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**LEGAL CERTAINTY OF THE PERSON**  
**IN THE REPUBLIC OF MOLDOVA:**  
**CONSTITUTIONAL DIMENSIONS**

**Specialty: 552.01 - Constitutional law**

Summary of the doctoral thesis

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## CONCEPTUAL MILESTONES OF RESEARCH

**The actuality and importance of the theme.** The beginning of the 21st century has marked an increased interest in ensuring the security of the person and human rights and freedoms. Various aspects of personal security have been studied and new concepts have been developed. A distinctive feature of the contemporary approach to this issue is the recognition of the priority of individual interests and human rights in the context of security.

The ignoring of the personal security dimension by public authorities has led to several social tensions and even mass riots, one example being the Twitter revolution of 7 April 2009. The demonstrations provoked by people's dissatisfaction with the results of the elections on 5 April of the same year did not have a single command centre but were made up of a collection of individuals outraged by the violation of their rights and directed towards defending those rights. We are firmly convinced that one of the main causes of those events was the systematic and systemic disregard of human and citizens' rights and interests, and the pervasive corruption that accompanies it. However, the situation in which the individual becomes convinced of the impossibility of guaranteeing his or her rights by legal means - firstly through democratic and fair elections, secondly through fair justice - becomes explosive: the wronged personality manifests itself in the streets.

We draw attention to the fact that the accredited observers of the 5 April 2009 parliamentary elections, as well as the report of the Organisation for Security and Cooperation in Europe, gave positive ratings to the elections and the voting process, but the feeling of the citizens was the opposite. This feeling was confirmed by several civil society organisations, including the Promo-Lex Association, which described the ballot as unfair, partly free and open to manipulation.

Man's attitude to reality sometimes becomes more important than reality. The European Court of Human Rights has repeatedly stressed that justice must not only be done, but also seen to be done. Justice is a fundamental feeling of the human being, which shapes his attitude. The feeling of injustice must not be neglected, it must be repaired.

We are concerned that in the Republic of Moldova respect for human rights, as a process of strengthening legality, has not become an imperative and has not become sustainable. Parliament's statement of 08.06.2019 on the captivity of the state unequivocally demonstrates the deplorable state of security. Moldovan society has again failed to ensure credible electoral administration, legality, and respect for human rights as the foundations of democracy. And

society's weaknesses serve as fertile ground for some criminal individuals with autocratic tendencies.

Clearly, the issue of personal security, together with efforts to strengthen the rule of law, is becoming a central one and requires increased attention from both academia and public authorities. Guaranteeing and ensuring the security of the individual must be seen as a fundamental aim of the rule of law, but not as complementary to the security of the state, exclusively for its own preservation and reproduction. It becomes clear that the most relevant proof of the state's effectiveness will be the shaping of a clear concept of personal security and the promotion of an effective policy to ensure it.

Legal certainty as a concept fit perfectly into the effort to strengthen security stability. Legal certainty is an indisputable expression of human rights and of the citizen's trust in justice, with clear and predictable laws, fair rules, and uniform application. At the same time, the legal certainty of the individual should not be confused with the principle of legal certainty, as they are different categories. In this paper we aim to investigate whether the principle of legal certainty can evolve into the right to legal certainty as a constitutional right, alongside others such as the right to life or the right to a fair trial.

**Purpose of the work.** Taking into account all these aspects of the security of the person, we have proposed, within the framework of the PhD research project, to contribute to the development and substantiation of the concept of legal certainty of the person through the categories of security, security of the person and legal certainty, aiming to elucidate its essence, content and particularities, as well as to identify solutions to optimize the regulatory framework in this field. In this respect, it is necessary to evaluate the constitutional regulations of the principle of legal certainty, to reveal the norms supporting the principle of legal certainty and to identify the constitutional gaps in the protection of the legal certainty of the person.

**The research objectives** that we have formulated towards the achievement of the proposed goal:

- to evaluate the degree of scientific research on the categories of security, the right of the person to security, legal certainty, in order to elucidate the most valuable studies on the subject and to shape the research directions of our own study.
- to analyse the constitutional dimensions of security and of the person as a subject of constitutional security, in order to elucidate the legal connotation of security, to outline the security

sector of the Republic of Moldova and to highlight the security of the person as a distinct domain of it; to argue for the existence of the right of the person to security and his constitutional security.

➤ to address legal certainty as a factor of protection of the person and to evaluate the constitutional regulations of legal certainty, aiming to argue the necessity and value of legal certainty, the essence and content of legal certainty as a fundamental principle of the legal order and its guarantee in national legislation and in national and European jurisprudence; to substantiate and formulate proposals to complete the constitutional regulations of the principle of legal certainty.

**Research hypothesis.** The research hypothesis lies in the possibility of constitutional regulation of the legal certainty of the person in the Republic of Moldova through the categories of security, security of the person and legal certainty. The main scientific problem that we propose to solve is to base the theory of security of the person on two distinct categories: security of the person as a constitutional principle and legal certainty of the person as a constitutional right - guaranteed by the principle of legal certainty, both categories requiring an express constitutional enshrinement.

**The synthesis of the research methodology** is made up of the scientific research methods most commonly used in legal matters, including: the logical method, the comparative method, the interpretative method, the systemic method, the historical method, the observation method, the documentation method.

**The doctrinal support of the research** consists of the most relevant studies on the subject, signed by researchers:

✓ Costachi Gh., Guceac I., Balmuş V., Cusnir V., Cârnaţ T., Iacob I., Pântea Iu., Juc V., Smochină A., Sprincean S., Albu N., Guştiuc A., Cauia Al., Poalelungi M., Aramă E., Buga L., Frunză Iu., Mocanu I., Baltag D., Nichifor R., Varzari V., Popa V., Rusnac A., Afanas N., Ţurcan S., Ungureanu V., Zaporozjan V. and others.

✓ Boar A., Costaş C., Danileţ C., Deceanu I., Duminică R., Frolu S., Marian N., Neag M., Coman D., Popescu R.M., Popescu I., Safta M., Silaşi Gr., Simina O.L., Stoicescu R., Stângu L. and others.

✓ from Ukraine and the Russian Federation, such as Ардашев А.И., Галузин А.Ф., Зеркалов Д.В., Калина Е.С., Колоткина О.А., Кутъин Н.Г., Родачин В.М. etc.

✓ from other European countries, such as Vidal Naquet A., Terré F., Portier P., Piris J.-C., Meunier-Bofta M., Mathieu B., Leclerc H., Lambert P., Lambert E., Gauchet M., Fromont M., François L., Foessel M., Calmes S., Boulois X.D. and others.

