**Open Access Library Journal**
2022, Volume 9, e8934
ISSN Online: 2333-9721
ISSN Print: 2333-9705

# Heritage—Polysemantic Analysis of the Concept: Criteria, Forms, Definitions, and Particularities

**Viorica Ursu, Natalia Chiriac, Ina Bostan**

Department of Engineering, Law and Real Estate Valuation, Technical University of Moldova, Chișinău, Republic of Moldova
Email: viorica.ursu@dp.utm.md, natalia.chiriac@dp.utm.md, ina.bostan@dp.utm.md

**How to cite this paper:** Ursu, V., Chiriac, N. and Bostan, I. (2022) Heritage—Polysemantic Analysis of the Concept: Criteria, Forms, Definitions, and Particularities. *Open Access Library Journal*, **9**: e8934.
https://doi.org/10.4236/oalib.1108934

**Received:** May 27, 2022
**Accepted:** June 27, 2022
**Published:** June 30, 2022



## Abstract

*Heritage* is a polysemous term and a complex concept, which has its roots in antiquity. It has close and irrevocable links with law, human history, the culture of the nation, and the instinct of protection, conservation, and supervision of every good and every individual who stands guard over them to pass them on to his descendants. Analyzing a fundamental concept of great complexity, such as "heritage", requires, with priority, knowing all its elements, its diversity, and the similarities and differences among these forms. The most important thing is to analyze it in all its forms and aspects to establish the most basic conclusions following this research. This article debates the many aspects of the analysis of heritage because the diversity of forms of manifestation of this concept, from legal to cultural, requires us to work together with the plurality of intellectual, scientific, political, and economic forces of a country nation and civil societies. We also have to adapt all the means of capitalization, specific to each concept of heritage, with all its characteristics and classifications.

## Subject Areas

Law

## Keywords

Heritage, Culture, Rights, Obligations, Goods, Assets, Liabilities, Common Heritage, Natural Heritage, Republic of Moldova

## 1. Introduction

Heritage is, par excellence, a polysemous notion whose meaning and significance

must be clearly and precisely established. Being an expression of each individual's instinct for conservation and survival, *heritage* as a mixed term is a moving concept, one of the oldest, most persistent, and most intangible concepts of culture, history, and law ([1], p. 32).

From a traditional, etymological perspective, the word "heritage" comes from the Latin "pater" (father) and "omnium" (goods), which meant "paternal inheritance", "father's property", or "everything that belongs to the father", by extension, "family property", *i.e.*, it derives from *pater familias* who was the owner of the entire family property; *patrius* means his paternal father or this notion denotes the goods of a family [2]; goods inherited from the father or the parents, hence the idea of inheritance. In fact, "*pater familias*" was not necessarily the family's father but could be someone else. Moreover, it is known that "*pater familias*" was the oldest man in the house. And in case the father of a family died, the most aged in the home followed him as "*pater familias*". Thus, the right of "*pater familias*" evokes his unlimited and absolute power over all family members, being the owner of all movable and immovable property of the family, and having the right to life and death over the family members.

Thus, terms with similar content denoted, for example, the totality of slaves (family, a word derived from *famulus*—slave) or the total of cattle (*pecunia*, from *pecus*—cattle) owned by a Roman citizen ([1], pp. 29-30). Later, in the late Middle Ages, the same word designated, in Italy, the part of the feudal domain ruled by the church, *i.e.*, the goods "inherited" from the Father (Heavenly, this time), and then, in a somewhat secular sense, the goods inherited by a person from his father, to distinguish them from those inherited from his mother, designated by the word matrimony, transmitted in Old French as *matrimoigne*. Much later, respectively, towards the end of the 18th century, the term "heritage" acquired the current meaning, a person's "ensemble of goods" [3]. Although this, in a strictly legal sense, has been and remains linked to the idea of (private) property, since the beginning of its assertion, the legal counselors and philosophers of law have always associated it with the concept of "wealth" or "appropriation" itself, not only material, but also spiritual, not only of a single individual or his family, but also of the people, of a nation, or even of the human species on the mediated or immediate reality, with all the general character of these notions ([4], p. 6).

Heritage means, therefore, the inheritance left to us by the generations before us and the legacy we are entrusted with carrying on to future generations ([5], pp. 25-26).

The term "heritage" has several meanings. It is used both in the legal, economic, and ordinary language with the general meaning of goods; they may be material or immaterial: the common heritage of humanity, the national cultural heritage, etc.

*Introduction to the structure of research.* This study tries to explore heritage from various perspectives. The article was divided into two parts due to the vo-

lume and complexity of the topic. In Part I, we consider the legal heritage, the economic concept, the idea of common heritage, as well as the natural heritage of the Republic of Moldova (legal definitions and regulations, categories of protected areas of the International Union for Conservation of Nature) of the natural areas protected by the state.).

In Part II (which will appear in the next issue of this journal), we analyze the concept of the cultural heritage of R.M., its components, and the features of the different cultural heritage categories (archaeological heritage, heritage built cultural heritage, mobile cultural heritage, intangible cultural heritage, audiovisual cultural heritage, public monuments, etc.).

Its multiperspective purpose and objectives and its research methodology give this study its *innovative nature.* The scientific novelty derives from the thorough, multi-faceted analysis of the concept of heritage in the Republic of Moldova. Thus, through a multilateral analysis, detailed and, last but not least, critical, the study is a research with a fundamentally practical approach to this topic, trying to include the most innovative aspects and debates on the issue in this paper.

## 2. Analysis of the Concept of Patrimony from the Legal Aspect

As a fundamental benchmark of civil legal theory and practice, thus imposing itself from the "beginnings of the law" (in the period when, within the ancient Roman State, legal relations are considered to be of a sacred nature), the concept of heritage has transcended history to place itself at the foundation of the modern private legal system ([6], p. 5).

Thus, heritage means the legacy left by the generations that preceded us and which we are obliged to pass on unchanged to future generations while constituting the legacy of tomorrow ([5], p. 26).

For instance, the terms of similar content used to designate the totality of slaves (family, the word from *famulus*—slave) or the whole cattle (*pecunia*, from *pecus*—cow) owned by a Roman citizen ([6], p. 12). The same word came to signify, in the late Middle Ages, in Italy, the part of the feudal domain controlled by the church, that is, the assets "inherited" from the Father (God, this time), and then, in a somewhat secularized sense, the assets inherited by a person from his father, to distinguish it from those inherited from the mother, designated by the word matrimonial, transmitted in ancient French in the form of matrimony; much later, and toward the end of the 18th century, the term 'heritage' acquired the current meaning of a person's "overall property" [3]. Although this, in a purely legal sense, has been and remains linked to the idea of (private) property, since the very beginning of its assertion, the legal counselors and the philosophers have always associated it with the concept of the "wealth" or the "ownership" itself, not only physical, but also spiritual, not only of a single individual or his family over their assets, but also of people, of a nation, or even of the human

species upon the mediated or immediate reality, with all the generality of these notions ([4], p. 7).

