprises and parks, researcher status, protection of intellectual property, etc.), as well as increasing the degree of state interaction with civil society, the private sector and setting up an effective feedback system that would allow the state to adjust its policies with regard to their resilience and performance information obtained from civil society institutions.

It is also necessary to mention that the citizen of the innovative state has tasks of great importance. He has to take great responsibility, become extremely active, show interest in everything that happens in the state, relying on his work, intelligence and skills, thus demonstrating an increased social activism.

Under the conditions of today's civilization, among the factors of greatest importance are the information and the imagination. Essentially, this is a natural thing, because at any time, the brilliant ideas adapt to the intellectual requirements of society, penetrating into the most hidden spaces of life. Properly organized ideas have always been a decisive weapon of politics. Not in vain J.-F. Revel mentioned that peoples' poverty is the consequence of bad ideas policy ¹.

The successes and failures of nations are related to the thinking of their avant-garde groups because the potential of modern society is determined not by the amount of knowledge gained in it, but by their entropy, by their possibilities of dissemination and accumulation.

In our opinion, the struggle for the future will win societies in which education will be freer and more universal, the ends being not chosen spontaneously. But in a different way, the systems that will continue to produce individuals as a means of obtaining the programmed result - will lose.

The freedom of intellectual activity, according to Z. Brzezinski, is essential because democracy is not able to answer the question of what is actually a good life². The same author mentioned that the intellectual activity had grown sharply in the 20th century in Latin America, in Southeastern Europe, in Egypt and India, which allowed these states to become more receptive to

¹ F. Revel J, *Democracy Against Itself*, USA, Free Press, 1993. p. 167.

² Z. Brzezinski, *Out of Control*, USA, 1993. p. 75.

criticism. This is important, because for intellectually active societies, a single impetus is sufficient to guide them on the path of change.

Given that the general meaning of intellectual activity consists of the valorisation by the society of the surrounding reality, the elaboration of strategies and tactics of reaction to different situations, includes, in the intellectual political activity, those forms of mental activity that tend to communication and dialogue. In most cases, the above-mentioned activity is manifested at the scientific, religious or quotidian level. Thanks to this, there are collaborations in the field of education, science and art. The activity can be oriented to both a concrete result and an intrinsic verbal or visual expression. Most of the time, however, it manifests itself in the search for new meanings or lost, in the elaboration and promotion of symbols, the formulation of conceptions, doctrines, social paradigms.

Therefore, the intellectual activity should be legally guaranteed by the establishment of constitutional guarantees.

As it is known, the US Supreme Court has placed the informational opening under the protection of Amendment 1 to the US Constitution¹, which prohibits any limitation (including legislative) of the freedom of speech, conscience and petitions, thus revealing the processes of intellectual exchange in the free space of limitations of law.

The ideologies reinforce values and guidelines, expose the theory of the past, legislate the present, and create visions about the future. They help formulate how to address current issues, stimulate energy and determine the reasons for effectively addressing these issues.

Currently, the process of de-idealization has included post-totalitarian countries, which are also reflected in their constitutions. But the real problem of these states, including the Republic of Moldova, lies not in the abandonment of ideology, but in the consistent recognition of ideological pluralism, the right of man to non-conforming behaviour and opposition to organizations based on mono-ideological or collective interest. It is obvious that citizens must be protected not only against physical violence, but also against the ideological one. Their intellectual freedom must be defended not only by the Government, but also by the democracy. It is certain that,

¹ Amendment I. (Freedom of Religion, Speech, Press, Assembly and Petition). Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peace-ably to assemble, and to petition the government for a redress of grievances. Constitution of the Unites States, <https://www.gpo.gov/fdsys/pkg/GPO-CONAN-REV-2014/pdf/GPO-CONAN-REV-2014-7.pdf>, visited on 19.08.2017

even today, laws often prove to be exclusively levers of the state's executive power.

It is imperative to recognize that the state has been aware for a long time that ideas are capable of overthrowing the world, and that the social dynamics of the world are based on convictions. By denying differences of opinion in life's problems, the state, as a rule, respects tradition as the main condition of social order. Since, as it is considered today, the inaccessibility of information, even for part of the country's population, usually blocks the mechanism of democracy, concealing information compromises power rather than making bad decisions. As a result, the state develops a special political language that is only apparently open. Under these circumstances, appears the phenomenon of political "logocracy", known as the current system of refined use of the word.

