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ENVIRONMENTAL PROTECTION THROUGH THE PRISM OF PROPERTY RIGHTS

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CONCEPTUAL GUIDELINES OF RESEARCH

The relevance and importance of the addressed issue.

The environment and environmental protection represent a current research area within the field of legal sciences. As science has evolved and information has accumulated in various fields, the issue of environmental conservation and the rational use of natural resources and conditions arises, allowing human development to proceed harmoniously.

The rapid development of humanity, coupled with the excessive exploitation of natural resources, population growth, changes in existing ecosystems, and the creation of new ecosystems, has led to the overall deterioration of the environment, inevitably resulting in the depletion or degradation of environmental objectives.

The inclination to frame environmental objectives within a legal framework characterizes the existing situation in the history of law. Given the importance of these objectives, in a significant portion of legal systems, it has been considered relevant to grant them a separate niche in the field of law. Property law was one of the legal institutions that accommodated these objectives. Due to the evolution of knowledge in the field of the environment and environmental protection, the new characteristics attributed to these objectives have exceeded the scope of the property law institution. However, the compelling need to use these assets continued. As a result, attempts were made to expand the scope of property law to make the inclusion of these specific objects possible. However, this flexibility, accompanied by the application of limitations and exceptions, created an overly complex regime that can be used to the detriment of the fundamental principles of the respective institution's operation. Property law is just a manifestation of the concept of ownership, which, in essence, is an economic one and does not encompass the entire range of relationships characterized as "property" – that is, what could be considered, to some extent, the domain of control of an individual or entity. The right to property comes with a multitude of principles and pillars that conceptually define the object of property law and how this right is manifested in relation to the object.

The concept of property can be manifested through the lens of various legal institutions, and their applicability becomes evident in situations where it is impossible to apply the institution of property law as conceptualized by doctrine and legislated in the Civil Code of the Republic of Moldova. For example, in the case of intellectual property, human body organs, or in situations involving the exploitation of natural resources. Therefore, these objects require a separate and distinct manifestation from others that are perceived as objects of property law. The specific manifestation of these objects removes them from the content of

property law regulations and creates separate regimes where they feel comfortable and can be perceived in a way that aligns with their essence.

Furthermore, the relevance and necessity of this work are evident due to the existence of ambiguities in the application of property regulations regarding environmental objectives. Chaotic and unclear approaches to the management and utilization of natural resources create problems rather than offering specific protection for these assets. Considering that environmental objects are vital to humanity, it is not acceptable to have obscure and contradictory regulations regarding approaches to the use and management of natural resources.

The description of the situation in the research field and the identification of research problems have been addressed by authors both within the country and abroad. Their contributions in studying the subject matter, regarding the delimitation of the institution of property law, its application to environmental objects, and the methods of environmental protection, have been significant. Some notable authors in this field include I. Trofimov, G. Ardelean, P. Zamfir, Ș. Belecciu, S. Baieș, C. Bîrsan, A. Capcelea, Gh. Duca, M. Duțu, E. Lupan, D. Marinescu, and U. Mattei.

The purpose and objectives of the thesis are as follows.

The purpose of this work is to examine environmental protection through the lens of property concepts, identify issues in the application of property rights to environmental objects, and develop recommendations for improving the regulatory framework for the rational use of natural resources. The study's goal also includes establishing permissible limits for the exploitation of environmental objects and determining the form and content of these limits based on the analyses conducted throughout the work, which, in general, ensure the protection of the environment.

To achieve the aforementioned goal, the following **objectives** were outlined:

1) Determining the influence of environmental protection requirements on the content and mechanisms of regulating property rights over environmental objects.

2) Shaping the perspective of property rights over environmental components in the context of ensuring environmental protection.

3) Formulating and conceptualizing principles that would govern the characteristics of property rights over environmental objects.

4) Identifying the limitations imposed on the exercise of property rights in the use of environmental objects, natural resources, and how the institution of property rights is affected.

5) Identifying natural resources or environmental objects that could be subject to property rights, as well as their manifestations.

6) Analyzing the essence and ways of interaction of the general character-

istics of property rights in relation to the characteristics and manifestations of property rights over environmental objects, taking into account environmental protection purposes.

7) Identifying the conceptual form of the right to use environmental objects that cannot be objects of property rights.

The scientific research methodology

In order to complete this work, a comprehensive set of specific research methods was utilized. The methodological foundation of this work draws from fundamental tenets of philosophy, economics, general state and law theory, constitutional law, civil law, administrative law, environmental law, as well as other social and legal disciplines that pertain to the researched topic. The complex and interdisciplinary nature of the study necessitates the use of a variety of methods, procedures, and techniques, including general methods (systematic, logical, historical, comparative, literary interpretation, teleological, modeling) and graphic tools (tables, diagrams).

The historical method is employed to analyze the genesis of the concept of property, from its economic perception to the development of legal institutions of property. Examining their evolution and development throughout human history is crucial for understanding all defining elements associated with them. Studying the roots of property law and environmental law is vital in order to gain a clear understanding of the subject matter, and it is practically impossible to neglect this aspect.

The logical method is used to argue and support the chosen position regarding the interpretation of legal institutions and their consequential attributes.

The systematic method is employed to determine and correlate hypotheses within a coherent and useful system for addressing the complex issues of interaction and environmental protection through the lens of property.

The comparative method explores the similarities and differences among the institutions in question, both within the same doctrinal concept and by drawing comparisons with similar institutions from other doctrinal perspectives.

The method of literary interpretation is used to investigate the syntactic meaning of words, expressions, and terms.

The teleological method is utilized to study the purposes and elucidate the objectives of specific normative provisions that define the purpose of the research.

The modeling method is employed to create hypothetical scenarios that serve to unfold the concepts presented in the work.

Graphical methods, such as tables and diagrams, are used to systematize

and explain complex forms of institutional interaction described in the work.

The scientific novelty and originality of the research,

This is the first scientific work in the field of environmental law that interdisciplinarily examines the issue of environmental protection from the perspective of property concepts. We believe that the approaches presented in this thesis form a solid foundation for the study and interpretation of environmental objects as assets within the economic circuit and, consequently, a manifestation of property. Furthermore, this manifestation of property acquires defining elements that encompass the protection of these assets from a broader social perspective, reaffirming attributes and values related to environmental protection.

The scientific novelty of this work consists of the following:

1. Conceptualization and detailed analysis of domestic doctrinal interpretations regarding property rights. Special attention was given to differentiating between the notions and ideas of property as an economic concept and the subsequent emergence of property rights, which do not always cover all of its ramifications. Depending on the doctrinal stance reflected in the legal framework of the state, this category can be interpreted through various legal instruments and institutions. When discussing property rights and doctrinal divisions, two primary currents are identified on the European continent. The first originates with Napoleon's Code and forms the basis for legal systems inspired by it, while the second is influenced by the concepts embodied in the BGB (German Civil Code). It is emphasized that the Civil Code of the Republic of Moldova approaches the institution of property rights from the perspective of German doctrine, which, in turn, comes with certain restrictions and ideologies vital to its application concerning specific environmental objects.

2. It has been delimited that environmental objects, although they can be considered assets within the economic circuit, cannot be objects of property rights from a normative doctrinal standpoint adopted by our country, both materially and legally. An exception to this is land, which is an essential, fundamental component of property rights and also a natural resource requiring separate and distinct protection. In this context, guidelines for the behavior of property rights have been formulated, based on principles that facilitate the protection and necessary care of the owner regarding these specific objects.

