

## THE SIGNIFICANCE AND APPLICABILITY OF THE PRINCIPLE OF THE TERRITORIAL INTEGRITY OF THE STATE: A CONSTITUTIONAL LAW RESPONSE TO CONTEMPORARY CHALLENGES

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### Abstract

*The unity and territorial integrity of the state are among the most complex objects of scientific inquiry. In the study of these characteristics, specific to any state, multiple assessments and tendencies, social and political interests, as well as diverse ideological perspectives of researchers intertwine, which accounts for the divergence of the views expressed.*

*Although legal doctrine contains numerous valuable approaches to the issue of territory in relation to the Constitution, scholarly interest in the problem of the state's unity and territorial integrity remains constant. An analysis of the experience gained in various states regarding the legal safeguarding of unity and territorial integrity demonstrates the necessity of establishing a generally accepted definition of the concept of "territorial integrity", identifying the mechanisms by which it is ensured, determining the hierarchy of authorities involved in guaranteeing territorial integrity, and defining the grounds and procedures for the application of measures intended to secure territorial integrity.*

*In pursuit of these objectives, a methodological repertoire was employed that includes, in particular, the logical method, which enabled the examination and clarification of various views concerning the concept of "state integrity", and the systemic method, which made it possible to identify certain types of modes of interaction, and patterns of functioning between the "whole" and its constituent parts, thereby highlighting their role and importance in maintaining state integrity.*

*Through the application of these methods, it was established that the state possesses a series of individual features. Recognizing the diversity of the forms of state integrity, continually interacting and interdependent, it was determined that one of the essential tasks of the state, within the inevitable process of evolutionary transformation prompted by integration into the European and*

*international legal sphere, consists in the preservation of identity elements historically established to be well-founded and validated both by the experience of other states and by the reliability of its own state mechanism.*

**Keywords:** *Constitution, constitutional law, state, territorial integrity.*

## I. Introduction

Viewed through the lens of unity and territorial integrity, the state represents one of the most complex objects of inquiry in constitutional law. It brings together multiple forms of homogeneity and divergence, competing social and political interests, and a wide range of ideological perspectives among scholars, which accounts for both the diversity of analytical methods employed and the plurality of viewpoints advanced.

Notwithstanding the confrontation of political interests, beliefs, ideals, or even prejudices, and regardless of the degree to which scholarly approaches may be detached from social realities, the fundamental and objective importance of issues concerning the organization of the state and the structure of public authority cannot be disputed. Under certain conditions, these issues may serve as a powerful driver of culture and progress; under others, they may become instruments of despotic repression of the individual.

The novelty of the present study is largely determined by the fragility of the state's territorial integrity, demonstrated, among other factors, by the Russian invasion of Ukraine, an intervention described as “one of the most significant disruptions of the global order since the Second World War,” and “more destabilizing” than numerous other conflicts occurring in the same period<sup>1</sup>. Recently, the European Parliament adopted a resolution that firmly condemns the Russian Federation’s hybrid operations in the Republic of Estonia, Republic of Poland, Romania, and the Republic of Moldova, as well as the use of drones to attack critical infrastructure. Such actions by the Russian Federation are characterized as part of a systematic hybrid war aimed at destabilizing the European Union (EU) and the North Atlantic Treaty Organization (NATO). While the resolution encourages NATO activities involving the interception and escorting of Russian aircraft and the neutralization of drones, it does not impose any obligation on EU member states to undertake any concrete military action<sup>2</sup>.

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<sup>1</sup> Ian Brunk, Monica Hakimi, *Use of Force, Territorial Integrity and World Order: A Response*, Centre for International Law, National University of Singapore, 2023. Document available at: <https://cil.nus.edu.sg/blogs/use-of-force-territorial-integrity-and-world-order-a-response/>. Accessed on 02.09.2025.

<sup>2</sup> European Parliament, *European Parliament resolution on Russia’s violations of EU and NATO airspace and hybrid warfare activities*, European Parliament, Brussels, 2024. Document available at: <https://www.europarl.europa.eu/>. Accessed on 02.09.2025.

