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TODAY'S JUDGE IN TOMORROW'S DEMOCRACY: CHALLENGES TO JUDICIAL INDEPENDENCE IN THE CONTEXT OF JUSTICE REFORM IN THE REPUBLIC OF MOLDOVA

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Abstract

This article examines the tension between judicial independence and accountability mechanisms in the context of justice reform in the Republic of Moldova. Starting from the judge's essential role in safeguarding the rule of law, the study analyses how institutional restructuring, external evaluation, disciplinary liability, public scrutiny and material guarantees may either strengthen or weaken effective judicial independence. Particular attention is paid to pre-vetting and vetting procedures, the reform of the Supreme Court of Justice and the reconfiguration of judicial self-government bodies. Using doctrinal, comparative and document-based methods, the article assesses national legislation against United Nations, Council of Europe and European Court of Human Rights standards, while drawing lessons from the Albanian vetting experience. The central argument is that justice reform cannot be reduced to control, verification or sanctioning. Its democratic legitimacy depends on a sustainable balance between integrity, professional competence, accountability, institutional stability and protection against improper influence. External evaluation may be justified in exceptional circumstances, but it must remain predictable, proportionate, evidence-based and subject to effective review. The article concludes that tomorrow's democracy depends not only on the quality of legal rules and institutional design, but also on the ability of today's judge to decide independently, responsibly and in accordance with the values of the rule of law.

Keywords: judicial independence; justice reform; rule of law; democracy; Republic of Moldova; judge.

JEL Classification: K40; K38.

1. INTRODUCTION

Judicial independence is a fundamental condition of the rule of law and of a functioning democracy. Courts can protect rights, control the legality of public action and resolve disputes impartially only when judges are able to decide without direct or indirect pressure. In the Republic of Moldova, this principle has acquired particular urgency during the justice reform guided by the Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2022–2025. The reform was designed to respond to persistent public distrust, perceived integrity

vulnerabilities and the requirements generated by the country's European integration process (Republic of Moldova, 2021; European Commission, 2025).

The legitimate objectives of reform do not eliminate the need to examine its methods. Pre-vetting, vetting, the restructuring of the Supreme Court of Justice and the reconfiguration of judicial self-government bodies affect not only institutions in the abstract, but also the appointment, promotion, evaluation, security of tenure and professional future of individual judges. Consequently, the central research problem concerns the boundary between legitimate accountability and mechanisms that may create institutional uncertainty, professional insecurity or opportunities for improper influence.

This article argues that integrity and independence are complementary rather than competing values. A judiciary that is formally independent but affected by corruption cannot fulfil its constitutional role; equally, a judiciary subjected to unpredictable or politically vulnerable forms of control cannot be genuinely independent. The democratic legitimacy of reform therefore depends on the state's ability to combine integrity, competence and accountability with stability, procedural fairness and effective safeguards against external and internal pressure.

The research uses doctrinal legal analysis, comparative analysis and the examination of policy documents, institutional reports and relevant case law. International and European standards are first identified and then used as criteria for assessing the constitutional and legislative framework of the Republic of Moldova. The article subsequently examines the institutional effects of the reform and compares selected aspects of Moldovan external evaluation with the Albanian experience, particularly as interpreted by the European Court of Human Rights.

The study is organised into four substantive sections. The first explains the meaning and dimensions of judicial independence under international and European standards. The second examines the constitutional, statutory and institutional safeguards applicable in the Republic of Moldova. The third evaluates the main drivers, instruments and results of justice reform, including the external evaluation process and its effects on the Supreme Court of Justice. The fourth discusses recent criticisms and identifies the conditions under which exceptional reform instruments can remain compatible with the rule of law.

2. JUDICIAL INDEPENDENCE UNDER INTERNATIONAL AND EUROPEAN STANDARDS

2.1. Judicial independence as a multidimensional guarantee

Judicial independence must not be understood as a personal privilege granted to judges. It is an institutional guarantee established for persons who seek justice and for society as a whole. Its purpose is to ensure that disputes are determined honestly, impartially and exclusively on the basis of facts and law. The independence of the judiciary and the independence of the individual judge are therefore related but distinct: the first concerns the position of the judicial branch

within the constitutional system, while the second concerns the judge's ability to decide each case without inappropriate influence.