In our view, however, for power there is always the temptation to suppress the imagination of civil society and to spread the atmosphere of intellectual isolationism. That is why the intellectual activity of civil society does not coincide with the ideological activity of the state.

The guarantee of progress can be provided only by the autonomous position of the society in relation to the state power. In other words, in order to ensure progress, it is necessary to unite the "dominant" and the "subordinate" parts of the nation, so that the first one obtains the guarantee of the preservation of power, and the second – the assurance the advantages of freedom. That is why the best political order can be considered as one that is able to educate its citizens about the highest respect for the right of others, as well as the respect for their own freedom. In addition, the state should not threaten intellectual freedom because, in terms of people's sovereignty, the intellectual censorship is absurd.

In fact, the antagonism between state order and civil society freedom is more convenient to be recognized as an open one. Since the interest of progress requires civic freedom to be valued higher than the state order, it follows that the freedom of intellectual activity must be defended by the constitution. In other words, if the governmental courts and, in general, any governmental authorities forbid the distortion of the truth, it is already enough to create a danger to the intellectual freedom of man.

It is known that A. Solzhenitsyn considered the interference of the state in the information processes as "terrible danger". Since the suppression of the information leads to entropy and destruction¹, all barriers to free exchange of ideas in society must be removed.

¹ А. Солженицын, *Нобелевская лекция*, Новый мир, 1989, nr. 7, p. 142.

To avoid political dictatorship, we must live in an intellectually tolerant, mentally mobile environment, open to imagination and style diversity. In constitutional terms, this means that the intellectual-creative infrastructure of civil society must be protected against any interference, first of all, from the state. This means that no information can be considered unlimited for a long time, that private individuals should not and cannot be held accountable for the disclosure of state secrets, that freedom of opinion cannot be restricted by the political power (embodied in people), as well as by the abstract legal power.

In general, there are three approaches to political ideology: the obligations of a certain ideology; the single state ideology, without sanctioning other expressed opinions; the free diversity of political ideology.¹

For the purpose of obliging a certain ideology, certain sanctions are imposed, including penal sanctions, for non-compliance with this principle. For example, in the text of the Vietnam Constitution (Article 30) it is mentioned that the State and society preserve and develop a national, modern and humanist Vietnamese culture; inherit and enhance the values of the multi-ethnic Vietnamese civilisation, Ho Chi Minh's thought, ethnic and style. The Constitution strictly prohibits the propagation of reactionary and amoral ideology.²

The establishment of a *unique state-supported ideology*, but without sanctioning other opinions expressed, exists, for example, in North Korea. In accordance with the Constitution (article 10), the State shall revolutionize all the members of society, and assimilate them to the working class by intensifying the ideological revolution, and shall turn the whole of society into a collective, united in a comradely way. The State (Article 13 of the Constitution), through its whole activity, "shall implement the mass line and apply the Chongsanri spirit and Chongsanri method to all its activities, the spirit and method by which superiors assist their subordinates, mix with the masses to find solutions to problems and rouse them to conscious enthusiasm by giving precedence to political work, work with people".³

The Constitution of Cuba (article 9) states that the Cuban socialist State sustains the ideology and the norms of coexistence, and of conduct typical of the society free from exploitation of man by man.⁴

¹ I. Guceac. *Constițuția la răscruce de milenii*, Chișinău, 2013, p. 353.

² Конституция Вьетнама, www.myrpzs.ru/konstituciya-vetnama-1992/, visited on 23.08.2017.

³ Конституция КНР 1982 г., www.chinalawinfo.ru/constitutional_law/constitution.

⁴ Конституция Республики Куба, www.ru.wikisource.org/wiki.

The *Freedom of political ideology* is a constitutional principle, recognized by most states of the world. For example, the Constitution of the Republic of Moldova (article 5) states that no ideology can be instituted as official ideology of the State.¹ The Constitution of the Republic of Slovakia (article 1) states that the state is not linked to any ideology.² In Spain (Article 16 of the Constitution) the ideological freedom of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law.³ In the Constitution of Bulgaria (article 11) it is established that no political party or ideology shall be proclaimed or affirmed as a party or ideology of the State.⁴ In Belgium (article 19 of the Constitution) the freedom of worship, its public practice and freedom to demonstrate one's opinions are guaranteed, but offences committed when this freedom is used may be punished.⁵

Referring to the legal aspect of the problem, we must admit that the freedom of ideology must be necessarily accompanied by a ban on censorship.