**The empirical basis** for the research was provided by a series of political and legislative acts, national and European legal acts, the constitutions of several states, as well as the case law of European and national courts.

**The scientific novelty of the results obtained** is confirmed by the fact that a comprehensive approach to the aspects of the legal certainty of the person as a field of security and as an object of constitutional security has been achieved, which has led to an integrated knowledge of the subject and as a result of which: the theory of the security of the person has been outlined; the concepts of security and constitutional security have been clarified; the status of the security of the person as a constitutional principle has been argued to the detriment of the recognition of the right of the person to security; the content of the category of legal certainty of the person has been clarified.

**Theoretical significance.** The scientific results obtained contribute substantially to the development of the theory of security, the theory of constitutional law and the theory of legal certainty, i.e. strengthening the security of the person. Thus, the PhD thesis can serve as a useful source for future research in the field.

**Application value.** In terms of application, the thesis provides important ideas and proposals for strengthening respect for human rights, strengthening security regulations and strengthening legal certainty regulations. The results can also be used to support the recognition and promotion of a new discipline of study - *security of person theory*, especially in higher education.

**Publications.** The main scientific results obtained were published in a voluminous collection of scientific studies on the theme of the thesis, in 11 scientific articles published in scientific journals, 7 scientific communications presented at major national and international scientific forums, 5 separate studies on public policy, conducted and formulated within the Institute for Public Policy.

## THESIS CONTENT

**Summary of thesis chapters.** Based on the research aim and objectives, the paper has been structured as follows: introduction, an introductory chapter, basic sections - two chapters, conclusions and recommendations, bibliography, and an appendix.

**The introduction** includes an argumentation of the actuality and importance of the subject, the aim and objectives of the research, the methodological, doctrinal, and normative support, the scientific novelty of the research, the theoretical significance, and the applicative value of the work.

**Chapter 1 - Analysis of the situation in the field of legal certainty** - is devoted to the analysis of published works about the PhD thesis in order to assess the degree of research and to identify aspects that need to be further developed.

According to the issues addressed in the domestic and foreign doctrine, as well as the main research directions identified, the chapter has been structured in two distinct compartments: the first one analyses the works that develop the issue of security and legal certainty of the person as areas of scientific research, and the second one - the works that directly address the legal concept of the principle of legal certainty.

The insufficiency of legal regulations in the field of security can be demonstrated by a brief analysis of the relevant legislation. A basic piece of legislation is the State Security Act, No 618/1995 [1] which states that state security is an integral part of national security. State security is understood as "the protection of the sovereignty, independence and territorial integrity of the country, its constitutional regime, its economic, technical, scientific and defensive potential, the legitimate rights and freedoms of the individual against the intelligence and subversive activity of special services and foreign organisations, against criminal attacks by particular groups or individuals". We note, inter alia, that the law does not pay attention to the protection of the citizen from abuse by public authorities, including in terms of qualitative laws, uniformly applied.

The law establishes several powers of the supreme public authorities in the field of ensuring state security, such as Parliament, the Head of State and the Government. Together with these authorities, the Law provides for the organisation and functioning of the Supreme Security Council as a "consultative body that analyses the activity of ministries and departments in the field of ensuring national security and submits recommendations to the President of the Republic of Moldova on matters of foreign and domestic policy of the state". The Supreme Security Council



is competent in the field of national security and is concerned with issues related to state security, public security, military, economic, environmental, and other issues of major importance. [2]

It should be emphasized that "the Supreme Security Council is a key element in the system of ensuring national security, which is responsible for planning, drafting and integrating domestic, foreign and military policies. As a supreme and specialised state security body, the role of the Council cannot be underestimated. The Supreme Security Council is meant to ensure the coordination of the policy implementation process, to support the Head of State, the President of the Republic of Moldova in taking key decisions in the field of national security, to ensure the examination of the most pressing issues of the moment or strategic development programmes". We recall the active role of the Security Council in shaping the security framework.

Generalising the aspects analysed in the first chapter, we would like to point out that the issue of security, the right of the person to security and the legal certainty of the person is little studied in the local doctrine compared to other academic environments. This fact justifies the necessity and importance of the study carried out within the framework of the doctoral research project. However, the contribution of European or regional scholars in these fields cannot replace the need to develop their own doctrine, taking into account the normative basis, history and local realities.

As for the actuality of such a study, it is confirmed for the most part by the precarious state of security, due to shortcomings and gaps in the constitutional and regulatory framework, the inadequacy of security regulations in the state, and the lack of a clear concept of personal security and certainty within them.

The main scientific problem that we propose to solve by achieving the set goal is to base the theory of security of the person on two distinct categories: security of the person as a constitutional principle and legal certainty of the person as a constitutional right - guaranteed by the principle of legal certainty, in order to strengthen the security of the person. In our view, both categories require express enshrinement at constitutional level.

**Chapter 2 - Constitutional dimensions of personal security** - is a basic compartment of the research, as it focuses on clarifying the legal connotation of personal security, on outlining the security framework of the Republic of Moldova, as well as on identifying personal security as a distinct subject and dimension of constitutional security. In order to clarify these aspects, the chapter is structured in three corresponding paragraphs, ending with a paragraph devoted to the summary of the chapter.

Referring to the content of the concept of human security, we reiterate the relevance of the National Human Development Report, Moldova, 1999, which states that "human security usually implies conditions in which people can exercise their choices in safety and freedom, without fear that the opportunities they enjoy today will be lost or withdrawn tomorrow. Security means that the benefits people have achieved in expanding their opportunities and refining their capabilities are protected from current social, economic and political arrangements." In other words, "security is based on a broad social acceptance - based on stable institutions - of people's rights and obligations" [3, p. 15]. Also, in the context of ensuring state security, security of the person refers to the obligation to respect human rights and freedoms. [4], [5], [6]

It should be noted that the security sector encompasses multiple aspects of human activity, including economic, social and other activities, in terms of protecting them and ensuring sustainable development. For this reason, it is possible to classify security areas according to different criteria.

In the following, we will develop the above mentioned elements of personal security through the provisions of the National Security Strategy of the Republic of Moldova [7] in the sense of protected values, grading them according to their influence on the state of security. The names and gradation result from our perception and opinion, which will help us to assess the extent to which the national security system develops, guarantees, and ensures personal security.

**1. Political security** - "the ability to live in a society that recognises (protects) fundamental human rights". Threats to political security are characterised by "political persecution, systematic torture, ill-treatment, repression of individuals and groups by the state, control of ideology and information".

