



## Interaction Between National and International Regulations on Human Economic Rights

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**Abstract:** Human economic rights can be considered as fundamental rights that characterize the well-being of the person, the state of attachment of the individual characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of a community organized by people, whereas fundamental human rights as subjective rights of citizens, essential for their life, freedom and dignity, indispensable for the free development of the human personality.

**Keywords:** fundamental human rights; well-being; full economic satisfaction; human personality development; progress; evolution

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### 1. Introduction

Fundamental human rights are a set of globally recognized rights, freedoms and duties that are essential to the development of the human being, to his or her well-being and progress. As stated in the Universal Declaration of Human Rights, “all human beings are born free and equal in dignity and rights”. They are endowed with reason and conscience and should act towards one another in a spirit of fraternity” (Universal Declaration of Human Rights, adopted on 10 December 1948 by the General Assembly of the United Nations, art.1). The latest and greatest

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events in the world have emphasized the existence and importance of the concepts of fundamental human rights and freedoms and the need to be respected and guaranteed in order to be able to speak of the establishment of the rule of law.

Given that the institution of human economic rights is a component part of socio-economic rights which in turn is included in the structure of fundamental human rights and freedoms, indispensable institutions of a contemporary democratic Constitution, they have experienced a development dependent on the phenomenon of constitutionality, enjoyed a fairly advanced legal implementation, even if during the totalitarian regime they had only a formal expression, now they have found a leading place among the fundamental rights and freedoms of man. The proof of this fact is their express enshrinement in the supreme law of the state and their regulation in a series of national normative acts: laws, codes, decisions, etc. The diversity of national instruments in which human economic rights are enshrined once again confirms the influence they can have on existing social relations in a rule of law. Human economic rights can be considered as fundamental rights that characterize the well-being of the person, the state of attachment of the individual characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of an organized community of people, whereas fundamental human rights as subjective rights of citizens, which are essential for their life, liberty and dignity, are essential for the free development of the human personality (Başu & Turcan, 2019).

The Constitution of the Republic of Moldova, being the supreme law of the state, expressly enshrines the concept of fundamental human rights and freedoms, which is also avoided, but we cannot ignore the fact that before being expressly regulated by the Constitution of the Republic of Moldova and other legislation, economic rights of man had to go through a long stage, evolving with the whole phenomenon of constitutional development of the Republic of Moldova. In this regard, we join the statements that the content of the constitutional regulation is determined by a centuries-old tradition of politico-legal principles and are indispensable related to 7 stages of constitutionalism in the Republic of Moldova (Guceac, 2013, p. 416).

## 2. Results and Discussions

It is recognized that from the multitude of normative acts in which human economic rights are fundamentally regulated, the supreme legislative force undisputed belongs to the Constitution of the Republic of Moldova, which refers to human economic rights in its provisions, as follows:

- the right to establish and join trade unions (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 42);
- the right to work and to labor protection (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 43);
- economic freedom (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 9; 79, art. 126);
- the right to strike (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 45);
- the right to private property and its protection (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 46, the fundamental principles regarding the property (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 9), property (The Constitution of the Republic of Moldova of 29.07.1994. In: Official Gazette of the Republic of Moldova, Nr. 1 of 12.08.1994, art. 127).

Since the Constitution of the Republic of Moldova was adopted only on July 29, 1994, it is natural to be a list of existing world constitutions, in terms of regulations and guarantees of human economic rights, but in order to crystallize and identify the content and many facets of economic rights. With the achievement of state independence and sovereignty, a series of normative acts have been adopted since 1991, establishing both the material content and the procedure for guaranteeing them, which is why below we propose to elucidate them human rights mentioned above.

The right of property, being the only fundamental real right that existed in the society throughout its development, was known as the first normative regulation by the Law on property no. 459 of 22.01.91, which contained the whole spectrum of

property regulations that were absent in the period up to the declaration of the independence and sovereignty of the Republic of Moldova, but which was also repealed by Law no. 54-XVI from 02.03.07.