The heritage, in its modern form, was the basis of its existence in the French Civil Code of 1804, this was the source of inspiration for the vast majority of such laws in the states of the continental system of law ([6], p. 5), being transmitted, in one form or another, during a period which covered the existence of the Roman Empire, but also after its decline and fall, the medieval era and, last but not least, the Renaissance and Enlightenism.

However, over time, the science of civil law (and not only) has supported several assumptions about the concept of heritage to achieve a theoretical construction as close as possible to the needs and requirements of the practice. Despite the fact that the idea of heritage was well known and in use in Roman law, neither the legislators nor the legal advisors of the time felt the need to devise and elaborate a definition and a uniform theory of heritage. It is, therefore, only in modern times that we can say that the doctrine has begun to develop the theoretical aspects of this concept and, with growing social needs, the scientific basis of the idea of heritage has been established ([7], pp. 42-44).

At present, the heritage institution is set out and regulated in: "Titlul I, Cartea a doua, Drepturile reale" ("Title I, second Book, Real Rights") of the Civil Code of the Republic of Moldova, entitled "Heritage" in Articles 453 to 478.

Citing Article 453, passage 1 of the Civil Code, it declares: *Heritage is the totality of the property rights and obligations (which may be valued in cash), regarded as the sum of the assets and liabilities connected to specified natural legal persons*.

Until these essential changes, there was no clear and precise definition of the heritage in the Civil Code of the Republic of Moldova, regarding the heritage institution, a basic principle can be found in Article 35 of the Civil Code of the Republic of Moldova, which stated that: "*The natural person shall be liable for his obligations with all his* ***heritage****, except for those assets which cannot, by law, be prosecuted*".

There are several concepts of heritage in the specialty literature. Thus, in the civil law treaties, the Romanian authors have in common the idea, which is now established by law, according to which the heritage consists of all the rights and obligations with economic value belonging to a legal subject ([8], p. 10).

By exemplifying, the authors C. Hamagiu, I. Rosetti Bălănescu, Al. Băicoianu ([9], p. 522)—*the heritage consists of all rights and obligations belonging to a person who has or represents a financial value, i.e., can be valued in cash.*

The author P. C. Vlachide considers *the heritage as the totality of the rights and obligations of a person, which can be assessed in cash, distinct from the assets that make up it* ([10], p. 36).

E. Lupan and I. Reghini formulate the term *heritage as the totality of the property rights and obligations of a given natural person or legal person, regarded as several assets and liabilities, which are closely linked* [11].

In another wording, *heritage was defined as a legal universality, consisting of all the subjective rights and obligations of the economic value of the person, designed to support his interests and guarantee his duties* ([12], p. 15).

The author L. Pop defines the heritage as being *the entirety of the rights and obligations of a specific natural or legal person, regarded as an amount of closely related active and passive value* ([13], p. 32).

In D. C. Florescu's opinion, *heritage is defined as a set of rights and obligations that can be appreciated in money, therefore with economic content, belonging to a natural or legal person* ([14], p. 17).

V. Stoica states that *"heritage is a legal concept and therefore an intellectual reality. As a result, it may be made up of intellectual property, i.e., property rights and obligations*" ([7], pp. 7-8).

O. N. Sadicova's opinion also presents interest. She analyzed two meanings of *heritage*. First, in a strict essence, *it subverts all the assets*. In a broad sense—*it includes the debt rights and the debts* (legal-civil obligations [15].

On the other hand, S. Brînză defines heritage, which has a narrower meaning in criminal law terminology than in civil law. Thus: "*heritage as a universality, being an abstraction, cannot be achieved by the concrete facts of a person; the offense against property can be dealt with only against an asset, i.e., a value that is part of a person's heritage* (*asset, the economic value that the perpetrator seeks to acquire*" ([16], p. 151).

However, the most complex and explicit definition is found at T. Stahi, who states that *"Heritage is all property rights and obligations, with an economic content evaluated in money, which belong to a subject of law (natural and legal person), rights and obligations which are regarded as assets and liabilities and which are in a permanent interdependence and connection"* ([17], p. 179).

Thus, the assets are made up of the value of all the property rights, and the property liabilities consist of the importance of all the property obligations of a person. Therefore, the rights (assets) of the property and the debts (liabilities) are closely linked. Although, they may be similar to a current account of a person whose value is subject to successive fluctuations, by the appearance of new rights and obligations as well as by modifying the existing ones, these value changes do not affect the existence and identity of the universality ([18], p. 29).

In the Russian doctrine, the heritage category is defined in a variety of ways. For instance, G. B. Şerşenevici points out that the Russian legislation "is inconsistent with the terminology plan, using the word 'heritage' in the same sense as 'good', 'property', and 'domain' " ([19], p. 95). There is no definition of heritage in civil law, even if it contains several elements that constitute it. For example, Article 128 of the Russian Federation's Civil Code states that the heritage includes the goods (incorporating money and securities) and property rights [20]. It follows from this rule that their list is not exhaustive anymore, mentioning other parts of the heritage.

From a three-dimensional perspective, the heritage institution is characterized

by A. Ia. Suhareva, V. B. Zorikina, V. E. Krutschih, who distinguish the heritage as 1) a set of property and material values, whether owned by the person (natural or legal), by the State or by the territorial-administrative unit or belonging to a private institution; 2) a set of goods and property rights for the acquisition of property or the satisfaction of property requirements on behalf of other persons (assets); 3) a set of goods, rights and property bonds of the holder (assets and liabilities) ([21], p. 244).

By summarizing the various definitions formulated in the doctrine, we can say that *heritage is a separate legal entity representing the whole or the universality of the property rights and property obligations belonging to a person* ([22], p. 40).

Traditionally, there is a distinction between the legal universality heritage and various, in fact, universalities. The latter universality is the set of goods belonging to the same person, which are regarded as a whole by its will or by law [23], which, by the intention of the owner, is considered and treated as a single good (for example, the goodwill which forms a set of movable and immovable property, tangible or incorporated for customer-processing and profit-making, etc.).

The universalities do not encompass all the rights and obligations, which are considered parts of heritage, or in any other term presented by the doctrine ([24], p. 2) as a sub-heritage because it does not include all the assets and liabilities.