In this context, the Strategy focuses only on political stability, which implies "the need to implement European rules of constructive dialogue between political parties, in particular between those involved in electoral processes, in order to overcome bottlenecks that could generate political instability". [7]. From our point of view, the gap between the political security of the person as an "international" concept and ensuring political stability as a direction of the security policy of the Republic of Moldova is obvious. Therefore, with reference to political security, the Strategy is to be supplemented in order to ensure the security of the person against oppression, persecution, repression, coming from the state, even if such dangers do not characterize the legal order. In its negative development, the events of 2009 and 2019 demonstrate the weakness of the Moldovan

political system, which can quickly degenerate into authoritarianism, provoke social upheavals and violent confrontations.

**2. Economic security** of the state and of the individual is seen as the state of providing people with sufficient earnings or income to meet their vital needs, including a guaranteed minimum income. The economic security of the individual is impossible without the economic security of the whole community, including the state, because the economy is cooperation. When assessing the factors threatening economic security, unemployment - one of the main indicators of human economic security - is a priority.

According to the National Security Strategy of the Republic of Moldova, "economic security is an indispensable part of national security. Thus, the actions of the central public administration authorities will be geared towards creating internal and external conditions to ensure the independence of the national economy, sustainable economic growth, meeting the needs of the state and citizens, combating poverty, competitiveness on foreign markets". From our point of view, the legislator presents the person's economic security rather vaguely, practically ignoring such threats as unemployment and forced migration, which affect the person's well-being and standard of living quite seriously.

**3. Military security** shall be ensured by military means by the Armed Forces. Their mission is to defend the independence, territorial integrity, and sovereignty of the State; to participate in international peacekeeping operations; to provide support to civilian authorities in crisis situations. [7, p. 15]. The national security strategy contains a series of objectives and tasks specific to the militarised institutions of the state. The proper functioning of the military component of national security is traditionally paramount to the existence of the nation and, by extension, the individual. Earlier I argued that the role of the military component has been declining worldwide in recent decades, giving way to economic development, political stability and mutually beneficial inter-state cooperation. It is also in this context that the combined efforts of regional integration and the increasing role of global organisations are taking place. The very effects of globalisation drastically reduce the applicability of armed intervention. At least that should be a rational approach to global development.

However, the Russian Federation's armed attack on Ukraine in the winter of 2022 has put states' military capabilities back on the immediate security agenda. The dictatorial regime has demonstrated that without democratic governance mechanisms through checks, balances and checks and balances, slippage inevitably leads to institutionalised crimes and bloody wars. Tragic

events in Ukraine have re-affirmed the importance of peacekeeping through military force, and the intergovernmental military alliance has once again become the survival option for many European states. We believe that the lesson of the causal link between authoritarian regimes and armed military aggression has yet to be learned by humanity. Comprehensive studies will need to examine the effectiveness of international bodies in the face of the nuclear threat from dictators; the justification for international cooperation, including trade, with undemocratic regimes; the spread of advanced technologies outside states with effective democratic control mechanisms.

**4. Physical security** (or personal) means "freedom and protection of the individual from physical threats and violence". [8]. Beyond this definition formulated in the United Nations Human Development Report of 1994 [8], the following threats to personal security are mentioned in the doctrine: "natural and man-made accidents and disasters; the risk of accidents at work, in transport, at home; mortality caused by road accidents; rising crime levels, etc. At the same time, threats such as state violence (physical torture, forced labour in areas of increased danger to life and health, etc.), violence against children and women and others deserve attention.

**5. Information security** is a relatively new phenomenon that has emerged with the rapid development of information technologies over the last few decades. New technologies, mobility, the internet, and the accessibility of digital devices have caused a real information explosion. Undeniably, information has brought countless benefits to the whole of mankind and to each individual, driving up living standards and quality of life in many areas of human activity. But alongside the benefits, certain harmful techniques and processes have become widespread and can and must be countered.

**6. Health security** or health care security is "the protection of the human being from the risks of illness, i.e. the possibility to live in a safe environment for health, the accessibility of health services (relative freedom from illness and contamination)". [8]. Threats to health security include adverse living conditions: poor nutrition, harmful working conditions, low and unstable income, poverty and poor access to effective health services. At the same time, environmental pollution poses major health risks.

The year 2020, with the onset of the Covid-19 pandemic, has sharply increased awareness of the importance of health security. The interest of society, public authorities and private individuals in health insurance or recovery, medical scientific research and its results exploded. Financial investment in these areas has soared, underpinned by the need for rapid and sustainable solutions. However, the requirements of 'fast' and 'sustainable' are rarely compatible. We believe

that the attention paid to these dimensions of personal security is justified, and that the state must provide the legal support necessary for the proper functioning of the field and its protection.

**7. Social security** (or societal, cultural) means developing social cohesion, supporting the disadvantaged, tolerance, and mutual respect. In an inclusive and tolerant society criminal phenomena are less likely to spread.

In our opinion, the formula used by the legislator to guarantee personal security in the content of the National Security Strategy of the Republic of Moldova is too general and far from being sufficient and effective. As we can see from the above, practically every dimension of security set out in the Strategy is affected by shortcomings and requires substantial additions. In particular, perhaps the biggest shortcoming admitted by the legislator is the failure to guarantee the human security, both at the level of the Strategy and of the entire legislative system, which will be reflected in the following chapters.

In this context we must repeat that an important component of the security of the person in the Republic of Moldova is the obligation to respect human rights and freedoms in the context of ensuring state security. Thus, according to Article 7 of the Law on State Security No 618/1995 [1]"respect for and protection of human rights and freedoms is one of the main duties of the state; the activity of ensuring state security may not infringe legitimate human rights and freedoms".

In concluding our research on this theme, we would like to stress that the Republic of Moldova is currently developing according to internationally recognised standards, including in the field of human rights. However, despite the constitutional and legislative enshrinement of fundamental human rights and freedoms, as well as other democratic values, there is a lack of a clear concept of the security of the person, which provides for the protection of the person from various threats and dangers, thereby ensuring free and sustainable development.

Finally, we stress that in the Republic of Moldova there is no clear and complete conception of human security as a component of personal security and as a distinct dimension of national security. This has a considerable impact on the effectiveness of the protection of the individual and society against various dangers, threats and negative factors that may affect it and undoubtedly needs to be remedied.

In parallel with the detailed approach, under various aspects, to such concepts as national security, state security, public security, researchers are increasingly calling for the identification of a distinct segment of security - *constitutional security*. At the same time, this interest is provoked

by the latest developments in the constitutional practice of the Republic of Moldova of questionable amendments and interpretations of the text of the Constitution without the consent of the supreme legislative forum.

