
POLITICAL ISSUE 1(31), 2019
SCIENCE ISSUES
Academic journal

MOSCOW, 2019

POLITICAL SCIENCE ISSUES

Academic journal

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**ESTABLISHED BY LLC
"PUBLISHING HOUSE
"SCIENCE TODAY"**

The Journal is published with
the participation of the Institute
of modern policy of the Peoples'
Friendship University (RUDN)

The Journal is registered
by the Federal Service
for Supervision of Mass Media,
Communications and Protection
of Cultural Heritage

Reg. Number PI No.FS77–46176
of August 12, 2011
The Journal is published quarterly

The journal is included
in the database of the Russian
Science Citation Index

The Five-year Journal's
impact factor is 0,808

The Journal is included
in Ulrich's Periodicals Directory

Academic papers published
in the journal undergo obligatory
editorial checking.

The authors' opinion not always
coincides with the opinion
of the Editorial Board.

At reprint of the article or a part
of it the reference to the Journal
is obligatory.

Address of the editorial office:
10, Zagoryevskaya street, building 4,
office 4, Moscow, Russia, 115598
Tel: (910) 463-53-42
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Signed for printing on 25.03.2019
Format 60x84/16. Offset paper.
Offset print.
Number of printed sheets
Circulation 500 copies.
Order 0000.

Printed at the LLC "PrintUP"
Nagorny drive, 12c1,
Moscow, Russia, 117105
Tel.: +7 (495) 925-00-06

CONTENTS

THEORY, HISTORY AND PHILOSOPHY OF POLITICS

- Boltenkova L.F., Ryabova E.I.** Territory of the Russian Principalities
in the IX-XII Centuries and the Today Importance of this Issue 4
- Goncharova L.N.** Analysis of Geopolitical
and Geo-Economic Interaction of Regional Systems 13
- Morozov I.L.** Left-Wing Extremism in Modern Russia:
Definition, Classification, Trends 19

POLITICAL INSTITUTIONS, PROCESSES AND TECHNOLOGY

- Glebov V.A., Grossman O.D., Grishin V.O.** Methods of Countering
the Spread of Radical Ideas in Russia: Current Perspective 26
- Grishaeva O.N., Nesterchuk O.A., Belyaeva V.P.** Scenarios of Stability
and Variability of the Russian Institute of Presidency in the Context of Social
and Political Transformations 33
- Avtsinova G.I., Burda M.A.** Youth Policy in Modern Russia.
Absenteeism and Political Protest..... 40
- Tatarov R.A., Franz A.S.** The Contours of the Political Regime
of the Transnistrian Moldavian Republic in the Context of the State-Building 46

PROCESS POLITICAL PROBLEMS

OF INTERNATIONAL RELATIONS AND GLOBALIZATION

- Mikhailenko A.N.** Modern Stage in the Formation of Polycentric World 53
- Lebedeva M.L.** Power Technologies of the Organizational Model
of French Regional Policy 62
- Rodionova M.E.** Image Forming Technologies
of the European Politicians (before and after the Election Campaigns)..... 73
- Kurbonova Z.M., Ikromova M.N.** The Role of Russian Federation
in the Preventing of Inter-Tajik Conflict 79

REVIEWS

- Kozmenko V.M., Beresnev R.A.** Review of the article
by Grishaeva O.N., Popova S.I., Belyaeva V.P., Grishina V.O.
“The Fourth Presidential Term of V.V. Putin: New Challenges” 83

- OUR AUTHORS 89

THE CONTOURS OF THE POLITICAL REGIME OF THE TRANSNISTRIAN MOLDAVIAN REPUBLIC IN THE CONTEXT OF THE STATE-BUILDING PROCESS

The article is a scientific study of the formation and functioning of the political regime in the dynamics of the state building of the Transnistrian Republic. The analysis of the Transnistrian statehood phenomenon is fully based on the existing methods of political theory and sociological Sciences. The authors present the Genesis of the political and legal world in the Transnistrian realities through the prism of the implementation of the main directions of domestic and foreign policy of the Transnistrian Moldavian Republic. The variety of approaches to the interpretation and typology of the political regime in the mirror of Transnistrian realities made it possible to identify and justify the existing trends in the political process of Transnistria.

Key words: *Transnistria, the political state building, the USSR, the Constitution, referendum, President, the people.*

The processes of formation of the Transnistrian Moldavian Republic and the institutional basis of its political system at the turn of the 1980s and in the early 1990s proceeded in line with the opinion of the population of the Republic expressed during the referendums. The first referendums in Transnistria were held in Rybnitsa on December 3, 1989, in Tiraspol on January 28, 1990 and in Rashkov village of Kamensky district on March 4, 1990. Out of 471 907 registered voters, 370 101 or 79 percent took part in the referendum. Of these, 355 345 people (95.8 per cent) [12] voted for the formation of the TMSSR. The results of these referendums laid the foundation for further actions of the Transnistrian leadership on the way to building an independent state.