Within the realm of universalities, we can also include property masses and hence affectation estates, given that under the new provisions, the property may be divided or affected ([24], p. 2).

Previously, the only universality of the law (legal) admitted in our law is the one that is called heritage.

As a legal universality, only rights and obligations are included in the heritage. The goods do not enter into their substance, but only the rights and obligations about goods. Professor Valeriu Stoica, a Romanian doctrinaire, argues that if the assets were included in the heritage, there would be a doubling of the assets and liabilities, since there might be several rights in various inheritances relating to the exact property. Thus the same property would be found in several states simultaneously [25].

## 3. Analysis of the Concept of Heritage from an Economic Point of View

With the development of economic sciences, heritage has been taken over with a preference by political economy and accounting without being redefined in content and scope. The processing of the concept of heritage in the accounting doctrine led to open confrontations of ideas and conceptions [26]. Thus, confrontations of arguments took place between the two primary accounting currents [27]:

- The scientific (materialist) current that supports the character of accounting

science;

- The technical (pragmatic) current that supports the character of technique and/or art of accounting.

Thus, it is demonstrated that heritage is an economic category that is not confused with wealth. This is becoming heritage only as it is involved in legal, economic activities [28]. Using the elements and arguments of economic theory and practice, it is estimated that the economic heritage of a company (a trading company, a national company, etc.) can be defined and delimited according to three coordinates [29]:

a) *Heritage holders*—are the economic agents that dispose of, control, and use production factors reunited in a distinct economic entity. As a general rule, the national trade laws require that holders of economic assets be natural persons with total capacity or legal entities to create the possibility of legal sanctions, especially in case of non-compliance with contractual clauses generating property relations.

b) *The object of heritage*—is defined as the totality of the rights, of the obligations that can be expressed in money, belonging to a natural or legal person, whose needs are destined to satisfy them, as well as the goods to which it refers. The following fall into the same category:

1) *Economic heritage constituted for self-capitalization of capitals on principles and profitability criteria*;

2) *Non-economic heritage belonging to natural persons who do not have the quality of traders*, *organizations*, *and associations-legal entities*, *constituted for charitable and non-profit purposes*;

3) *Public heritage belongs to the central and local institutions and administrations.*

It should be noted that heritage can exist as an economic reality, even without being a legal entity, respectively, without belonging to heritage holders with legal capacity.

c) *Heritage flows* which are classified into inter-patrimonial flows and intra-patrimonial flows:

1. Inter-heritage flows [30] that arise between distinct heritages due to the transactions on the market (including those generated by the payment of taxes, fees, etc.), representing the company's relations with foreign countries.

In another analysis, the inter-heritage flows are those that arise between distinct, autonomous patrimonies, as a result of the transactions on different market segments, such as:

a) The supply market with the material factors of production, respectively with raw materials and materials, fuels, energy, labor, utilities, and productive services, etc.;

b) The market for sale and commercialization of the manufactured products, respectively of the products, works, and services that are the company's object of activity;

c) The labor market, respectively the restructuring and the remuneration of the personnel of different professions and qualifications necessary for the development of the current activity of the company;

d) The monetary, financial and foreign exchange market, which consists of all transactions regarding the granting and repayment of long-term, medium and short-term loans; formation of bank deposits; foreign exchange operations, etc.

2. Intra-heritage flows that arise between the components of patrimonial assets and/or liabilities, changing their volume and internal structure, without having a direct connection with the market, such as a) Productive consumption, irreversible economic depreciation, and latent commercial depreciation (probably reversible) of the various components of the assets. At the moment of performing, respectively, of their ascertainment, it generates a decrease of the volume of the patrimonial assets, and it materializes, from an economic point of view, in expenses; b) Obtaining some components of the patrimonial assets through a productive-internal process of the company, which leads to the increase of the volume of the patrimonial assets and materializes, from an economic point of view, in incomes; c) In a less abstract context, usually as a result of the application of specific provisions within the different national legislations, concrete cases of increase or decrease of some component elements of the patrimonial liabilities may appear, without any direct connection with any inter-patrimonial transaction. By inverse analogy with the changes of the patrimonial assets, it can be considered that in such cases, the increases of patrimonial liabilities materialize in expenses and the reductions of patrimonial liabilities in incomes.

*In a legal sense*, *the* ***asset***, through its composition, discloses the grouping of goods as objects of rights and obligations in real goods, *i.e.*, as real estate and movable property and claims (rights over persons to whom the ownership has been transferred and an equivalent will be received). However, it differs in rights and obligations with economic value in terms of liabilities.

The identification and analysis of the terms of assets or liabilities are also determined in the provisions of the National Accounting Standard "Presentation of financial statements" [31], and where the condensed balance sheet summarizes the entity's financial position and includes information related to balances existing at the reporting date:

1) *Assets*—economic resources identifiable and controllable by the entity from past economic facts whose use is expected to obtain economic benefits. In the abbreviated balance sheet, the total assets are equivalent to the sum of equity, liabilities, and provisions. The assets are presented in the abbreviated balance sheet to increase their liquidity, and the debts are based on the increasing requirement. The presentation of assets as fixed or current assets depends on their destination (for example, cash advances granted for the purchase of fixed assets are reflected in the composition of these assets regardless of the term of the advances). Suppose an asset or liability relates to more than one item in the balance

sheet/abridged balance sheet structure. In that case, its relationship to other things is presented in the notes to the financial statements. Depending on the degree of liquidity, the assets are divided into:

- Current assets, which represent assets that are expected to be consumed in the ordinary business cycle, sold or received within 12 months, or that mean cash;
- Fixed assets, including all other purchases, except for current investments.

The regular business cycle is the period between the time of acquisition of the assets that are intended for processing and the time of their conversion into cash. When this cycle is not clear for an entity, its duration is considered 12 months. The stocks that are sold, consumed, processed, and the claims that are paid as part of the standard operating cycle in a period exceeding 12 months from the reporting date are considered current assets (for example, raw material, materials, work in progress requiring maturation and storage at the winery, frozen or treated with sulfide fruit and juices at the canning entity).

2) *Equity*—the amount remaining in the assets of the entity after the decrease of debts;

3) *Liabilities*—current obligations of the entity arising from past economic events whose settlement contributes to a reduction of resources, bringing economic benefits. Depending on the degree of requirement, the liabilities are divided into:

- Current liabilities, which include the debts expected to be paid or settled within 12 months of the reporting date;
- Long-term liabilities, including all other debts, except the current ones.

Trade and employee payables recorded as part of the normal business cycle are current liabilities, even if they are due within 12 months of the reporting date.