3. In the absence of a clear concept of how property rights manifest themselves regarding environmental objects, i.e., in what form and manner environmental assets are placed in the civil circuit, if this is possible, it was necessary to determine how these relationships arise and from the perspective of which institutions they would be possible. It was established that institutions other than the institution of property rights are more relevant to these criteria, and according to our analysis, these institutions have been determined through authorizations

and concessions. In this regard, it was found that the institution of environmental permits, in the domestic legal system, is not sufficiently developed to provide adequate protection for environmental objects and requires a comprehensive approach.

4. In the development of the concept of property for environmental objects, proposals for *lege ferenda* were formulated to develop applicable institutions in cases where the institution of property rights cannot be applied, or its application alone is insufficient. To implement the elaborated concept, a series of requirements were established to make the application of these institutions possible:

- the form of the act granting the use of environmental resources;
- the content of the act, expressing the rights and obligations of the parties;
- the principles governing the respective act;
- the need to develop a legislative act that regulates these acts of natural resource exploitation;
- the unity and clarity of the responsibilities of public authorities in managing acts of natural resource exploitation.

The theoretical significance of the work lies in its well-structured study, incorporating in-depth theoretical and practical analyses in the field of environmental concepts, protection, and its various forms. It also provides a detailed separate approach to the concept of property and its interactions with environmental objects. The work highlights the manifestations of these concepts and the multitude of existing problems in the current stage regarding the legal figures used to regulate them. In order to develop a comprehensive understanding of the subject matter, the study relies on legislative acts and concepts proposed by other countries' legal systems, such as Belgium, Croatia, Denmark, France, Germany, Hungary, Italy, Latvia, the Netherlands, Norway, Poland, Portugal, Slovenia, Spain, the United Kingdom, the United States, the Russian Federation, and Romania. By applying the aforementioned methods cumulatively and in conjunction with the mentioned regulations, the work establishes a well-defined and solid foundation for exploring the concepts of property related to environmental objectives and how they impact environmental protection as a whole.

The practical value of the work is manifested through concrete proposals primarily related to the treatment of environmental objectives from the perspective of economic concepts of property and their materialization within legal institutions. It provides a well-defined framework that facilitates the appropriate application of regulations, thereby promoting the sustainable use of environmental resources while considering the associated risks and obligations. The determination of rights and obligations of resource users enables them to ensure the well-being of the managed objects, while also emphasizing the role of the

state in fulfilling its protective responsibilities towards a healthy environment. This contributes to the establishment of possible limits on the use of vital natural resources for the development of humanity. All of these aspects, and more, contribute to a practical clarity regarding the management of environmental resources and the methods of allocation to individual citizens.

The main scientific results put forward consist of the elaboration of a conceptual framework for the exploitation mechanisms of natural resources, serving a dual purpose. The first purpose is to ensure comprehensive implementation of environmental protection concepts, while the second purpose is to manifest the subjective interests of the exploiter.

Approval of the results.

The author advocated for the promotion of their ideas and proposed forms regarding the integration of environmental objects into the economic circuit through the concepts of property at various forums and scientific conferences. Starting from 2018, the author delivered speeches and presentations at the International Scientific-Practical Conference "Transboundary and Transnational Crime: Current Trends and Manifestations, Prevention and Combating Issues," the National Scientific Conference with International Participation "Integration through Research and Innovation," held annually by the State University of Moldova (editions 2018-2022), the Interuniversity Scientific Conference for PhD Students with the theme "Crime Prevention and Combating - Issues, Solutions, and Perspectives," 3rd edition in 2021, and the international conference titled "The 7th International Conference Ecological & Environmental Chemistry 2022."

Furthermore, the fundamental concept of the work was reiterated in several specialized scientific journals such as the Scientific Annals of the "Stefan cel Mare" Academy of the Ministry of Internal Affairs, the Journal "Law and Life," the Scientific Journal of the State University of Moldova, Studia Universitatis Moldaviae, and others. Additionally, the results obtained in the thesis were highly appreciated and considered necessary by the Environmental Agency of the Ministry of Environment of the Republic of Moldova.

The publications related to the topic of the doctoral thesis consist of 14 scientific papers.

Keywords: environment, environmental protection, environmental law, environmental objectives, property, right to property, object of property rights, permitting acts, concessions, sustainable use, public interest, natural resources, ECtHR, international arbitration, quasi-things.

THESIS CONTENT

The introduction of the thesis encompasses the following sections, which provide a rationale for the chosen research topic: the relevance and importance of the addressed issue, the aim and objectives of the thesis, the research hypothesis, the methodology of scientific research, the empirical basis of the study, the scientific novelty of the obtained results, the solved scientific problem, the theoretical significance and practical value of the work, the approval of the results, and the summary of thesis sections.

Chapter I, titled ***"Analysis of Approaches in the Field of Environmental Protection and Property,"*** structurally composed of 3 subsections, is dedicated to researching the most relevant scientific materials (textbooks, monographs, doctoral theses, scientific articles, guides, studies, journals, and even scientific conferences entirely dedicated to the phenomenon of environmental protection from the perspective of property rights) published on the doctoral thesis topic in the Republic of Moldova and abroad. It examines the issues of environmental protection through the lenses of environmental law and civil law. It asserts that understanding this issue necessitates knowledge from multiple fields, such as economics, ecology, geography, chemistry, and others. Additionally, it emphasizes the importance of concepts like sustainable development and rational use in the context of environmental protection. It also highlights that the adaptation of consumption patterns and exploitation requirements of environmental objects has evolved alongside humanity and the necessity of establishing acceptable limits for environmental protection. Regarding the Republic of Moldova, it emphasizes that the subject of environmental protection is approached in a multidisciplinary manner and at various levels of complexity. However, specialized literature primarily focuses on civil law and the legal relationships based on environmental objects. The opinion of the domestic civil doctrine does not clearly delineate and does not attempt to create a specific category for natural resources within the civil circuit, leading to a distortion of opinions regarding how they should be attributed as property. There is also no concrete legal regime for environmental objects, and the issue of clarity in the management of these resources is not significantly addressed. Furthermore, there are attempts to characterize certain narrower domains separately, but without clear and concrete foundational principles of what this might entail. This topic has been addressed by scholars from other fields who have highlighted the same issues and emphasized the importance of natural resources in the Republic of Moldova, especially agroclimatic ones.

In the international literature, the subject of the interaction between property rights and environmental objectives is closely examined. However, both at

the national and international levels, this subject is still in an early stage of development concerning concepts, foundations, and defining principles. Generally, though, the issue of the interaction between property rights and environmental objectives is addressed by legal scholars and economists, especially through the field of environmental economics. This is a branch of economics that focuses on the impact of environmental issues on the economy and provides solutions for the protection and regeneration of natural resources.

In international doctrine, the subject of the interaction between property rights and environmental objectives is addressed in terms of increasing economic productivity and how the use of readily available natural resources affects economic relationships. The issue of climate change and its effects on the exchange of goods in society and the development of new economies or assets are important issues that require property regulations in relation to environmental interests. These regulations are necessary to promote the protective nature of the environment and to shape economic activities in a way that safeguards natural resources.