According to the Belgian Constitution (article 25), the press is free; censorship can never be introduced; no security can be demanded from authors, publishers or printers.⁶ The censorship of mass media shall be prohibited, according to the Constitution of Lithuania (article 44). The Constitution of Croatia (article 38) completes the prohibition of censorship with the right of journalists to the free distribution of reporting materials and access to information.⁷

Extensive regulations on this chapter are contained in the Constitution of the Italian Republic (article 21),⁸ according to which the press may not be subjected to any authorisation or censorship. Seizure may be permitted only by judicial order stating the reason and only for offences expressly determined by the law on the press or in case of violation of the obligation

¹ *Constituția Republicii Moldova*, Chișinău, Cartier, 2015.

² *Constitution of the Slovak Republic*, Constitutional Codex. Constitutions of European Union Member States, codex.just.ro.

³ *Spanish Constitution*, Constitutional Codex. Constitutions of European Union Member States.

⁴ *Constitution of the Republic of Bulgaria*, Constitutional Codex. Constitutions of European Union Member States.

⁵ *The Belgian Constitution*, Constitutional Codex. Constitutions of European Union Member States.

⁶ *The Belgian Constitution*, Constitutional Codex. Constitutions of European Union Member States.

⁷ *Constitution of the Republic of Croatia*, Constitutional Codex. Constitutions of European Union Member States.

⁸ *Constitution of the Italian Republic*, Constitutional Codex. Constitutions of European Union Member States.

to identify the persons responsible for such offences. In such cases, when there is absolute urgency and timely intervention of the Judiciary is not possible, a periodical may be confiscated by the criminal police, which shall immediately and in no case later than 24 hours refer the matter to the Judiciary for validation. In default of such validation in the following 24 hours, the measure shall be revoked and considered null and void. At the same time, the Constitution prohibits publications, performances and other exhibits offensive to public morality. Measures of preventive and repressive measure against such violations shall be established by law.

The press in Greece is free, censorship and all other preventive measures are prohibited (article 14 of the Constitution). Similarly, the seizure of newspapers and other publications before or after circulation is prohibited. Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of: an offence against the Christian or any other known religion; an insult against the person of the President of the Republic; a publication which discloses information on the composition, equipment and set-up of the armed forces or the fortifications of the country, or which aims at the violent overthrow of the regime or is directed against the territorial integrity of the State; an obscene publication which is obviously offensive to public decency, in the cases stipulated by law.¹

The Basic Law for the Federal Republic of Germany (article 5) guarantees the freedom of the press and the freedom of reporting by means of broadcasts and films, excluding censorship.²

According to the Constitution of the Republic Poland (article 54), the preventive censorship of the means of social communication and the licensing of the press shall be prohibited.³ Another example, the Constitution of the Republic of Moldova (article 33) guarantees the freedom of artistic and scientific creation and stipulates that the creative work shall not be subject to censorship.

We note, in this context, that the freedom of ideology is a prerequisite for freedom of creation, recognized as an indispensable element of the spiritual life of society, of democratic tradition, of the rule of law.⁴

Contemporary states recognize the importance of the spiritual life of society, for which reason they introduce, in the normative content of the

¹ *Constitution of the Hellenic Republic*, Constitutional Codex. Constitutions of European Union Member States.

² *Basic Law for the Federal Republic of Germany*, Constitutional Codex. Constitutions of European Union Member States.

³ *The Constitution of the Republic of Poland*, Constitutional Codex. Constitutions of European Union Member States.

⁴ I. Guceac, *Constituția la răscruce de milenii*, op. cit., p. 355.

Constitution, its basic principles: the formulations of the freedom of opinion, the freedom of scientific and creative activity, the freedom of the art, the protection of intellectual property, etc.

For example, the preamble to the Constitution of Egypt mentions the innovation, scientific and cultural role of the Egyptian state, because it is represented by the force of Egyptian thought, the creativity and the art, including the universities, the scientific centres, the linguistic and research centres, the press, the art, the literature and mass media, the National Church and the Al-Azhar University, with its history as the basic pillar of national identity, the Arabic language and Islamic Sharia as moderate thinking - part of illuminated thinking.¹

An indispensable condition for the freedom of scientific and artistic creation is the non-interference of the state in the processes of creation, for which reason the constitutions states the freedom of these activities. For example, the Constitution of Turkey (article 27) gives everyone the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields.² According to the Constitution of the Republic of Bulgaria (article 54), artistic, scientific and technological creativity shall be recognized and guaranteed by the law. The State shall protect all inventors' rights, copyrights and related rights. In the words of the Constitution of the Republic of Latvia (article 113) the State shall recognise the freedom of scientific research, artistic and other creative activity, and shall protect copyright and patent rights.³