The United Nations Basic Principles on the Independence of the Judiciary require states to guarantee judicial independence in their constitutions or laws and to respect it in practice. Courts must decide matters impartially, without restrictions, improper influences, inducements, pressures, threats or interference, whether direct or indirect (United Nations, 1985). The Bangalore Principles of Judicial Conduct complement this institutional approach by treating independence as a fundamental ethical value. A judge must both maintain independence in individual decision-making and uphold the institutional conditions that make impartial adjudication possible (United Nations Office on Drugs and Crime, 2002).

These instruments reveal several interconnected dimensions of independence. Decisional independence protects the judicial assessment of law and facts. External independence protects the judiciary from the legislature, the executive, political actors, economic interests and public campaigns designed to determine the outcome of proceedings. Internal independence protects a judge from inappropriate pressure by court presidents, senior judges or judicial administration bodies. Personal and professional independence concerns appointment, security of tenure, promotion, evaluation, remuneration and removal. Ethical independence requires judges to avoid relationships or conduct that create actual dependence or a reasonable appearance of dependence.

The European Charter on the Statute for Judges extends the protection of independence across the entire judicial career. The rules governing recruitment, appointment, promotion, training, disciplinary liability, remuneration and termination of office must be capable of ensuring the competence, independence and impartiality that every person is entitled to expect from the courts (Council of Europe, 1998). The Magna Carta of Judges similarly describes independence as statutory, functional and financial, emphasising that it must be protected in relation to the other state powers, litigants, other judges and society (Consultative Council of European Judges, 2010).

Recommendation CM/Rec(2010)12 confirms that independence concerns both the judicial system and each judge. It requires security of tenure, objective career rules, adequate resources and remuneration, and protection against improper external or internal influence (Council of Europe, 2010). The Consultative Council of European Judges has stressed that these guarantees are not established for the private benefit of judges, but for everyone whose rights depend on a fair and independent tribunal (Consultative Council of European Judges, 2001). This distinction is essential because it separates judicial independence from professional corporatism: protection from pressure does not mean immunity from lawful, proportionate and procedurally fair accountability.

2.2. Fair trial standards and the relationship between independence and accountability

Article 6(1) of the European Convention on Human Rights requires civil rights and obligations and criminal charges to be determined by an independent and impartial tribunal established by law (Council of Europe, 1950). Article 14 of the International Covenant on Civil and Political Rights establishes the same guarantee at universal level (United Nations, 1966). In both instruments, independence is viewed from the perspective of the person appearing before the court. The relevant question is not merely whether judges consider themselves free, but whether the legal framework and institutional circumstances objectively protect adjudication from influence and inspire public confidence.

The requirement that a tribunal be established by law adds an important structural dimension. Judicial composition, appointment procedures, allocation of cases and the jurisdiction of courts must be regulated by accessible and foreseeable rules. Frequent or ad hoc changes affecting the status of judges can therefore raise independence concerns even when no direct instruction concerning a particular case is proven. Institutional instability may itself weaken the appearance and reality of judicial autonomy.

Accountability remains necessary. Judges exercise public authority, must comply with ethical and professional duties and may be held disciplinarily liable for conduct incompatible with judicial office. However, accountability mechanisms must not be used to review the legal correctness of judgments outside ordinary appeal procedures or to punish judges for interpretations adopted in good faith. Disciplinary rules must define misconduct with sufficient clarity, distinguish professional error from culpable conduct and provide independent decision-making, the right to be heard and effective judicial review.

The proper relationship between independence and accountability may therefore be expressed through four requirements. First, the grounds for evaluation or liability must be established by law and foreseeable. Second, the deciding bodies must be sufficiently independent and impartial. Third, the procedure must permit access to relevant evidence, a meaningful opportunity to respond and a reasoned decision. Fourth, the consequences must be proportionate to the established conduct. These requirements are particularly important when a reform introduces extraordinary evaluation mechanisms that can terminate a judicial career.