Doctrinal opinions regarding property and its regulations in the world's most dominant legal systems are analyzed, with a focus on environmental regulations. The Anglo-Saxon system is characterized by a simpler interpretation of the concept of property, which is defined more by economic science than by law. In terms of environmental law, it is perceived as a collective term that encompasses aspects of the law ensuring environmental protection and distinct regulations regarding the management of specific natural resources. Private property can play two opposing roles in environmental situations, and the solution considered by most ecologists is the relocation of control over natural resources to a central authority, such as the federal government. Environmental issues and the recognition of the fundamental right to the environment have had a significant impact on human fundamental rights, and property has developed a genuine "environmental function," established as a legal limit on the exercise of property rights in the civil legislation of Romania and the Russian Federation. Ordinary legislation confirms numerous examples of the application of these limitations in the interest of the environment, as confirmed by national and international judicial practices.

Chapter II, titled "***The Intersection of Property as a General Concept, the Right of Property, and Environmental Objects,"*** presents theoretical and practical concepts related to property and its evolution throughout the development of humanity. It is necessary to note that property as a concept is primarily an economic concept, which is why we should first and foremost consider it from this perspective. Economic ownership relationships manifest in various forms, depending on the subject: an individual, a group of individuals, an organized collec-

tive, the state, or society. Accordingly, ownership is determined by these subjects. These economic forms of ownership are referred to as property forms [311, p. 22]. From this basic delineation of property, we must recognize that property is the human attitude towards an object [286, p. 402]. The forms of property can be formulated and categorized depending on the needs of humanity.

When discussing property from an economic perspective, for the purposes of this work, we divide it into three categories:

- goods that belong to me,
- goods that belong to others,
- common goods.

Research is conducted regarding the doctrinal ownership of property rights regulated by the domestic legislator primarily in the Civil Code, and certain issues regarding the possibility of including environmental objects are elucidated. The evolution of property rights on the European continent has had a rather complex and controversial history. Throughout the evolution of society in this territory, there have been several concepts and forms of property rights recognition. Some concepts were created based on fictions that were transposed and implemented in daily life, with fiction serving as an easier means of giving a certain appearance to existing relationships. Others, however, were based on principles and developed as a result of specific events and human behavior in the context of those relationships.

In the European context, three manifestations of its regulation have emerged: Common Law regulations, Napoleon's Code regulations, and regulations inspired by Justinian's Pandects in the BGB.

Therefore, aligning and equalizing these institutions can, at times, lead to undesirable consequences, resulting in illogical conclusions regarding the interpretation through the lens of Romanian civil law theory in the civil law of the Republic of Moldova. This, in turn, leads to confusion and errors in practice, the emergence of obscurities in scientific works, as well as the development and promotion of new legislative acts that do not align with the currents established in domestic civil legislation.

To correctly understand the regulatory framework governing property rights, it is necessary to consult the theoretical inspirations that underpinned them and, based on these, develop the domestic theoretical position that will form the basis for modifications, deviations, and repeals of existing norms.

To strategically address the research topic proposed, it is mandatory to delineate what the subject of property rights entails in the legislation of the Republic of Moldova. This determination of the subject of property rights will allow us to correctly formulate relevant proposals for the protection of the environment through the instruments provided by real rights.

Delimiting goods as comprising rights and factual things opens the door to conceptualizing the necessary criteria for determining the features of the doctrinal approach adopted by the legislator. Despite this delimitation, in most cases, the Code uses the term "bun," even when it is clearly about "things" [21, p. 79] (for example, in Articles 459-471, 482-499, 500-530, 536-542, etc.). Furthermore, recently in Article 1108(4), which pertains to sales contracts, a regulation has appeared, which reads as follows: "The provisions of this chapter also apply to the sale of rights and other things, such as electric energy, thermal energy, gas, and water supplied through a network, as well as digital content, to the extent that these provisions do not conflict with the nature of these rights or things" [95]. The issue identified in this sentence is the use of the term "thing" which does not align with the explanations provided by the legislator in Article 455(2) – "things" being corporeal objects in relation to which civil rights and obligations can exist. The problem with the wording in Article 1108(4) is that after the words "rights and other things" (which would essentially constitute the category of goods according to Article 455), the legislator provides examples of objects that, in no case, can be classified as "things," such as thermal energy, gas, electric energy, water, and digital goods. As mentioned earlier, these categories could be included in the category of "quasi things" (fig. 2.2), which lack all the elements to be considered as "things," have tangential elements with rights, and are classified by the legislator in the category of goods. Therefore, to avoid creating more discrepancies in the existing legal-theoretical concepts, we propose replacing the term "thing" in that paragraph with "good" or introducing a new category of "quasi things" in Book Two, Title I, and placing all objects listed by the legislator that are neither "things" nor "rights" but fall under the category of goods in this category. Although the legislator places this construction accordingly, as observed from the formulations used afterward, it can create certain interpretational ambiguities. As mentioned earlier, there are articles in the Civil Code of the Republic of Moldova that should exclusively use the term "thing" due to its specific connotation with the field of regulation, and this particularly refers to real rights.

The legislator approaches the topic of the right of ownership very carefully, avoiding providing a definition. However, from the legal construct found in Article 500(1) of the Civil Code, it is quite clear what connotation it carries, namely, "The owner has the right of possession, use, and disposal over the property" [95].

We observe the three attributes of the right of ownership mentioned earlier: possession, use, and disposal. Additionally, we delineate the object upon which these attributes impact, which in the given article is presented in the form of "bun." As we presented earlier, in line with the ideology proposed by the code, it would be correct for this institution to use the term "lucru."

Using the term "bun" only creates the illusion of covering a larger category than is presented and may lead to possible misinterpretations, including in the context of our work concerning environmental objects.

Environmental objects possess certain characteristics that make them more like collective goods and values, which are consequently difficult to manage and control. For this reason, we note that the main idea expressed through environmental regulations relates to four types of meanings, namely rational use, development, conservation, and protection. Therefore, if one or more of these coincide with the interests of the owner to possess, use, or dispose of, we can speak of an interaction and connection between these branches of law.

Principles are presented that would serve to adjust environmental objects in terms of the institution of the right of ownership and the concept of ownership, as well as the limitations imposed on the attributes of the right of ownership by the specific nature of environmental objects. These principles aim at the purpose of using environmental objects in the interest of those who directly manage them or seek to transfer them or a component thereof into the management of other individuals. As demonstrated earlier, we are dealing with certain specific objects, and their categorization within the civil circuit, as well as attributing them to the category of ownership in an economic sense, would entail certain limitations and nuances of exploitation.

The first principle that will be stated and analyzed is the principle of cooperation. This principle arises from the theories and works presented earlier (the tragedy of the commons and the prisoner's dilemma) and not only implies that, in our context, when it comes to the exploitation of natural resources that are inherently finite, cooperation and understanding regarding consumption quotas or exploitable quantities, etc., among those who use them, are necessary. Cooperation would involve finding a compromise between the parties, which would necessitate mutual limitations and would ultimately lead to the possibility of inducing conservation of natural resources specifically through cooperation and reaching a compromise. When discussing the use of a natural resource, this must be done through cooperation, both among co-owners in the case of common use and between the owner and third parties. Third parties are those individuals who, although they do not use the given property for the purpose pursued by the owner, benefit from its existence concerning their rights to a healthy environment and their spiritual well-being. The principle of cooperation assumes that whoever receives a natural resource in management is obliged to display a cooperative attitude and a willingness to compromise with other individuals, regardless of who they may be, to continue benefiting from the management of the resource without damaging the relationships and rights of other individuals related to this resource.