The law of expropriation for a cause of public utility no. 488 of 08.07.99, the Law on requisitions of goods and provision of services in the public interest no. 1384 of 11.10.2002, Law of the Republic of Moldova on the state privatization program for the years 1995-1996 no. 390 of 15.03.95, Law of the Republic of Moldova on the Privatization Program for 1997-1998 no. 1217 and the Law of the Republic of Moldova on privatization no. 627-XII of 04.07.91 in the wording of Law no. 100-XV of 07.03.03, continued the series of regulations regarding the manner and conditions of cessation of the property right under certain conditions established by law.

Law of the Republic of Moldova on public ownership of administrative-territorial units, no. 523-XIV of July 16, 1999, Law of the Republic of Moldova on local public administration, no. 123-XV of 18.03.2003, Law of the Republic of Moldova on local taxes no. 186-XIII of 19.07.94 represented the legislation of certain procedures and aspects regarding the institution owned by the administrative-territorial units.

Law of the Republic of Moldova on the Land Code no. 828 of 25.12.91, Law of the Republic of Moldova on the normative price and the way of sale-purchase of land no. 1308-XIII of 25.07.1997, Law of the Republic of Moldova on publicly owned land and their delimitation no. 981-XIV of 11.05.2000 constituted the normative basis regarding the aspects of the property right over the land on the territory of the Republic of Moldova.

The right to work, represented as the right to carry out an activity that we assume to carry out an income, enjoyed, during the existence of the Republic of Moldova as a rule of law, the reflection in such normative acts as: Labor Code of the Republic Moldova no. 154-XV of March 28, 2003, which is practically the basis of the labor legislation in the Republic of Moldova, the Law of the Republic of Moldova on Labor Inspection no. 140-XV of 10.05.2001 legislated the activity of this institution in order to promote a democratic system in the field of labor, the Law of the Republic of Moldova on remuneration no. 847-XV of 14.02.2002, Law of the Republic of Moldova on employment and social protection of persons looking for a job no. 102 - XV of 13 March 2003 stipulated important aspects of this right on the territory of the Republic of Moldova.

The legal institution of labor protection is a system of socio-economic, organizational, technical, curative and prophylactic measures and means that act on the basis of legislative and other normative acts and ensure the employee's safety, maintaining health and maintaining his ability to work. is reflected in such normative acts as:

- Labor Code of the Republic of Moldova;
- Law on labor protection;
- Law on insurance for accidents at work and occupational diseases;
- Law on how to recalculate the amount of compensation for damage caused to employees as a result of mutilation or other health injuries during the exercise of duties;
- Regulation on the manner of investigation of work accidents, approved by the Government Decision of the Republic of Moldova no. 136;
- Decision of the Government of the Republic of Moldova on the approval of the Standard List of works and jobs with heavy and particularly heavy conditions, harmful and particularly harmful for which the employees are established compensation increases;
- Norms for the elaboration of the labor protection instructions, approved by the Decision of the Ministry of Labor and Social Protection;
- Norms for organizing the training on labor protection of the personnel from enterprises, institutions, organizations, approved by the Decision of the Ministry of Labor and Social Protection, etc.

The right to join trade unions implies the right of the citizen to join such an essential institution of today's civil society and of contemporary democratic states as trade unions, one of the partners in collective bargaining and social dialogue that have played, play and will play a special role in the development of human rights both in the Republic of Moldova and abroad, enjoys such regulations as the Law of the Republic of Moldova on assembly no. 26 of 22.02.2008, Law of the Republic of Moldova on the collective labor contract no. 130 of 16.10.1996, Law of the Republic of Moldova on trade unions no. 1129 - XIV from 7.07.2000.

The Civil Code of the Republic of Moldova is the instrument that contains in its provisions the possibilities for a person to: repair damages, defend the honor, dignity and professional reputation, but also how to repair the damage, repair the moral damage, and the amount of compensation for damage moral. These provisions come in response to situations where another person's rights or the scope of an economic human right have been violated.