3. CONSTITUTIONAL AND LEGISLATIVE SAFEGUARDS IN THE REPUBLIC OF MOLDOVA

3.1. The constitutional architecture of judicial independence

The Constitution of the Republic of Moldova places judicial independence within the broader architecture of a democratic state governed by the rule of law. Article 6 establishes the separation and cooperation of the legislative, executive and

judicial powers. Article 114 provides that justice is administered in the name of the law only by the courts, while Article 115 identifies the structure of the judicial system. Most directly, Article 116(1) states that judges are independent, impartial and irremovable in accordance with the law (Republic of Moldova, 1994).

The three constitutional guarantees are mutually reinforcing. Independence protects decision-making from interference. Impartiality requires neutrality towards the parties and the subject matter of the dispute. Irremovability protects judges against arbitrary dismissal, transfer or termination of office. If security of tenure is weak, decisional independence may become illusory because a judge can anticipate professional consequences for an unpopular decision. Conversely, irremovability cannot protect misconduct and must coexist with lawful and fair disciplinary procedures.

The constitutional provision must be interpreted together with the principle that justice is exercised only by courts. Judicial independence is not confined to the text of individual judgments; it is a condition for the legitimate exercise of the state's adjudicative power. The Constitution therefore requires legislation governing the judicial career to create real safeguards, not merely repeat the language of independence. Appointment, promotion, evaluation, disciplinary liability, remuneration and termination must be regulated in a manner consistent with the constitutional function of judges.

3.2. Statutory guarantees and judicial self-government

Law No. 514/1995 on Judicial Organisation provides that the judicial power is independent and separate from the legislative and executive powers and is exercised through the courts (Republic of Moldova, 1995a). Law No. 544/1995 on the Status of Judges regulates appointment, rights and duties, incompatibilities, guarantees, liability and termination of office (Republic of Moldova, 1995b). Together, these laws translate the constitutional principle into institutional and professional rules.

Law No. 947/1996 on the Superior Council of Magistracy is equally important because judicial self-government is one of the principal institutional safeguards of independence (Republic of Moldova, 1996). The Superior Council of Magistracy participates in appointments, promotions, transfers, evaluations and disciplinary matters. Its composition, appointment procedures and decision-making rules directly affect the extent to which judicial careers are protected from political or administrative control. A formally autonomous council cannot function as an effective guarantee if it lacks stable membership, adequate resources or transparent procedures.

Law No. 178/2014 on the Disciplinary Liability of Judges establishes disciplinary offences, the examination of complaints, the role of the Judicial Inspection, proceedings before the Disciplinary Board and applicable sanctions (Republic of Moldova, 2014). Disciplinary liability is indispensable for

maintaining integrity and professional responsibility, but it must remain foreseeable and proportionate. It must not become an indirect avenue for challenging judicial reasoning or exerting pressure over the outcome of cases.

The Code of Ethics and Professional Conduct of Judges adds an ethical dimension. It requires judges to preserve independence, avoid inappropriate relationships and protect public confidence in the judiciary (General Assembly of Judges, 2015). The Code demonstrates that independence also imposes obligations: a judge must resist influence, act with dignity and avoid conduct that creates a reasonable appearance of partiality. Yet ethical standards must be applied consistently and cannot replace precise legal rules where disciplinary sanctions are at stake.

At the formal level, the Republic of Moldova therefore possesses a framework that reflects major international requirements. The decisive issue is implementation. The presence of constitutional provisions and organic laws does not itself establish effective independence. The practical operation of appointment, evaluation, disciplinary, budgetary and self-government mechanisms determines whether the judge is genuinely protected or merely declared independent.

4. JUSTICE REFORM IN THE REPUBLIC OF MOLDOVA: DEMOCRATIC NECESSITY AND INSTITUTIONAL RISK

4.1. Drivers, objectives and institutional redesign

The current reform cycle was organised around the Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2022–2025. Its principal directions were the independence, accountability and integrity of justice-sector actors; access to justice and the quality of judicial services; and the efficient administration of the justice sector (Republic of Moldova, 2021). The reform responded to three interconnected pressures: a crisis of public confidence, perceived corruption and integrity vulnerabilities, and the requirements of European integration.