In accordance with the Constitution, Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge, and the freedom of teaching within the framework determined by law. Moreover, the State shall not be entitled to decide on questions of scientific truth, and scientists shall have the exclusive right to evaluate any scientific research.⁴

The Constitution of the Republic of Estonia (Article 38) states that science and art and their teachings are free. Universities and research institutions are autonomous within the limits prescribed by the law.⁵ The Basic Law for

¹ *Историческая Конституция Египта*, worldconstitutions.ru/archives/61.

² *Конституция Турецкой Республики*, legalportal.am/download/constitutions/227_ru.pdf, accessed at 23.08.2017.

³ *Constitution of the Republic of Latvia*, Constitutional Codex. Constitutions of European Union Member States.

⁴ *Constitution of Hungary*, Constitutional Codex. Constitutions of European Union Member States.

⁵ *Constitution of the Republic of Estonia*, Constitutional Codex. Constitutions of European Union Member States.

the Federal Republic of Germany (article 5) states that the arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.

In Greece (article 16 of the Constitution), the arts and sciences, research and teaching are recognized as free, and their development and promotion is considered as an obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the Constitution. Education, in Greece, is a fundamental mission for the State and aims at the moral, intellectual, professional and physical training of Greek citizens, the development of national and religious consciousness and their formation as free and responsible citizens.

According to the Constitution of Portugal (article 42), the freedom of intellectual, artistic and scientific creation is guaranteed. This freedom comprises the right to invent, produce and divulge scientific, literary and artistic work and includes the protection of copyright by law.¹

Saudi Arabia (article 29 of the Constitution) safeguards science, literature and culture and encourages scientific research.² In Peru (article 2 paragraph (8) of the Constitution), every person has the freedom of intellectual, artistic, technical and scientific creation, as well as to ownership of such creations and to any benefits derived from them.

The freedom of scholarly, artistic and other forms of creative work, including the rights deriving from scholarly, creative or other creative activity, are guaranteed in Macedonia (article 47 of the Constitution).³ In Brazil (article IX of the Constitution) the expression of intellectual, artistic, scientific, and communications activities is free, independently of censorship or license.⁴

Some Constitutions do not mention the freedom of scientific and artistic creation, but only the guarantee of these activities. Thus, the Constitution of the Republic of Moldova (article 33) guarantees the freedom to create scientific and artistic works. The right of citizens to intellectual property, their material and moral interests related to various types of intellectual creation shall be protected by the law. According to the Constitution of the Republic of Yemen (article 27), the state guarantees freedom of scientific research and achievements in literature, art and culture. These

¹ *Constitution of the Portuguese Republic*, Constitutional Codex. Constitutions of European Union Member States.

² *Основной Низам (Положение) Королевства Саудовской Аравия*, www.worldconstitutions.ru/archives/86, vizitat la 24.05.2013.

³ *Конституция Республики Македония*, www.concourt.am/armenian/legal_resources/world.../macedon-r.htm.

⁴ *Конституция Бразилии (1988, русский текст)*, ru.wikipedia.org/wiki/, visited on 23.08.2017.

achievements, however, must correspond to the spirit and objectives of the Constitution.¹ The Constitution of Albania (article 58) guarantees all freedom of artistic creation and scientific research, including the profit from their results.² In Poland, the freedom of artistic creation, scientific research, the dissemination of their results shall be ensured to everyone (article 73 of the Constitution).

In order to create effective conditions for the realization of the freedom of scientific and artistic creation, the Constitutions oblige the state to take concrete actions for this purpose. Thus, the Constitution of South Korea (article 127) obliges the state to take all measures to improve the national economy by the development of science and technology, information and human resources, including the implementation of technical innovations.³

According to the Constitution of Afghanistan (article 47) the state shall devise develop effective programs for the development of science, culture, literature and art. The state shall guarantee the copyrights of authors, inventors and discoverers, and, shall encourage and protect scientific research in all fields.⁴ According to the Constitution of the Republic of Croatia (article 69), the state shall encourage and support the development of science, culture and art; shall protect scientific, cultural and artistic assets as national spiritual values.