The next principle formulated is the principle of rational use. Rational use, in the given context, should not be confused with the right to use in any form, as an attribute of the right of ownership. The term "use," in this context, encompasses all methods of use and exploitation of natural resources conferred through various normative acts and legal institutions. In this context, it should be noted that the basis of these relationships, although dominated by private ones, is not limited to them. For example, atmospheric air, which is attributed by the Constitution to the state as a form of property (as mentioned earlier, this is not the right of ownership defined by the civil code), which is manifested by the state's monopoly over this resource. From a practical standpoint, this means that any form of air exploitation in the territory of the Republic of Moldova will be subject to the state's acceptance or rejection of its usage. The state's acceptance or rejection of exploiting this natural resource will be conditioned by several factors, but one of them is whether the proposed form of exploitation is practical and rational and would not lead to the immediate destruction or over-exploitation of the resource. The grant of natural resources for use, as mentioned, can be done through various institutions and various forms of acts and relationships. The concept of rational use presupposes that, regardless of the type and legal nature of the grant relationship, concerning the objects of the right of ownership, it must be exercised rationally. If the term "use" has been explained and somewhat understood, then what would the term "rational use" imply? Rational use embodies the idea of exploiting natural resources in the context of moderate consumption without leading to their deterioration and overconsumption. Returning to our example with shepherds, cows, and pastures, rational use implies using the pasture in such a way and manner that there would be a situation where they would alternate pastures depending on the year or climatic conditions to allow the regeneration of the grass cover on the surface and avoid irreparable destruction due to overuse.

The next principle that could be used to define property relations in correlation with environmental objects is the principle of limited disposition. Disposition will be analyzed in the relevant context as an attribute that allows a subject empowered with a certain form of ownership to enter into contracts for the exploitation of natural resources. The term "limited disposition" will examine situations where environmental objects cannot be transferred into management due to specific factors. One of the factors would be the quality of the subject to whom the resource is transferred. One criterion would be whether the subject meets the citizenship requirements imposed for certain objects (e.g., agricultural land). Another criterion that can be encountered is the possession of certain specific or necessary criteria or qualifications by the subject to be able to use the environmental object rationally, such as having studies in a specific field or hav-

ing the financial capacity to ensure certain conditions of fair use. The limitation of disposition implies that environmental objects cannot be solely assigned to anyone. This principle presupposes control over the subjects who can exclusively exploit or have a monopoly over a natural resource. Reviving our previous example with the pasture, in this case, the limitation of disposition would manifest as the respective pasture being exclusively granted to owners of cows who have the necessary knowledge or studies in that field, which would imply that they will use that pasture rationally to preserve its qualities beneficial to the owners' cattle. Hence, we can see that the principle of limited disposition aims to select capable and equipped subjects to correctly use environmental objects. This principle facilitates the more efficient application of other principles by exercising more detailed control over fair access and use of environmental objects.

The next principle is the principle of protection of objects in management. This principle is based on the fundamental functions and defining objects of environmental relationships. This principle exhibits another characteristic that the subject to whom a natural resource is delegated must manifest in order to use a natural resource. The protection of a natural resource in management is objectively manifested by ensuring uninterrupted direct use from external factors and third parties. However, this is not sufficient for this specific object. When we talk about the principle of protection of natural resources in management, the protection is not limited solely to impediments from third parties manifested on its use but also the protection of the object itself, whether it is being exploited or not, and regardless of the nature of the factors affecting it. In some situations, natural resources are intentionally placed in the management of an institution or a subject solely for the purpose of protecting them. Therefore, this component is vital in the development and management of property ideas reflected on environmental objects. Protection of environmental objects can be claimed without these being exclusively assigned to someone but by adjacent individuals who just want to enjoy a healthy and aesthetically pleasing natural environment. In the specialized literature, it is mentioned that the protective function of natural resources is attributed to the state, as it is the one that seeks to maintain exclusive control over them. However, the rhetoric of our idea is that the obligation to protect these components is manifested through the perspectives of all the subjects who benefit from natural resources. The subject who directly manages one of them and extracts certain benefits is primarily obliged to protect their interests, which will lead to the fulfillment of a more significant role, as stipulated earlier.

The next principle is the principle of conservation of goods. This principle is closely related to the previously mentioned principles of rational use and protection. The principle of conserving natural resources entails maintaining them

in the best possible state, similar to the condition in which they were acquired, concerning the perceived objects. Although this principle can be applied in all environmental relationships, in this context, it will be analyzed from the perspective of property relationships that may arise concerning natural resources. Conservation as a concept implies maintaining the aesthetic, functional, and compositional qualities of natural resources. Conservation usually involves certain actions or inactions aimed at maintaining this state of affairs. While conservation often involves abstaining from interfering with environmental objects, in the case of their exploitation, conservation can be achieved through specific actions oriented towards the interests of this principle.

The final principle to be elaborated is the principle of moderate development. This principle essentially involves the consumption of natural resources. Like the previous principle, it is derived from environmental law relationships. Conceptually, this character is attributed to individuals who own natural resources. Those who exploit natural resources must do so with the goal of developing and improving these resources. It can be observed that development, as a principle, is a natural evolution of the conservation principle. If conservation entails maintaining the condition of goods at the time of their acquisition by the subject who will use them, then development would imply improving the quality of the goods compared to the condition in which they were acquired. Objectively, this principle can be challenging to implement, but the subject subject to direct exploitation must demonstrate the intention of the moderate development of the affected object.

These six principles reflect the circumstances and characteristics that subjects must adhere to in cases of exclusive or non-exclusive use of environmental goods. As mentioned earlier, the types of use of these objects can be governed by various institutions and branches of law, but they all must be manifested through these vital principles in the conceptualization of property rights over natural resources.

The chapter is concluded with reflections highlighting the particularities of the environmental objects seeking protection, as well as some limitations proposed by civil law doctrine in the use of property rights. The limits of the right of ownership as an institution of civil law are manifested through regulations that would intervene to impose certain restrictions on the property owner in the exercise of the attributes of the right of ownership. The essence of the analysis of this institution emerges from the concept of the principles previously mentioned in relation to various forms of ownership, but in this case, we will refer exclusively to the forms of the right of ownership concerning natural resources, which, therefore, come with certain limitations and distinct manifestations.

In the rhetoric of civil law, the right of ownership is conceptualized as a

self-contained entity, completely isolated from the external world. Each entity is delimited by its boundaries. Within these boundaries, the owner is sovereign. Following this conception rigorously, civil law countries have not made distinctions between activities that take place outside the boundaries of the property that can positively affect it (such as landscaping a garden to benefit neighboring land) and activities that can negatively affect the property (e.g., building a cemetery that devalues the neighboring land).

We arrive at the conclusion that the right of ownership, when exercised in relation to environmental objects, is subject to certain limitations imposed on the owner, which result directly from the nature of the property. These limitations are imposed with the aim of respecting the principles previously outlined regarding the management of environmental objects within the framework of ownership.

Chapter III, entitled ***"Forms and Concepts of Interaction of Environmental Objects with Property and the Mechanisms of Protection Formulated from These,"*** presents the main concept of the research, where the author outlines their vision of how environmental objects should be treated in the context of the concept of property. The previous analysis of various legal currents and what is considered part of the property institution and those that are part of environmental law indicates the complexity of addressing this subject. It has been discussed previously about the criteria required for a good to meet the necessary qualities to be designated as the object of property, as well as what constitutes the objects of environmental law. The activities of protection, conservation, development, and use of environmental objects must be applied simultaneously in relation to the attributes of the right of property in relation to those objects that can simultaneously be the subject of both branches of law. Current regulations provide the possibility of an extensive interpretation of the subject. However, we must take into account when and where they can indeed be used and under what conditions they allow these objects to intrude into other branches of law. Based on the previous analysis and the conclusions drawn from it, it is possible to include only land/soil/terrain as an element that satisfies the conditions imposed earlier by both spheres of regulation. Land being one of the most exploitable resources present and representing the embodiment of the early conceptualization of the idea of property.

