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**THEORETICAL FOUNDATIONS OF THE LEGAL STATUS OF
THE PERSON IN A MODERN STATE**

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CONCEPTUAL REFERENCES OF THE THESIS

The category of an individual legal status is one of the central problems of legal science, since it includes the knowledge of the legal qualities and properties of a person as a subject of law and legal communication, determines the position of a person in society, his connection and relationship with the state in the legal dimension. In its most general form, the legal status of an individual and a citizen can be defined as a set of legal possibilities that he possesses by his birth and on the basis of the law. In modern conditions, the legal status of an individual is fixed in the national legislation of states and is based on the recognition and guarantee of rights and freedoms in accordance with generally recognized principles and norms of international law.

The relevance and significance of the research topic is confirmed by the following factors: first, the need to develop a system of scientific concepts that would most accurately, fully and adequately reflect all aspects of an individual legal status in a democratic society and a rule of law, as well as to improve the categorical apparatus of the concept of an individual legal status by clarification the content of known concepts and the introduction of new ones in accordance with the needs of scientific knowledge; secondly, the need to create a general model (structure) of an individual, as a systemic formation, legal status, covering all legal phenomena that characterize the legal status of an individual; thirdly, the importance of studying the legal status of an individual from the standpoint of the international norms or standards in this area, including taking into account their regionalization that has emerged in recent years.

The process of forming the concept of legal status is currently not completed. Further development involves the expansion of the studied category content, which should be carried out with the only purpose of creating optimal favorable conditions for the effective development of the personality.

The legal status of an individual, which is, first of all, a set of human rights and freedoms, guarantees their implementation and protection, is a key indicator of the democracy level in society and criteria for assessing the state as legal and social. The degree of a state humanism is characterized by the extent to which the rights and interests of each individual are taken into account and ensured.

The category of legal status allows to reveal the position of a person in society and the state, to determine the legal possibilities of his behavior as a participant in social relations. At various stages of the development of legal science, the study of the legal status of an individual is associated with finding the most acceptable format for the interaction of individuals with each other and with public authorities.

The use of an evolutionary approach in the study of the legal status of an individual showed that the issues of formation, development and the current state of ideas about the legal status of a person in society and the state are considered fragmentarily. Specific scientific works are devoted to the development of legal status in a specific historical period, however, there is no comprehensive study devoted to the ontology of legal status and the modern concept of its understanding. Nevertheless, the study of the theoretical foundations of the legal status of an individual acquires special significance in the context of a change in the paradigm of socio-political and state-legal development.

An analysis of the available doctrinal sources showed that in the works of legal scholars on the problems of the legal status of a person, the description of the normative material commenting still prevails, and at the same time, there is practically no study of the conceptual apparatus of the legal status of a person and scientific forecasts regarding further development. The study of the key concepts of the legal status of an individual as a legal category will make it possible to formulate general patterns and trends in the development of scientific knowledge in the area under consideration, the knowledge of which is necessary for a more complete development of the studied phenomenon, but their neglecting closes the way to understanding and explaining the concept of the legal status of an individual.

The goal of this dissertation work is to study the essence of the legal status of an individual as a legal category, identify patterns in the development of ideas about the legal status of an individual, determine modern approaches to understanding the studied phenomenon and predict its further development in the context of updating legal systems and new trends in the development of legal science and practice.

Based on this goal, the following main **objectives of the study** have been identified: - to show the evolution of ideas about the legal status of an individual, from ancient times to the modern period of legal science development; - to designate models (concepts) of normative consolidation of the legal status of an individual; - to reflect modern approaches to understanding the legal status of an individual and its legal content; - to give a legal description of a person as a carrier of legal status; - to analyze the structure of the legal status of an individual and its elements, taking into account the approaches available in science to the legal structure of the status of an individual; - to demonstrate the limits of international legal consolidation of the legal status of an individual and a citizen on the example of international acts of a universal and regional nature.

As a result of solving the set goals and objectives, it seems possible to theoretically substantiate the modern concept of the legal status of an individual, taking into account the achievements of modern legal science and practice.

The research hypothesis is based on the assumption that the legal status of an individual is a complex systemic and structural construction, the legal structure of which includes closely interconnected elements that determine, on the basis of international and national acts, a person's position in a modern civil society and a legal democratic state; at the same time, the main (basic) elements of the legal status of an individual are the rights, freedoms and obligations of a person and a citizen, as well as legal guarantees for their implementation.

The methodological basis of the study includes general scientific and special scientific methods, general principles of objective reality cognition, the use of which made it possible to comprehensively consider the stated topic. During the research, such general scientific methods were used as deductive, inductive, systemic-structural, historical-genetic, prognostic. Deductive and inductive methods made it possible to formulate special conclusions from general judgments and special conclusions from a general understanding of the legal status of an individual. The use of the systemic-structural method made it possible to study the legal status of an individual as a complex phenomenon, which is a set of logically interrelated elements. When studying the issues of the origin and evolution of ideas about the legal status of an individual, the historical and genetic method of cognition was used. The use of a prognostic technique allowed us to assume the further development of approaches and cognition directions of the category of legal status.

Among the special scientific methods, one should single out the formal legal and comparative legal methods of cognition. The use of the formal legal method contributed to the disclosure of the concept, essence, legal properties, qualities and signs of the legal status of an individual as a scientific category. The comparative legal method allows you to compare the content of the legal status from the standpoint of various approaches, scientific schools and directions.

The principles of scientific knowledge, which were the basis of the study, include the principles of pluralism, objectivity, historicism, comprehensiveness and completeness of research used in modern legal science.

Scientific novelty and originality of the research is expressed in the following basic provisions for the defense:

- the concept of the legal status of an individual is formulated, by which it is proposed to understand a complex systemic and structural construction, the legal structure of which includes closely interrelated elements, the main of which are the rights, freedoms and obligations of a person and a citizen, as well as legal guarantees for their implementation, which determine on the basis of international and national acts, the position of a person in the socio-legal dimension;
- on the basis of the evolutionary approach, the development of scientific ideas and the normative consolidation of the legal status of a person in society and the state is demonstrated

and the periodization of the stages of the formation of the concept of the legal status of an individual is proposed;

- having analyzed the approaches available in legal science regarding the correlation of the concepts of «legal status», «legal position», «legal state», «legal identification» and «legal modus», the author comes to the conclusion that from a legal point of view there are no deep essential differences between these terms, and they can be equally used in legal vocabulary as interchangeable and complementary;

- it is proposed to use the concept of «personality» when determining the bearer of legal status, which characterizes a person from the moment of his birth as a social being, the owner of a set of rights, freedoms, duties and a participant in legal relations. At the same time, the author substantiates the position on the need for legislative consolidation of the inadmissibility for recognizing the status of a subject of law for a human embryo;

- substantiates the author's concept of the legal structure of an individual legal status as an ideal model reflecting the structural and systemic construction of the object under study, including the fundamental rights, freedoms and duties of a person and citizen, as well as legal guarantees for their implementation. All other structural elements (citizenship, legal personality, principles, legal responsibility) should be considered as complementary;

- the statement about the need to take into account international human rights standards developed and adopted by international and regional organizations is argued when determining and securing the legal status of an individual in national legislation.