The heritage situation [32] is described in the accounting by the qualitative structures of the ***assets*** and ***liabilities***. The component elements of the assets and liabilities are classified and grouped to be studied and recorded. The classification and grouping criteria differ according to the *legal*, *economic* and *financial* points of view, which are considered the components of the assets and liabilities.

In conclusion, we can establish that the economic heritage is an optimal combination between various forms of concrete manifestation of reunited and autonomous capitals in managing a financial agent that ensures their self-evaluation by carrying out activities organized on profitable criteria [29].

## 4. Analysis of the Concept of Common Heritage

The concept of the common heritage of all the people has its sources in Roman law. Gaius classified the goods that were not susceptible of appropriation in *res sacrae* or *res religiosae*, respectively in *res universitatum*, *res publicae*, or *res communes*, the latter belonging to all human beings ([33], p. 147). In the Middle

Ages, the notion was taken up by Thomas d'Aquino, who stated that since common goods constitute conditions for the individual good, each having the right to use them in his interest, each person is therefore obliged to try to protect them, given that they are the assets that can only be managed and protected by the whole community. Regarding the same subject, Grotius stated that the seas belong to the category of common human resources, as well as all things that can be used so that they can be used later by other people, regardless of their number, without deteriorating their substance or causing any injury or harm to the interests of others. Therefore, it is a field which, by its very essence, must remain the heritage of all the people forever and must follow the good law and the universal destiny of nature, as Grotius concluded [34].

The term "*common heritage*" has appeared and spread in the legal language since the 1960s; the notion, as such, aimed to mark the collective importance of certain natural-cultural elements and to express the need to preserve their typical character, as well as to protect and preserve their condition. Gradually, the concept declined in several ways, but its defining essence was kept ([1], p. 34). Thus, in the international law, the *common heritage of humanity* has emerged and been affirmed, as established at the beginning of this paragraph, with its legal regime, applicable to specific areas: Antarctica (under the Washington Treaty of December 1, 1959), the outer space (based on the Space Treaty of January 27, 1967), the Moon (the 1969 Treaty), the bottoms of the seas and oceans and their resources, located beyond the national jurisdictions of states (according to the Montego Bay Convention on the Law of the Sea of December 10, 1982). Then it passed and expanded in terms of nature, landscape, biodiversity, monuments, and symbolically the human genome (according to the Universal Declaration on the Human Genome and Human Rights, UNESCO, November 11, 1997) [35].

At the European Union level, the "common heritage of the European Union" has emerged, for example, referring to "migratory species" (Council Directive 92/43/EEC of May 21, 1992, on the conservation of natural habitats and wild flora) or architectural achievements (Grenada Convention of October 3, 1985, for the Safeguarding of Europe's Architectural Heritage) [35].

The common heritage is not like any other seeking to introduce an element both moral and legal in conserving cultural values and the environment. It is distinguished from its traditional conception from four points of view. First, it is about collective heritages, which are not attached to a person but a community; its holders are a group of a different scope: a local community, a nation, humanity as a whole, or even future generations. Of course, from a legal perspective, the quality of the subject, holder, representative of the rights and obligations related to this status, which must, therefore, be exercised and capitalized, is especially interesting. Then, they are characterized by being "solidarity and egalitarian", in the sense that they allow the consideration of interests that go beyond those of individuals, juxtaposed; they organize solidarity between the persons integrated into the respective community, in the use and management of the

elements that compose them.

These heritages are conceived as being passed from generation to generation; the structured solidarity must be exercised both between the present ages and between them and the future generations. Finally, they are seen, to a certain extent, as "uneconomic", in that they are constituted to evade the resources they integrate (natural, cultural, etc.) to a disorganized use of all the people—in the case of *res nullius*—but also a regular movement of goods. Therefore, the constitution of these heritages aims to make the elements that compose them inappropriate or, at least, to set some conditions and stipulate specific rules regarding their circulation as goods [36].

By their definition, common heritages presuppose a legal action aimed at preserving and organizing their use for the benefit of all the people, so to speak, precisely to ensure the access to an indispensable resource for life, well-being, and survival of biodiversity, to preserve and perpetuate collective cultural and spiritual identity in general. The establishment of common heritages at the national, European, and world level seeks and ensures each individual the possibility to benefit from a "good" that can only have a collective existence, being constituted by the contribution of all the people of past and present generations, of which each must benefit. Each has to preserve, enrich, and pass it on to future generations. In this perspective, the access to common, national, European, or world heritage is gradually crystallizing as a new fundamental human right, par excellence for solidarity and survival. There are arguments in favor of recognizing and guaranteeing equal and equitable access for all the people to the common heritage. Its legal existence would allow the establishment of rights and procedures to ensure the conservation, transmission, and sustainable management of common heritage. Until then, such a function is fulfilled, by ricochet, by the two fundamental rights with meanings in the field: the right to culture, respectively, the right to the environment ([1], p. 46).

## 5. Analysis of the Concept of the Natural Heritage of the Republic of Moldova

### 5.1. Natural Heritage: Definitions and Regulations

In recent years, several policies and initiatives have called for different natural and cultural resource management approaches. However, following the UNESCO's model, the EU has recently intensified its efforts in this regard without reaching an adequate, political, and strategic framework for the integrated management of cultural and natural heritage. Among the various categories of common heritage, world heritage—cultural and natural—occupies a place and has a special legal status.

Seriously high international heritage issues have begun to grow relatively recently. Thus, the Convention on the Protection of the World Cultural and Natural Heritage was adopted by the 17th session of the General Conference of UNESCO on 16 November 1972 and entered into force in December 1975.

The fundamental purpose of this convention is to unite the efforts of all countries and the entire world community to comprehensively identify, protect and sustain outstanding world heritage images, cultural monuments, and natural sites. In 1975, the Convention was ratified by 21 states. The total number of States parties to the Convention has reached almost two hundred. In the twentieth century, shortly after the adoption of the Convention in 1976, to improve the effectiveness of the Convention, the Committee and the World Heritage Fund were organized. Among other responsibilities, the Committee was entrusted with maintaining the "List of Objects of Outstanding Universal Value in History, Art, Science, Aesthetics, Conservation or Natural Beauty" and the "List of World Heritage in Danger".

In the light of the threats of destruction and modification, the insufficiency of national action, and its exceptional importance, the UNESCO's Convention on the Protection of the World Cultural and Natural Heritage of 16 November 1972 legally recognized the concept of "cultural and natural heritage of exceptional universal value", which is subject to a special protection regime, and in which the "collective assistance" is combined and complemented by the action of the state concerned. The document also provides a definition, "in its spirit", of both *cultural heritage* and *natural heritage*, which, customized at regional (European, for example) or national level, generate critical criteria for appropriate conceptualization ([1], p. 40).