Another element of novelty lies in the attempt to move away from a strictly legal model of knowledge, characterized by the rigor of doctrinal concepts related to the state's territory. The objective is not to demonstrate the primacy of any particular model of integrity, but rather to highlight the actual expression and embodiment of such models in the organization of the state.

The war launched against Ukraine<sup>3</sup> with the aim of territorial acquisition, alongside the phenomenon of hybrid warfare and other threats to state integrity, highlights not only the importance of examining this issue but also the relevance of the researcher's ideological positioning and the methodological approach adopted. Accordingly, in applying the logical method to the analysis of constitutional law processes arising from the organization of society within the state and the functioning of public authority, due consideration was given to the diversity of perspectives surrounding the concept of "state integrity".

It was likewise necessary to employ the systemic method, which makes it possible to identify, within the state, specific types of interactions, modes of interdependence, and patterns of functioning between the whole and its constituent elements, thereby clarifying their role and significance in ensuring state integrity. Given the complexity of the state as a system, it is therefore reasonable to assume that the sources of its transformations and functional dynamics originate within the system itself.

Through the application of the systemic method, it was reaffirmed that the state, as a self-organizing system, possesses a set of characteristics unique to it, forming an organic whole. In this respect, the state exhibits an essential systemic quality that enables a coherent explanation of both its internal and external dimensions.

Understanding the content of the principle of territorial integrity also requires an examination of certain fundamental premises, involving, first and foremost, recourse to the origins and historical evolution of philosophical categories such as "integrity", "whole," and "system," and their projection onto the structure of the state. Without the latter, the development of a coherent understanding of the mechanism for ensuring state integrity is considerably constrained.

## II. Philosophical Foundations of the Territorial Integrity of the State

As philosopher Immanuel Kant rightly observed, "the system of any philosophical knowledge is philosophy<sup>4</sup>". Philosophy itself, according to Kant, is "the science of the relation of all knowledge to the essential ends of human reason (teleologia rationis

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<sup>3</sup> Representatives of the Member States of the European Union condemned the violation of Ukraine's sovereignty and territorial integrity by the Russian Federation. See Council Regulation (EU) No. 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, *Official Journal of the European Union*, 2014. Available online at: <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32014R0269>. Accessed on 01.09.2025.

<sup>4</sup> Immanuel Kant, *Critique of Pure Reason*, third edition edited by Ilie Pârnu, IRI Publishing House, Bucharest, 1998, p. 315. Available at: <https://www.academia.edu/40717805/>. Accessed on 02.09.2025.

humanae)<sup>5</sup>". In his work *The Principles of the Philosophy of Law*, Georg Wilhelm Friedrich Hegel notes that philosophy "is concerned with ideas<sup>6</sup>". In the view of the latter, jurisprudence, as a branch of philosophy, must therefore "develop the Idea, which is the reason within an object, out of the concept; or what comes to the same thing, it must observe the proper immanent development of the thing itself<sup>7</sup>".

In the history of philosophical and scientific reflection on integrity, understood as coherent totality, several periods can be distinguished, beginning with the ancient doctrines of Plato concerning the state, politics, and law. Their system of thought reflected the worldview of antiquity, according to which the state was understood as an expression of a divine cosmic order. In Plato's writings, the priority of the state, as a whole, over its parts was emphasized. Referring to the territorial dimensions of the ideal state, he stated that the limit of "the growth of the city" is as follows: "up to the point where it preserves its unity, but no further," the city being neither small nor large in appearance, "but only as large as necessary, while preserving its unity"<sup>8</sup>. According to Plato, one way to achieve the unity and integrity of the state is for each citizen to focus exclusively on their own role in society, "being only one, and not manifold, so that the city may develop and not become multiple"<sup>9</sup>. The well-organized state, in the conception of the Greek philosopher, is comparable to the human body, whose pleasure (i.e., health) or pain depends on "the way it behaves in relation to one of its parts"<sup>10</sup>, and "the laws will strive with all their power to make the state as unified as possible"<sup>11</sup>.