However, the Criminal Code of the Republic of Moldova does not offer ways to repair the damage caused to persons exercising their economic rights, but states those sanctions that will follow in connection with: violation of labor protection rules, violation of the right to freedom of assembly, violation of the right to objects, industrial property, deliberately making false statements in registration documents related to intellectual property protection; committing crimes against property such as: theft, robbery, robbery, blackmail, fraud, embezzlement of foreign property, robbery, kidnapping of means of transport, etc.

The Contravention Code of the Republic of Moldova contains sanctions for committing contraventions, and the acts considered human rights violations are: unlawful pursuit of a profession or activity, violation of equality in the field of labor, violation of labor law, security and employment law. occupational health, the use of undeclared work, breaches of employment and social protection legislation for jobseekers, breaches of the terms of payment of wages, pensions, scholarships, allowances and other permanent payments, established by law, etc.

With regard to human economic rights, we can also note a series of Decisions of the Government of the Republic of Moldova such as: Decision of the Government of the Republic of Moldova no. 1121 of October 14, 2004 on the approval of the procedure for involving the unemployed in public works, Government Decision of the Republic of Moldova no. 923/2001 on the employment of graduates of state higher education institutions, Decision of the Government of the Republic of Moldova no. 832 of July 14, 2003 on the reorganization of the State Service for the use of labor force, Government Decision of the Republic of Moldova no. 305 of 31.05.2007 for the approval of the National Strategy regarding the employment policies for the years 2007-2015.

Analyzing the legal spectrum of human economic rights, we can say that human economic rights have experienced a development conditioned by the phenomenon of constitutionality in the Republic of Moldova and have enjoyed legal regulation at a fairly early stage, even if they benefited during Soviet constitutions only of formal expression, now they have found a leading place among the fundamental rights and freedoms of man. The proof of this fact is their express enshrinement in the supreme law of the state and their regulation in a series of national normative acts: laws, codes, decisions, etc. The diversity of national instruments in which human economic rights are enshrined once again confirms the influence they can have on existing social relations in a rule of law (Baeşu & Ţurcan, 2019).

The normative regulations of the Republic of Moldova on human economic rights, viewed in a broad aspect, condition us to analyze their content, as institutions in continuous dynamics, and which vary according to their categories.

The analysis of the normative framework that enshrines human economic rights cannot be complete without highlighting the international instruments, both universal and regional, which in principle gave them impetus to be promoted by the national legislation of each state.

The United Nations is an international organization designed to facilitate the application of international law, security, economic development, social progress, and human rights for countries around the world man. It was founded by its founding members on the Charter of the United Nations, a document that states that the UN has a mission to ensure “world peace,” “respect for human rights,” “international cooperation,” and “respect for international law.”

The Universal Declaration of Human Rights can be considered as the foundation of the list of international acts proclaiming human economic rights, so in its content we find expressly that “every person has the right to property, both alone and in association with others. No one can be deprived of his property; Everyone has the right to freedom of peaceful assembly and association. No one can be deprived of being part of an association. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. All people, without any discrimination, have the right to equal pay for equal work. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests” (Universal Declaration of Human Rights, adopted on 10 December 1948 by the General Assembly of the United Nations, art.17; art.20; art. 2. 3).

The universalism of human rights is an ideal to which any civilized society must aspire. This inevitable ideal is „balanced” by objective factors, which determine the aims and effects of human rights treaties on their beneficiaries, in relation to the obligations assumed by primary subjects, and the universalism of human rights would be devoid of any pragmatic value, its reflection could not be found in international political and legal documents (Poalelungi, 2015, p. 324).

The obligations of states are closely linked to the universalism of human rights, a concept that emerged with the adoption of the UN Charter in 1945 and the

Universal Declaration, which denotes the *late sense* obligation of states to respect and protect human rights, through cooperation and self-sufficiency., the territorial boundaries of the states being irrelevant in this respect (Poalelungi, 2015, p. 320).