The issue of collaboration and differences between property law and environmental law is also discussed. In some cases, the two concepts complement each other and collaborate to reach a common denominator, but there are also situations where they are in opposition, and divergences arise between the interests of property rights holders and environmental protection interests. An example is brought up regarding the cultivation of rapeseed, which can lead to soil

degradation and endanger the possibility of cultivating other crops, as well as the example of building eco-energy production facilities, which has been recently resolved by allowing them to be placed in certain cases on agricultural land. It is suggested that the picture becomes more complex when goods considered objects of the environment contradict certain environmental regulations. The interaction between property and environmental protection takes on various forms. The term property is emphasized in this context because this extensive aspect of interaction predominates environmental relationships. Property law in the concept of domestic legislation approaches the issue only through the prism of tangible objects and only shows one common object that would meet the criteria of being both the center of environmental relationships and property relationships, which is land. In addition, it is discussed regarding permits or concessions granted for the exploitation of natural resources and the fact that permits for the emission of polluting substances are not considered property by most European states and the jurisprudence of the ECtHR, although the author M. Duțu holds a different opinion. In conclusion, clear trends are brought to attention that the state is clearly inclined not to predispose environmental objects into the hands of private individuals and to exclude any possibility that these permits be interpreted as property.

While the purposes of these institutions are entirely different, there are certain regulations that ensure the well-being of the property owner for the normal exercise of their rights of possession, use, and disposal in relation to their property. These regulations include, among other things, the limits of the right of property that prevent abusive exploitation or exploitation to the detriment of other owners or co-owners. It is also emphasized that these manifestations can be combined with environmental requirements and the right to a healthy environment to strengthen the position put forward by the claimant in order to eliminate the causes of the disturbances. Additionally, the creation of specific regimes for the exploitation of environmental resources, which aim to ensure the correct manifestation through specific mechanisms that can incorporate the priority principles of environmental protection, will strengthen the respective position. Environmental law objects cannot and should not be objects of property rights, and they require separate regulation with distinct forms of protection that allow their economic exploitation while safeguarding against undesirable attributes or encroachments on their rights. Thus, these forms of collaboration demonstrate the necessity of subordinating the concepts of property to a right that is apparently superior and can be simply defined as the right to a healthy environment.

Regarding ownership of environmental objects, it can be categorized into four main categories. First, ownership of land, including the plants growing on

it, is an important category that has already been developed in relevant legislation. Second, contractual obligations may involve the transportation of environmental objects to a plant or the damages caused to a plant due to a lack of raw materials, etc. Third, concessions represent another form of ownership of environmental objects, where the state and entrepreneurs can establish agreements regarding the extraction and use of mineral resources on large land areas. Finally, environmental permits, such as fishing licenses or water use permits, allow access to natural resources for specific needs. It is important to consider the multiple aspects of ownership of environmental objects, such as environmental, economic, health, recreational, aesthetic, or cultural aspects, to ensure adequate protection in all these areas.

An important subject addressed in the work is the classification of environmental goods and natural resources based on their use. A scheme is proposed in which all environmental objects are considered public goods, but they can be of public use or public interest. In the case of objects in the public use category, anyone can use them and benefit from them in objective proportions, provided they do not harm other people or other interests. In the case of objects in the public interest category, they can be used for public benefit, and natural resources are defined as the living or non-living parts of nature that are used or can be used by humans to satisfy their needs. This approach is largely uniform across continental Europe, but there are different interpretations regarding the definition of natural resources. As for current regulations, Law No. 1102 of February 6, 1997, largely outlines the management of natural resources. In particular, Article 11 of this law is important, as it includes the basic principles of natural resource management. These principles include ensuring sustainable use, supporting activities aimed at the rational use of renewable natural resources and the conservation of non-renewable resources, as well as preventing the negative effects of economic activities on natural resources. The argument is made that these three principles are closely related and can be combined under a single principle of rational use of natural resources. At the moment, the interpretation of this term is left to the discretion of the legislator and the competent environmental authorities in general, but the work proposes a specific form of interpretation that would follow certain criteria.

The realization of property concepts over environmental objects can be exercised through concession contracts or environmental permits. The state is cautious in managing public domain goods and develops separate contracts and complex procedures to verify the entity to be entrusted with their management. While concession contracts are used for larger works, environmental permits are used for smaller works and constitute a chaotic and convulsive field of legal regulations. There is a wide variety of environmental permits granting differ-

ent rights and obligations for natural resource management. These permits are issued by the Environmental Agency or other institutions subordinate to the Ministry of the Environment, which complicates the uniformity of their creation and issuance. The text discusses the situation of regulations regarding the management of natural resources in the Republic of Moldova. It is mentioned that there are a total of 37 environmental permits, each with separate regulations, which may create problems in the future. It is suggested that it would be beneficial to have a clear ideology regarding the nature and legal characteristics of these permits in general.

It is stated that the Environmental Agency issues most of the permits that allow the management of natural resources, but the conception of these permits is ambiguous and may create legal perversions. It is argued that the only methods by which natural resources could be managed are through concession contracts and environmental permits, which would provide protection and limitations on the rights exercised in relation to these objects while maintaining these goods in the public domain. The current state of regulations in this field is described as disastrous, which makes it difficult to formulate such a hypothesis regarding the legislation of the Republic of Moldova. The table presented in the text shows that the most "innovative" concept related to the management of natural resources is presented in the field of water regulations, while other resources and regulations have not been adjusted to new concepts.

Different domains operate with different management forms, such as the subsoil, which operates with a technical document for delineating the surface but does not give rise to rights and obligations regarding subsoil property, or forests, where the term "lease contract" is used to offer strips of forests to individuals or legal entities. It is mentioned that forest property regulations directly define what a lease contract is and what it implies regarding the leasing of forest lands.

International organizations have recognized the importance of environmental protection and the right to a healthy environment. However, the European Convention on Human Rights did not initially include environmental protection or the right to property. Environmental protection was introduced later, and the right to property was included in Additional Protocol No. 1. The European Court of Human Rights has recognized the importance of environmental protection for safeguarding fundamental rights such as the right to life and the right to respect for private and family life. The right to life is essential for the protection of other fundamental rights and freedoms and is protected by Article 2 of the Convention, which also provides for a positive obligation of states to take adequate measures to protect the lives of their citizens. In the jurisprudence of the European Court of Human Rights, there are two ways to address the right

to property in relation to environmental protection. The first way is characterized by an adversarial approach, where it is necessary to determine the predominant role between the right to property and the public interests when limitations are imposed by environmental protection on property owners. The Court can apply or revoke certain limitations or expropriations imposed on property owners in the name of public interests, including for the public good. The second way is characterized by a complementary approach, where property owners invoke the right to property to support environmental protection. The Court has a more particular view regarding the right to property in this approach and deals with environmental protection more narrowly through Articles 8 and 2 of the Convention. The first way of addressing, the adversarial one, is characterized by the incompatibility between the right to property and the public interests of environmental protection. The Court accepts expropriation or deprivation of property in cases where environmental protection has a legitimate purpose and is carried out in accordance with domestic law and in a balance between public interest and the interests of the owner.