The most important task of the environmental policy of the world and international organizations has become the identification and protection of typical and unique natural landscapes.

In 1972, UNESCO adopted the Convention on the Protection of the World Cultural and Natural Heritage, which 192 states have ratified. The convention made a clear distinction between *cultural* and *natural heritage*. Thus, according to art. 2 of the Convention on the Protection of the World Cultural and Natural Heritage of 23.11.1972, the following are considered *natural heritage*:

- Natural monuments made up of physical and biological formations or groups of such formations which have an exceptional universal value from an aesthetic or scientific point of view;
- The geological and physiographic formations and the strictly delimited areas constituting the habitat of the threatened animal and vegetal species, which have an exceptional universal value from the point of view of science or conservation;
- The natural sites or strictly delimited natural areas have an exceptional universal value from a scientific, conservation, or natural beauty point of view.

About this, each state should ensure its identification, protection, conservation, capitalization, and transmission to future generations (art. 4).

Another approach provided for in the Convention is preparing a list called the "World Heritage List" by each country. It is a list of properties that are part of the cultural and natural heritage, as defined in Articles 1 and 2 of the Conven-

tion, which they consider a unique universal value in terms of the established criteria ([37], p. 60).

According to the terms of the Convention, to classify an object as a natural heritage and to include it in the World Heritage List, it is necessary to fully comply with at least one of the following criteria [38]:

A particular monument, group of buildings, or sites—as defined above—must meet one or more of the following criteria as a test of authenticity. Each nominated property must:

1. represent a masterpiece of human creative genius; or

2. show an essential exchange of human values, valid over time, or within a cultural area of the world, in the development of architecture, monumental art or in the planning of cities and landscape design; or

3. bear a unique or at least exceptional testimony of the cultural tradition or of a civilization that still exists or has disappeared; or

4. be an exceptional example of a building or architectural ensemble or landscape that represents a significant stage in human history; or

5. be a particular example of traditional human colonization or land use that is representative of a particular crop/crops, especially when it has become vulnerable to the impact of irreversible change; or

6. be directly or tangibly associated with life events or traditions, ideas or beliefs, works of art or literature of special universal significance (the Committee considers that this criterion should justify the inclusion in the list only in exceptional circumstances or in connection with another natural or cultural criterion).

The criteria underlying the inclusion of natural properties in this list are the following:

- "Natural features consisting of physical or biological formations or groups of such formations, which are of universal aesthetic or scientific exception;
- geological or physical-geographical formations or concretely delimited areas that constitute the habitat of some plant and animal species threatened by an exceptional universal value from the point of view of science, conservation or natural beauty".

A natural heritage designated to be part of the list—as defined above—must meet one or more of the following criteria if it is to be taken into account:

1. to be exceptional examples that represent a significant stage in the history of the Earth, including life records, significant geological processes in the development of landscape forms, in progress, or significant physical-geographical or geomorphological characteristics; or

2. to be exceptional examples of significant biological and ecological processes underway in the evolution and development of soil, freshwater, marine and coastal ecosystems, and plant and animal communities; or

3. to contain an exceptional natural phenomenon or areas of exceptional natural beauty and aesthetic importance; or

4. to contain the most significant natural habitats for the place conservation of

biological diversity, including those threatened by a universal value of exception from the point of view of science and conservation.

The concept of "world heritage" exceptional is its universal application. The sites of world heritage belong to all the world's peoples, regardless of the territory in which they are located.

How can a world heritage site in Egypt belong to both the Egyptians and the people of Indonesia or Argentina? The answer can be found in the Convention on the Protection of the World Cultural and Natural Heritage, by which the states of the world recognize that sites on their national territory and which have been inscribed on the World Heritage List, without prejudice to their sovereignty or property, constitute a world heritage, whose protection lies in the duty of the international community to cooperate.

Without the support of other countries, many sites with a recognized cultural and natural value will be damaged or, worse, will disappear, rarely having the good fortune to be discovered and preserved. The convention above is, thus, an agreement signed by 160 countries of the world to contribute to the financial and intellectual resources necessary for the preservation of world heritage sites.

Thus, a world heritage site differs from a national heritage site in words "remarkable universal value".

All countries in the world have local or national interest sites that are fully justified sources of national pride. The convention encourages them to identify and protect their heritage, whether or not they are inscribed on the World Heritage List. The sites selected to be on this list are approved on their merits as the best possible examples of cultural and natural heritage.

The world heritage list draws attention to the diversity and richness of cultural and natural heritage on Earth. These sites belong to all peoples of the world, regardless of the territory in which they are located, which leads to the need to preserve and conserve them.

Unlike the Convention on the Protection of the World Cultural and Natural Heritage, the 1972 Recommendation on the National Protection of the Cultural and National Heritage of 1972 deals with the national protection that each State provides for its natural and cultural heritage. The protection of these goods is seen as a complex of identification, study, conservation, restoration, presentation, and integration in contemporary society. The Recommendation defines cultural and natural heritage in the same way as the definition given by the World Heritage Convention, except for the mention of "special universal value" in the body of the definition (Art. 1 and 2). It also outlines the role of national bodies with their primary responsibilities in cultural and natural heritage ([39], p. 117).

Despite these clarifications, we agree with the statement of the Romanian authors that "we are still far from a precise definition that, consequently, would trigger the application of a well-defined legal regime, at all levels of regulation" ([1], p. 41). In principle, the natural heritage remains generally considered as a

result of natural forces, without human intervention, but with the mention that "it is often difficult to identify a pure nature, on which man has not intervened to organize it, to distribute destinations, and even capitalize on". Undoubtedly, in the end, there can only be a false opposition between the environment and the cultural heritage and, in any case, a genuine complementarity if we consider only the legal texts in question.

The *natural* qualifier does not correspond to any precise definition due to the difficulty of attaching a special protection and conservation regime. It is generally considered that natural heritage results from the action of natural forces without human intervention. Still, it is often difficult to identify a "pure nature" on which humanity has not intervened to organize, capitalize, or only know. Ultimately, there is only a false opposition between the environment and the natural heritage, and, in any case, there is an original complementary feature, going as far as primordial unity.

The new legal perception, affirmed principally since 45 years ago, by the Paris Convention of 16 November 1972 for the protection of the world and cultural heritage, distinguishes between the two types of heritage, but promotes the unity of their protection, considering the nature and culture as common values, that contribute to the world heritage. Therefore, we are witnessing the emergence of an extended and interdisciplinary, even globalizing, concept.