As a result of addressing the constitutional legal value of security of the person, we generalize as follows:

**1.** We do not support the argument in the specialist doctrine that the security of the person in legal terms is equivalent to the right of the person to security, even taking into account the express regulation of this right in the legislation of some states. In our opinion, in order to recognise the existence of this right in its own right, it is first necessary to establish its concrete content, especially in terms of its dimensions. In this respect, it is important to clarify whether the individual's right to security is reduced to the right to security by all its constitutionally enshrined dimensions: social security, physical and individual security, economic security - as constitutional categories. Or, this right implies something more, encompassing also the dimensions covered by the national security framework: political security, economic security, military security, physical security, information security, medical security, social security. In our view, a genuine constitutional right to security should be comprehensive and encompass all dimensions of security, whether determined or not at the moment. In addition, the recognition of the individual's right to security must be accompanied by a clear definition and clarification of the institution of legal liability of the state and others for its violation.

**2.** If all the aspects listed above are not achieved cumulatively, we consider that we cannot call a right to security, let alone a fundamental right of the individual to security. In other words, until the conditions set out above are created, we can only speak of a declarative right to security, lacking the legal mechanism necessary for its realisation, protection and defence. In such circumstances, we opt for the recognition of personal security as a supreme value in the state and a constitutional principle, which must be expressly enshrined and guaranteed by the supreme law of the state - the Constitution.

**3.** Since the provision of national security depends to a large extent on the legislative framework of the state, which aims at coordinating the mechanisms, instruments and institutions of the state and society in order to ensure national security, the priority aim of the general theory of security should be to develop the necessary theoretical basis and the normative legal support for this process. In general, we support the need to strengthen efforts aimed at the continuous improvement of the theoretical, political, and regulatory framework of the state security sector,

which requires comprehensive and complex scientific studies within the framework of general national security theory. An important step towards achieving this goal is a detailed analysis of the main dimensions of the state security system. From the analysis of the relevant regulatory framework, we can draw the conclusion that state security and, by extension, national security focus mainly on the military component and the dangers associated with it, and to a limited extent on the protection of the individual and his or her rights, the protection of society's democratic interests. This is an outdated approach to the phenomenon of security, which does not correspond to current international practices and society's requirements. This is why the current regulatory framework requires substantial amendments, aimed at shaping the contemporary and current character of the security sector of the Republic of Moldova, with a clear delimitation and guarantee of national security, state security and personal security.

**4.** State security is a narrower concept than national security and is therefore distinct from it. As part of national security, state security is strictly regulated by law in terms of: the system of bodies that ensure it, their powers, the principles of ensuring it, threats to state security, the main directions of activity aimed at ensuring it, etc. Despite this, state security cannot be reduced to the regulations of the Framework Law cited above but must be seen in conjunction with the security of society and the individual as elements of national security. In this respect, we believe that the National Security Strategy of the Republic of Moldova requires substantial revision in order to clearly define the content and means of ensuring both national security as a whole and the security of the state, society and the individual separately, in their various dimensions. Ignoring this desire means that the security framework of the state will continue to be general, declarative, and selective, emphasising only certain dangers and risks and ignoring others that are just as important and that have a negative impact on the individual, as the only real entity in relation to the state and society.

**5.** As regards the issue of constitutional security of the person, we consider that for the time being it is a concept without concrete content, the use of which in relation to the person is useless and declarative for the reasons explained below.

- Firstly, the delimitation and identification of constitutional security cannot be based solely on the fact that "a distinct area of national security is the security of constitutional values, regulated and protected by constitutional rules". In this sense, it is obvious that the constitutional regulation and guarantee of certain constitutional values does not equate to the security of these values, as the provision of security cannot be reduced only to 'legal regulation and guarantee'.

- Secondly, in order to recognise constitutional security, it is necessary to identify the specific dangers threatening its object. From this point of view, we would point out that the specific dimensions of security are named according to the dangers threatening their object or the field in which they occur. In relation to the concept of constitutional security, we note that in this case the name of this dimension of security is not related to the danger threatening its object, but suggests the very object of security, the constitutional values or the normative level at which security is ensured - through constitutional rules. Consequently, the constitutional security of the person, in its strict sense, can be understood as the security of the person as a constitutional value, in other words, the security of the person ensured at the level of the Constitution, by constitutional means. In this case, the most difficult thing is to identify the dangers that threaten the person and from which he or she can be protected by means of constitutional security. From this point of view, the constitutional security of the person does not have the necessary elements to be defined as a separate dimension of personal security.

- Thirdly, in the light of the above, constitutional security in its strict sense implies the security of the Constitution against the danger of distorted interpretation of its rules and unlawful modification or addition to its text. Only in this sense can constitutional security be recognised as a distinct dimension of security.

Finally, constitutional security, i.e. security provided by constitutional means, should not be confused with legal certainty, since the latter, even if it suggests the idea of security provided by legal means, nevertheless has a clear content, which includes a series of legal dangers that may threaten the person and from which he or she needs to be protected, as we shall see in the following sections of the study.

**Chapter 3 - Legal certainty as a factor of protection of the person** - is devoted to the core of the problem under investigation, being structured in four paragraphs focusing on the following aspects: legal certainty as the foundation of the state; the concept of legal certainty, its status as a fundamental principle of the legal order; guaranteeing legal certainty in national legislation; ensuring the principle of legal certainty in national and European jurisprudence. Careful study of these aspects is necessary in order to clarify the sufficiency of the constitutional regulations of the principle of legal certainty, to identify the gaps in these regulations and to formulate proposals for strengthening the rules.

**Elements of the principle of legal certainty.** In essence, the principle of legal certainty encompasses the following elements: accessibility and predictability of the law, non-retroactivity



of the law and its uniform interpretation and application, compliance with which is an indispensable condition for effective legislation. It should be noted that the theoretical elements of legal certainty are regulated in legislation in the form of requirements for various aspects of the processes of drafting, publishing, interpreting, and applying laws. In other words, the elements of the principle of legal certainty in scientific doctrine become requirements in legislative regulation. In the next paragraph, we will refer to their form as requirements of the principle of legal certainty, when we examine the guarantee of legal certainty in national legislation.

**a) Accessibility and predictability of the law.**

**Accessibility of the law.** Speaking of the accessibility of the law, we would point out that in the most general sense it mainly concerns making the law known to the public, which is achieved mainly through the publication of normative acts.