The genesis of Transnistrian statehood reflects the process of formation of the Republic's own legislative base. The nature of the process of gaining the sover-

eignty by Transnistria proceeded through the generation of the legal framework, focused on changing the administrative and territorial structure of the formed state. Conventionally, the formation of the legal field of TMR can be expressed through the following stages:

1990-1991 – legal acts of the USSR and MSSR not contradicting the legal framework of Transnistria remained in force;

1992-1995 – the birth of its own legal framework (the 1991 Constitution of TMR) mainly through introduction of Soviet legal acts (“cover” method);

1996-2000 – creation of its own regulatory framework through adaptation of regulatory legal acts of neighboring states, mainly Russia;

2000-2006 – complete transition to its own state legal framework.

The process of substantiation of the political and legal field in the Transnistrian realities since the launch of the process of sovereignization proceeded according to the logic of legal registration of the independence of Transnistria.

Realization of the specifics of the Transnistrian political regime is based on the need to identify the features of the institutional architecture of the TMR political system. This process was launched in 1990. It was based on the referendums held in the territory of Transnistria. Formation of public administration bodies at the dawn of Transnistrian statehood started in 1990 on the basis of district and city councils. During that period of time, until 1995, the first Transnistrian Constitution was in force, which proclaimed Transnistria a sovereign and independent state within the USSR. After the collapse of the Soviet Union, a new reality has emerged.

The national republican referendum held in 1995 proclaimed the Transnistrian Moldavian Republic an independent state with a presidential-parliamentary form of government. About 82% of voters voted for the adoption of the new Constitution [10. P. 130]. Since 1995, Transnistria has been developing in accordance with the new conditions: a model of public administration is being established and systematized, mechanisms aimed at achieving the priorities of domestic and foreign policy are being formed, a system of checks and balances is being formed, and the principle of separation of powers is being formalized.

In 2001, Transnistria approved its status of a presidential republic. This led to the strengthening of the vertical of power, to more rigid centralization and formation of new trends in the political system of TMR. Until 2011, the system, in fact, has not been reformed, it was characterized by such features as stability and consistency.

In 2011, a constitutional reform was carried out, it eliminated the post of Vice-President and a new state position – the Chairman of the Government of Transnistrian Moldavian Republic was introduced. Thus, the President of the state ceased to combine the functions of the head of the state and the head of the government. The lines between the branches of power have become more pronounced.

Proceeding from the features of state-building in Transnistria, it is possible to trace the dynamics of development of the political regime in the state.

Formed on the fragments of the Soviet Union, TMR since its foundation acquired a clear outline of the political system that gives us the right to assert that a political regime in the country was born.

One. The very fact that the TMR was built “from below” indicates to the presence of an effective mechanism for an active participation of the people in the life of the state, which is a fundamental criterion of a democratic political regime. Today, the mentality of the Transnistrian people can no longer be confused with the mentality of the people of the Republic of Moldova, as rightly pointed out by V. Kolosov and D. Zayats, well-known Russian ethnopolitologists. Its own specific Transnistrian socio-cultural features become more and more pronounced. Of course, the process of formation of the Transnistrian people and its mentality is far from over. Whether it can be filled with positive, unique and distinctive content will depend on many factors: success of state-building, economic and political stability, social and ethnic cohesion, spiritual development, observance of the principles of justice and the rule of law in public life, and others [8].

Two. Bringing to the forefront strategic priorities to justify its own statehood created conditions under which the main burden fell on the political leader and his will. German sociologist Max Weber in his work *Politics as a vocation and profession* justified the idea that during the transition period of the state, its movement towards prosperity mainly depends on the will of the political leader. The achievement of the goal can be dictated by the political leader's charisma. According to Max Weber “full personal loyalty and personal trust caused by the presence of the qualities of the leader in one person: revelations, heroism and others – charismatic domination” is one of the foundations of legitimacy [11. P. 646]. It is difficult to view the leadership by I.N. Smirnov as such type of leadership by a charismatic personality in its pure form since the adherence to certain procedures of a formal nature in some cases suggests that in the early 90-ies of XX century the personality of the Transnistrian leader was complementary, combining charismatic and rational-bureaucratic types of leadership, once again confirming the dominance of democratic values in Transnistria at the dawn of its statehood.

Three. After the status of the head of state in Transnistria was changed in 1991 and the first Transnistrian Constitution was adopted, in which the democratic type of regime was enshrined [7], further development of the foundations of the state policy could not contradict the norms of the Constitution. This fact suggests that the development of the political regime in Transnistria is in the competence of independent bodies: the Prosecutor's Office and TMR's judicial system. This reflects the maturity of not only the foundations of the constitutional system and the political system, but also the formation of a certain type of political culture, which is one of the criteria for identifying the type of political regime.