As a general and generalized conclusion, beyond the intrinsic difficulties, including the legal ones and those specifying its content and meanings, the notion of heritage has the quality of unifying the protection regime, limiting the absolutism of the property right in the name of general interest, solidarity between generations and fostering the institutionalization of the global cooperation in this field.

Once such preliminary clarifications and precisions are revealed, they will foreshadow the contours of a possible right of cultural and natural heritage as a new field of regulation and scientific discipline information. Being still at the beginning of such an approach, we allow ourselves to state, for the time being, that if heritage protection was first conceived in domestic law, a legal regime of this type is also asserted internationally. The European Union promotes an integrated approach and considers protection a shared responsibility of all stakeholders.

In addition to the "vertical" structuring on legal orders and levels of regulation, in a horizontal context, the right of cultural and natural heritage maintains close relations, to the point of confusion, in some respects, with environmental law. It cannot ignore the common elements, inseparable from the law of culture and urbanism. Recently arrived in the ranks of "new rights", it has a prominent interdisciplinary character, is in the process of delimiting the area of the object of regulation and searching for other components of its particularization, but certainly in an implacable statement.

In some legislations, the environment itself is considered "*common heritage*

*of human beings*" (as recital 3 of the 2005 Environmental Charter, France), and the environmental law refers to notions such as natural heritage, natural and cultural heritage, built heritage, architectural and urban heritage, rural heritage, etc. ([1], p. 50).

After 1990, the Republic of Moldova has acceded to the main international conventions of UNESCO and the Council of Europe in protecting cultural and natural heritage, consolidating a legislative and operating system different from that of the previous period. However, the transformations after 1990, generated by the resettlement of the population in the territory, by the generalized extension of the inhabited areas to the detriment of the natural ones, had severe effects on the natural, cultural, and landscape heritage.

Currently, the Republic of Moldova is a party to 18 international conventions in the field of environment, of which ten directly promote the conservation of biodiversity and natural heritage [40].

The Romanian legislation regulates the notion of cultural heritage in GEO 57/2007 on the regime of protected natural areas, conservation of natural habitats, wild flora, and fauna. The purpose of this emergency ordinance is to guarantee the preservation and sustainable use of the natural heritage, an objective of significant public interest and a fundamental component of the national strategy for sustainable development. Thus, art. 4 of GEO 57/2007 [41] provides the following definitions:

*Natural heritage* is the set of physical-geographical, floristic, faunal, and biocoenosis components and structures of the natural environment, whose importance and ecological, economic, scientific, biogenic, cyanogenic, landscape, and recreational value have a relevant significance in terms of conservation of biological vegetation diversity and the functional integrity of ecosystems; the preservation of genetic, plant and animal heritage, as well as, the satisfaction of the living, welfare, culture and civilization requirements of present and future generations;

*The Natural heritage asset* is the component of natural heritage that requires a special regime of protection, conservation, and sustainable use to maintain it for the benefit of present and future generations.

Unlike the Romanian legislation, the legislation of the Republic of Moldova does not know the definition of natural heritage, although, in some laws, this term is met. The essential normative acts that regulate the relations in the field of natural heritage protection are:

- Law on environmental protection no. 1515 from 16.06.1993, provides in art. 4, para. (1). that "natural resources—soil, subsoil, waters, flora and fauna, located on the territory of the Republic, as well as the air in the space above this territory constitute the national heritage of the Republic of Moldova.
- Law on ecological expertise and environmental impact assessment.
- Law on natural resources: Art. 1. par. (1) Natural resources are objects, phenomena, natural conditions, and other factors usable in the past, present, and

future for direct or indirect consumption, which have consumption value and contribute to the creation of material and spiritual goods. Article 5. par. (4) mentions reserve resources or protected resources and: e) the unique value of natural resources, which requires their removal from economic use, their predestination exclusively to scientific research, or their inclusion in its natural historical and cultural heritage among the criteria for reporting natural resources in the category of resources intended for exploitation.

- Law on the fund of natural areas protected by the state.
- Law on green spaces of urban and rural localities.
- Water law, etc.
- According to the Law of the Republic of Moldova on the principles of urbanism and spatial planning [42], the Protected Areas represent territories in which are located the objects or the sets of objects that are part of its natural national and cultural heritage, which apply specific regulations to maintain their quality, maintaining the balance through interventions and conservation, as well as for ensuring harmonious relations with the environment (art. 58). a) The monuments declared by law part of the national cultural heritage, together with the afferent protection zones; b) The monuments declared by law part of the natural national heritage obligatorily constitute the basis for creating the protected areas (art. 59).

Of course, the acts listed above interact with the national codes: Civil Code, Criminal Code, Customs Code, Code on Administrative Offenses, Fiscal Code, Land Code, Forestry Code, Basement Code, etc.

### 5.2. Conservation of Natural Heritage and Biodiversity

The concept of biodiversity or biological diversity was first defined in the adoption of a new international environmental instrument at the 1992 UNCED Earth Summit in Rio de Janeiro. It signifies the diversity of life on earth and involves four levels of approach: ecosystem diversity, species diversity, genetic diversity, and ethnocultural diversity [40].

From a conceptual point of view, biodiversity has an intrinsic value, but it is also associated with ecological, genetic, social, economic, scientific, educational, cultural, recreational, and aesthetic values.

Representing the primordial condition of the existence of human civilization, biodiversity ensures the support system of life and the development of socio-economic systems. Within the natural and semi-natural ecosystems, there are established Intra—and interspecific connections through which the material, energetic and informational exchanges are ensured, which ensure their productivity, adaptability, and resilience. These interconnections are highly complex. It is difficult to estimate the importance of each species in the operation of these systems and which may be the consequences of declining or extinction to ensure the long-term survival of the ecological systems, the primary provider of resources on which human development and welfare depend. Therefore, main-

taining biodiversity is essential to ensure the survival of all life forms, including humans' lives.

Equally important is the role of biodiversity in providing services provided by ecological systems, such as regulating soil and climate conditions, water purification, mitigating the effects of natural disasters, etc.

In 1995, the Republic of Moldova ratified the Convention on Biological Diversity, which aims at the conservation of biological diversity, the sustainable use of its elements, and the fair and equitable sharing of benefits arising from the use of and access to the genetic resources, taking into account all the rights on those resources. It happened thanks to adequate funding for biodiversity conservation measures.