A thorough understanding of the relationship between part and whole was enabled by Hegel's dialectical method. "The whole," he indicated, "is not an abstract unity, but the unity of a differentiated diversity; however, this unity, within which the diverse elements stand in relation to one another, constitutes the determination of that diversity by virtue of which it exists in the form of parts... But the whole is a unity reflected into itself, whereas the parts represent a determinate moment or a mode of existence of otherness in relation to unity and, as such, they constitute a differentiated diversity. The whole is not equal to its parts as separate entities; it is equal to them only in their totality. This totality is nothing other than their unity – the whole as such. Thus, the whole, in its parts, is equal only to itself, and the equality between whole and parts expresses only the tautology according to which the whole, as whole, is not equal to the parts, but to the whole"<sup>12</sup>.

Referring to the state, Georg Wilhelm Friedrich Hegel wrote that it is real only insofar as the interest of the whole is realized through its division into particular ends.

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<sup>5</sup> Immanuel Kant, *Critique of Pure Reason*, third edition edited by Ilie Pârnu, IRI Publishing House, Bucharest, 1998, p. 316. Available at: <https://www.academia.edu/40717805/>. Accessed on 02.09.2025.

<sup>6</sup> Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, IRI Publishing House, Bucharest, 1996, p. 21.

<sup>7</sup> Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, IRI Publishing House, Bucharest, 1996, p. 22.

<sup>8</sup> Plato, *The Republic*, Antet Publishing House, 2010, p. 114.

<sup>9</sup> Plato, *The Republic*, Antet Publishing House, 2010, p. 114.

<sup>10</sup> Plato, *The Republic*, Antet Publishing House, 2010, p. 160.

<sup>11</sup> Plato, *The Laws*, IRI Publishing House, Bucharest, 1995, p. 156.

<sup>12</sup> Georg Wilhelm Friedrich Hegel, *Science of Logic*, Primedia E-Launch LLC, 2017, p. 467.

Reality always consists in the unity between necessity and particularity, in the division of the universal into particularities that seem autonomous, although they exist and are sustained exclusively within the whole. In the absence of this unity, a phenomenon is not real, even if it may appear to exist. It should be noted that the diverse philosophical definitions of the categories “integrity,” “unity,” and “system” provide a foundation for identifying logical frameworks to analyze the state both as an integral entity and as a system.

First, a particular form of integrity can be understood as a developmental stage of a broader integrity, with this development being objectively determined.

Second, the concept of integrity has become a central element of the systemic approach, enabling the identification of the levels of integration between parts and the whole, the hierarchy among these levels, the functional roles of the system and its subsystems, and the challenges associated with governing complex systems, including the state.

### III. Territory in the Doctrine of Constitutional Law

History has demonstrated that territory, as a constituent element of the state, has been and remains a stumbling block in maintaining peaceful coexistence among states. Both in Romanian political thought and in Romanian legal doctrine, the issue of territory in relation to the Constitution frequently appears in scholarly debates. In a lecture delivered by Nicolae Iorga, a prominent figure of his time, devoted to the constitutional development of Romania, stated that: “a state must possess a territory beyond which there can be no excursions or adventures that endanger its very existence”<sup>13</sup>.

Considering that the state “finds itself threatened in its integrity,” Professor Ion Gruia justified the right of the state to take “exceptional measures”<sup>14</sup>.

The focus on the issue of territory by scholars is not accidental, because, as Professor Ion Deleanu observes, it cannot be reduced to the meaning of a mere “space” or an “arbitrary natural unit,” since it performs a role “of utmost importance, one that exceeds the strictly technical interest of defining the state”<sup>15</sup>.

Scientific interest in the problem of territory is further supported by the essential and irreplaceable functions attributed to it, the most relevant for the purposes of this study being the following:

- forming the foundation on which the process of integration (transforming indefinite and unstable populations into a coherent unity) is based;

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<sup>13</sup> Nicolae Iorga, *The History of the Romanian Constitution*, in *The 1923 Constitution in Contemporary Debate*, Humanitas Publishing House, Bucharest, 1999, p. 31.