The issue of environmental protection and the right to property is an ongoing and public interest matter, and the European Court of Human Rights (ECtHR) has outlined certain principles to address these issues. Environmental protection is considered a matter of public interest, and the Court has accepted this in various cases, providing a fairly broad margin of discretion for the state to take environmental protection actions, provided that affected individuals are fairly compensated. The Court does not challenge the state's right to ensure a healthy environment but focuses more on whether the individual has been compensated fairly. Regarding the simultaneous action of property rights and environmental protection, the Court dissociates the idea of collaboration between these two institutions. It is concluded that the Court still does not have a unified practice for addressing issues related to environmental protection and property rights but provides a certain theoretical basis present in most of its decisions.

In the Republic of Moldova, the way natural resources are managed is very confusing and ambiguous from several perspectives. This problem is due to the different forms approached by various normative acts and the discrepancy in their content and the rights they promote. The legal regime of natural resources is not well defined, creating problems for the interpretation and application of agreed methods for their management. Environmental permits and certain types of contracts offer the management of these resources, but these contracts do not reflect the objective reality of the manifestation of environmental goods. The regulation of the issuance of environmental permits is made through a generic law that regulates the authorization of business activities, which is not always relevant to the type of activity. There is no tangible mention

of the importance of these acts and their form. The legislator included environmental permits and environmental permits in a particular law to facilitate the lack of specific regulation of the release process and what environmental permits entail. The importance of the environmental agreement lies in the fact that it allows the competent authority to accept the proposed works, as specified in the law on environmental impact assessment. The list of activities requiring environmental impact assessment and subsequent issuance of environmental agreements is established in this law. Acts for the management of natural resources and their forms are regulated much weaker than environmental agreements, creating problems of interpretation and application of agreed methods for their management.

The need for uniform regulations for the management of natural resources or environmental objects is emphasized, highlighting that they cannot and should not be objects of property rights but belong to the public domain. Thus, natural resources are public goods that cannot be attributed as property rights. There are cases where private lands contain environmental goods, and therefore, the owners cannot exploit these goods according to their own needs and desires. It is also proposed to create a unified idea regarding the management of natural resources through permits and emphasizes the need for uniform regulations. In order to create a single legislative act regulating environmental permits, it is necessary to formulate the principles that will guide the activity and functionality of these acts. The principle of rational use is one of the most important and includes sub-principles such as conservation and regeneration of natural resources. Conservation involves preserving the form and essence of natural resources and their moderate use, while regeneration involves restoring their initial state.

The concept of environmental permits is proposed in the form of an administrative contract. The concept of an administrative contract is insufficiently developed in the legislation of the Republic of Moldova, although there is a clear definition in the Administrative Code. This concept aims to enable the exploitation of environmental goods and suggests that they should be viewed in the form of administrative contracts. In general, three types of administrative contracts can be distinguished: administration, concession, and lease. These concepts are widely used in other European countries. Additionally, the idea is supported that there is a specific form of administrative contract called the administrative service contract, which could be used for environmental permits. It is suggested that environmental permits should be seen as part of a contract rather than simple administrative acts since they affect the environment through the actions of third parties.

The manifestations of environmental permits, as a form of administrative

act, should provide a concrete delimitation of the objects and the rights and obligations of the parties involved in the respective relationship. Individuals gain controlled access to certain specific interests in environmental assets through this permit. This is not a form of possession and use but rather a transfer of reasonable use of the given goods. One of the important principles of environmental permits is that of rational use, which seeks to satisfy specific interests in the use of natural resources.

These permits to emit pollutants are also considered forms of environmental permits, allowing the discharge of pollutants into the environment and are subject to the earlier requirements. It is important to note that the right to use cannot subsequently be transferred to other subjects by the acquirer, and the permit is an act issued in the interest of the individual adjusted individually and valid only on the condition that it is executed by the individual who meets the conditions for which it was issued.

Another issue with environmental permits is the lack of a clear concept of standardization and institutional activities of the authorities that should issue, manage, and control these acts. Currently, there is no institutional clarity regarding the responsibilities and competencies related to granting environmental permits or, in general, permits for the use of natural resources.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Summing up the results in the field of property and its materialization in relation to environmental objects, along with the current rhetoric in the field, a series of **conclusions** can be established to serve as the foundation for further research in this area:

1) Property and environmental protection are conceptually in conflict due to the interests pursued by both domains. Environmental protection seeks to ensure a universal benefit for all, while property and its legal manifestations reflect the selfish subjective intentions of individuals, favoring the appearance of a discrepancy between the two. Although the absence of this conflict is impossible, it is necessary to reorient it in a way that favors environmental protection through mechanisms correlated with those of the property institution.

2) The concept of property and the perception of the right to property, as formulated by the legislation and doctrine of the Republic of Moldova, have been delimited. Clear criteria for interpreting the possibility or impossibility of granting the status of property rights to natural resources have been established. Granting object status to natural resources necessitates the conceptual delimitation between the right to property and property, making it easier to assign distinct institutional regulations for property rights incompatible with environmental objects in general.

3) Most natural resources cannot form the object of property rights because they do not meet the necessary requirements for protection through this institution. Accordingly, collective goods such as the animal and plant kingdoms cannot be objects of property rights, but individual objects within these categories could be, such as a tree or an animal. Air, water, and sunlight also cannot be characterized as objects of property rights due to their essential nature and the fact that they do not satisfy the working criterion, meaning that all three attributes of property rights cannot be applied. Here, the focus is on the perspective of applying the concepts of the sensitivity of environmental objects and how they are generally perceived by the public. They are intangible objects that significantly affect an individual's daily life. At the same time, their intangibility hinders awareness from both the perspective of property rights and the overall consequences of environmental pollution.

4) Environmental objects that can be classified as property objects have been delimited, and some even manifest the essence of property rights, such as land. These forms of objects require a form of joint regulation, respecting both general environmental interests and the subjective interests of the landowner. To manifest these ideas, certain principles are needed to allow the existence of parallel or joint regulations regarding the specific property regime of environ-

mental objects that are also objects of property rights.

5) It is necessary to limit the attributes of property rights when it comes to environmental objects. These specific limitations have been identified, such as rational use (conservation and rationalization) and limited disposal.

6) An analysis of the characteristics that individuals must possess in certain cases to be empowered to exploit these environmental objects was carried out. These criteria are in tandem with the limits imposed on the discussed objects and the fact that for the social interest, the correct management of these objects is of paramount importance.

7) By examining existing forms and specific methods of natural resource exploitation, it was concluded that we need to discuss environmental permits or environmental authorizations as forms of natural resource management and their current characteristics concerning the concepts of property. The current system of environmental permits and environmental authorizations is essential for the protection of environmental objects through property rights, but the way they exist at the moment is inefficient.

8) It has been concluded that the specific manifestation of property in relation to environmental objects can be expressed exclusively through legal institutions formulated with a higher degree of protection that ensures their correct manifestation. Unfortunately, domestic legislation fails to successfully manifest these forms, misleading both public opinion, the opinion of the subject taking them into management, and even the state itself has a confused status.

9) An attempt was made to constructively address the institution of granting management of natural resources, and it was concluded that a new normative act is necessary, exclusively regulating environmental permits. This act should have its own principles, its own form, and administrative integrity to make it possible to create a unique concept concerning these specific objects.