Four. The entrepreneurial system of recruiting the political elites, which is dominant in Transnistria, has retained its strength to this day. The system is based on the dominance of personal and professional qualities for the selection of the civil service personnel. It is the nature of the renewal of the political elite and the state apparatus that make up the next criterion for determining the type of political regime. In his work, American scientist Robert Dahl paid a lot of attention to the nature of the functioning of the state power institutions from the standpoint of criteria of the political regime. He wrote: "I think that, in accordance with historical experience it can be said that any association whose government meets the criteria for effective participation and equal voting in this respect governs itself through democratic process" [3. P. 165].

Five. The constitutional reforms carried out in the history of the TMR have made it possible to form a developed system of checks and balances, as well as to fully ensure the functioning of the principle of separation of powers. In his treatise *"On the spirit of laws"* French philosopher Sh.L. Montesquieu argued that the state has three types of power: legislative, executive and judicial. Even if two types of power are combined in one person or institution, it can lead to abuse. The philosopher pointed out that the separation of legislative, executive and judicial powers should be in any form of government, both monarchy and democracy. Herewith: "Political freedom is not about doing what you want. In a state, that is, in a society that has laws, freedom can consist only in the ability to do what is necessary to want, as well as in the ability not to be forced to do what one cannot want. Freedom is the right to do whatever the laws allow [6]."

Six. The dominance in the system of economic structure of the national economic complex of the principles of market economy based on competition indicates non-interference of the state in the non-state sphere and, consequently, in private property. Back in the XV century, the Italian philosopher and politician Niccolo Machiavelli believed that the purpose of the state and the basis of its strength is the safety of the individual and the inviolability of property. "A person who is deprived of any benefit never forgets it: the slightest need is enough to remind him of it; and since his needs are renewed every day, he remembers it every day [5]." Machiavelli called the inviolability of private property, as well as the security of the individual, the benefits of freedom, and considered them the purpose and basis of the strength of the state. The state of affairs in Transnistria reflects the mood in society. In the public opinion of Transnistrians, the vast majority of TMR citizens – 63.4 per cent are in favour of a moderate combination of free enterprise and government regulation [2].

Seven. An institutional system has been formed in Transnistria to ensure the expression of citizens' will through referendums and elections. This burden falls on the TMR CEC. Therefore, the creation of CEC as a state body of special competence has become an important element of impartiality in the period of forming and holding elections in the TMR. It should be noted that all citizens of TMR who

have reached the age of 18 have the right to vote [4]. These facts form a holistic view of the supporting structure of the electoral process as one of the criteria for determining the type of political regime. It should be noted that such thesis has become an active ideological tool of globalism in the process of formation and dissemination of conceptual provisions of the unipolar world that uses a single pole for measuring all political regimes. As noted by the former head of the CEC Vladimir Churov: "Implementation of the programs aimed at the establishment of world domination through the imposition of pleasing political regimes is covered by the alleged defense of such international goals of electoral observation as protection of human rights and dissemination of democratic values and freedoms" [9].

Eight. The absence of state monopoly on mass media and freedom of opinion in Transnistria once again demonstrate a strong commitment to democracy. Democratic states encourage a variety of sources of information and competition between them. The filter system is not supposed to be of administrative but of normative character. It is not the state but the society that should be the "censor" of the media. However, it's too early to speak about the full freedom of the media in Transnistria. Results of sociological surveys on the topic of media freedoms in Transnistria show that 63.5 per cent of the citizens of Transnistria to a varying degree believe in the absence of media freedom, at the same time, 27.8 per cent of the citizens of Transnistria noted that "one can write about anything except criticizing the authorities" [2].

Nine. The principles enshrined in the Transnistrian Constitution like equal participation of all citizens in public and political life find their practical embodiment. American political scientist Robert Dahl pointed out to the characteristics that should be inherent in all democratic regimes "...this is a high degree of tolerance; ability to settle conflicts peacefully and find compromises; trusted leaders capable of resolving conflicts in this way, that this does not cause complaints from their supporters; consensus on issues of basic goals and values, wide enough to this agreement proved to be achievable; national self-identification, the vast majority of openly separatist aspirations; commitment democratic procedures excluding violent or revolutionary measures [1. P. 159]."

It is also worth bearing in mind the indicator of discontent and readiness for active action, expressed in open protests against the existing course of the Transnistrian leadership. Currently, the share of those ready to participate in such protests constitutes 5.7 per cent [2].

Thus, the parameters of the political regime in the Transnistrian Moldavian Republic are based on the classical criteria for determining the place of the political regime in the political system of the state. The polls most fully reflect the expectations of Transdnestrians.

The features of the formation of the political regime in Transnistria revealed in the course of the study can be characterized from the position of domination

in the political system of the Republic of the principles of egalitarianism with the presence of certain existing principles elitism, which are the least pronounced. Therefore, it should be noted that the modern political regime in Transnistria can be assessed as democratic with certain manifestations of authoritarianism, which are characteristic of the Transnistrian state since its formation.

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