The contribution of the dissertation candidate to the study of the theoretical foundations of the legal status of an individual is as follows:

- based on the systematization of the available material, the periodization of the development of scientific ideas about the legal status of an individual was carried out;

- the author's definition of the category «legal status of a person» was formulated;

- an attempt was made to introduce terminological clarity when using the concepts of «legal status», «legal position», «legal state», «legal identification» and «legal modus»;

- the concept of the bearer of legal status has been defined;

- the author's concept of the legal structure of the legal status of an individual is proposed by including specific elements that reveal the content of the studied legal category into the structure of the legal status;

- the role and importance of international human rights standards and their impact on the formation of the legal status of an individual at the national level are shown.

The conclusions formulated as a result of the conducted research are distinguished by their originality and contain specific recommendations for improving the legal regulation of the legal status of an individual.

The solved scientific problem consists in the conceptual substantiation of the essence, content and structure of the legal status of an individual, which made it possible to formulate the concept of the legal status of an individual, its legal structure, the influence of international norms on the position of a person in a modern democratic society and a legal state, and also to outline the directions of scientific development of the legal categories and improvement of lawmaking and law enforcement activities with the aim of real ensuring the implementation of the legal status.

The theoretical significance of the research lies in the fact that the provisions, conclusions and proposals contained in the work, description of a number of topical issues of the legal status of an individual, rights, freedoms and obligations as its main elements, deepen and expand general theoretical knowledge, make a certain contribution to the development of the general theory of the state and rights and improvement of national legislation in order to increase respect for human rights and freedoms.

The practical significance of the research is expressed:

- from the doctrinal and theoretical side, in that the conclusions contained in the dissertation develop and complement scientific approaches to the study of the problems concerning the legal status of an individual;

- in the regulatory respect, dissertation provisions can be used in the practical activities of state bodies, in particular, in the reform and improvement of legislation regulating various aspects of activities to ensure the implementation of the legal status of an individual, protection of human rights and freedoms, and the practice of its application;

- in didactic terms, the materials presented in the dissertation research can find their application in the educational process when teaching such disciplines as the theory of law and state, the history of legal and political doctrines, philosophy of law, constitutional law, etc., at advanced training courses for law enforcement and human rights bodies.

Testing and implementation of the research results. The dissertation was prepared at the Department of Public Law of the University of European Political and Economic Studies «C. Stere». The main provisions of the study were reflected in seven scientific publications in the journals «Legea și viața», «Intellectus», «Revista națională de drept», «Revista de studii interdisciplinare C. Stere», in presentations at scientific and practical conferences at various levels: International Scientific and Practical Conference «Modern State and Law. Interaction of

science, rule-making and practice»; International Scientific and Practical Conference «State and Law: Questions of Theory and Practice».

The materials of the study are used in the educational process when teaching the discipline «Theory of State and Law», specific legal disciplines, as well as when working with students of advanced training courses.

The structure of the dissertation work is determined by the formulated scientific problem, the set goals and objectives of the research and includes: an abstract (in three languages), a list of abbreviations, an introduction, three chapters, including 13 paragraphs, general conclusions and recommendations, a bibliography, a statement about the originality of the dissertation work and an autobiography.

Key words: legal status of the person, evolution of legal status, carrier of legal status, legal construction of legal status, rights, freedoms, obligations, legal guarantees, international standards.

THESIS CONTENT

The **introduction** indicates the relevance and significance of the research topic, the goals and objectives of the research, determines the scientific novelty and originality of the work, formulates the main provisions for defense, the solved scientific problem, the contribution of the candidate to the study of the legal status of the individual theoretical foundations, indicates the theoretical and practical significance of the research results, contains information on the implementation and testing of research results, as well as data on the volume and structure of the paper.

Chapter 1 - Evolution of ideas about the legal status of an individual: the doctrinal and normative aspect contains an overview of scientific and normative sources on the problems of determining the legal status of an individual. On the basis of the evolutionary approach, the formation and development of scientific ideas about the position of a person in the socio-legal dimension is shown, including the stages of the emergence of ideas about the legal status of an individual, the formation of the concept of legal status during the period of bourgeois revolutions and the modern scientific interpretation of the legal category in question. The legal status of an individual is not only the object of knowledge of legal science, but also the subject of legal regulation. Therefore, its normative consolidation in official acts, which had a significant impact on the formation and development of the concept of the legal status of an individual, is also important.

The study of the evolution of the legal status of an individual has shown that there are practically no works in legal science that would reveal the historical and legal aspect of the development of ideas about the position of a person in society and the state. Nevertheless, only after studying the history the institution of legal status emergence and formation, taking into account the previous historical experience, it is possible to come to an understanding of the position of a person in modern society, identify patterns and development trends, and also assume the future state and content of the theory of an individual legal status.

The author comes to the conclusion that it is necessary to systematize the ideas accumulated by legal science and proposes his own periodization, highlighting four major stages in the development of ideas about the legal status of an individual.

Section 1.1. **The origin of ideas about the legal status of an individual** is devoted to the study of the emergence of the first scientific ideas about the place and role of an individual in society and the state.

Historically, the legal status of an individual is for the first time formed within the framework of customary law, which operates in a tribal and early class society under the conditions of an early state. Considering the evolution of the legal status of an individual, E.V. Ermakova notes: «The initial stages of customary law are distinguished by syncretism (fusion) of social regulators (custom, religion, morality), as well as an individual with a social community (clan, tribe, large patriarchal family, etc.). Therefore, at first the traditional community (clan, family, etc.) acts as the subject of customary law, and only with the emergence of a class society, the individual owner gradually emerges from it as an independent subject of law. At the same time, the mechanism of social regulation remains largely the same» [15, p. 17].

The first ideas, which later became decisive for the legal status of an individual, originated in Ancient Greece (Pythagoras, Democritus, Solon, Socrates, Plato, Aristotle). Roman lawyers (Guy, Ulpian, Seneca, Epictetus, Marcus Aurelius, Marcus Tullius Cicero) made a significant contribution to the development of ideas about the legal status of an individual.

In a feudal society, human rights were determined by his class affiliation. The most characteristic in the status of a person under feudalism is the presence of corporatism, division into classes in human rights, which meant equality of rights for members of one class (corporation).

The interpretation of the status of the human person in medieval law received the strongest religious connotation. One cannot fail to note the significant contribution of the Christian religion to the development of ideas about the rights, duties, obligations of a person, about equality already in the period of the collapse of slave societies and in the Middle Ages. The famous representative of medieval Catholic theology and scholasticism Thomas Aquinas

made a significant contribution to the formation of ideas of the legal status of an individual. He solidifies with the concept of Aristotle and develops the idea that man is a social and political being.

Turning to the study of consolidating the legal status in medieval Moldova issue, it should be noted that the main source of Moldovan laws of this period were customs. Some legal norms were contained in the letters of gratitude issued by the Moldovan rulers. An important stage in the political and legal history of the Moldavian principality was the adoption in 1646 of the first secular collection of laws - «Code» by V. Lupu. All the norms of the Code were of a class character, consolidating the status of an individual depending on his social status in the class hierarchy of the Moldavian state.