<sup>14</sup> Ion V. Gruia, *Course in Constitutional Law*, University of Bucharest, 1944-1945, p. 109.

<sup>15</sup> Ion Deleanu, *Constitutional Institutions and Procedures: In Romanian Law and Comparative Law*, C.H. Beck Publishing House, Bucharest, 2006, p. 364.

- embodying and functioning as a protective mechanism for the national idea;
- determining “the scope and prerogatives of public authority,” as well as its sovereignty and independence<sup>16</sup>;
- stabilizing a population and “accelerating the process of nation-building and the development of national sentiment”<sup>17</sup>.

It should also be noted that one of the functions of territory consists in providing individuals with a space in which to live, from which derives the right to domicile and the inviolability of the household against any unlawful interference – rights enshrined in Constitutions.

At the end of the 1870s, the politician and diplomat Dimitrie Bolintineanu listed among the defining characteristics of a nation its right to preserve its existence, its territorial integrity, and its national interests<sup>18</sup>.

#### IV. The Principle of Territorial Integrity in the Sphere of Constitutional Law

Although issues concerning the integrity of a state’s territory are both complex and sensitive, they remain relatively underexamined in the specialized literature. Nonetheless, it is essential to acknowledge the existence of studies that address particular dimensions of this problem, providing a foundation for further research.

Professor Cristian Ionescu, addressing the issue of a state’s territory, concludes that it is *indivisible* and *inalienable*<sup>19</sup>. *Indivisibility* signifies the unity of the territory, by virtue of which it cannot be “divided or transferred to other state entities”<sup>20</sup>, a characteristic attributed also to modern states. The *inalienability* of the territory, in the view of Professor Cristian Ionescu, “reinforces its indivisibility”<sup>21</sup>. Beyond other forms of “alienation,” some authors include within the content of inalienability the exclusion of “any practices of abandoning parts of the state’s territory”<sup>22</sup>.

One of the founders of Romanian constitutional law, Professor Constantin Disescu, upheld the principle of inalienability, being convinced that “by alienating the

<sup>16</sup> Ion Deleanu, *Constitutional Institutions and Procedures: In Romanian Law and Comparative Law*, C.H. Beck Publishing House, Bucharest, 2006, pp. 364-365.

<sup>17</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, p. 144.

<sup>18</sup> Dimitrie Bolintineanu, *The Book of the Romanian People: Philosophical and Political Reflections in Relation to the Present Condition of Romania*, Wiess Publishing House, Bucharest, 1869, cited in C. Gh. Marinescu, *The Consciousness of National Unity in Romanian Thought and History*, Danaster Publishing House, Iași, 2012, p. 26.

<sup>19</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, p. 145.

<sup>20</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, ISBN 978-606-18-0862-5, p. 145.

<sup>21</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, ISBN 978-606-18-0862-5, p. 145.

<sup>22</sup> *The Constitution of Romania: Article-by-Article Commentary*, 2nd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, ISBN 978-606-18-0847-2, p. 36.

territory, the Romanian social body itself would be alienated,” such that any cession, “whether voluntary or forced, entails the death of the State”<sup>23</sup>.

Another characteristic attributed to the territory of the state is its *impenetrability*, understood as “the prohibition of another state exercising command authority on the territory of a given state”<sup>24</sup>. Although this characteristic is not frequently mentioned in works of constitutional law, the term was already known at the beginning of the twentieth century and was interpreted by Professor Constantin Dissescu as the inadmissibility of any state “exercising political authority on the territory of Romania, nor performing acts of political power of any kind”<sup>25</sup>.

From the perspective of its evolution, the principle of territorial integrity has followed a long trajectory: from a non-binding principle appealing to the protection of territorial integrity and stressing the inadmissibility of fragmenting the state or detaching parts of its territory, to a fundamental principle of law, recognized generally, which guarantees not only the integrity but also the inviolability of the state’s territory, namely, the inadmissibility of any “interference” with its territory and its borders. Interpreting the principle of territorial integrity of the state provides grounds for including within its content the unity of the system of state power, territorial integrity, and the unity of the constitutional and legal system.