Public confidence was particularly weak at the beginning of the reform period. The Public Opinion Barometer of November 2022 recorded only 16.4% of respondents with some confidence in justice and 1.3% with a great deal of confidence, while the proportion expressing little or no confidence was substantially higher (Institute for Public Policy, 2022). Such data do not prove that every institution or judge lacked integrity, but they demonstrate a serious legitimacy problem. When judicial decisions are widely perceived as products of influence rather than law, the authority of justice is weakened even where individual decisions are legally sound.

Integrity concerns were also reflected in GRECO assessments addressing ethics, conflicts of interest, asset and interest declarations and the effectiveness of preventive mechanisms applicable to judges, prosecutors and members of Parliament (Group of States against Corruption, 2016). The 2024 compliance

report acknowledged gradual progress while identifying recommendations that remained partly implemented or outstanding (Group of States against Corruption, 2024). These assessments supported the need for reform but also pointed towards sustainable institutional solutions rather than reliance exclusively on exceptional mechanisms.

European integration added a strategic dimension. Moldova applied for European Union membership on 3 March 2022, and justice reform became central to the political criteria and Chapter 23 concerning the judiciary and fundamental rights. The European Commission's 2025 report found that Moldova had made good progress in reforming the justice sector, while noting that appointments to specialised judicial bodies and to the Supreme Court of Justice were still ongoing and that adequate resources remained necessary (European Commission, 2025).

The reform modified the legal and institutional architecture through the renewal of the Superior Council of Magistracy, changes to its specialised bodies, the merger of selection and performance-evaluation functions into a single Board for the Selection and Evaluation of Judges, the adoption of a new Law on the Supreme Court of Justice and the introduction of external integrity evaluation. The relevant legal instruments include Law No. 26/2022 on pre-vetting, Law No. 64/2023 on the Supreme Court of Justice, Law No. 65/2023 on the external evaluation of Supreme Court judges and candidates, and Law No. 252/2023 extending external evaluation to additional categories of judges and prosecutors (Republic of Moldova, 2022; Republic of Moldova, 2023a; Republic of Moldova, 2023b; Republic of Moldova, 2023c).

These changes placed the judge at the centre of reform. Access to office, promotion, performance evaluation, ethical and financial integrity, participation in self-government bodies and continuity in office were reconsidered within a new architecture. This creates an unavoidable tension. The reform seeks to strengthen judicial independence and integrity yet simultaneously multiplies the procedures through which a judge's conduct and career are assessed. Whether that tension is democratically productive depends on the clarity, independence and proportionality of those procedures.

4.2. External evaluation: results and effects on judicial governance

Pre-vetting was designed to assess the ethical and financial integrity of candidates for membership in the self-government bodies of judges and prosecutors. The final report of the Pre-Vetting Commission shows that 69 candidates were evaluated: 26 passed and 43 did not pass. For candidates to the Superior Council of Magistracy, 17 of 49 passed; for candidates to the Superior Council of Prosecutors, 9 of 20 passed (Pre-Vetting Commission, 2026). The process therefore operated as a highly selective filter with direct consequences for the pace at which new self-government bodies could be constituted.

The figures require nuanced interpretation. A low pass rate may indicate that the procedure identified genuine integrity concerns, but it may also produce institutional delays and a limited pool of eligible candidates. Statistical outcomes cannot establish the fairness of individual decisions. Each case must be assessed through the quality of evidence, the opportunity to respond, the reasoning of the commission and the effectiveness of judicial review.

The reform of the Supreme Court of Justice illustrates the difference between normative redesign and operational capacity. According to the Vetting Commission, 22 of the 25 judges in the previous composition resigned rather than undergo external evaluation. Three judges proceeded with evaluation, two failed and one remained from the previous composition. The appointment of vetted candidates then progressed gradually, leaving the Court to function for a period with a significantly reduced complement (Vetting Commission, 2025). This outcome may be understood as a necessary transition, but it also demonstrates that integrity reform can produce immediate risks for workload, continuity and the timely adjudication of cases.