**Predictability of the law.** The mandatory requirement of foreseeability means that the effects of the law must be foreseeable, giving participants in legal relationships the possibility to reflect the consequences of its application. However, the Constitution of the Republic of Moldova does not establish clear requirements regarding the quality and predictability of laws.

**b) Non-retroactivity of the law.** One of the basic and probably the oldest pillars is that of non-retroactivity of the law. In practice, the legal rule on non-retroactivity of the law has led to the development of the other components of legal certainty: foreseeability, accessibility and uniform interpretation of the law. [9] The named elements ensure the lawful application of the law and respect for human rights. [10] In a broader sense, these are the characteristics of the notion of legality.

The legal norms underlying the constitutional regulations of many states with reference to the temporal action of the law are contained in the European Convention on Human Rights. The basis for the principle of legality, which is indispensable to the principle of legal certainty, is laid down in Article 7 of the Convention, which states that: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor may a heavier penalty be imposed than that applicable at the time of the commission of the offence". [11]. This rule refers to the retroactivity and non-retroactivity of the rule which worsens the position of the person subject to prosecution. Although it originally referred to the criminal penalty and the position of the accused, this rule has subsequently extended to other areas of law and is also applicable to civil law.

c) **Uniform interpretation and application of the law.** Uniform interpretation of the law is another requirement of the principle of legal certainty. The elements on which the principle of legal certainty is based are the certainty and predictability of the law, which are necessary above all to maintain citizens' legitimate confidence in the work of the courts. What is important is that legal certainty and predictability concern both the law and case law. From this perspective, it can be argued that legal certainty is an intrinsic part of social security, a component that denotes the constructive relationship between the citizen and the legislative and judicial powers of the state.

**Ensuring the legal certainty of the person in the legal system of the Republic of Moldova.** Among the fundamental acts proclaiming the basic principles of legal certainty, the European Convention on Human Rights has a special place. [11]. Article 5 of the Convention stipulates that everyone has the right to liberty and security of person. No one shall be deprived of his liberty except in strictly defined cases and in accordance with law. Article 6 states that everyone has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which shall decide either on the violation of his civil rights and obligations or on the merits of any criminal charge against him. Thus, the right to security and the right to a fair trial based on law form the basis of the principle of legal certainty.

Article 7 of the Convention, on the prohibition of unlawful punishment, states that no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor may a more severe penalty be imposed than that applicable at the time the offence was committed. Article 18 of the Convention, on the limitation of the use of restrictions of rights, states that restrictions which, under the terms of this Convention, are imposed on these rights and freedoms may be applied only for the purpose for which they were provided. These are also important rules in ensuring the principle of legality - legality and non-retroactivity.

From the rules cited we can deduce the basis for guaranteeing the requirements of legal certainty. And the State has the primary role in this activity. For these reasons, it is imperative to implement in the constitutional rules the norms of protection of human rights initiated in fundamental international acts.

In this sense, a fundamental act with rules relating to the principle of legal certainty, intended inter alia to ensure the rule of law, is the Constitution of the Republic of Moldova. Article 1 states that the Republic of Moldova is a sovereign, independent, unitary and indivisible state. The form of government of the state is the republic. The Republic of Moldova is a democratic state

governed by the rule of law, in which human dignity, human rights and freedoms, the free development of the human personality, justice and political pluralism are supreme values and are guaranteed. Article 4 of the Constitution already links the rule of law to respect for human rights: the constitutional provisions on human rights and freedoms shall be interpreted and applied in accordance with the Universal Declaration of Human Rights and the covenants and other treaties to which the Republic of Moldova is a party. If there are inconsistencies between the covenants and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, international regulations take precedence. [12] [13]

Further, the text of the Constitution of the Republic of Moldova contains several rules concerning the requirements of the principle of legal certainty. Thus, Article 20, on free access to justice, states that everyone has the right to effective satisfaction by the competent courts against acts that violate their rights, freedoms, and legitimate interests. No law may restrict access to justice. However, this article says nothing about the uniform interpretation of laws.

An important rule on legality is contained in Article 22 - non-retroactivity of the law: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence at the time when it was committed. Nor shall any punishment be more severe than that which was applicable at the time of the commission of the criminal act". In the previous sections of this study, we have argued the need to amend and supplement this constitutional article with requirements of legal certainty. These must include provisions on accessible and predictable laws; non-retroactivity of the law, with exceptions for favourable laws; uniform interpretation and application of laws.

Article 23 of the Constitution refers to the right of everyone to know his rights and duties. It states that everyone has the right to be recognised as a person before the law. The State ensures the right of everyone to know his rights and duties. To this end, the State publishes and makes accessible all laws and other normative acts. Although an important element of legal protection, the publication and accessibility of laws in the material sense of the word does not fully meet the requirements of legal certainty, which establishes the accessibility of laws, including in the sense of understanding laws.

Article 25 on personal liberty and security of person states that personal liberty and security of person are inviolable. For the purposes of this constitutional article, the notion of security refers to the physical security of the person - under the law, but without elaborating on the essential aspects of legal certainty. Other aspects of security of the person are not developed either.

We note that certain personal rights must not affect national security, as is, for example, regulated in Article 34 of the Constitution, according to which the right to information must not prejudice measures to protect citizens or national security.

It is also necessary to mention Article 76 of the Constitution, which establishes the mandatory publication of laws, which, like Article 23, refers to the accessibility of laws, although we have argued above that accessibility refers not only to publication, but also to the text accessible to the understanding or perception of the legal meaning. The correct understanding of laws is important, but the constitutional rule does not refer to these aspects.

With reference to the interpretation of laws, the Constitution establishes the interpretation of laws as one of the basic powers of Parliament in Article 66(c). Article 135(1)(b) establishes the power of the Constitutional Court to interpret the Constitution. A rule on interpretation can also be found in Article 4 mentioned above, which stipulates the concordance of interpretation. At the same time, the Constitution of the Republic of Moldova does not contain regulations on the obligation of uniform application of laws by the courts.

**Case law of the European Court of Human Rights.** For the first time, the principle of legal certainty or security was mentioned in the judgment of 6 April 1962 of the Court of Justice of the European Economic Union in *Uitdenbogerd v. Robert Bosch*. In that judgment, the Court ruled that "it is inadmissible for certain regulations to be revoked with retroactive effect if this leads to the nullity of agreements. This would be contrary to the general principle of legal certainty - a principle of law which must be respected". [14]. Thus, initially the principle of legal certainty was applied with reference to the non-admissibility of retroactivity of legal rules.