The general objective of the Strategy on Biological Diversity of the Republic of Moldova for the years 2015-2020 is to create the conditions for improving the quality of the components of biological diversity by consolidating the foundation for sustainable development of the country. In this context, the vision of this Strategy reflects the desire of the Republic of Moldova to get as close as possible to the European standards and, respectively, to achieve the goal of European integration. All the priority directions of development established in the Strategy aim at adjusting the relevant national policies to the European ones.

### 5.3. Categories of Protected Areas of the International Union for the Conservation of Nature (IUCN)

Internationally, the protected areas are classified concerning their biogeographical characteristics and functions. Each category presents a particular form of existence and organization of nature, subject to a specific legal regime of protection and administration.

According to the amended IUCN definition, the protected areas are: "*Clearly defined geographical areas*, *recognized*, *designated and managed based on legal acts*, *or other effective means*, *to achieve the long-term conservation of nature*, *as well as of the environmental services and of associated cultural values* [43] *".*

IUCN provides a detailed explanation for each term for the definition, providing a solid basis for determining whether an area can be considered a protected area. The following principles must be taken into account in defining the objectives of protected area management:

- The main objective should be nature conservation; other purposes are also acceptable, but in the event of a conflict, nature conservation must be a priority;
- Prevention or elimination, if necessary, of any exploitation or management practices that would affect the objectives for which the protected area has been designated;
- Maintaining or, ideally, enhancing the natural character of the protected ecosystems.

Within IUCN, ten categories of protected natural areas were listed in a docu-

ment published in 1973, which are listed below as found in the "specialty literature ([44], pp. 289-290):

I. Scientific reservations/integral nature reserves;

II. National parks;

III. Natural monuments/natural landmarks;

IV. Nature conservation reserves/divided nature reserves/wildlife sanctuaries;

V. Protected terrestrial or marine landscapes;

VI. Natural resource reserves;

VII. Anthropological reservations/multiple biological regions/natural resource management areas;

VIII. Natural regions arranged for multiple-use/natural resource management areas;

IX. Biosphere reserves;

X. (natural) World heritage assets."

Currently, the classification proposed by IUCN in 1994 is used, which defines 6 (six) "categories of protected areas (which are also found in the previous classification) according to the main management objectives, namely:

- Category I a—scientific reservation (protected natural area managed especially for the scientific interest);
- Category I b—wild areas (protected natural area managed especially for the protection of wild natural areas);
- Category II—National Park (protected area managed especially for the ecosystem protection and recreation);
- Category III—natural monuments (protected natural area managed especially for the conservation of specific natural characteristics);
- Category IV—natural reservations/areas with active management of the habitat or species (protected area managed especially for the conservation through active management measures);
- Category V—natural parks/protected terrestrial or marine landscape (protected area managed especially for the conservation of the terrestrial or marine landscape and recreation);
- Category VI—protected area intended for the sustainable use of natural resources."

"It is important that each country accomplishes an association with the categories defined by IUCN, which is a global standard for the planning, designation, and management of the protected areas, even if they lack the legal force of law."

### 5.4. The Legal Regime of the Natural Areas Protected by the State

Undoubtedly, the UNESCO Convention had an essential role in developing the concept, expressed in subsequent international and national texts, and thus exerted a real influence on both the unification of the vision and the constitution of the new law.

The legal bases for the creation and functioning of the fund of natural areas

protected by the state, its principles, mechanism, and method of conservation, as well as the attributions of central and local public authorities, non-governmental organizations, and citizens in this field, are regulated by Law no. 1538 from 25.02.1998, *regarding the fund of natural areas protected by the state* [45].

The natural areas protected by the state represent natural spaces, geographically delimited, with representative and rare natural elements designated and regulated to conserve and protect all environmental factors. The status of a natural protected area by the state is set by law, according to the procedure provided in the Regulation on the procedure for establishing the protected natural area regime approved by Government Decision no. 803 from 19.06.2002 [46].

In 2018, the protected areas of the Republic of Moldova represented 5.76% of the country' total area. The country's national target was to expand the areas of protected areas up to 8.0% by 2020, according to the Action Plan for the implementation of the Strategy on Biological Diversity of the Republic of Moldova in 2015-2020.

Currently, in the Republic of Moldova, there are 312 protected areas, 158 sites of secular trees (a total of 429 trees), and 472 rare species of flora and fauna (in addition: 9 families three orders). The total area of protected areas is **189,385.9** ha (**Table 1**). The legal framework of protection is represented by Law no. 1538 from 25.02.1998 regarding the fund of the natural regions protected by the state.

The natural heritage is generally considered a result of natural forces, without human intervention, but that "it is often difficult to identify a pure nature, on which man has not intervened to organize it, allocate destinations, and even capitalize". Undoubtedly, in the end, there can only be a false opposition between the environment and the cultural heritage and, in any case, a very real complementary character if we consider even the legal texts in question [35].

In conclusion, we can mention that the national system of protected areas in Moldova does not currently sufficiently preserve its biodiversity because it is not ecologically representative. The current management of protected areas does not provide complete security for particular species or ecosystems. The protected areas are mainly fragmented, scattered, unrepresentative, with unmarked borders, and the classification of protected areas does not correspond to their significance for biodiversity [47].

The United Nations Educational, Scientific and Cultural Organization (UNESCO) proposed a plan to protect the world's cultural and natural heritage through the *Convention on the Protection of the World Cultural and Natural Heritage*, approved in 1972. In October 2013, 981 assets and sites from160 countries were on the list.

At present, the World Heritage List contains **1121** assets that the World Heritage Committee considers to have an exceptional universal value. They are distributed in **167** Member States as follows (2021) [48]: 869 cultural assets, 213 natural goods, and 39 mixed goods (**Figure 1**).