In section 1.2. **The development of ideas about the legal status of an individual during the period of bourgeois revolutions** reflects the prevailing views at that time regarding the position of an individual in the state-legal dimension.

The bourgeois revolution was a major historical progressive step in consolidating the principles of freedom and justice, which was carried out under the ideological influence of the legal worldview, which replaced the theological concepts of the Middle Ages. Ideologically and theoretically, bourgeois revolutions were prepared by the works of the great thinkers G. Grotius, B. Spinoza, D. Locke, C. Montesquieu, J.-J. Rousseau and others. Their concepts and doctrines were based on new principles of the relationship between the individual and the state: the state power should, guided not by arbitrariness, but by law, protect the rights and freedoms inherently belonging to a person; natural, inalienable rights are designed to restrict, keep power from arbitrariness and violence.

The author notes the invaluable contribution of Constantin Stere (1865-1936), a prominent Moldovan and Romanian lawyer, politician and statesman, in the development of the concept of human rights and the theory of the legal status of an individual. In his works, he promoted the idea that a person, his rights and freedoms are the highest value of human society. He sees the purpose of society and the state, the meaning of social evolution in the development and self-affirmation of human individuality. It is the person who is both the cause and the effect of social progress. The scientific works of Konstantin Stere are of the greatest scientific value, since they traced the evolution of human society from the era of the primitive communal system to the rule of law on the basis of deeply humanistic positions.

In the 18th century, the definition of the legal status of an individual went beyond the scope of purely theoretical research and is fixed in legal documents: The Bill of Rights (1776), the United States Declaration of Independence (1776), the United States Constitution (1787) and the famous ten amendments to it, known as the Bill of Rights (1791).

A new stage in the development of the theory of the legal status of the individual is associated with the Great French bourgeois revolution. The ideas developed by philosophers, educators, lawyers of the New Time were embodied in the Declaration of the Rights of Man and Citizen of France in 1789, and then in the first Constitution of the French Republic in 1793.

The dissertation work notes that the emergence and dissemination of natural-law doctrine, which established the priority of human rights and freedoms and new parameters of the relationship between the individual and the government, played a huge, if not decisive, role in the development of ideas about the legal status of an individual during the period of bourgeois revolutions.

The statist views that prevailed before the appearance of natural-legal ideas were oriented toward the subordination of a person to the state as a supreme force, endowed with the right to dispose the fate of people at its discretion. The natural-legal concept focuses on the freedom and autonomy of the individual, his individuality. The idea of natural innate human rights was intended to put a barrier to the omnipotence of the state, which hinders free development and violates the autonomous field of its existence. The value of natural law doctrine consisted in reliance on moral principles and categories of freedom, justice, equality, human dignity and happiness.

Highly appreciating the role of natural law doctrine in the ideological substantiation of bourgeois revolutions, the formation of human rights and the definition of its legal status, it cannot be said that it was the only one in determining the relationship between the individual and the state, the interaction of human rights and state power. It was opposed and to a large extent continues to be opposed by the positivist approach, according to which human rights, their scope and content are determined by the state, which «grants» them to an individual, exercising paternalistic functions in relation to him.

Section 1.3. **The review of modern scientific sources related to the research topic** contains an analysis of the current state of scientific elaboration of the problems of the legal status of an individual.

The author notes that the category of legal status is relatively new in legal science. Until the 1960s, this concept was identified with legal personality (for example, N.G. Aleksandrov, S.N.Bratus, A.V. Mitskevich), and only in the 70s and 80s of the last century, the category of legal status became the subject of independent research and received a fairly wide development in the works of such scientists as N.V. Vitruk, L. D. Voevodin, B.B. Kaminsky; V.A. Kuchinsky, E.A. Lukasheva, N.I. Matuzov, G.V. Maltsev, F.M. Rudinsky, V.A. Patulin and others.

In modern legal science there are a number of scientific works, including dissertations, devoted to the study of certain aspects of the legal status of an individual. Among them are the

works of such national authors as G. Avornic [1], R. Grecu [6,7], M. Cârnaț, T. Cârnaț [2], G. Costachi, A. Potîngă [4], A. Creangă [5], I. Moroșan [9] and others. In the above-mentioned works, the characteristics of the structural elements of the legal status of an individual, namely, human rights and freedoms, basic responsibilities, principles, guarantees of their implementation, and an analysis of the feature's consolidation and implementation of the legal status of an individual in a state governed by the rule of law.

The presence in the special literature of research works devoted to the legal status of an individual indicates an inexhaustible scientific interest to this problem both in foreign and national legal science. Ancient thinkers also turned to the study of the problem of the legal status of the individual, but to this day it has not lost its relevance, remaining insufficiently studied in legal theory and practice. It should be admitted that most of the studies carried out by representatives of the scientific community of Moldova touch only certain aspects of the legal status of a person and a citizen, or, which is more common, an analysis of individual elements of the legal status is carried out, while there is no comprehensive, fundamental research of the category of «legal status of an individual» modern concepts, approaches and with the consideration of the ideas evolution about this legal phenomenon.

Section 1.4 **Normative consolidation of the legal status** of an individual provides a brief overview of the main normative acts that consolidate the legal status of an individual, which had a significant impact on the formation and development of the concept of the legal status of an individual. The question about the act, where the legal status of an individual was first normatively fixed is debatable. Most researchers believe that the first document of this kind was the Magna Carta libertatum of 1215. A significant role in the normative consolidation of the legal status of an individual at the international and national level was played by such regulatory documents as the Habeas Corpus Act of 1679, the French Declaration of the Rights of Man and Citizen of 1789, laid the legal foundations for the relationship between the individual and the state.

Today, the legal status of an individual has both international legal and domestic regulations. The Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, the International Covenant on Civil and Political Rights of 1966 and others.

The significance of these acts also lies in the fact that modern democratic rule-of-law states have proclaimed the priority (or equality) of international acts over national legislation.

At the state level, the legal status of an individual is fixed, first of all, in the Constitution. It is in the constitutional norms that the foundations of the legal status of a person and a citizen in

society and the state are laid, which are fundamental, basic, initial principles that predetermine the content of all current legislation.

It should be noted that the normative consolidation of the legal status of an individual is a legal expression of the models (concepts) of interaction of an individual with society and the state existing in the modern world. The choice of this or that model is determined by the historical, national and legal traditions of a particular state. The constitutionally fixed concept of the legal status of an individual, based on internationally recognized norms and standards, predetermines the foundations of the social and state system, goals, objectives and main directions of the state bodies activities, the volume and content of fundamental rights, freedoms and duties of a person and citizen in various spheres of public life.

Chapter 2 - The modern concept of the legal status of an individual - reveals the content of the main terms that make up the conceptual apparatus of the legal status of an individual, the relationship between themselves and with other legal categories, identifies trends and patterns in the development of the concept of the legal status of an individual as an independent direction in theoretical science, and also reflects different approaches to understanding the legal structure of the phenomenon under consideration.

Section **2.1. Definition of the concept of legal status: different approaches** contain a presentation of the results of the analysis of different approaches to understanding the studied category.