The European Commission similarly observed that appointments to the Supreme Court were still ongoing and that this delayed the full implementation of the new regulatory framework (European Commission, 2025). The central question is therefore not simply whether vetting has removed or confirmed judges, but whether the resulting institutions can perform their constitutional functions. A reform that improves integrity indicators but leaves courts unable to decide cases within a reasonable time may undermine the very rule-of-law objectives it seeks to advance.

The final evaluation of the 2022–2025 Strategy, presented by the Ministry of Justice on 25 May 2026, reported that 71% of planned actions had been completed, 19% were ongoing or partly completed and 9% had not been implemented (Ministry of Justice, 2026). These figures indicate significant legislative and institutional activity. Nevertheless, implementation percentages do not measure judicial independence directly. The quality of reform must also be evaluated through institutional stability, case-processing capacity, consistency of procedures, public confidence and the professional security of judges who comply with legal and ethical standards.

Table 1. Main reform mechanisms and independence-related safeguards

Mechanism	Legitimate objective	Required safeguard
Pre-vetting	Integrity of candidates for judicial self-government	Clear criteria, access to evidence, reasoned decisions and effective review

Mechanism	Legitimate objective	Required safeguard
Vetting	Ethical and financial integrity of judges and candidates	Individualised assessment, reasonable burden of proof and proportional consequences
Supreme Court reform	A credible and professionally strong final court	Continuity of adjudication, sufficient staffing and predictable appointments
Disciplinary liability	Professional accountability and public confidence	Precisely defined offences and protection of judicial decision-making

Source: Author's synthesis based on Republic of Moldova (2014; 2022; 2023a; 2023b; 2023c), OSCE/ODIHR (2022) and Venice Commission (2023).

As summarised in table 1, the legitimacy of each reform instrument depends on safeguards that correspond to its intensity. The more severe the possible consequence, the stronger the requirements of foreseeability, evidence, procedural equality, independent decision-making and proportionality. Dismissal or permanent exclusion from judicial office requires a particularly rigorous assessment because it affects private life, professional reputation and the institutional composition of the judiciary.

4.3. Material guarantees, remuneration and professional stability

Judicial independence also has a material dimension. Judges are subject to strict incompatibilities and may not supplement their income through many activities available to other professionals. Stable and adequate remuneration therefore protects both the dignity of office and resistance to economic pressure. It also supports the recruitment and retention of qualified judges during periods of institutional change.

In Judgment No. 21 of 6 December 2022, the Constitutional Court examined the mechanism used to calculate judicial salaries under the unitary public-sector remuneration system. It observed that the statutory framework left the competent authorities a broad margin of discretion in adjusting the reference value, despite the effect of inflation on purchasing power. The Court also noted inconsistencies between adjustments granted to different categories of public officials and the stagnation of judicial remuneration (Constitutional Court of the Republic of Moldova, 2022).

The significance of this judgment extends beyond salary policy. A system that imposes increasingly demanding integrity obligations, external evaluations and restrictions on judges must provide correspondingly stable institutional and

material guarantees. Otherwise, reform may increase responsibility without strengthening the conditions needed to exercise judicial office independently. Adequate remuneration cannot guarantee integrity by itself, but unpredictable or inadequate remuneration can create vulnerability, demotivation and difficulties in retaining experienced judges.

Professional stability has a similar role. Judges who act lawfully and ethically should be able to foresee the rules affecting their appointment, evaluation and tenure. Constant changes to evaluation criteria or institutional structures may generate a perception that judicial careers depend on shifting political priorities. Legal certainty is thus not only a private interest of judges; it is a condition of institutional independence and public confidence.