Subsequently, the principle of legal certainty was implemented by the European Court of Human Rights. On 13 June 1979, the Court ruled in *Marckz v. Belgium* that the principle of legal certainty, necessarily inherent in the Convention and in Community law, deprives the Member State of the possibility of calling into question acts or legal situations prior to the delivery of a judgment. Some Contracting States which have a constitutional court apply a similar solution: their domestic public law limits the retroactive effect of laws and nullifies them by decisions of that court. [15].

**The jurisprudence of the Supreme Court of Justice in ensuring legal certainty.** The Supreme Court of Justice (SCJ) of the Republic of Moldova is the highest court of the Republic of Moldova, empowered with the right of final instance. We will find that not all expectations of uniform application of the law by the Supreme Court of Justice have borne fruit. Due to the lack

of uniform interpretation of the law, which may be motivated by corruption, the Moldovan judicial system has gradually degraded to the level of total distrust - over 90% - of the population. [16]. And this argues once again the need for the constitutional framing of the right to legal certainty.

**Jurisprudence of the Constitutional Court of the Republic of Moldova.** The Constitutional Court (CC) of the Republic of Moldova consistently applies the interpretations and explanations given by the European Court of Human Rights. The competence is found in Title V of the Constitution, Article 134, according to which the Constitutional Court guarantees the supremacy of the Constitution, ensures the implementation of the principle of separation of state power into legislative power, executive power and judicial power and guarantees the responsibility of the state towards the citizen and of the citizen towards the state. [12]. According to the Law on the Constitutional Court, it is the only authority of constitutional jurisdiction in the Republic of Moldova. [17]

In view of its constitutional powers, the Constitutional Court has repeatedly interpreted legislative acts applying the requirements of the principle of legal certainty. On the one hand, the Constitutional Court of the Republic of Moldova takes into account the jurisprudence of the European Court of Human Rights and actively participates through its own contribution to the development of constitutional practice; on the other hand, this activity continuously modifies the constitutional theory and the legislative basis. We believe that, in some fundamental, important cases, the Constitutional Court of Moldova is excessively creative and makes interpretations which in fact annul fundamental principles and rights of the citizen, acquired for civilisation as far back as the French Revolution of 1789, such as the presumption of innocence or private property. We will now give a few examples in support of this claim.

In fact, through some interpretations, the Constitutional Court reverses the meaning of the fundamental principles of the presumption of innocence and the presumption of the lawfulness of property, which is an essential component of the right to private property. Although the Constitutional Court's interpretation is intended to contribute to the state's efforts to combat corruption, it does so in disregard of the generally recognised requirements of legal certainty. We cannot support the reinterpretation of fundamental principles. We believe that the annulment of the fundamental principles of law enshrined in the Constitution will have long-term negative effects.

We will not avoid a notorious case of constitutional interpretation when the constitutional law itself was declared unconstitutional. Hard to understand the phrase, but even harder to

understand the reasoning of the Constitutional Court. In Judgment No. 7/2016 on the constitutionality review of certain provisions of Law No. 1115/2000 on the amendment of the Constitution (the method of electing the President), the Court declared unconstitutional the texts - norms of the Constitution [18, pp. 32,33]. The Court's reasoning covers more than 30 pages, but it boils down to the fact that the legitimately elected Parliament of the country, by adopting a law with its constitutional majority, has generated an imperfect system of government. Once again, the requirements of predictability of the law, quality, and stability of the law, as well as the constitutional rules on national sovereignty, which belongs to the people who exercise it through their representative bodies, and on Parliament, which is the sole legislative authority of the State, have been ignored. There are several argued views that these Constitutional Court rulings have led to state capture during 2016-2019 and have damaged constitutional jurisprudence and the prestige of this authority. In turn, we reiterate that ignoring the principle of legal certainty, the requirements of stability of law and quality of laws causes serious consequences and affects national security.

Concluding the study on legal certainty as a factor of protection of the person, we can formulate the following summary.

1. The certainty of the law, i.e. the quality and stability of the law, in a state governed by the rule of law is important and constitutes its foundation. Responsibility for ensuring the stability of the law lies directly with the legislature, which is responsible for the quality and stability of the rules of law, and with the judiciary, which is responsible for the correct and uniform interpretation and application of the rules of law. However, the theoretical recognition of such responsibility is not sufficient for its practical manifestation. The Supreme Court in many cases applies the law selectively, arguing the requirements of legal certainty. Society's confidence in the judicial system has deteriorated to a few percent of the population. That is why there is now a growing need for the enshrinement of legal certainty in law, including constitutional certainty, so that it can become generally binding and, if necessary, can be enforced by the coercive force of the state. In this case, we are talking about the need for constitutional normative enshrinement of legal certainty as a fundamental principle of the legal order.

2. It has become generally recognised that the principle of legal certainty is a fundamental principle for the legal order, since it is such as to guarantee the security of the individual against the dangers that may arise from the legal system itself in the form of the precarious quality and ambiguous meaning of legal rules, compounded by their uneven interpretation and application in practice. The only authority of constitutional jurisdiction in the Republic of Moldova - the

Constitutional Court - sometimes ignores the principle of legal certainty and other fundamental principles of law, such as the presumption of innocence or private property. Excessively creative interpretations of constitutional norms at the expense of fundamental principles disastrously discredit the certainty of the law and confidence in the legal order. For this reason, only the exhaustive application of all the requirements of legal certainty can help to remedy justice in the Republic of Moldova. The content of the principle of legal certainty comprises three important elements or requirements, if we are referring to their legal materialisation: the quality of the law, through accessibility and predictability; the non-retroactivity of the law, with the exception of favourable criminal law; the uniform interpretation and application of the law. The link and interdependence of these theoretical elements and legal requirements are important, since we can consider the person legally secure only when he enjoys a high quality of legal norms, when he benefits from the non-retroactivity of the law or, as an exception, from its favourable retroactivity; finally, when justice effectively interprets and uniformly applies the law.

3. Generalising what we have studied, we stress the importance and the need to expressly enshrine in the Basic Law of the State the principle of legal certainty as a right of the individual, in terms of all its requirements: quality of the law - accessibility and predictability; non-retroactivity of the law, except for favourable criminal law; uniform interpretation and application of the law. We are firmly convinced that only constitutional enshrinement can guarantee and ensure respect for the principle in all areas regulated by legislation and by all decision-makers: legislative, executive, and judicial authorities. Only under such conditions can the legal certainty of the person as a constitutional value be strengthened.

4. Regarding the essence and content of the category of *legal certainty of the person*, we conclude that it implies the security of the person guaranteed by the principle of legal certainty. The content of the category derives from constitutional regulations. Only in this sense it is clear which dangers threaten the legal certainty of the person - those aimed at diminishing the quality and stability of the law, as well as measures designed to ensure such security of the person - i.e. measures of a legal and jurisdictional nature.