Representatives of legal science offer various definitions of the concept of a person's legal status. Thus, legal status is understood as the legally fixed position of the individual in society, which is based on the actual social status, i.e. the real position of a person in this system of social relations [24, p. 263]; it is a set of rights and freedoms, duties and responsibilities of the individual, establishing his legal status in society [11, p. 570]; it is a legal institution with a complex structure, which includes the rights and freedoms of a person and a citizen [1) human rights designed to satisfy their own interests within the framework of civil society and 2) the rights of a citizen, which determine the relationship between a person and the state], the duties of a person and a citizen [1) duties assigned to all persons in the territory of the state and 2) duties that only citizens of the state have] [8, c. 67].

The paper notes that the legal status of an individual is a collective, accumulating category, which acts as the core, the central element of the theory of an individual legal status - an independent scientific direction of the modern general theory of law and the state.

To introduce terminological clarity, the author analyzes the correlation of the concepts «legal status», «legal position», «legal state», «legal modus» and «legal identification» used in modern legal science.

Revealing the approaches to the relationship between the concepts of «legal status» and «legal position» existing in the specialized literature, the author advocates the recognition of the synonymy of these terms, considering this position the most scientifically substantiated and correct.

A relatively new and controversial concept in legal science is the category «legal state of the individual». A comprehensive study of this category was carried out by V.V. Gruzdev in the monographic work «The legal state of the individual: history, theory, practice» [14].

Not all lawyers share the opinion about the need to distinguish these concepts, considering them identical (Ts.A. Yampolskaya, N.I. Matuzov, V.A.Patiulin, etc.). Nevertheless, there are also supporters of a different position, who prove their non-identity (Yu.S. Novikova, D.N. Gorshunov, etc.).

Another term that is used in legal vocabulary to characterize the relationship between the individual, society and the state is legal modus. In theoretical and legal science, the attitude to the concept of «legal modus» is ambiguous. Having appeared in the last century, this term has caused a lot of controversy among scientists. So, N.I. Matuzov assessed it as unsuccessful, not quite «elegant» stylistically and redundant [19, p. 194]. N.V. Vitruk prefers the category of special legal status as more justified and necessary [12, p. 187], while R.P. Manankova, on the contrary, notes the accuracy and completeness of the category under consideration in the conditions of our poor conceptual apparatus and considers it the optimal type of legal information on the intersectoral rights and obligations of citizens [17, p. 17]. In the literature, it was proposed to reduce the ratio of the categories «legal status» and «legal modus» to the ratio of the type of «general» and «special» [23, p. 88]. We believe that the term «legal modus» has not yet taken root enough and has not yet found wide recognition in the scientific community.

Having studied the conceptual apparatus, the author identifies general patterns and trends in the development of the legal status of an individual as a legal category, the knowledge of which allows one to fully master the phenomenon under study, and their ignoring closes the way to understanding and explaining, using and developing the concept of legal status. In the works of legal scholars, there are practically no conclusions and scientific forecasts regarding the development of the legal status of an individual. The author sees one of the main reasons for this situation in insufficient attention to the problem of regulations concerning the legal status of an individual, while their scientific learning serves as a theoretical foundation for improving legislation, legal regulation in general, judicial and law enforcement practice. Moreover, the tendencies of the legal status of the individual are always correlated with the general laws of social and state-legal development. Cognition of the patterns and trends in the development of the legal status of an individual is an urgent task of modern science, especially in the context of a

change in the paradigm of socio-political and state-legal development, and their use in practice is a necessary condition for the scientific management of social processes in the context of the formation of a free civil society and democratic legal social state.

Section 2.2. **The characteristic of the person as a carrier of the legal status** reflects the essential characteristics of the owner of the legal status of an individual, and also investigates the problems of demarcation of the human life beginning.

After analyzing the content of the concepts «person», «personality», «citizen», «individual», the author formulates the following conclusions. The concept of «person» is the most general and abstract in relation to all other terms. The concept of «personality» is also a term with the most abstract content and in law has the same content as the concept of «man» in philosophy. The concept of «individual» seems to be more isolated and independent, and depending on the branch of law where it is used (public or private), it will be either generic in relation to the concept of «citizen» (public branches of law) or will be equated to it (in private branches of law). The term «citizen» is the least abstract of all the above concepts and was introduced into legal science to reflect the legal relationship of an individual with the state in public law relations. The concept of «individual» is correlated with the concept of «person» in the field of civil law and is widespread and widely applicable in property legal relations. It is unambiguous that a person, personality, human being, citizen, regardless of the term used, is a subject of law, has a special legal property - legal personality and acts as a bearer of legal status.

The current stage in the development of science forces us to take a fresh look at the problem of defining the beginning of human life and possessing a legal status. The use of assisted reproductive technologies, in the application of which some or all stages of conception and early development of the embryo are carried out outside the mother's body, including the use of donor and (or) cryopreserved germ cells, tissues of reproductive organs, and embryos, as well as surrogacy. In this regard, the problem of determining the legal status of a human embryo becomes relevant for legal science.

International acts, legislation of foreign countries, judicial practice, including the practice of the European Court of Human Rights, demonstrate different consolidation of the legal status of the embryo.

In national legal science and practice, the opinion has been established about the emergence of legal personality under the condition of the viviparity of a human embryo. The normative provisions of civil law are taken as a basis, according to which the number of persons who can be called to inherit include citizens who were conceived during the life of the testator and who were born alive after the opening of the inheritance. So, for example, part (3) of Art. 18

of the Civil Code of the Republic of Moldova establishes that the inheritance right of a natural person arises from the moment of his conception, provided he is born alive [3].

We believe that in order to eliminate contradictions and ensure the uniformity of legal regulation, it is necessary to determine the status of the human embryo in international documents of a universal nature, the consolidation of the human embryo right to life even before the moment of birth can be considered as the basis for the legal regulation of reproductive human rights, the legitimate use of human embryos for scientific research purposes. Moreover, this provision will secure the right to life as an absolute value and will contribute to the formation of a humane and morally justified attitude towards the human embryo in the modern world.

The candidate for dissertation is on the position that the human embryo cannot be recognized as a subject of law and a bearer of legal status, since a person has a certain legal status from the moment of live birth. At the same time, the need for legal protection and security of the embryo should be recognized in order to exclude the possibility of imparting the property of «turnover» to it.

Section 2.3. **The legal structure of the legal status of an individual** illuminates the issues of an integral (systemic and logical) understanding of the legal status of an individual. This paragraph is divided into five subparagraphs, which logically consistently consider various approaches to determining the structure of the legal structure of status, as well as the main (rights, freedoms, legal obligations and guarantees) and additional (citizenship, principles) elements of the legal status.

In state-legal theoretical thought, no problem seems to be so obvious, remaining at the same time conceptually very vague and contradictory, as the question of the legal status of an individual structure. The problem of determining the elemental composition of the legal status of an individual is the subject of a lively discussion in legal science. However, a unified approach to its solution has not yet emerged.