In light of the conclusions outlined above, we have a series of **recommendations** to establish a pragmatic approach to the issue of environmental protection within the framework of property concepts:

1. Distinguish between property rights regulated by the Civil Code and other legal branches, including those perceived by the Constitution of the Republic of Moldova, specifically by accepting the idea of dual regulation. This can be achieved by defining or specifying that property rights regulated by the Civil Code are unique and represent an institution, while the property mentioned in the Constitution implies a much broader economic concept, which includes property rights.

2. Introduce a mention in the Civil Code regarding what constitutes the object of property rights to avoid interpretation errors and generalizations of

the property rights institution over objects that cannot, in fact, be its objects. (To be further developed and propose specific wording.)

3. Simultaneously, supplement or modify Article 500, paragraph 5 of the Civil Code, which addresses the specific use of agricultural lands, to refer to environmental objects, including lands in general and agricultural lands in particular

Article 500. Content of Property Rights

(5) Possession, use, and disposal of land and other natural resources, to the extent permitted by law to be within civil circulation, are exercised freely by their owner, provided that it does not harm the environment and does not violate the legitimate rights and interests of others..

4. We propose adding a new paragraph 2 to Article 457 of the Civil Code, titled "Civil Circulation of Goods," with the following content:

Article 457. Civil Circulation of Goods

(2) Land and other natural resources may be subject to civil circulation to the extent permitted by land and environmental legislation.

5. Strengthening the mechanism of granting management of natural resources through a revision of the acts that grant rights to the possessors to intensively use the respective goods. This should be done by addressing the needs of natural resource exploiters in line with the principles that are intended to exclusively govern these relationships.

6. Unique foundations for the correct treatment of the classification of environmental objects in a specific property concept have been proposed. The author identifies the need to detach environmental objects from the ordinary perception included under the aegis of property rights. It is necessary to operate with the terms of **general use** and **special use (where special use would entail a regime close to property rights)** and by no means transfer ownership of environmental objects. The revival of the concept of property rights over natural resources is proposed by introducing notions such as environmental contracts, concessions, and environmental authorizations, but not in their current form.

7. As a proposal for future legislation, it is necessary to create a specialized legal act that will regulate in detail the manner in which environmental objects are transferred into management, including the principles and requirements predetermined in this work. This is extremely necessary to correctly identify the object to be put into operation, taking into account the specific nature that has been elaborated throughout this work. It is entirely unacceptable to regulate the acts of transferring environmental objects into management through a generic act that regulates a multitude of permits, including environmental authorizations.

8. The legal framework of the document that will govern the relationship

between the state and the party intending to exploit natural resources, especially the special use of natural resources, should be established through an administrative contract, which in the future will transform into an environmental contract. We believe that it contains all the necessary elements to ensure the protection of environmental objects and to provide the natural resource exploiter with the means to capitalize on them.

Suggestions for potential future research directions.

This topic opens up new potential research areas due to the complexity of approaches at the intersection of at least two branches of law, as well as the interchange between public and private law. The following directions could be formulated as suggestions:

1) The concept of property viewed through the lens of dual regulation,

2) Environmental permitting acts and the lack of clarity in the rights and obligations of participating parties,

3) Environmental contracts,

4) The specific form of property in cases of environmental objects,

5) Regulation of the exploitation of environmental objects,

6) Negative interactions between the principles of property law and the needs for environmental protection.

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2. "Manifestarea rațională a atributelor dreptului de proprietate în raport cu obiectul dreptului mediului". Revista Științifică a Universității de Stat din Moldova, Studia Universitatis Moldaviae Seria "Științe juridice", nr 11(01), Chișinău 2021, ISSN 2587-4233, p195-199, *indexată în bazele de date: DOAJ, J4F, Open Academic Journals Index, CiteFactor, Hinari, Universal Impact factor, Sherpa/Romeo, IBN, Google Scholar.*
3. "Necesitatea conceptualizării principiilor de aplicare a instituției proprietății pentru obiectele de mediu/The need to conceptualize the principles of application of the institution of property for environmental objects". Analele Științifice ale Academiei „Ștefan cel Mare"a MAI al R. Moldova, ed.14, 2021, ISSN 1857-0976, p269-279, *indexată* în *bazele de date: HeinOnline, Central and Eastern European Online Library.*
4. "Accepțiunile aplicate dreptului de proprietate și protecția mediului din perspectiva jurisprudenței CtEDO". Analele Științifice ale Academiei „Ștefan cel Mare"a MAI al R. Moldova, ed.15, 2022, ISSN 1857-0976, p 276-288, *indexată* în *bazele de date: HeinOnline, Central and Eastern European Online Library.*
5. "Problematica reglementării gestiunii resurselor naturale în Republica Moldova". Analele Științifice ale Academiei „Ștefan cel Mare"a MAI al R. Moldova, ed.16, 2023, ISSN 1857-0976, p 256-268, i*ndexată* în *bazele de date: HeinOnline, Central and Eastern European Online Library.*

In journals from the National Register of specialized journals (with indication of the category).

6. "Interactions between the state and foreign investors in environmental and property protection" în Legea și Viața, , 2022, Nr. 7-8(367-368) / 2022 / ISSN 2587-4365 / ISSNe 2587-4373, p 128-135. *Categoria C.*

Articles in conference proceedings and other scientific events

In the scientific events included in other databases accepted by ANACEC

7. Conferința științifico-practică internațională „Criminalitatea transfrontalieră și transnațională: tendințe și forme actuale de manifestare, probleme de prevenire și combatere", cu comunicarea: „Problema transfrontalieră de protecție a resurselor de apă potabilă ale râului Nistru" 26 iunie 2018, Chișinău, Academia „Ștefan cel Mare" a MAI al Republicii Moldova, 2018, p. 324-328, ISBN 978-9975-121-48-4.
8. Conferința internațională cu genericul "The 7th International Conference ECOLOGICAL & ENVIRONMENTAL CHEMISTRY 2022" cu comunicarea "Interaction Of Property Right With Environmental Law From Human Rights Perspective" publicată în The 7th International Conference: "Ecological and Environmental Chemistry-2022", March 3-4, 2022, Chisinau, Republic of Moldova EEC-2022 Abstract Book, Volume 1, Pag. 193-194, CZU: 574:34

In the scientific events included in the Register of materials published in the scientific events organized in the Republic of Moldova.

9. Conferința științifică națională cu participare internațională "Integrare prin cercetare și inovare" USM, Chișinău. Termenul de folosire rațională și interacțiunea sa cu dreptul mediului și dreptul de proprietate. 8-9 noiembrie 2018, Rezumate ale comunicărilor, Științe juridice. Chișinău, CEP USM, 2018, pp. 311-313. ISBN 978-9975-142-50-2.
10. Conferința științifică națională cu participare internațională "Integrare prin Cercetare și Inovare" USM, Chișinău, 10 noiembrie 2020. *Pământul – bun imobil sau resursă naturală,* Rezumatele comunicărilor/Științe juridice și economice/ Volumul II, Chișinău 2020, p.258-26, ISBN 978-9975-152-48-8.
11. Conferința științifică interuniversitară a studenților-doctoranzi cu genericul "Prevenirea și combaterea criminalității - probleme, soluții și perspective" ediția III-a, Academia "Ștefan cel Mare" a MAI, Chișinău, 25 martie 2021. *Percepțiile juridice ale dreptului de preemțiune,* Legea și Viața, ediție specială nr.2 aprilie 2021, p 51-54.
12. Conferința științifică națională cu participare internațională "Integrare prin cercetare și inovare" USM, Chișinău, 10 noiembrie 2021. *Reglementarea obiectelor de mediu prin prisma proprietății – dualismul reglementărilor de proprietate*, Rezumatele comunicărilor/Științe juridice și economice/ Volumul II, Chișinău 2021, p147-150, ISBN 978-9975-152-48-8. ISBN 978-9975-158-56-5.
13. Conferința științifică națională cu participare internațională "Integrare prin cercetare și inovare" USM, Chișinău, 10-11 noiembrie 2022. *Actele permisive de mediu și concesiunile - manifestarea relațiilor de proprietate în raport cu obiectivele de mediu,* Rezumatele comunicărilor/Științe juridice și economice, Chișinău 2022, p132-135, ISBN 978-9975-62-472-5

ADNOTARE

Date de identificare: Gladchi Mircea, „Protecția mediului prin prisma dreptului de proprietate", teză de doctor în drept, Chișinău 2023.