The purpose of defining “integrity” can be understood as fulfilling a generalizing and integrative function with respect to what has already been accomplished. Moreover, any definition of integrity as a philosophical concept is necessarily provisional, shaped by the specific historical conditions prevailing at the time the category is examined.

Under contemporary constitutionalism, the constitution becomes an autonomous normative reality, asserting itself as the foundation and guarantee of a unified legal space throughout the entire territory of the state. Accordingly, the principle of territorial integrity is a notion found in numerous constitutions which, shaped by certain factors influencing legal configuration, manifest differing approaches to this principle.

It is axiomatic that the fundamental legal principles governing the delimitation of a state’s territory, within which the state exercises full and exclusive sovereignty, should be enshrined in the Constitution. In this manner, the borders demarcating one state’s territory from that of another are definitively established. As Professor Cristian Ionescu observes, one of the principal functions of the state border is to define a threshold which, “once violated by a foreign state, gives rise to the right to a politico-military response by the state whose border has been infringed”<sup>26</sup>.

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<sup>23</sup> Constantin Dissescu, *Constitutional Law*, 3rd edition, SOCEC & Co., Anonymous Society, Bucharest, 1915, p. 433.

<sup>24</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, ISBN 978-606-18-0862-5, p. 145.

<sup>25</sup> Constantin Dissescu, *Constitutional Law*, 3rd edition, SOCEC & Co., Anonymous Society, Bucharest, 1915, p. 405.

<sup>26</sup> Cristian Ionescu, *Treatise on Contemporary Constitutional Law*, 3rd revised and expanded edition, C.H. Beck Publishing House, Bucharest, 2019, ISBN 978-606-18-0862-5, p. 84.

In this context, some constitutions include provisions relating to national defense and the armed forces, with emphasis placed primarily on measures for protecting the state's territory against external attacks. A classic example is the Constitution of the Republic of Poland 1997 (Art. 26), which states that its armed forces "safeguard the independence of the state and its territorial integrity, and ensure the security and inviolability of its borders"<sup>27</sup>.

The Constitution of Romania (Art. 117 – Armed Forces) establishes that the Army is subordinated exclusively to the will of the people for the purpose of guaranteeing the sovereignty, independence, and unity of the state, the territorial integrity of the country, and constitutional democracy<sup>28</sup>. These provisions appear without any adjustments in the Constitution of the Republic of Moldova (Art. 108 – Armed Forces)<sup>29</sup>.

The Constitution of the Kingdom of Spain (Art. 8) explicitly provides that the mission of the Armed Forces "is to guarantee Spain's sovereignty and independence and to defend its territorial integrity and its constitutional order"<sup>30</sup>.

According to Article 9 of the Constitution of the Republic of Bulgaria, the Armed Forces, tasked with guaranteeing the country's sovereignty, security, and independence, also have the responsibility to "defend its territorial integrity"<sup>31</sup>.

Similarly, under Article 7 of the Constitution of the Republic of Croatia, the Armed Forces are entrusted with safeguarding the country's sovereignty and independence, as well as defending its territorial integrity<sup>32</sup>.

One of the principal responsibilities of the Hungarian Defence Forces, as established by the Fundamental Law of Hungary (Art. 45), concerns the military defense of the independence, territorial integrity, and state borders of Hungary<sup>33</sup>.

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<sup>27</sup> *Constitution of the Republic of Poland, in Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 203-256.

<sup>28</sup> *Constitution of 21 November 1991, Official Gazette No. 233 of 21 November 1991.*

<sup>29</sup> *Constitution of the Republic of Moldova, Official Gazette No. 466, Art. 635, of 13 November 2024.*

<sup>30</sup> *Constitution of the Kingdom of Spain, in Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 489-538.

<sup>31</sup> *Constitution of the Republic of Bulgaria, in Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 187-226.