Considering the structure of the legal status, the author uses the term «legal structure», mentioning that the use of this term is quite justified and appropriate, since this is an epistemological category, which is an ideal model created with the help of abstract thinking, reflecting a complex structural construction, the elements of which are closely interconnected between themselves. It is in the legal construction that systemic structure of the object under study is expressed.

The dissertation identifies three main approaches to determining the elemental composition of the legal structure of an individual legal status. According to the first approach, the legal structure includes the following elements: 1) legal rights and freedoms; 2) legal obligations; 3) legitimate interests; 4) citizenship; 5) legal personality; 6) legal guarantees. The

second approach is based on the inclusion in the concept of legal status of only two elements - rights and obligations. At the same time, it is noted that a number of additional elements should be considered either prerequisites for legal status, or secondary to the main ones (for example, legal responsibility is secondary in relation to obligations), or generally categories that go far beyond the legal status (guarantees). Within the framework of the third approach, there is no strict division into basic and additional elements of the legal status of an individual, which includes: 1) citizenship as the initial beginning of the formation of the legal status of an individual; 2) legal personality or general legal capacity; 3) the principles of the legal status of the individual; 4) constitutional (fundamental) human and civil rights and freedoms, which occupy a central place in the content of the foundations of an individual legal status; 5) legal obligations; 6) legal guarantees or conditions and means of exercising the rights and obligations of an individual provided for by the constitution and laws.

The author proposes to consider the legal structure of the legal status of an individual as a set of closely interrelated elements, the main of which are the rights, freedoms and obligations of a person and a citizen, as well as legal guarantees for their implementation. All other elements (citizenship, legal personality, principles, legal responsibility) should be considered as additional elements of status.

Chapter 3 - International standards of the legal status of an individual contains a statement of the analysis results concerning the concept and essence of international standards for determining the legal status of an individual, their role and significance for improving national legislation in terms of consolidating the legal status of an individual. In modern conditions of globalization and internationalization of public life, it is impossible to imagine the study of any phenomenon, including the legal status of an individual, outside the international legal regulation. Regional standards developed by territorial associations of states are an important component of international standards. In the light of the European integration processes taking place in the Republic of Moldova, the study of European standards of the legal status of a person is especially relevant today.

Section 3.1. **The essence and content of international standards of the legal status of an individual** reveals the concept of international standards and their significance in determining the legal status of an individual.

The paper notes that representatives of legal science, defining the universal significance of international standards, characterize them as the minimum legal requirements necessary to create the basis for the normal existence of the international system as a whole or in any particular area, as recognized by the world community and fixed in its documents legal norms or models of legal norms established by the agreement of the community of states [10, c.41].

At the same time, one can state the absence of a clear formulation of the «international legal standard of the legal status of an individual» concept. Some authors, critically assessing the possibility of the existence of uniform standards, note that a look at the standards, samples of human rights, universally perceived by all cultures and civilizations, is as difficult to achieve as the very internationalization of cultures and civilizations [16, p. 95]. Moreover, it has been argued in the literature that the term “standards” in relation to human rights obligations and legal status determination is not entirely correct.

Other authors, defending the validity of the «universal concept of human rights», include in it the basic values, standards in the approach to assessing the position of the legal status in a particular country, developed by national law-making and law enforcement agencies [25, p. 138-139]. In support of this position, scientists draw attention to the fact that the universalization of the legal status of an individual in accordance with world, European standards is adequately expressed in the constitutions of states in the form of international norms recognition as part of domestic legislation and the possibility of international legal protection of human rights [22, p. 3].

The second position seems to be more correct, and, according to the author, the term «international standards» is quite applicable to characterize the legal status of an individual, since the creation of human rights norms is based on the fact that states at the international level regulate the legal status of an individual in the most general way, leaving the national legislator the right to fill it with concrete content, to clarify and detail its structural elements, inscribing them into the already existing system of national law. In this regard, the dissertation candidate proposes to consider international legal standards as provisions fixed in generally recognized acts, in which the status of an individual is determined, fundamental rights and freedoms are established, as well as the obligations of persons under the jurisdiction of the states of the world community.

In Section 3.2. **Consolidation of the legal status of a person in international acts of a universal nature**, the content of the fundamental international documents that determine the legal status of an individual is analyzed.

Some of the most important international acts of a universal character, without consideration of which the legal status of an individual in any state would be at least prejudicial, include: the Charter of the United Nations, adopted on June 26, 1945 and entered into force on October 24 of the same years [26]; Universal Declaration of Human Rights, approved by the UN General Assembly on December 10, 1948 [13]; international covenants adopted in 1966 - International Covenant on Economic, Social and Cultural Rights [21]; International Covenant on Civil and Political Rights [20].

The UN Charter does not contain a specific list of human rights. Nevertheless, this document became one of the first major international legal acts, which raised the question of the need for universal provision of individual rights, fixed the principle of universal respect for the rights and freedoms of all people and every person, excluding any discrimination. Paragraph «c» of Art. 55 obliges states to promote «universal respect for and observance of human rights and fundamental freedoms for all, regardless of race, gender, language or religion.»

It is important that the UN Charter laid the foundations for the withdrawal of the problem of human rights observance from the exclusive internal jurisdiction of the state and created the preconditions for the effective regulation of this issue directly by international law.

The 1948 Universal Declaration of Human Rights fixes a wide range of civil, political, social, economic and cultural rights that determine the legal status of an individual. The text of the document reflects the natural character of human rights, fixes the universal recognition that fundamental rights and freedoms are inherent for all people, are inalienable for every person and equally applicable to everyone. In addition, the Declaration proclaims that every person has obligations to a society in which only the free and full development of his personality is possible.

In modern legal literature, an opinion is increasingly expressed about the insufficient effectiveness of securing and ensuring human rights and freedoms system, which was laid down by the developers of the Universal Declaration. Back in the early 80s of the XX century, despite the recognition by the world community of the principle of human rights universality and freedoms fixed in the Universal Declaration of Human Rights, the countries of the Afro-Asian region began to criticize this principle, calling it abstract, unrealistic, reflecting only European values and does not take into account the national, religious, historical, geographical characteristics of each state or group of states. It is difficult to agree with this position, because international standards are general, abstract provisions that are filled with specific content in the context of a particular civilization. The task of states in the field of determining the legal status of a person is to bring closer, unify the legal field for the individual, to make the national legal order comparable and compatible in this matter. For the time being, legal scholars propose to speak not about unification, but more gently - about harmonizing the legal status of an individual. Such harmonization seems to be more possible at the regional level, that is, within a group of states united by the similarity of the political system, the same level of economic development, common cultural traditions, and a similar system of values.

The International Covenants on Human Rights of 1966 are of great importance in determining the legal status of an individual. They contain, in a systematic form, rights and freedoms in all major areas of human life and activities: in the economic, social, cultural spheres, as well as in the civil and political spheres, developed at the stage of modern civilization. They,

to one degree or another, underlie the modern constitutions of the countries of the world. The pacts proclaim a universal demand for states and peoples to «promote universal respect for and observance of human rights and freedoms». Both pacts not only proclaim human rights and freedoms, but also express the desire that the national legislation of specific countries, to the extent of their economic capabilities and the effectiveness of their statehood, effectively guarantee human rights and freedoms.