4.4. Comparative lessons from Albania and the case law of the European Court of Human Rights

The Moldovan model of external evaluation drew conceptual lessons from Albania, where transitional vetting was introduced in response to systemic corruption and profound public distrust. The comparison must be used carefully because the constitutional design, scale of the process and institutional context differ. Nevertheless, the Albanian experience is relevant because it has generated European Court of Human Rights case law on the permissible limits of extraordinary integrity evaluation.

In *Xhoxhaj v. Albania*, the Court accepted that a comprehensive vetting mechanism may pursue legitimate aims in an exceptional context marked by systemic integrity problems. The assessment of assets, background and professional competence was not considered incompatible with the Convention as such. The Court also accepted that the particular nature of vetting could justify procedural features different from ordinary disciplinary proceedings, provided that the overall system offered sufficient guarantees (European Court of Human Rights, 2021).

This acceptance must not be interpreted as blanket approval of every individual dismissal. In *Sevdari v. Albania*, the Court found a violation of Article 8 because the applicant's dismissal was disproportionate. The financial issues concerned to a significant extent the income of her spouse and periods not demonstrating bad faith, unjustified enrichment or a genuine lack of integrity. The judgment underlined the need to assess the seriousness of irregularities and the consequences of permanent exclusion from the profession (European Court of Human Rights, 2022).

The Court developed the proportionality requirement further in *Metalla v. Albania*. It examined the dismissal of a judge following asset and integrity findings and concluded that the domestic assessment had not sufficiently justified the severe consequences. The judgment stressed the need for strong evidence, a comprehensive analysis and careful treatment of financial matters relating to

associated persons, especially where the judge is expected to explain historical transactions or income outside his direct control (European Court of Human Rights, 2026).

Together, these cases establish a balanced principle. States may introduce extraordinary evaluation where ordinary mechanisms are demonstrably inadequate, and the institutional crisis is serious. However, the process cannot become a mechanical method of exclusion. The burden placed on the judge must remain reasonable; the evidence must be assessed in context; distinctions must be drawn between unexplained wealth, administrative irregularities and conduct demonstrating actual dishonesty; and dismissal must be proportionate to the established facts.

For the Republic of Moldova, the lesson is both supportive and cautionary. The Albanian experience confirms that vetting may be compatible with European standards but also demonstrates that legality of the system does not immunise individual decisions from Convention review. The success of Moldovan reform cannot therefore be measured by the number of judges who resign, fail or pass. It must be measured by the quality, independence and credibility of the judiciary that emerges after the exceptional process.

5. RECENT CRITICISMS AND THE LIMITS OF JUSTICE REFORM

5.1. International assessments of exceptional evaluation mechanisms

International organisations have consistently recognised the right of the Republic of Moldova to adopt strong measures to address integrity problems while warning that exceptional mechanisms must not weaken ordinary constitutional institutions. In its 2022 opinion on Law No. 26/2022, OSCE/ODIHR acknowledged the legitimate reform objective but emphasised that the rules should be clear, objective and foreseeable and should not produce a punitive campaign or a ‘witch hunt’ against the judiciary (OSCE/ODIHR, 2022).

The Venice Commission accepted the exceptional character of external evaluation in principle, while insisting that the Superior Council of Magistracy and the Superior Council of Prosecutors retain their constitutionally appropriate role in decisions affecting judicial and prosecutorial careers. It also emphasised procedural safeguards, clear evaluation criteria, the limited and temporary character of extraordinary mechanisms and the need for effective review (Venice Commission, 2023).

In relation to the reform of the Supreme Court of Justice, the Venice Commission advocated a gradual approach capable of preserving institutional continuity. Reorganisation, reduction of posts and external evaluation may be justified, but they must not cause a breakdown in the operation of the highest court or impair the right to have cases determined within a reasonable time (Venice Commission, 2022). This perspective shifts evaluation from the declared purpose of a reform to its real institutional effects.

GRECO's approach also demonstrates that integrity is not achieved solely through exceptional exclusion. Sustainable prevention requires clear ethical rules, effective management of conflicts of interest, accurate asset declarations, credible disciplinary processes and institutions capable of applying ordinary rules consistently (Group of States against Corruption, 2024). Exceptional vetting may address a legacy problem, but it cannot replace the long-term operation of internal accountability systems.