<sup>32</sup> *Constitution of the Republic of Croatia, in Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 335-376.

<sup>33</sup> *Fundamental Law of Hungary, in Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 663-714.

Among the objectives of national defense enshrined in the Constitution of the Portuguese Republic (Art. 273) is the guarantee of national independence and territorial integrity<sup>34</sup>.

The Constitution of the Republic of Slovenia does not specify which forces are responsible for ensuring territorial integrity. Instead, Article 124 establishes that “the form, scope, and organization of the defense of the inviolability and territorial integrity of the national territory shall be regulated by a law adopted by the National Assembly with a two-thirds majority of the deputies present”<sup>35</sup>.

Some Constitutions stipulate a right of resistance in the face of armed aggression that infringes upon the territorial integrity of the state. For example, the Constitution of the Republic of Lithuania, through Article 3, recognizes the right of the nation and of every citizen “to oppose any person who, through the use of force, violates the independence, territorial integrity, and constitutional order of the Lithuanian state”<sup>36</sup>.

In certain Constitutions, the authority responsible for ensuring the territorial integrity of the state is expressly designated. Thus, according to the Constitution of the Republic of Poland (Art. 5), the guarantor of independence and territorial integrity is the Republic of Poland itself. According to the Constitution of the Republic of Bulgaria (Preamble), the “irrevocable duty to preserve the national and state integrity of Bulgaria” is assumed by the members of the “Seventh Grand National Assembly”.

In some cases, this prerogative belongs to the Head of state, with the Constitution expressly stating the officeholder’s role as the guarantor of territorial integrity (e.g. the Constitution of Poland (Art. 126), the Constitution of Romania (Art. 80), and the Constitution of the Republic of Croatia (Art. 94).

In other cases, the duty of the Head of state to guarantee territorial integrity is incorporated into the oath of office, as stipulated in Article 91 of the Constitution of the Kingdom of Belgium<sup>37</sup>, the Constitution of the Republic of Cyprus (Art. 42)<sup>38</sup>, the

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<sup>34</sup> *Constitution of the Portuguese Republic*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 257-348.

<sup>35</sup> *Constitution of the Republic of Slovenia*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 447-489.

<sup>36</sup> *Constitution of the Republic of Slovenia*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume II*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 447-489.

<sup>37</sup> *Constitution of the Kingdom of Belgium*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 135–186. *Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 135-186.

Constitution of Hellenic Republic (Art. 33)<sup>39</sup>, the Constitution of the French Republic (Art. 5)<sup>40</sup>, the Constitution of the Republic of Moldova (Art. 79), and the Constitution of Romania (Art. 82). This requirement is similarly applicable to the oath taken by members of representative assemblies (e.g., the Constitution of Cyprus (Arts. 69 and 100); the Constitution of the Republic of Lithuania (Art. 5)).

According to specialized studies, “territorial integrity is frequently regarded as an unamendable provision of the Constitution”<sup>41</sup>.

Constitutional concern for the internal dimension of territorial integrity is likewise evident in connection with fundamental human rights and freedoms. This aspect is clearly visible in relation to the restriction of fundamental rights. In this sense, the so-called “narrow conception of state sovereignty” is frequently referenced; it presupposes the exclusive authority of the state, within a defined territory, “to create and enforce rules for a determinate population at a given moment,” or “the exclusive power to exercise a monopoly of force in order to impose the relevant applicable norms within that territory upon specific individuals, communities, and states”<sup>42</sup>.

One of the rights most explicitly limited in the interest of protecting territorial integrity is the freedom of association, particularly with respect to political parties. Both the Constitution of the Republic of Moldova (Art. 41) and the Constitution of Romania (Art. 37) declare unconstitutional any political parties or organizations that, through their objectives or activities, act against the territorial integrity of the state. Similarly, Article 44(2) of the Constitution of the Republic of Bulgaria stipulates that the activities of any organization must not contradict the sovereignty or territorial integrity of the country. In the Republic of Croatia, Article 43(2) restricts the right of association in cases involving “any violent threat to the democratic constitutional order and to the independence, unity, and territorial integrity” of the state.