The international acts considered by the dissertation are of paramount importance for determining the legal status of an individual, the formation of international standards as a universal scale of values in the field of human rights, freedoms and duties, with which national legal systems should correlate. Today, the Constitutions of most rule-of-law democracies fix the provisions that international norms and principles are part of national legislation and take precedence over national norms. So, Art. 4 of the Constitution of the Republic of Moldova proclaims that the constitutional provisions on human rights and freedoms are interpreted and applied in accordance with the Universal Declaration of Human Rights, covenants and other treaties, one of the parties to which is the Republic of Moldova, and in case of inconsistencies between international acts and domestic laws, priority is given to international standards.

Section 3.3 **Regional acts on the legal status of an individual (using the example of acts of European associations of states)** contains a description of acts of European associations of states that determine the legal status of an individual.

The dissertation candidate explains the need to study the provisions of regional acts that consolidate the legal status of a person and a citizen, a trend that has emerged in recent decades for the regionalization of standards for the legal status of an individual based on the existing features that have developed in the national legal systems of a particular region. Taking into account the territorial location of the Republic of Moldova and the course of European integration announced by the state authorities, it is of interest to analyze the normative provisions on the legal status of an individual using the example of European associations of states acts.

In modern Europe, the foundations of the legal status of the individual, existing at the interstate level, represent the most important standards of human and civil behavior in European society, as well as the principles of the relationship between a person and a citizen with the institutions, bodies and institutions of the EU as a whole.

The term «European standards of rights and freedoms» is quite common in the legal literature and is actively used in the practice of the judiciary. The content of the concept of «European standards» includes the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (as the main document that fixes the list of such rights and freedoms, agreed upon between most European countries), as well as acts of the European Court

of Human Rights disclosing the content and basic guarantees implementation of these standards. Scientists substantiate the regional nature of such standards by the fact that the norms of the Convention reflect a view of human rights, focused exclusively on Western cultures, historical traditions, political views and ideology [18, p. 17].

European standards of human rights and freedoms are an important component of international ones, since they formulate the basic legal principles of the development of modern European civilization, as well as the understanding of rights and freedoms characteristic of Europeans. European standards have a significant impact on the lawmaking and law enforcement activities of the Republic of Moldova due to the ratification of a number of European acts on human rights.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The study of the theoretical foundations of the legal status of an individual, carried out within the framework of the dissertation work, makes it possible to formulate the following **conclusions**:

1. The study of the historical process of the formation and development of ideas about the legal status of an individual showed that throughout the existence of human civilization, the issues of determining the position of a person in society and the state were in the center of scientists' attention. The accumulated scientific information requires systematization, as a result of which it is possible to determine the individual stages of the ideas evolution about the legal status of an individual. We propose to identify four main stages in the development of ideas about the legal status of an individual:

- the first is the stage of the concept emergence of the legal status of an individual, starting with the appearance of the first ancient thinkers' reflections (Pythagoras, Democritus, Solon, Socrates, Plato, Aristotle, Seneca, Aurelius, etc.) on the legal status of a person in society and up to bourgeois revolutions (the second half XVI century). This period is characterized by the ideas of equality, justice and freedom proclamation, the widespread dissemination of theological theory, the founder of which was F. Aquinas. The interpretation of the human person status acquired the strongest religious connotation;

- the second - the stage of bourgeois revolutions (XVI-XIX centuries), under the flag of which civil and political rights were proclaimed, which are already receiving legal registration in the constitutions of various states, primarily European ones. Ideas about the legal status of an individual develop under the influence of natural law theory and liberal concepts (G. Grotius, B. Spinoza, J. Locke, Montesquieu, J.-J. Rousseau, I. Kant, G. Hegel, etc.);

- the third stage, covering the period from the second half of the 19th century to the middle of the 20th century, is associated with the emergence of socialist doctrines and Marxist theory (Claude Henri de Saint-Simon, Charles Fourier, Robert Owen, K. Marx, F. Engels, etc.), the proclamation and the consolidation of socio-economic rights;

- the fourth stage, including the modern period (the second half of the 20th century to the present), stands out in connection with the adoption of international acts on human rights, the approval of international and regional standards of legal status, the spread of the universal concept of human rights, the emergence of a new independent direction of knowledge in legal science - theories of the legal status of an individual (*chapter 1, paragraphs 1.1, 1.2, 1.3*).

The legal status of an individual is not only an object of research in legal science, but also a subject of legal regulation. The normative consolidation of the legal status of an individual is a legal expression of the models (concepts) of interaction between an individual and society and the state existing in the modern world. The choice of this or that model is determined by the historical, national and legal traditions of a particular state. International documents of a universal and regional nature contain standards of legal status that serve as a guideline, model, template for the national systems of law of various states. In national legislation, the relevant norms are contained, first of all, in the Constitution, which establishes the general legal status of an individual. The constitutionally fixed concept of the legal status of an individual, formed taking into account internationally recognized norms and standards, determines the foundations of the social and state system, the goals, objectives and main directions of the activities of state bodies, the scope and content of the fundamental rights, freedoms and duties of a person and citizen in various spheres of public life. Constitutional norms are further developed in sectoral legislation, transforming the general legal status into a special and individual one (*chapter 1, paragraph 1.4*).

2. The concept of the legal status of an individual in modern conditions continues to develop, it is filled with new content and therefore needs further deep understanding and development in relation to today's conditions and realities. The processes taking place in the modern world significantly affect the content of human rights, the possibilities of ensuring and realizing them, as well as defining the nature of relations with the state in a new way. Nowadays, more than ever, it seems relevant to find a compromise between human rights, society and the state.

Applying the prognostic method of cognizing the surrounding reality, let us assume that the next stage in the evolution of the legal status of an individual will be the period of theoretical comprehension and practical implementation of the guarantee and rights and freedoms protection

of the individual in a democratic legal state, its universalization in accordance with international standards.

The evolution process cognition of the legal status of an individual and modern approaches to its understanding dictates the need to identify patterns and trends in the development of the phenomenon under consideration. We believe that the further development of the legal status of an individual should be carried out in the following main directions:

- strengthening the stability of the legal status of an individual, which will create an understanding of the full value of a person's possession of a certain legal status in society and the state;

- formation of citizens' confidence in their legal status, in the possibility of its protection and security;

- increasing the guarantee degree of the implementation of the legal status of the individual by consistently implementing such an economic and social policy in which a person, his rights, freedoms and interests occupies a central place (*Chapter 2, paragraph 2.1*).

3. Having analyzed the terms and terminological phrases that make up the conceptual apparatus of the modern concept of the legal status of an individual, it should be noted that from a legal point of view, there is no essential difference between the concepts of «legal status» and «legal position». These concepts should be considered as identical, interchangeable, which can be equally used based on context and stylistic preference. Other terms can be found in scientific circulation: «legal status», «legal modus», «legal identification». In our opinion, their application does not contribute to a clear perception and analysis of the essence, distracts from obtaining true knowledge about the phenomenon under consideration (*Chapter 2, paragraph 2.1*).