In the final section - **Conclusions and recommendations** - the conclusions formulated as a result of the research carried out and the proposals for solving the problems identified are presented in a logical order. In particular, the proposal to amend the Constitution is formulated in Article 22 entitled "The right of the person to legal certainty", supplemented with the content of all the elements of the principle of legal certainty.

**The bibliography** comprises the documentary and doctrinal support for the thesis, consisting of 258 scientific, normative, and other sources, including 24 of the author's own publications.



## CONCLUSIONS AND RECOMMENDATIONS

In the final section *Conclusions and recommendations* I generalized on the study conducted in the PhD thesis and concluded that I have fully achieved the goals and objectives set and formulated final conclusions and recommendations.

### Conclusions

1. The degree of scientific research on the categories of *security*, the *right to security*, *legal certainty* in the Moldovan area is low and does not reflect the threats faced by the Moldovan society. The contribution of European or regional scholars in these areas cannot replace the need to develop their own doctrine, based on the normative basis, history, and local realities.
2. From the analysis of the relevant legal framework, we can deduce that state security and, implicitly, national security focus mainly on the military component and the dangers related to it, and to a limited extent on the protection of the individual and his rights, on the protection of the democratic interests of society. This is an outdated approach to the phenomenon of security, which does not correspond to current international practices and society's requirements.
3. The national security framework contains multiple structural and conceptual gaps and shortcomings, and the powers of the supreme security authorities, established in the 1990s, need essential revision. The constitutional right to security needs to be complemented by the dimensions of security classified according to the value protected, which are to some extent regulated in the national security legal framework: political security, economic security, military security, physical security, information security, medical security, social security, and legal certainty. Recognition of the individual's right to security - as a subject of constitutional security - needs to be accompanied by a clear definition and clarification of the institution of legal liability of the state and other persons for violations of this right, which is expressly enshrined and guaranteed by the supreme law of the state - the Constitution.
4. The formula used by the legislator to guarantee personal security in the content of the National Security Strategy of the Republic of Moldova is too general and far from sufficient and effective. Practically every dimension of security set out in the Strategy is affected by shortcomings and requires substantial additions. Probably the biggest shortcoming admitted by the legislator lies in the lack of a strategic vision for the development of the security sector, but also in the failure to guarantee the human security, both at the level of the Strategy and at the level of

the entire legislative system. The Law on State Security needs to be amended to focus on the public interest and the protection of human rights.

5. The certainty of the law, i.e. the quality and stability of the law, in a state governed by the rule of law is important and forms its foundation. Responsibility for ensuring the stability of the law lies directly with the legislature, which is responsible for the quality and stability of the rules of law, and with the judiciary, which is responsible for the correct and uniform interpretation and application of the rules of law. The constitutional regulations on the principle of legal certainty are not exhaustive and need to be supplemented. It is necessary to enshrine in constitutional law the principle of legal certainty as a fundamental principle of the rule of law, in particular the elements of non-retroactivity and uniform interpretation of laws.

6. The legal certainty of the person should not be confused with the principle of legal certainty either. The principle can serve as the source and basis of the new institution of law, which will develop in its own right. The content of the principle of legal certainty comprises three important elements or requirements, if we are referring to their legal implementation: the quality of the law, through accessibility and predictability; the non-retroactivity of the law, except for favourable laws; the uniform interpretation and application of the law. The link and interdependence of these theoretical elements and legal requirements are important, since we can only consider a person to be legally secure if he or she enjoys a high quality of legal norms, when he or she benefits from the non-retroactivity of the law or, as an exception, from its favourable retroactivity, and finally, when the law is interpreted effectively and applied uniformly.

7. The essence and content of the category of *legal certainty of the person* implies the security of the person guaranteed by the principle of legal certainty. The content of the category derives from constitutional law. It is only in this sense that it becomes clear what the dangers threatening the legal certainty of the person are - those which are aimed at diminishing legal quality and stability, and the measures designed to ensure such security of the person - i.e. the conclusive legal and jurisdictional measures.

## **Recommendations**

1. To substantially amend the national security legal framework by outlining the contemporary and current character of the security sector of the Republic of Moldova - clearly delineating and guaranteeing national security, state security and personal security.
2. To review the National Security Concept and the National Security Strategy of the Republic of Moldova in order to clearly outline the content and the means of ensuring both national security as a whole and the security of the state and the individual separately, on their different dimensions, classified according to the protected value: political security, economic security, military security, physical security, information security, medical security, social security and legal certainty.
3. Revise the State Security Law with a focus on the public interest and the protection of human rights, including guaranteeing the legal certainty of the person, based on the requirements of the quality of the law, non-retroactivity, and uniform interpretation. To supplement the State Security Law with the legal responsibility of the state for violations of this right.
4. To amend Article 22 of the **Constitution of the Republic of Moldova** as follows:

### **"Article 22**

#### **The individual's right to legal certainty**

- (1) Laws must be clear and predictable. No one shall be held guilty of any criminal offence or omission which did not constitute a criminal offence at the time when it was committed. Nor shall a heavier penalty be imposed than that applicable at the time of the commission of the criminal act.**
  - (2) Laws shall only provide for the future, except for more favourable criminal laws. In procedural matters, the principle of favourable retroactivity shall apply.**
  - (3) Public authorities must interpret laws uniformly and courts must ensure uniform application of laws and are responsible for ensuring compliance with these obligations."**
5. To develop the general theory of security by continuously improving the theoretical, political, and regulatory framework of the security sector; by carrying out extensive and complex scientific and applied studies to complement this theory.

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**3.7** ENICOV, V. Supreme Security Council in the system of ensuring national security. In: Security Council in decision-making: comparative analysis: Republic of Moldova, Romania and Ukraine. Chisinau: Cartier, 2006, pp. 46-58. ISBN 978-9975-79-006-2.

#### **4. Policy papers**

**4.1** ENICOV, V. Reforming the Security and Intelligence Service of the Republic of Moldova. In: EaP Security Forum, Policy Brief. November 2021. 8 p.

**4.2** ENICOV, V. The shortcomings of the cooperation of supreme authorities in managing security crises. Supreme public authorities in the field of ensuring national security: Powers and cooperation. In: National Security, Defence and Public Order: between realities and perspectives. Institute for Public Policy, 2020, pp. 159-178. ISBN 978-9975-3483-7-9.