Structura tezei: introducere, trei capitole, concluzii generale și recomandări, bibliografie din 325 de titluri, 196 de pagini de text de bază. Rezultatele obținute sunt publicate în 13 lucrări științifice.

Cuvinte-cheie: mediu, protecția mediului, dreptul mediului, obiectivele de mediu, proprietatea, dreptul de proprietate, obiectul dreptului de proprietate, acte permisive, concesiuni, folosință rațională, interes public, resurse naturale, CtEDO, arbitraje internaționale, quasi-lucruri.

Scopul lucrării: se manifestă prin formularea prin intermediului conceptului de „folosință rațională" a anumitor rigori ce vin în ajutorul protecției obiectivelor de mediu în momentele exercitării asupra lor a conceptelor de proprietate.

Obiectivele cercetării: crearea unei idei generale despre obiectul de reglementare a dreptului mediului și care sunt caracteristicele sale generale, cu un accent deosebit asupra manifestărilor și ce presupun resursele naturale; formularea și conceptualizarea unor principii ce ar guverna manifestarea proprietății sau a dreptului de proprietate în raport cu obiectivele de mediu; formularea prin prisma propunerii de *lege ferenda* a formelor corecte a proprietății în raport cu resursele naturale.

Noutatea și originalitatea științifică: considerăm că abordările prezente în opera respectivă manifestă o bază solidă în ceea ce presupune conceptul de studiu și interpretare a obiectelor de mediu drept bunuri ale circuitului economic și prin urmare o manifestare a proprietății.

Rezultatul/rezultatele obținute care contribuie la soluționarea unei probleme științifice: constă în elaborarea unui cadru conceptual al mecanismelor de exploatarea a resurselor naturale, servind un dublu scop; primul fiind asigurarea integrală a conceptelor de protecție a mediului și al doilea manifestarea intereselor subiective ale exploatatorului.

Semnificația teoretică: analize profunde teoretico-practice în materia conceptelor de mediu, protecției și formelor de protecție ale acestuia cât și o abordare separată detaliată asupra proprietății și mecanismelor de interacțiune cu obiectele de mediu.

Valoarea aplicativă: conferirea unui regim bine determinat ce predispune aplicarea normelor cuvinite ce favorizează în același timp folosirea obiectivelor de mediu cât și riscurile și obligațiile survenite în legătură cu această folosință.

Implementarea rezultatelor științifice: rezultatele cercetării pot fi utilizate pentru perfecționarea cadrului legislativ existent și a practicii judiciare în domeniul protecției mediului.

ANNOTATION

Identification data: Gladchi Mircea, "Environmental protection through the prism of property rights", PhD thesis, Chișinău 2023.

Structure of the thesis: introduction, four chapters, general conclusions and recommendations, bibliography from 325 titles, 196 of basic text pages. The results obtained are published in 13 scientific works.

Keywords: environment, environmental protection, environmental law, environmental objectives, property, property right, object of property right, permissive acts, concessions, rational use, public interest, natural resources, ECtHR, international arbitrations, quasi-things.

The purpose of the work: it manifests itself through the formulation through the intermediary of the concept of "rational use" of certain rigors that come to the aid of the protection of environmental objectives in the moments of the exercise of property concepts on them.

The objectives of the research: creating a general idea about the regulatory object of environmental law and what are its general characteristics, with a emphasis on the manifestations and what natural resources entail; the formulation and conceptualization of principles that would govern the manifestation of property or property rights in relation to environmental objectives; formulation through the lens of the law proposal of the correct forms of property in relation to natural resources.

Scientific novelty and originality: we consider that the approaches present in the respective work show a solid basis in what the concept of studying and interpreting environmental objects as goods of the economic circuit and therefore a manifestation of property entails.

The results obtained: it consists of the elaboration of a conceptual framework of the mechanisms for the exploitation of natural resources, serving a double purpose; the first being the full assurance of environmental protection concepts, second being the subjective interests of the exploiter.

Theoretical significance: deep theoretical-practical analyzes in the field of environmental concepts, its protection and forms of protection, as well as a separate detailed approach to the property and mechanisms of interaction with environmental objects.

The applicative value: conferring a well-determined regime that predisposes to the application of the appropriate rules that at the same time favor the use of environmental objectives as well as the risks and obligations arising in connection with this use.

Implementation of scientific results: research results can be used to improve the existing legislative framework and judicial practice in the field of environmental protection.

АННОТАЦИЯ

Идентификационные данные: Гладки Мирчеа, «Охрана окружающей среды через призму прав собственности», диссертация на соискания ученой степени кандидата юридических наук, Кишинев, 2023.

Структура диссертации: введение, три главы, общие выводы и рекомендации, библиография из 325 наименований, 196 страниц основного текста. Полученные результаты опубликованы в 13 научных работах.

Ключевые слова: охрана окружающей среды, экологическое право, имущество, право собственности, объект права собственности, разрешительные акты, концессии, рациональное использование, публичный интерес, природные ресурсы, ЕСПЧ, арбитражи, квазивещи.

Цель диссертации: проявляется через формулировку посредством понятия «рациональное использование» определенных нормативов, приходящих на помощь охране экологических объектов в моменты осуществления на них имущественных понятий.

Задачи исследования: создание представления об объекте регулирования экологического права и его характеристиках, с акцентом на проявления и то, что влекут за собой природные ресурсы; формулирование и концептуализация принципов, регулирующих проявление собственности в отношении объектов окружающей среды; формулирование через законодательство о формах собственности по отношению к природным ресурсам.

Научная новизна и оригинальность: подходы, представленные в работе, показывают прочную основу того, что влечет за собой концепция изучения объектов окружающей среды как товаров экономического кругооборота и, следовательно, проявления собственности.

Полученные результаты: заключаются в разработке механизмов эксплуатации природных ресурсов, преследующих двойную цель; во-первых, обеспечение концепций охраны окружающей среды, а во-вторых, проявление субъективных интересов эксплуататора.

Теоретическая значимость: глубокий теоретико-практический анализ в области понятий окружающей среды, ее охраны и форм охраны, а также отдельный детальный подход к свойствам и механизмам взаимодействия с объектами окружающей среды.

Практическая ценность: придание режима, который предрасполагает к применению правил, которые в то же время благоприятствуют использованию экологических целей, а также рискам и обязательствам, возникающим в связи с этим использованием.

Внедрение научных результатов: результаты могут быть использованы для совершенствования законодательства и судебной практики в области окружающей среды.

GLADCHI Mircea

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