4. Terminological diversity also exists in the designation of the bearer of legal status - «person», «individual», «personality», «citizen», «natural person», «subject». It seems stylistically correct, traditionally well-established, to use the term «personality» in relation to the term «legal status». It is this concept that characterizes the bearer of legal status as a social being, a participant in social and legal relations. At the same time, one should get away from understanding the personality as a person with outstanding abilities, qualities, traits. The use of the term «personality» in this context has a more historical connotation. As the concept of «person» is integrated into law through the concept of «human rights», so the concept of «personality» is included in legal circulation through the concept of «legal status» (*Chapter 2, paragraph 2.2*).

A person should be recognized as the bearer of legal status from the moment of his birth. The human embryo cannot act as a subject of law and bearer of the legal status, since a person has a certain legal status from the moment of live birth. However, it should be recognized the

need for legal protection and protection of the embryo as the beginning of human life in order to exclude the possibility of giving it the property of «turnover». In any case, it is necessary to very carefully and deliberately approach the legislative solution to the problem of determining the legal status of the embryo (*chapter 2, paragraph 2.2*).

5. The legal status of an individual is a complex systemic and structural structure, the legal structure of which includes closely interrelated elements, the main of which are the rights, freedoms and obligations of a person and a citizen, as well as legal guarantees for their implementation, which are determined on the basis of international and national acts the position of a person in the social and legal dimension. All other elements (citizenship, legal personality, principles, legal responsibility) should be considered as additional (pre-status or post-status), complementing and expanding the legal status, transforming the general legal status into a special or individual one.

Along with the rights, freedoms and obligations, the legal guarantees contained in domestic and international legal acts should be recognized as the main structural element of the legal status of an individual. Other types of guarantees (social, economic, political, ideological, etc.) characterize only those conditions and circumstances, the environment in which the legal status of an individual is formed, but do not determine its essential content. Therefore, other types of guarantees, except for legal ones, should be attributed to additional («pre-status» elements). At the same time, legal guarantees should be understood as state-legal means and methods of ensuring the possession of a legal status and its implementation, which are necessary for the legal consolidation and actual use by a person of his rights and freedoms (*Chapter 2, paragraph 2.3*).

6. When determining the legal status of an individual, and its consolidation in the national legislation of states, it is necessary to take into account international standards of human rights, freedoms and duties. International standards represent a system of international legal norms that establish the legal status of a person and determine the specific obligations of states to ensure them, which they must consolidate in their legal systems, taking into account the peculiarities of the social system and national development. They create a kind of legal reference point, an ideal to which each individual state and the entire world community should strive. At the same time, the purpose of creating international standards in the field of human rights is not to unify national legislation in this area, but to create standard models that are used by states to develop their own legislation. The universalization of the legal status of an individual in accordance with world standards is adequately expressed in the constitutions of states in the form of recognition of international norms as part of domestic legislation and the possibility of international legal protection of human rights (*Chapter 3, paragraphs 3.1, 3.2, 3.3*).

Based on the study, the formulated conclusions and generalizations, we offer the following **recommendations**:

- taking into account the importance of the legal status category, the need for its legislative consolidation and legal definition, we propose to supplement Section II Chapter I «General Provisions» of the Constitution of the Republic of Moldova with Article 15 'entitled «Legal status of a person» with the following content: The legal status of a person consists of the rights, freedoms and duties of a person, as well as guarantees for their implementation, fixed in the Constitution and other laws»;

- taking into account the fundamental importance of the principle of the inalienability of human rights, it seems necessary and justified to consolidate at the constitutional level the provision that rights and freedoms are inalienable. In particular, it is proposed to supplement Article 15 of the Constitution of the Republic of Moldova with part (2) of the following content: «Fundamental human rights and freedoms are inalienable». Accordingly, the title of Article 15 of the Constitution of the Republic of Moldova shall be designated as follows: «Universality and inalienability»;

- in order to ensure the protection of human rights and freedoms in international human rights organizations, it seems necessary to consolidate at the constitutional level the possibility of applying to international bodies to protect violated rights, subject to the prescribed procedures. In particular, we propose that Article 20 of the Constitution of the Republic of Moldova be supplemented with part (3) of the following content: «Everyone has the right, in accordance with international treaties of the Republic of Moldova, in the manner and terms established by these treaties, to apply to interstate bodies for the protection of human rights and freedoms, if exhausted all domestic remedies». The introduction of such additions will facilitate the implementation of legal propaganda of the possibility of applying for the protection of one's violated right not only to the internal organs of the state, but also to international ones, as well as the restoration of violated rights and interests, if an international judicial body proves the fact of an encroachment on them.

As a result of the dissertation research, based on the analysis of the evolution of ideas about the legal status of a person, modern scientific approaches to understanding the category in question, and taking into account international standards in this area, the author's concept of the legal status of an individual as a theoretical and legal category was proposed. The recommendations formulated by the author are aimed at improving national legislation in the field of legal regulation of the legal status of an individual.

In the future, in order to activate and further develop scientific research on the legal status of an individual, we consider it necessary to conduct an in-depth study of such aspects of the

phenomenon under consideration as the guarantee of legal status, improvement of state bodies activities to ensure the legal status, its regulation by international, including European, standards.

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ADNOTARE

Șelenga Natalia. »Bazele teoretice ale statutului juridic al personalității în statul contemporan». Teză pentru obținerea gradului științific de doctor în drept. Specialitatea: 551.01 – Teoria generală a dreptului. Chișinău, 2021

Structura tezei: introducere, trei capitole, concluzii generale și recomandări, bibliografie din 335 de surse, 186 de pagini de text științific. Rezultatele științifice sunt publicate în 7 lucrări științifice.

Cuvinte-cheie: statutul juridic al personalității, evoluția statutului juridic, posesor al statutului juridic, construcția legală a statutului juridic, drepturile, libertățile, îndatoriri, garanții juridice, standarde internaționale.

Domeniul de studiu – Teoria generală a dreptului

Scopul tezei: cercetarea esenței statutului juridic al personalității ca categorie juridică, identificarea legităților evoluției, determinarea abordărilor moderne în înțelegerea statutului juridic, prognozarea dezvoltării sale ulterioare.

Obiectivele cercetării: a urmări evoluția ideilor despre statutul juridic al personalității; a reflecta abordările moderne de înțelegere a statutului juridic al personalității și conținutului său legal; a analiza structura statutului juridic și elementele acestuia; a caracteriza titularul statutului juridic; a demonstra limitele consfințirii juridice internaționale a statutului de persoană și cetățean.

Noutatea și originalitatea științifică a tezei constă în faptul că se propune periodizarea dezvoltării ideilor științifice despre statutul juridic al personalității; este formulată definiția autorului pentru categoria «statutul juridic al personalității»; s-a încercat de a introduce claritate terminologică la utilizarea noțiunilor de «statut juridic», «stare juridică», «situație juridică», «identificare juridică» și «modul juridic»; este propus conceptul de autor privind construcția juridică a statutului juridic al personalității; sunt arătate rolul și importanța standardelor internaționale privind drepturile omului și se indică influența lor asupra formării statutului juridic al personalității la nivel național.