**4.3** ENICOV, V. Activity of the Parliamentary Committee on National Security, Defence and Public Order in May, June, and July 2020. In: National Security, Defence and Public Order: between realities and perspectives. Institute for Public Policy, 2020, pp. 65-84. ISBN 978-9975-3483-7-9.

**4.4** ENICOV, V. Public order, security, and defence. Reform of the Supreme Security Council. Chisinau: Institute for Public Policy, 2014. 16 p.

**4.5** ENICOV, V. Opportunities, needs and options for the reorganization of the Supreme Security Council. Study. Chisinau: Institute for Public Policy, 2011. 21 p.



## ADNOTARE

Enicov Vadim

### Securitatea juridică a persoanei în Republica Moldova, dimensiuni constituționale

Teză de doctor în drept, Chișinău, 2023

**Structura tezei:** introducere; capitol introductiv; compartimente de bază – două capitole; concluzii și recomandări; bibliografie din 258 de titluri; 130 pagini de text de bază. Numărul de publicații la tema tezei: 1 culegere de studii științifice la tema tezei; 11 articole științifice în reviste; 7 comunicări la forumuri științifice; 5 studii de politici publice.

**Cuvinte-cheie:** securitatea persoanei, drepturile omului, securitate juridică

Domeniul de studiu: 552.01 – Drept constituțional

**Scopul lucrării:** dezvoltarea conceptului securității juridice a persoanei prin evaluarea și fundamentarea reglementărilor constituționale ale principiului securității juridice.

**Obiectivele de cercetare:** evaluarea gradului de cercetare științifică a categoriilor de securitate, dreptul persoanei la securitate, securitate juridică; analiza dimensiunilor constituționale ale securității și ale persoanei ca subiect al securității constituționale; abordarea securității juridice ca factor de protecție a persoanei și evaluarea reglementărilor constituționale ale securității juridice; fundamentarea și completarea reglementărilor constituționale ale principiului securității juridice.

**Problema științifică importantă soluționată în domeniu:** fundamentarea teoriei securității persoanei pe două categorii distincte: siguranța persoanei ca principiu constituțional și securitatea juridică a persoanei ca drept constituțional – garantat de principiul securității juridice, în vederea consolidării securității persoanei.

**Noutatea și originalitatea științifică:** abordarea cuprinzătoare a aspectelor securității juridice a persoanei ca domeniu de securitate și ca obiect al securității constituționale, care a condus la cunoașterea integrată a temei.

**Semnificația teoretică:** dezvoltarea teoriei securității, teoriei dreptului constituțional și teoriei securității juridice.

**Valoarea aplicativă:** teza furnizează idei și propuneri pentru consolidarea respectării drepturilor omului și a reglementărilor de securitate juridică.

**Implementarea rezultatelor științifice:** studii de politici publice formulate în Institutul de Politici Publice.

# АННОТАЦИЯ

Еников Вадим

**Правовая определенность личности в Республике Молдова, конституционные аспекты**

**Диссертация доктора права, Кишинэу, 2023**

**Структура диссертации:** введение; вводная глава; базовые - две главы; выводы и рекомендации; библиография из 258 наименований; 130 страниц основного текста. Количество публикаций по диссертации: 1 сборник научных исследований по теме диссертации; 11 научных статей в журналах; 7 сообщений на научных форумах; 5 исследований публичных политик.

**Ключевые слова:** безопасность человека, права человека, правовая определенность.

Область исследования: 552.01 - Конституционное право

**Задача работы:** развитие и обоснование теории правовой определенности через оценку конституционных норм принципа юридической определенности.

**Цели исследования:** оценка степени научных исследований категорий безопасности, права человека на безопасность, правовой определенности; анализ конституционных измерений безопасности и личности как субъекта конституционной безопасности; подход к правовой определенности как фактору защиты личности и оценка конституционных норм правовой определенности; обоснование и дополнение конституционных норм принципа правовой определенности.

**Важная научная проблема, решенная в этой области:** обоснование теории безопасности личности в двух отдельных категориях: безопасность личности как конституционный принцип и правовая определенность личности как её конституционное право - гарантированное принципом правовой определенности, в целях укрепления безопасности человека.

**Научная новизна и оригинальность:** комплексный подход к аспектам правовой определенности личности как области безопасности и объекта конституционной безопасности, что привело к всестороннему знанию темы.

**Теоретическое значение:** развитие теории безопасности, теории конституционного права и теории правовой определенности.

**Прикладное значение:** в диссертации содержатся идеи и предложения по улучшению защиты прав человека и регулирования правовой определенности.

**Реализация научных результатов:** исследования публичных политик в Институте Публичной Политики.

# ANNOTATION

**Enicov Vadim**

**Legal certainty of the person in the Republic of Moldova, constitutional dimensions**

**Doctoral thesis in law, Chisinau, 2023**

**Structure of the thesis:** introduction; introductory chapter; basic compartments - two chapters; conclusions and recommendations; bibliography of 258 titles; 130 pages of basic text. Number of publications on the thesis: 1 collection of scientific studies on the thesis theme; 11 scientific articles in journals; 7 communications to scientific forums; 5 studies of public policies.

**Keywords:** security of the person, human rights, legal certainty.

Field of study: 552.01 - Constitutional law

**The purpose of the study:** development and substantiation of the concept of legal certainty of the person through the evaluation of constitutional regulation of the principle of legal certainty.

**Research objectives:** evaluation of the degree of scientific research of the categories of security, right of the person to security, legal certainty; analysis of the constitutional dimensions of the security and of the person as a subject of constitutional security; addressing legal certainty as a person's protection factor and evaluation of constitutional regulation of legal certainty; substantiation and completing of the constitutional regulations of the legal certainty principle.

**The important scientific problem solved in the field:** foundation of the theory of person's security on two distinct categories: the person's safety as a constitutional principle and the legal certainty of the person as a constitutional right - guaranteed by the principle of legal certainty, to strengthen the security of the person.

**Scientific novelty and originality:** comprehensive approach of the person's legal certainty aspects as a field of security and as an object of constitutional security, which led to integrated knowledge of the theme.

**Theoretical significance:** developing the security theory, the constitutional law theory, and the theory of legal certainty.

**Applicative value:** the thesis provides ideas and proposals for improving respect of human rights and legal certainty's regulations.

**Implementation of the scientific results:** public policy studies in the Institute of Public Policy.

**ENICOV Vadim**

**LEGAL CERTAINTY OF THE PERSON**

**IN THE REPUBLIC OF MOLDOVA:**

**CONSTITUTIONAL DIMENSIONS**

**Specialty: 552.01 - Constitutional law**

Summary of the doctoral thesis

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