The analysis of the international legal framework that promotes fundamental human rights, in general, and economic rights in particular, cannot be done without highlighting the Convention for the Protection of Human Rights and Fundamental Freedoms, in the content of which we find regulations related to the characterization of every human economic right.

We talked about the importance of the right to property as a fundamental economic right above, in the context of national regulations on this right, and from an international point of view we state that this is the only economic right in the European Convention on Human Rights and Fundamental Freedoms 1 provides that any natural or legal person has the right to have his goods respected. No one shall be deprived of his possessions except in the public interest and subject to the conditions laid down by law and by the principles of international law. The foregoing provisions shall not affect the right of States to apply such laws as they deem necessary for the purpose of regulating the use of property, in accordance with the general interest or for the payment of taxes or other contributions or fines (Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Paris on 20 March 1952, art. 1).

The right to property is not one of the fundamental human rights and freedoms originally enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms, which puts at the heart of its provisions, as stated in the preamble, “fundamental freedoms which constitute the foundation of justice and peace, in the world, whose maintenance is based on a truly democratic political regime”, the European states being” animated by the same spirit and having a common heritage of ideals and political traditions” (Bârsan, 2010, p. 1888).

It is important to note that the international omission of the above-mentioned property right is not unique, the International Covenant on Economic, Social and Cultural Rights also does not provide for this right, however, through a proclamatory wording of art. Article 47 of the Covenant provides that no provision of the Covenant may be construed as prejudicing “the inherent right of all peoples to benefit and to make full and free use of their natural resources and resources” (The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 by the United Nations General Assembly in New York, art. 47).



The examination of the provisions of the International Covenant on Economic, Social and Cultural Rights cannot be done without the content of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted in New York on 6 October 1999) which establishes the normative framework on the procedure for resolving violations of rights fundamental rights proclaimed by the Pact.

Thus in Art. 1 stipulates that a State Party to the Covenant which becomes a Party to this Protocol shall recognize the competence of the Committee to receive and consider addresses in accordance with the provisions of this Protocol, in Article 2 states that such proceedings may be brought by or on behalf of persons or groups of persons under the jurisdiction of the State Party who claim to be victims of a violation by the State Party of any of the economic, social or cultural rights set forth in the Covenant. In cases where the address is submitted on behalf of the person or group of persons, this is done with their consent, except where the author can justify the action on their behalf without their consent. Also, the admissibility, the provisional measures, the amicable settlement, the examination of the addresses, the inter-state addresses, etc. are reflected here. The Charter of Fundamental Rights of the European Union, another international instrument of human rights regulations, contains such provisions that: no one may be compelled to perform forced or compulsory labor (Charter of Fundamental Rights of the European Union, adopted in Nice on 7 December 2000, art. Article 5 para (2)). Everyone has the right to freedom of peaceful assembly and association at all levels and in particular in the political, trade union and civic spheres, which implies the right of every person to establish and to join trade unions for defending his interests (Charter of Fundamental Rights of the European Union, adopted in Nice on 7 December 2000, art. 12). Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment and protection. services in any Member State, and third-country nationals who are authorized to work in the territory of the Member States are entitled to working conditions equivalent to those enjoyed by citizens of the Union (Charter of Fundamental Rights of the European Union, adopted in Nice on 7 December 2000, Art. 15) etc.

The Agreement on the Association of the Republic of Moldova with the European Union [1], another major international instrument specific to the Republic of Moldova, regulates human economic rights, considering European aspirations and

the European choice of the Republic of Moldova, the common values on which the EU is based. the fact that the Republic of Moldova, being a European country, has a common history and shares common values with the Member States and is committed to implementing and promoting these values, which are a source of inspiration for the European election of the Republic of Moldova, etc. It contains such regulations as:

- ✓ The parties cooperate in such areas as ensuring respect for human rights and fundamental freedoms (Agreement on the Association of the Republic of Moldova with the European Union, signed in Brussels on 27 June 2014, art. 4 b);
- ✓ Respect for human rights and fundamental freedoms will guide all cooperation activities Agreement on the Association of the Republic of Moldova with the European Union, signed in Brussels on 27 June 2014, art. 12 para 3);
- ✓ Recognizing the importance of an effective set of rules and practices in the field of company law and corporate governance and the promotion of trade between the Parties, they agree to cooperate on the protection of shareholders, creditors and other interested parties in accordance with EU rules. given domain (Agreement on the Association of the Republic of Moldova with the European Union, signed in Brussels on 27 June 2014, art. 12 para 3);
- ✓ Parties shall strengthen their dialogue and cooperation on the promotion of the International Labor Organization (ILO) Decent Work Agenda, Employment Policy, Health and Safety at Work, Social Dialogue, Social Protection, Social Inclusion, Equal Opportunities combating discrimination and social rights between women and men, thus contributing to the promotion of more and better jobs, the reduction of poverty, the strengthening of social cohesion, sustainable development and the improvement of the quality of life (Agreement on the Association of the Republic of Moldova with the European Union, signed in Brussels on 27 June 2014, art. 31) etc.

The investigation of the regional systems for the protection of human rights, under the aspect of the regulation of human economic rights, indicates the fact that the property right is also recognized by art. 14 of the African Charter on Human and Peoples' Rights (African Charter on Human and Peoples' Rights adopted in Nairobi on 27 June 1981) as well as art. 21 of the American Convention on Human Rights, which provides that everyone has the right to respect for his or her property. The law may subordinate this respect to the social interest; no one shall be deprived of his rights except with just fair compensation for actions or utilities

of social interest in the cases and within the limits provided by law (1969 United States Convention on Human Rights in San José, Costa Rica).

We share the view that the initial absence of property rights in the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Economic, Social and Cultural Rights demonstrates that its inclusion in fundamental rights has been the subject of international controversy, which has been overcome, by signing in Paris Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, thus laying the foundations for the regulation of the right to property in the international, regional and European system of protection of human rights.

Human economic rights are also guaranteed and protected by conventions such as the Convention on the Organization of the Use of Labor, which, in addition to the mode of labor, regulate other tasks made available to the State, such as the exercise of the labor force. Work to be carried out in cooperation with other public bodies (1948. [old.mmprsf.gov.md/file/conventia88md.pdf](http://old.mmprsf.gov.md/file/conventia88md.pdf)).

The Convention on the Protection of Wages stipulates that no one may withhold a worker's salary unless the case is provided for in national law. It is mandatory to pay the salary at regular intervals; in case of termination of employment contracts, the final liquidation of the entire salary due will be carried out in accordance with the provisions of national law, the collective labor agreement or those of an arbitrary decision (The Convention on the Protection of Wages, adopted in Geneva on 1 July 1949).

The Convention on Employment Policy states that in order to stimulate growth and development, to raise living standards, to meet labor needs and to address the problem of unemployment, any Member State shall formulate and apply a policy, as a key objective, an active policy aimed at promoting full employment, for productive purposes and in conditions of free choice of work.

The Convention on the Elimination of Discrimination in Respect of Employment and Occupation requires States Parties to pursue a national policy aimed at promoting, through methods adopted under national conditions and practices, equal opportunities and treatment in employment and to exercise the profession, regardless of race, sex, religion, political beliefs, national ancestry or social origin of the person, etc.

The International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly and ratified by our State by Decision of the

Parliament of the Republic of Moldova no. 217-XII of 28.07.1990 provides that States Parties recognize the right to work and that it includes the right of every person to the opportunity to obtain the necessities of his or her life through freely chosen and accepted employment, such as and that States Parties shall take appropriate measures to ensure this right.

The pact also contains provisions regarding the normal working day by establishing obligations to create fair and favorable working conditions, including rest, leisure, reasonable limitation of working time, paid periodic leave, holiday pay. The Covenant also states that no one shall be held in slavery or servitude, and shall not be compelled to perform forced labor or forced labor. The Covenant adds that the prohibition of forced labor should not be construed as prohibiting, in countries where certain crimes may be punishable by imprisonment in combination with forced labor, the execution of a forced labor sentence decided by a competent court. The Covenant also establishes what is not forced or compulsory labor (Baeşu & Ţurcan, 2019).