Problema științifică soluționată constă în fundamentarea conceptuală a esenței, conținutului și structurii statutului juridic al personalității, ceea ce a făcut posibilă formularea conceptului de statut juridic al personalității, structura juridică a acestuia, influența normelor internaționale asupra situației unei persoane în societate și statul modernă.

Semnificația teoretică a cercetării constă în faptul că dispozițiile, concluziile și propunerile ce se conțin în lucrare aprofundează și extind cunoștințele teoretice generale, contribuie cu un anumit aport la dezvoltarea continuă a teoriei generale a statului și a dreptului și la perfecționarea legislației naționale în vederea creșterii respectului pentru drepturile și libertățile omului.

Valoarea aplicativă a cercetării. Dispozițiile tezei pot fi utilizate în activitatea practică a organelor de stat, în special în reformarea și perfecționarea legislației care reglementează statutul juridic al personalității, și practica aplicării acesteia. Materialele tezei își pot găsi aplicare în procesul educațional în predarea disciplinelor, precum teoria statului și a dreptului, istoria științelor juridice și politice, filozofia dreptului, dreptul constituțional etc., la cursurile de perfecționare a lucrătorilor din organele pentru apărarea și protejarea drepturilor omului.

Implementarea rezultatelor științifice. Principalele dispoziții tezei sunt publicate în articole științifice, prezentate și discutate în cadrul conferințelor științifice și practice internaționale. Materialele disertației sunt utilizate în procesul educațional la predarea și elaborarea materialelor educaționale pe teoria statului și dreptului și a disciplinelor juridice.

АННОТАЦИЯ

Шеленга Наталья. «Теоретические основы правового статуса личности в современном государстве». Диссертация на соискание ученой степени доктора права. Специализация: 551.01 - Общая теория права. Кишинэу, 2021

Структура диссертации: введение, три главы, общие выводы и рекомендации, библиография из 335 источников, 186 страниц основного текста. Результаты исследования опубликованы в 7 научных работах.

Ключевые слова: правовой статус личности, эволюция правового статуса, носитель правового статуса, юридическая конструкция правового статуса, права, свободы, обязанности, юридические гарантии, международные стандарты.

Область исследования - Общая теория права.

Цель работы: исследование сущности правового статуса личности как юридической категории, выявление закономерностей эволюции, определение современных подходов к пониманию правового статуса, прогнозирование его дальнейшего развития.

Задачи исследования: показать эволюцию представлений о правовом положении человека; отразить современные подходы к пониманию правового статуса личности; провести анализ юридической конструкции правового статуса и ее элементов; дать характеристику личности как носителя правового статуса; продемонстрировать пределы международно-правового закрепления статуса человека и гражданина.

Научная новизна и оригинальность работы состоит в том, что предложена периодизация развития научных представлений о правовом статусе личности; сформулировано авторское определение категории «правовой статус личности»; предпринята попытка внести терминологическую ясность при использовании понятий «правовой статус», «правовое положение», «правовое состояние», «правовая идентификация» и «правовой модус»; определено понятие носителя правового статуса; предложена авторская концепция юридической конструкции правового статуса личности; показаны роль и значение международных стандартов прав человека и обозначено их влияние на формирование правового статуса личности на национальном уровне.

Решенная научная проблема состоит в концептуальном обосновании сущности, содержания и структуры правового статуса личности, что позволило сформулировать понятие правового статуса личности, его юридическую конструкцию, влияние международных норм на положение человека в современном обществе и государстве.

Теоретическая значимость исследования заключается в том, что содержащиеся в работе положения, выводы и предложения углубляют и расширяют общетеоретические знания, вносят определенный вклад в дальнейшее развитие общей теории государства и права, совершенствование национального законодательства в целях повышения уважения прав и свобод человека.

Практическая значимость работы выражается в том, что диссертационные положения могут быть использованы в практической деятельности государственных органов, в частности, при реформировании и совершенствовании законодательства, регламентирующего правовой статус личности, и практики его применения. Материалы исследования могут найти применение в учебном процессе при преподавании теории государства и права, истории правовых и политических учений, философии права, конституционного права и др., на курсах повышения квалификации работников правоохранительных и правозащитных органов.

Внедрение научных результатов. Основные положения диссертационного исследования опубликованы в научных статьях, представлены и обсуждены на международных научно-практических конференциях. Материалы диссертации используются в образовательном процессе при преподавании и разработке учебных материалов по теории государства и права и отраслевым юридическим дисциплинам.

ANNOTATION

Shelenga Natalya. »Theoretical foundations of the legal status of the person in a modern state«. Thesis for obtaining the scientific degree of PhD in law. Specialty: 551.01 - General Theory of Law. Chişinău, 2021

Thesis structure: introduction, three chapters, general conclusions and recommendations, bibliography from 335 sources, 186 pages of scientific text. The results of the research are published in 7 scientific articles.

Keywords: legal status of the person, evolution of legal status, carrier of legal status, legal construction of legal status, rights, freedoms, obligations, legal guarantees, international standards.

Field of study. General Theory of Law

The purpose of research: research of the essence of the legal status of a person as a legal category, identification of patterns of evolution, definition of modern approaches to understanding the legal status, forecasting its further development.

Research tasks: to trace the evolution of ideas about the legal status of a person; reflect modern approaches to understanding the legal status of an individual and its legal content; analyze the structure of legal status and its elements; to characterize the holder of legal status; demonstrate the limits of international legal consolidation of the status of a person and citizen.

The scientific novelty and originality of the research consists in the fact that a periodization of the development of scientific ideas about the legal status of the person is proposed; the author's definition of the category «legal status of an individual» is formulated; an attempt was made to introduce terminological clarity when using the concepts of «legal status», «legal position», «legal condition», «legal identification» and «legal modus»; the concept of a carrier of legal status is defined the author's concept of the legal construction of the legal status of an individual is proposed; the role and significance of international human rights standards are shown and their influence on the formation of the legal status of the individual at the national level is indicated.

The solved scientific problem consists in the conceptual substantiation of the essence, content and structure of a person's legal status, which made it possible to formulate the concept of a person's legal status, its legal structure, the influence of international norms on a person's position in a modern democratic society and the legal state.

The theoretical significance of the research lies in the fact that the provisions, conclusions and suggestions contained in the work deepen and expand general theoretical knowledge, make a certain contribution to the further development of the general theory of state and law, and the improvement of national legislation in order to increase respect for human rights and freedoms.

The practical significance of the research is expressed in the fact that the dissertation provisions can be used in the practical activities of state bodies, in particular, in reforming and improving the legislation governing the legal status of an individual and the practice of its application. The research materials can be used in the educational process when teaching such disciplines as the theory of state and law, the history of legal and political doctrines, philosophy of law, constitutional law, etc., in continuing education courses for employees of law enforcement and human rights bodies.

Implementation of scientific results. The main provisions of the dissertation research are published in scientific articles, presented and discussed at international scientific and practical conferences. The materials of the dissertation are used in the educational process when teaching and developing educational materials on the theory of state and law and branch legal disciplines.

SHELENGA Natalya

**THEORETICAL FOUNDATIONS OF THE LEGAL STATUS OF
THE PERSON IN A MODERN STATE**

Specialty: 551.01 - General Theory of Law

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