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<sup>38</sup> *Constitution of the Republic of Cyprus*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 253-334.

<sup>39</sup> *Constitution of the Hellenic Republic*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 397-463.

<sup>40</sup> *Constitution of the French Republic*, in *Constitutional Codex: Constitutions of the Member States of the European Union, the Constitution of the Republic of Moldova, and the Constitution of the United Kingdom of Great Britain and Northern Ireland – Volume I*, 2nd revised and updated edition, Cartier Publishing House, Chişinău, 2024, pp. 533-568.

<sup>41</sup> Hennadii Berchenko, Tetiana Slinko, Olena Horai, “Unamendable Provisions of the Constitution and the Territorial Integrity of Ukraine,” *Access to Justice in Eastern Europe*, Vol. 5(4-2), 2023, pp. 113-127, at p. 122. Document available at: [https://ajee-journal.com/upload/attaches/att\\_1671019747.pdf](https://ajee-journal.com/upload/attaches/att_1671019747.pdf). Accessed on 09.09.2025.

<sup>42</sup> Jorge E. Núñez, “State Sovereignty: Concept and Conceptions,” *Journal for the Semiotics of Law*, Vol. 37, 2024, pp. 2131-2150, at p. 2139. Document available online at: <https://link.springer.com/journal/11196>. Accessed on 09.09.2025.

Although the Constitution of the Hellenic Republic (Art. 14) prohibits the confiscation of newspapers and other publications “before or after their circulation,” it nevertheless permits confiscation after circulation of a publication that is “directed against the territorial integrity of the state”.

There have also been instances in which the principle of territorial integrity has been invoked in limiting the right to property. Before the Constitutional Court of Romania, the issue was raised regarding the constitutionality of a law authorizing commercial companies with partially or wholly foreign capital, constituted as Romanian legal persons, to acquire ownership and other real rights over land necessary for carrying out their activities. The Court noted a convergence of opinions, according to the submissions it received, concerning the distinction between the inalienable character of the territory of Romania and the right of real property over land surfaces – an institution pertaining to civil law and related branches. In the Court’s view, under the inalienability of the territory provided by Article 3(1) of the Constitution, “practices involving the abandonment of parts of the territory, the loss of territory through prescription, as well as territorial alienation, are incompatible”<sup>43</sup>.

Similarly, the European Court of Human Rights has repeatedly ruled on the compatibility of restrictions imposed on fundamental rights, invoked in the general interest of respecting territorial integrity, with the provisions of the European Convention on Human Rights. Thus, in *Piermont v. France*, which concerned the expulsion from French Polynesia of a German national and Member of the European Parliament, together with a prohibition on re-entry, as well as a ban on entry into New Caledonia, the Court held that the measures violated the right to freedom of expression. Ms. Piermont had participated in French Polynesia in an independence and anti-nuclear demonstration, where she delivered a speech. In support of the expulsion decision, the authorities argued that during her stay in French Polynesia, in the course of public demonstrations held during the campaigns for the legislative and territorial elections, she had “made violent and hostile statements concerning France’s defense policy and the integrity of its territory”.

The coercive measure, however, was not considered “necessary in a democratic society,” as the statements attributed to the applicant were made during a peaceful and authorized demonstration. Ultimately, the Court found that the order prohibiting entry into French Polynesia constituted an interference with the exercise of the right guaranteed by Article 10, because, having been detained at the airport, the applicant was unable to meet the political figures who had invited her or to express her views<sup>44</sup>.

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<sup>43</sup> Constitutional Court of Romania, *Decision No. 73 of 16 April 1997 concerning the constitutionality of the Law amending Law No. 35/1991 on the regime of foreign investments*, *Official Gazette* No. 75 of 29 April 1997.

<sup>44</sup> *Case of Piermont v. France* (Applications Nos. 15773/89; 15774/89). Document available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57925%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57925%22]}). Accessed on 18.09.2025.