5.2. Political legitimacy, procedural stability and institutional sustainability

A further concern relates to the appointment and perceived independence of evaluation commissions. Hoppe criticised legislative changes that reduced the voting threshold for appointing certain members of a vetting commission after a candidate supported by the parliamentary majority had failed to obtain the previously required qualified majority. In his view, altering the appointment rule in this manner weakened the appearance of political neutrality and reduced the need for parliamentary consensus (Hoppe, 2026).

The broader principle is that rules should not be changed opportunistically during an ongoing process. An evaluation mechanism may apply strict standards to judges only if its own composition and operation meet high standards of independence, transparency and stability. Otherwise, a process intended to restore confidence may generate a new form of distrust concerning the evaluators themselves.

The Institute for European Policies and Reforms has similarly argued that the current challenge is not limited to removing persons who fail integrity standards, but extends to rebuilding institutions after the reset. Vacant posts must be filled, courts must retain operational capacity, self-government bodies must function effectively and professional confidence within the judiciary must be restored (Institute for European Policies and Reforms, 2026). Reform must therefore be both corrective and constructive.

This distinction is central to the idea of 'today's judge in tomorrow's democracy'. The judge is not merely an object of reform. Judges who meet standards of integrity and competence are indispensable participants in democratic consolidation. Treating the entire judiciary as presumptively compromised may weaken morale and public respect, whereas ignoring genuine integrity failures would preserve impunity. A credible reform must distinguish carefully between these extremes.

The limits of reform can be formulated through five principles. First, extraordinary evaluation must respond to a documented institutional necessity and remain temporary. Second, the criteria and evidentiary standards must be sufficiently precise. Third, evaluators and reviewing bodies must be independent and perceived as such. Fourth, the consequences must be individualised and proportionate. Fifth, the state must plan for continuity, recruitment, resources and the transition to ordinary accountability mechanisms after vetting ends.

When these principles are respected, external evaluation may contribute to restoring integrity and confidence. When they are disregarded, the same mechanism may create insecurity, discourage qualified professionals, generate mass vacancies and increase dependence on political choices. The rule of law requires not only a legitimate objective but also lawful, predictable and proportionate means.

6. CONCLUSIONS

Judicial independence must be understood as an effective guarantee supported by real institutional, professional and material conditions. International and European standards demonstrate that independence includes decisional autonomy, security of tenure, objective career rules, adequate remuneration, ethical responsibility and protection against both external and internal pressure. It exists for the benefit of litigants and society, not as a personal privilege of judges.

The justice reform undertaken in the Republic of Moldova was a necessary response to low public confidence, integrity vulnerabilities and the demands of European integration. Pre-vetting, vetting, the reform of the Supreme Court of Justice and the restructuring of judicial self-government have substantially changed the legal and institutional environment in which judges exercise their functions. The final evaluation of the 2022–2025 Strategy confirms considerable implementation activity, but formal completion rates cannot, by themselves, establish that judicial independence has been strengthened.

External evaluation can be legitimate in exceptional circumstances, yet its compatibility with democratic standards depends on clear criteria, independent evaluators, access to evidence, reasoned decisions, effective review and proportionate consequences. The case law of the European Court of Human Rights concerning Albania shows that the existence of a legitimate vetting system does not automatically validate each dismissal. Individual circumstances, the seriousness of irregularities and the permanent consequences for a judicial career must be examined carefully.

The real value of reform will be measured by the quality and functionality of the judiciary that remains after the exceptional phase. A successful reform must produce judges who are competent, ethical and courageous, but also sufficiently secure and protected to decide unpopular cases according to law. It must restore ordinary institutions rather than keep the judiciary in a permanent state of extraordinary evaluation.

Tomorrow's democracy therefore depends on how the state treats today's judge: neither as an untouchable officeholder nor as a presumed obstacle to reform, but as a constitutionally responsible actor whose integrity must be verified through lawful procedures and whose independence must be protected with equal seriousness. Justice reform is democratically legitimate only when accountability and independence are strengthened together.

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