Speaking of the origin of the legislative enshrinement of this right, we support the view that it is in the claims of the trade union movement of the late nineteenth and early twentieth centuries. This right has a complex content, the right to work includes: the freedom to choose the profession, the freedom to choose the job, the social protection of work, the remuneration of the work submitted, the right to collective bargaining (Dorneanu, 2000, p. 344).

The European Social Charter, adopted in Turin and revised in Strasbourg (The European Social Charter, adopted in Turin on 18.10.1961 and entered into force on 28.02.1965 revised on 03.05.1996 in Strasbourg), contains regulations in the field of labor and labor protection that recognize the obligation of signatory states as one of the main objectives and responsibilities to achieve and maintain the highest possible and stable level of employment. in order to achieve a full-time job; to effectively protect the worker's right to earn a living through free labor; establish or maintain free employment services for all workers; to ensure or favor an appropriate vocational guidance, training and retraining (The European Social Charter, adopted in Turin on 18.10.1961 and entered into force on 28.02.1965 revised on 03.05.1996 in Strasbourg, art. 1) etc.

Another important category of human economic rights that attests to its ability to increase its well-being that would allow it to assert itself as a separate subject of a community organized by people is the right to work and the right to labor

protection, which also as well as the right to property are regulated by a series of international acts.

The vast content of fundamental human rights and freedoms set forth in the Convention for the Protection of Human Rights and Fundamental Freedoms, relating to labor law and the protection of labor law, provides for such regulations as the prohibition of slavery and slavery and the prohibition of forced or compulsory labor.

The Convention on the Abolition of Forced Labor regulates the institution of forced and compulsory labor, which is considered to be the work performed by persons in territories without autonomy, in particular the colonies, as well as situations exempted from such a provision.

The International Convention on the Rights of the Child contains certain aspects related to the right to work and the protection of the work of the child.

We cannot but emphasize the enormous importance of promoting the fundamental human rights and freedoms of the International Labor Organization (ILO), as a specialized agency of the United Nations, which has developed a number of International Conventions such as:

- ILO Convention no. 171 on night work, ILO Convention no. 52 on paid annual leave,
- ILO Convention no. 89 on women’s work at night, adopted in San Francisco,
- ILO Convention no. 98 on the application of the principles of the right to organize and collective bargaining,
- ILO Convention no. 100 on equal pay for male and female labor for work of equal value,
- ILO Convention no. 105 on the abolition of forced labor,
- ILO Convention no. 111 on discrimination in employment and occupation,
- ILO Convention no. 122 on employment policy,
- ILO Convention no. 138 on the minimum age for employment,
- ILO Convention no. 156 of 1981 on workers with family responsibilities,
- ILO Convention No. 168 on Actions to Promote Employment and Protection against Unemployment [120],
- ILO Convention no. 181 on private employment agencies (Baeşu & Țurcan, 2019).

Another fundamental right guaranteed at international level by international conventions is the right to strike, which by its nature is a socio-economic right.

As a fundamental human right, the right to strike has its own history. As an important means for employees to obtain rights or to improve their working, salary and living conditions, the right to strike has either been regulated by constitutions or has simply been ignored, which amounts to non-recognition or even prohibition to.

According to French judicial practice, the strike is any collective and concrete termination of work in order to satisfy professional demands. It is the expression of the existence of a collective labor dispute, but it is not to be confused with it, but is only one way of doing it (Baeşu & Turcan, 2019).

With regard to the right to strike, the International Covenant on Economic, Social and Cultural Rights proclaims the right to trade union and the right to strike, specifying that it must be exercised in accordance with the laws of each country (The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 by the United Nations General Assembly in New York, art. 8).