In order to ensure the freedom of all forms of creation, the Egyptian State undertakes: to develop the spheres of science, art, literature, finance inventors, protect their innovations and apply them to the benefit of society (article 46 of the Constitution); to protect the autonomy of the Academies of Sciences, Linguistics and Research Centres and to allocate a sufficient percentage of national income for them (article 59 of the Constitution).

According to the Constitution of China, the state promotes the development of social and natural sciences, disseminates technical and scientific knowledge, and commends achievements in the field of scientific research, as well as inventions and discoveries in the field of technology (article 20).⁵

¹ Конституция Йеменской Республики, legalportal.am/download/constitutions/246_ru.pdf, vizitat la 23.08.2017.

² Конституции государств Европы. Москва: НОРМА, 2001 г.

³ Конституция Южной Кореи, legalportal.am/download/constitutions/119_ru.pdf, vizitat la 23.08.2017.

⁴ *The Constitution of Afganistan*, [on-line0] http://www.afghan-web.com/politics/current_constitution.html#chapterthree, visited on 04.04.2017.

⁵ Конституция Китайской Народной Республики Принята Всекитайским Собранием Народных Представителей 4 декабря 1982 г., (с изм. 1988, 1993, 1999, 2004 гг.), chinalawinfo.ru/constitutional_law/constitution, visited on 13.03.2017.

The Swiss Confederation promotes scientific research and innovation; it may establish, take over or run research institutes (article 64 of the Constitution).¹

The Government of Ethiopia (article 51 of the Constitution) shall establish and implement national standards and basic policy criteria for science and technology, as well as for the protection and preservation of cultural and historical legacies. The Government is also obliged:

- shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals, and the provisions Constitution;
- shall have the duty, to the extent of the its resources permit, to support the development of the arts, science and technology (article 91 of the Constitution).²

The Government of Iran is obliged to use all its resources for the fostering of a spirit of research, innovation, and originality in all areas of scientific, technological, cultural, and Islamic fields through the establishment of research centers and the encouragement of researchers (article 3, paragraph 10 of the Constitution).³ In Qatar (article 24 of the Constitution), the dissemination of art and science, the protection of cultural and national heritage, the contribution to scientific research is one of the tasks of the State.⁴

The Portuguese State (article 73 of the Constitution) state shall promote the democratisation of culture by encouraging and ensuring access by all citizens to cultural enjoyment and creation. In the case of scientific creation and discoveries, including technological innovations, the state shall encourage and ensure their freedom and autonomy, strengthen competitiveness and ensure articulation between scientific institutions and enterprises. However, one of the primary tasks of the state (article 81 (l) of the Constitution) consists ensure the existence of a science and technology policy that favours the country's development.⁵

¹ Союзная конституция Швейцарской Конфедерации от 18 апреля 1999 года, www.concourt.am/armenian/.../swiss--r.htm, visited on 14.04.2017.

² Constitution of the Federal Democratic Republic of Ethiopia [on-line] <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>, visited 29.01.2017.

³ Конституция Исламской Республики Иран, www.cis-emo.net/sites/.../constitution_of_iran.p..., visited la 14.03.17.

⁴ Конституция Катара, worldconstitutions.ru/?p=92, visited on 14.03.2017.

⁵ Constitution of the Portuguese Republic, Constitutional Codex. Constitutions of European Union Member States.

The Vietnam Constitution (article 37) confers for science and technology the primordial role in the socio-economic development process. To achieve this goal, the state develops and implements science and technology policy, develops modern science and technologies, takes care of the balanced development of all branches of science to create scientific bases, to develop the basic vector of policy and legislation for the renovation of technologies, the development of the productive forces, the raising of the management qualification, ensuring the optimal quality of the economic development, in order to ensure the real contribution for the national defence and the state security. The Vietnamese State finances and stimulates the allocation of resources devoted to science from different financial sources, offers privileged conditions to the priority branches of science and technology, takes care of the preparation and rational use of technical and scientific workers, especially those with a high level of qualification, creates conditions for creative and abnegating work of scientists, develops various forms of organization of scientific research activity, ensures the cooperation between the scientific researches and the sphere of production and entrepreneurship (article 38 of the Constitution). The State has the task of expanding cooperation with other countries in the fields of culture, informatics, literature, art, science, technology, etc. (article 43 of the Constitution).

