HUMAN CAPITAL IMPLEMENTATION IN THE FUNCTIONING OF THE LEGAL MECHANISM FOR SUSTAINABLE DEVELOPMENT OF SOCIETY IN MOLDOVA[34]

IMPLEMENTAREA CAPITALULUI UMAN ÎN FUNCȚIONAREA MECANISMULUI JURIDIC PENTRU DEZVOLTAREA DURABILĂ A SOCIETĂȚII DIN MOLDOVA

Anna CHUVALNIKOVA
ORCID ID: 0000-0002-5368-6697
Email: assolas88@gmail.com
Institute of Legal, Political and Sociological Studies
Moldova State University

CZU: 340.13:331.101.262:502.131.1(478)
DOI: https://doi.org/10.59295/ssdoed2025.50

Abstract: *Sustainable development of society is considered in the article as a conceptual model reflecting the most pressing social needs of the population of Moldova. The subject of analysis are the most general patterns of the process of implementing human capital in the functioning of the legal mechanism of sustainable development of society, which can be used in fundamental and applied research of the legal aspects of the development of society in Moldova. The author uses a comprehensive methodology that combines elements of conceptual, systemic analysis, analysis of sociological data and various logical methods that allow to define the concept of human capital implemantation into the functioning of the legal mechanism of sustainable development of society, to establish the key features of this process and to identify its most universal forms and principles which are aimed at achieving the goals of sustainable development of society in Moldova.*

Keywords: *human capital, implementation, legal mechanism, sustainable development.*

[34] Articolul a fost elaborat în cadrul subprogramului Securitatea națională a Republicii Moldova în contextul aderării la Uniunea Europeană: abordări juridice, politologice și sociologice, cifru 01.05.01, ICJPS, USM.

Introduction

Sustainable development of society in Moldova is a strategically important choice between the path of further accumulation of problems within the country and the path of improving the country's economic, political and social institutions to overcome these problems. On the one hand, sustainable development of society is a concept of well-being of the population of a modern democratic state, striving to implement the 17 sustainable development goals contained in the document adopted in 2015 by the UN General Assembly entitled "Transforming our world: the 2030 Agenda for Sustainable Development" [1]. But on the other hand, the concept of sustainable development can be used to designate a regional trend that is no less important for the population of Moldova. This regional trend reflects two of the most pressing social demands in the post-Soviet space: the demand for "development" and the demand for "stability" in all spheres of public life. But it doesn't matter whether we consider sustainable development as a global or a regional trend, in any case we must recognize that ensuring stability and progressive development of society in Moldova is impossible without a well-functioning legal mechanism. In a broad sense, the legal mechanism for sustainable development of society includes not only law-making procedures and other regulatory mechanisms, but also the justice system, mechanisms of legal sanctioning and legal enforcement.

What is the key element that ensures the well-functioning legal mechanism for sustainable development of society in Moldova and in any other modern democratic state? Today we all realize that the human capital is the most important (and possibly decisive) internal resource for the sustainable development of not only the economic institutions, but also all other institutions of society, including the institutional component of its legal system.

But it's also necessary to realize that the human capital nevertheless doesn't «start working automatically». Just as sunlight does not transform "by itself" into electrical energy, human capital also does not transform "by itself" into the energy necessary for the development of the legal system of society. And the very fact of human participation in the functioning of legal institutions doesn't yet mean the use of human capital resources in the work of the legal mechanism for sustainable development of society. We shouldn't confuse human capital with the human factor.

In order to be included in the actual work of the legal mechanism for sustainable development of society, the human capital resource must

be implemented in the process of functioning of the legal institutions that make up this mechanism. In our study, we will present our author's view on the most important parameters of the process of implementing human capital in the functioning of the legal mechanism for sustainable development of society, applicable in the analysis of ways to solve current problems of ensuring the well-being of society in Moldova.

Method

The author uses a comprehensive methodology that combines elements of conceptual, systemic analysis, analysis of sociological data and various logical methods.

Results and discussion

Within the sociological dimension, we propose to consider the process of human capital implementation of the legal mechanism for sustainable development of society as a kind of «cooperation» between law-making, law-enforcement, human rights and other legal institutions of the state and civil society with the social institutions of legal science and legal education. Such "cooperation" means the existence of open opportunities for the effective influence of the intellectual potential of the country's population on improving the quality of law-making, law enforcement, human rights activities and other types of legal activities carried out by legal institutions of the state and civil society.

We propose to define specific ways of introducing knowledge, skills and other intellectual resources of human capital in the process of functioning of law-making, law enforcement and other institutions of the legal system of society as "forms of implementing human capital" in the functioning of the legal mechanism of society.

The ability of these forms to ensure the sustainability of society's development in the long term directly depends on the level of involvement of social institutions of legal science and legal education in the functioning of the legal institutions of society. When the performance of basic external functions by these social institutions (i.e. functions aimed at satisfying the social need that initiated the emergence of this social institution) is „included" in the process of functioning of the legal institutions of society, the intellectual resources concentrated in human capital are transformed into a "feedback channel" of the legal institutions of the state with civil society that facilitates the development of society. However, it should be noted that, unlike all other methods of receiving feedback from society, the considered forms of human capital implementation provide not just "feedback", but also "constructive" communication,

which makes it possible to really improve the process of legal processes and mechanisms existing in society.