In its turn, the revised European Social Charter enshrines the right of workers and employers to initiate collective action in case of conflicts of interest, including the right to strike (The European Social Charter, adopted in Turin on 18.10.1961 and entered into force on 28.02.1965 revised on 03.05.1996 in Strasbourg, art. 6).

As regards the Convention for the Protection of Human Rights and Fundamental Freedoms, in the field of freedom of association and freedom of association, from the point of view of the relationship between freedom of association and freedom of association, the right to freedom of association is a general notion, while the right to form trade unions and to join existing ones is a component of this notion rather than a separate right.

We share the idea that the European Court of Human Rights has held that it makes no distinction between the Contracting State to the Convention, as a holder of public power, and its status as an employer and does not present trade unions within the meaning of Art. 11 of the Convention, associations created by employees of the same employer, because they are not the result of a spontaneous grouping, but are based on contractual relations between employees and their employer and that a system of unions organized by the state itself, which are not allowed to carry out private order, is not compatible with the provisions of art. 11 of the Convention (Baeşu & Turcan, 2019).

The International Labor Organization (ILO) as a specialized agency of the United Nations also deals with the promotion of freedom of association, thus contributing

to the development of a number of International Conventions such as: ILO Convention no. 89 on the work of women at night, Convention no. 135 on the protection of workers' representatives in the framework and facilities to be granted to them, Convention no. 156 on workers with family responsibilities, Convention no. 11 on the right of association and coalition of agricultural workers (Baeşu & Ţurcan, 2019).

### **Conclusions**

An analysis of national and international human rights law concludes that there are currently three categories of human rights: rights designed to protect and guarantee the freedom and physical and moral integrity of the human person, political and economic rights, social and cultural rights, and from the category of socio-economic and cultural rights, and in the subcategory of human economic rights, based on the normative regulations of the Republic of Moldova and the specific characteristics of an economic right, we can emphasize such inheritance, the right to strike, the right to work and labor protection, and the right to associate in trade unions.

The need to study human economic rights is indisputable given that the stability of the social system depends directly on the level of state economic development, economic stability, and social peace exists only if most of its members consider their economic status satisfactory.

Human rights are a reality and a finality of all human activity in a state governed by the rule of law, and the rule of law is an eminence of contemporary society because only within it are promoted and ensured the rights of any person, without discrimination on the grounds of sex., race, nationality, ethnic origin, citizenship, social origin, religion, beliefs, belief, education, language, opinions, political affiliation, health status, age, sexual orientation, marital status, material status, etc.

Human economic rights can be considered as rights that characterize the well-being of the person, his prosperous material situation, or a state of attachment, characterized by a full economic satisfaction that allows him to assert himself as a separate subject of a community organized by people who coexist according to certain common rules.