According to the Constitution of Turkmenistan, the state encourages scientific and artistic creativity and distribution of its positive results, promotes development of international relations in the fields of science, culture, education (article 11).¹ In the text of the Constitution of Ukraine (article 54) it is mentioned that the state shall contribute to the development of science, to the establishment of scientific relations with the international community.²

The Republic of Macedonia (article 47 of the Constitution) stimulates, assists and protects the development of scholarship, the arts and culture, stimulates and assists scientific and technological development.³ The Constitution of Malta (article 8) requires the state to promote the development of culture, scientific and technical research.⁴ In Spain (Article 44 of the Constitution), the state shall promote and watch over access to cultural opportunities, to which all are entitled, shall promote science and

¹ Конституция Туркменистана, www.turkmenbusiness.org/node/127, visited on 14.04.2017.

² Конституция Украины rada.gov.ua/uploads/documents/27396.pdf, visited on 18.06.2017.

³ Конституция Республики Македония, www.concourt.am/.../legal.../macedon-r.htm, visited on 14.04.2017.

⁴ *Constitution of Malta*, Constitutional Codex. Constitutions of European Union Member States.

scientific and technical research for the benefit the general interest. The Constitution of Yemen (article 27) obliges the state to provide the necessary means, support and promote technical and scientific inventions, artistic works and to protect achievements in this field.

Concerning the case of the Republic of Moldova, we note that the Constitution does not operate with the notions of “innovation”, “innovative”, “innovation development”, “innovation policy”, but some of its rules create important premises for a modern society and its development on innovative principles. In particular, the rights enshrined in Title II of the Constitution contribute to creating the necessary conditions for the formation and development of an innovative economy. However, in our opinion, this is not enough, and progress in building an innovative economy should be a reform involving major changes in the Constitution of the Republic of Moldova.

Recognizing the axiomatic character of the statement that “the supreme law in the State is the Constitution”,¹ we reiterate that the values embodied in its content are particularly important for the existence of a knowledge-based society.

The mention of the status of the innovative state in the Constitution of the Republic of Moldova can serve as a proof of a tendency to strengthen our efforts with a view to a sustainable development of our society. This would be an impetus not only for economic and technological development, but also for reforming the social sphere, the governance system and the entire social order.

An important effort, in the foundation of the innovative state characteristic for the Republic of Moldova, would be official recognition, by sating this phrase in article 1, paragraph (3) of the Constitution (*Republic of Moldova is an innovative ...*). The constitutionalization of the “innovative state”, in our opinion, would enhance the guarantee of this strategic objective, by legal norms subordinated to the provisions of the Fundamental Law, would make the Constitution a driving force in the state's innovative development process.

Of course, we do not refer to the detailed introduction in the Constitution of the concept of innovative activity and the mechanism for its implementation, but only of establishing a general framework for regulating this area.

¹ Guceac I., *Dreptul la apă - un nou drept fundamental al omului*, Revista „Akademos”, nr. 3 (18), 2010, p. 44.

Solving the different types of collisions in the branch legislation, creating a reliable and sustainable foundation for building an innovative economy, strengthening the importance of these trends in the life of our society could be ensured by including in Title II "*Fundamental Rights, Freedoms and Duties*" of the Constitution, of the fundamental right to innovative activity.

The inclusion of this right in the category of fundamental rights will lead, inevitably, a series of positive changes. Firstly, it will contribute to the even interpretation of the notion of innovation, which the legislator will include in various legislative acts. Secondly, becoming an element of the content of the legal capacity of every citizen of the Republic of Moldova, this right will give everyone the possibility to follow this direction of activity.

Moreover, being at the level of fundamental rights, it will gain additional opportunities for implementation, because even in that article of the Constitution, there will be dedicated not only the subjective right, but also certain safeguards to achieve it.

In our opinion, the promotion of these reforms will ensure:

- the acceleration of the investment process in innovation, in order to increase the production of new goods, services, techniques, modern technologies, as well as in the modernization of state institutions, identifying new forms and patterns of interaction between the individual and the state, based on a harmonious collaboration between science and democracy, in state administration;
- the realization of the principles of equity, personal responsibility, the personal involvement of each citizen in the constitutional processes of state construction;
- the recruitment of a new generation of the political elite. In the case of a decline in public confidence in the political class and the increase in electoral absenteeism, the intellectual elite, as a driving force in the modern economy, will begin to promote its members or those in which it trusts among the political elite.

Thus, taking over and implementing best constitutional practice will allow us to move from the theoretical aspect of the doctrine of innovative state, to the creation of a real and viable model of such a state, which in the last resort will contribute to the strengthening of sovereignty.

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