During the course of our research, we found out seven universal forms of implementing human capital in the functioning of the legal mechanism for sustainable development of society. They can be used effectively in any democratic country and include the following:

scientific expertise (examination) of draft legal acts;

analytical research (reviews);

comparative studies;

historical research;

involvement of qualified scientific specialists in the development and discussion of draft legal acts;

mediation of legal clinics between the population of the country and the legal institutions of the state (judicial bodies, police, etc.);

various types of qualified consultations (public lectures, etc.).

Scientific expertise (examination) of draft legal acts [2: p. 12], are usually carried out by qualified scientific institutions to develop practical recommendations not only for improving the text of the relevant legal act, but, above all, for improving the quality of legal regulation in the relevant area.

Analytical reviews [3: p. 169-197], comparative studies [4: p. 6-11], historical research and involvement of qualified scientific specialists in the development and discussion of draft legal acts become especially relevant during the period of integration processes affecting the legal system of the state to ensure the harmonization of legal regulation within the country with legal regulation at the level of the integration structure. Therefore, these forms of implementation of human capital carried out with the involvement of the country's academic community are necessary at the current stage of the integration process of the Republic of Moldova into the European Union.

The mediation of legal clinics between the population of the country and the legal institutions of the state [5] can be really useful for both law students and the population of the country. Students working in legal clinics can get real experience of legal consulting and communication with people, who have real legal problems. Thus, students get the opportunity to learn about the most pressing problems in the implementation of laws and find a legal solution to these problems. In addition, the population in turn (especially those members of society who have a low income) have the opportunity to receive free legal advice that can help solve some of their real problems. In turn, for legal institutions of the country, this form

can be useful as a kind of public control over the activities of judicial bodies, administrative bodies and other government agencies.

Among the various types of qualified consultations, which can be both public and private, quite popular are public lectures [6], which are usually given by various scientists and other representatives of the academic community to members of parliament, judges, investigators and other employees of government agencies responsible for making important legal decisions.

However, all the forms we have indicated can be successfully used in the process of implementing of human capital in the functioning of the legal mechanism for sustainable development of society only if certain principles are observed. In our study, we identified three basic principles for successful implementing human capital in the functioning of the legal mechanism for sustainable development of society:

combining professionalism and scientific approach;

combining regularity and expediency;

economic efficiency.

According to the principle of combining professionalism and scientific approach interaction between scientific community, professional corporations of lawyers and legal institutions of the state is absolutely necessary for all of them. If such interaction is absent, these institutions, scientific community and professional corporations of lawyers inevitably become deformed and begin to dysfunction. It's extremely necessary to realize that legal institutions of society and social institutions of legal science and legal education can't develop sustainably in isolation from each other.

Compliance with the principle of combining regularity and expediency prevents the implementation of human capital from becoming a formal procedure that exists only for reporting purposes.

The principle of economic efficiency means that if we want to obtain a long-term systemic effect from the implementation of human capital in the legal system of the country, it is necessary to invest in the appropriate forms of implementation, since it is impossible to obtain a tangible result without any costs.

Conclusions

Any changes that orient the functioning of the legal mechanism of society toward real development should produce a sustainable effect for the long term.

All long-term effects associated with the functioning of the legal mechanism for the development of society are achieved only under the

condition that legal science and legal education can fully perform their basic functions as social institutions.

The full performance by legal science and legal education of their basic functions as social institutions is possible only in the conditions of their real (and not formal) cooperation with the legal institutions of civil society and the state.

Real cooperation of social institutions of legal science and legal education with legal institutions of civil society and the state is ensured through well thought out, well-established and well-functioning forms of implementation of the human capital concentrated in these social institutions into the legal mechanism of sustainable development of society.

A country in which the implementation of human capital accumulated by social institutions of legal science and legal education into the functioning of legal institutions of society does not occur will only perform the function of a donor of human capital for the legal systems of more development countries but its own legal institutions risk being sidelined on the path to sustainable development of society.

References:

1. United Nations. Transforming our World: The 2030 Agenda for Sustainable Development, adopted on 25.09.2015. Available: https://documents.un.org/doc/undoc/gen/n15/291/89/pdf/n1529189.pdf?token=ApaXPuS7YoipeS9wAj&fe=true [Accessed: 29.11.2024].
2. International Association of Legislation: Instructions for Law Drafting (author: professor dr. Ulrich Karpen, University of Hamburg). 27 p. Available: https://ial-online.org/wp-content/uploads/2019/11/Karpen-Instructions-for-Law-Drafting.pdf [Accessed: 29.11.2024].
3. ISHWARA BHAT, P. Idea and Methods of Legal Research. Oxford: Oxford University Press, 2020. Available: https://academic.oup.com/book/41749 [Accessed: 29.11.2024].
4. MOUSOURAKIS, George. Comparative Law and Legal Traditions: Historical and Contemporary Perspectives. Springer Nature Switzerland AG, 2019. 323 p. ISBN 978-3-030-28280-6.
5. King's Legal Clinic: The Dickson Poon School of Law. Available: https://www.kcl.ac.uk/legal-clinic [Accessed: 29.11.2024].
6. Parliament of Australia: Senate Lecture Series. Available: https://www.aph.gov.au/About_Parliament/Senate/Whats_On/Senate_Training_and_Lectures/Senate_Lecture_Series [Accessed: 29.11.2024].