## References

- \*\*\* (1948). *Convention on the Organization of the Use of Labor adopted in San Francisco* on July 9. old.mmpsf.gov.md/file/conventia88md.pdf (cited on 25.11.2021).
- \*\*\* (1948). *Universal Declaration of Human Rights*, adopted on 10 December 1948 by the General Assembly of the United Nations. <http://www.un.org/en/documents/udhr/> (visited 30.11.2021).
- \*\*\* (1949). *The Convention on the Protection of Wages*, adopted in Geneva on 1 July 1949. [www.mmuncii.ro/pub/.../images/.../Convention.../95.pdf](http://www.mmuncii.ro/pub/.../images/.../Convention.../95.pdf) (cited on 26.11.2021).
- \*\*\* (1969). *United States Convention on Human Rights in San José, Costa Rica*. <http://www.slideshare.net/exodumuser/38740802>.
- \*\*\* (1981). African Charter on Human and Peoples' Rights adopted in Nairobi on 27 June 1981 [http://www.dadalos.org/rom/menschenrechte/grundkurs\\_2/Materialien/dokument\\_7.htm](http://www.dadalos.org/rom/menschenrechte/grundkurs_2/Materialien/dokument_7.htm) (cited on 5.12.2021).
- \*\*\* (1994). The Constitution of the Republic of Moldova of 29.07.1994. In: *Official Gazette of the Republic of Moldova*, Nr. 1 of 12.08.1994. <http://lex.justice.md/documentrom.php?id=44B9F30E:7AC17731> (cited on 5.12.2022).
- \*\*\* (1996). *The European Social Charter, adopted in Turin on 18.10.1961 and entered into force on 28.02.1965* revised on 03.05.1996 in Strasbourg <https://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ESCRBooklet/Romanian.pdf> (cited on 28.11.2021).
- \*\*\* (1999). *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, adopted in New York on 6 October. <http://www.srdo.ro/wp-content/uploads/2015/10/PROTOCOLUL-OBTIONAL-CONVENTIA-DR.ECONOMIC.E.SOCIAL-AND-CULTURAL.pdf> (quoted on 20.01.2016).
- \*\*\* (1999). Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Paris on 20 March 1952. In: *International Treaties to which the Republic of Moldova is a party (1990-1998)*. Chisinau: Moldpres, pp. 359-360.
- \*\*\* (1999). The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 by the United Nations General Assembly in New York. [http://www.irdo.ro/file.php?fisiere\\_id=79&inline](http://www.irdo.ro/file.php?fisiere_id=79&inline) (quoted on 5.12.2021); or in: *International Treaties to which the Republic of Moldova is a party (1990-1998)*. Vol. 1, Chisinau: Moldpres, pp. 18-29.
- \*\*\* (2000). *Charter of Fundamental Rights of the European Union*, adopted in Nice on 7 December 2000. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:en:PDF> (cited on 14.02.2022).
- \*\*\* (2014). *Agreement on the Association of the Republic of Moldova with the European Union, signed in Brussels* on 27 June 2014. <http://www.mfa.gov.md/img/docs/Acordul-de-Asociere-RM-UE.pdf> (10.02.2022).
- Baeșu, V. & Țurcan S. (2019). *Legal regulation of human economic rights*. Chisinau: Notograf Prim.
- Bârsan, C. (2010). *European Convention on Human Rights. Comment on articles*. Edition 2. Bucharest: C.H. Beck, p. 1888.



- Deleanu, I. (1995). *Constitutional Justice*. Bucharest: Lumina Lex, p. 447.
- Dorneanu, V. (2000). *Introduction to labor law. Collective labor law*. Bucharest: Romania of Tomorrow, p. 344.
- Foca, M. (2010). *Doctoral thesis: Legal regulation of the constitutional right to establish and join a trade union*. Chisinau, p. 166.
- Guceac, I. (2013). *The Constitution at the crossroads of millennia*. Chisinau: Tipografia Centrală, p. 416.
- Hanga, V. (1971). *Romanian private law*. Bucharest: Didactic and Pedagogical Publishing House, p. 380.
- Ionașcu, I. & Brădeanu, S. (1978). *The main real rights*. Bucharest: Romanian Academy Publishing House, p. 246.
- Lazari, C. (2001). *Dictionary of human rights*. Chisinau: Tipografia Centrală, p. 151.
- Mihalachi, I. (2012). *Romanian Private Law. Course notes*. Chisinau: Combinatul poligrafic, p. 268.
- Moraru, A. & Porcescu, Gh. (2001). *History of trade unions in agriculture and manufacturing in the Republic of Moldova*. Chisinau: Evrica, p. 255.
- Muraru, I. (2011). *Constitutional law and political institutions*. Volume I. Bucharest: C.H. Beck, p. 200.
- Pleșu, I. & Mititelu D. (2014). *Labor Law*. Constanta: Nautica, p. 136.
- Poalelungi, M. (2015). *European Convention on Human Rights: positive and negative obligations*. Chisinau: Tipografia Centrală, p. 320.
- Poalelungi, M. (2015). Positive and negative obligations of the state in the light of the European Convention for the Protection of Human Rights and Fundamental Freedoms. *Thesis of doctor habilitat in law, specialty 552.08 international and European public law*. ULIM, p. 324.
- Pope, V. (1998). *Public Law*. Chisinau: Pressa, p. 460.