The World Heritage List also mentions the existence of 36 cross-border assets,

**Table 1.** Number and area of natural areas protected by the state ([45], Annexes 1-13).

| Classification of state protected areas | | | IUCN Category | Number | Area (ha) |
|---|---|---|---|---|---|
| **Scientific reservations** | | | I | 5 | 19 378 |
| **National parks** | | | II | 1 | 33 792.1 |
| **Natural monuments:** | | | III | 130 | 2 907.2 |
| | *geological and paleontological* | | | 86 | 2 682.2 |
| | *hydrological* | | | 31 | 99.8 |
| | *botanical* | representative sectors with forest vegetation | | 13 | 125.2 |
| | | centennial trees | | 158 | - |
| | *rare floristic and faunal species* | | | 472 | - |
| **Natural reservations** | *forests* | | IV | 51 | 5 001 |
| | *of medicinal plants* | | | 9 | 2 796 |
| | *Mixed* | | | 3 | 212 |
| **Landscape reservations** | | | V | 41 | 34 200 |
| **Resource reservations** | | | VI | 13 | 523 |
| **Areas with multifunctional management** | *representative sectors with steppe vegetation* | | VII | 5 | 148 |
| | *representative sectors with meadow vegetation* | | | 25 | 674.7 |
| | *forest protection curtains* | | | 2 | 207.7 |
| **Biosphere reservations** | | | VIII | - | - |
| **Dendrological gardens** | | | | 2 | 104 |
| **Monuments of landscape architecture** | | | | 21 | 304.9 |
| **Zoos** | | | | 1 | 20 |
| **Wetlands of international importance** | | | | 3 | 94 705.5 |
| **TOTAL** | | | | **312** | **189 385.9** |

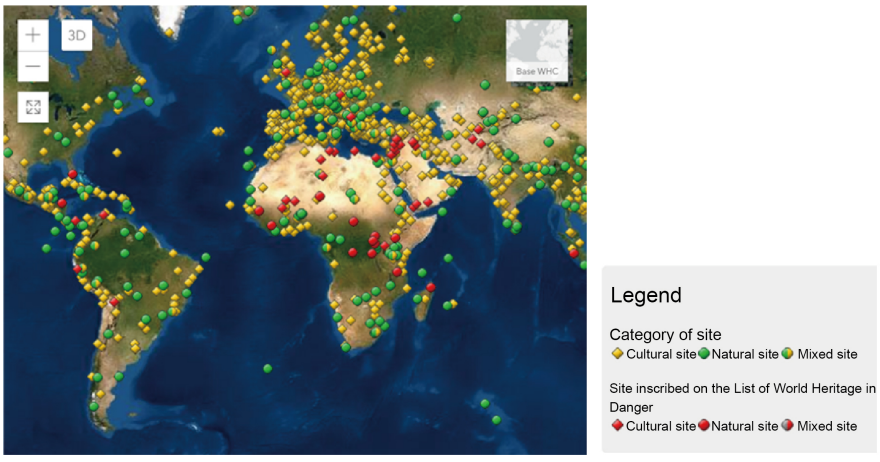


**Figure 1.** UNESCO World Heritage List [48].

53 endangered and two radiated assets (Dresden Elbe Valley in Germany, emitted in 2009 and Arabian Oryx Sanctuary in Oman, released in 2007).

Below we will present the list of goods and places that belong to the *World Heritage* (or *Common World Heritage*) of Moldova, Romania, and the Russian Federation (left: year of taking over the property/place on the UNESCO List) [49].

The states of Romania and the Russian Federation were not chosen at random: they are countries that are part of the Romanian-German law system and, therefore, we can find much in common regarding the legal technique, the construction of laws, and the most relevant cultural history with many common points, but in some places even common, etc. Moreover, the Republic of Moldova often borrows from these countries the experience of drafting legislation on the protection of cultural heritage various legal mechanisms for keeping records of assets that are part of different categories of cultural heritage. Also, these states are connected not only by the history of cultural heritage but also by the history itself: that of the formation and constitution of our state.

The UNESCO World Heritage Site of the **Republic of Moldova** includes a single monument (the Struve Geodetic Arch). In addition, two objects are on the examination list (the chernozems from Bălți steppe and the Orheiul Vechi Historical-Archaeological Complex).

**The Struve Geodetic Arc** [50] **(Rudi, Republic of Moldova**) is a network of 265 observation points, represented by stone cubes with a side of two meters, arranged on a relative trajectory between Hammerfest (Norway) and Necrasovca-Veche (Ukraine). This network was designed to evaluate terrestrial parameters, shape, and size. The Struve Geodetic Arc changed for 40 years, between 1816-1855. Now this arc measures 2,820 kilometers has 34 observation points included in the UNESCO heritage in 2004.

UNESCO World Heritage in **Romania** currently includes in its list six *cultural sites* (churches in Moldova (1993, 2010), Horezu Monastery (1993), villages with fortified churches in Transylvania (1993, 1999), Dacian fortresses in the Orastie Mountains (1999), the historical center of Sighișoara (1999) and the wooden churches from Maramureș (1999)) and two *natural sites* (Danube Delta (1991)—and the secular and virgin beech forests from the Carpathians and other regions of Europe (2007, 2011, 2017)). These monuments are protected in Romania, both based on Law no. 422/2001 on the protection of historical monuments, as well as, according to Law no. 564/2001 for the approval of GO no. 47/2000 on the establishment of measures for the protection of historical monuments that are part of the World Heritage List, with subsequent amendments and completions.

In addition to these objectives from Romania included in the UNESCO World Heritage, there are 17 others included on the waiting list, among which we can mention: Neamț Monastery (1991); Byzantine and post-Byzantine churches in Curtea de Argeș (1991); The sculptural ensemble of Constantin Brâncuși in

Târgu Jiu (1991); Basarabi **Cave Religious Ensemble** (1991); The Church of the Three Hierarchs from Iași (1991); Fortresses from Oltenia (1991); The Church from Densuș (also known as the "Saint Nicholas" Church from Densuș) (1991); The historic city of Alba Iulia (1991); The hewed mountain mass (1991); Pietrosul Rodnei (mountain peak) (1991); Sinpetru (paleontological site) (1991); Slătioara Secular Forest (1991); The historical center of Sibiu and its set of squares (2004); The old villages of Hollókő and Rimetea and their surroundings (2012); Roșia Montană mining cultural landscape (2016); Borders of the Roman Empire—Danube Lime (2020); The borders of the Roman Empire—Dacia (2020).

On the territory of the **Russian Federation**, there are 29 monuments included on the UNESCO list. Of these, 18 are classified as cultural monuments, and the other 11 are natural monuments. They are located throughout the country and include the genuinely unique UNESCO World Heritage sites in Russia.

Thus, the *cultural sites* of the Russian Federation included in the UNESCO list include the following objects: Architectural Ensemble of the Trinity Sergius Lavra in Sergiev Posad (1993); Assumption Cathedral and Monastery of the town-island of Sviyazhsk (2017); Bolgar Historical and Archaeological Complex (2014); Church of the Ascension, Kolomenskoye (1994); Churches of the Pskov School of Architecture (2019); Citadel, Ancient City and Fortress Buildings of Derbent (2003); Cultural and Historic Ensemble of the Solovetsky Islands (1992); Curonian Spit (2000); Ensemble of the Ferapontov Monastery (2000); Ensemble of the Novodevichy Convent (2004); Historic and Architectural Complex of the Kazan Kremlin (2000); Historic Centre of Saint Petersburg and Related Groups of Monuments (1990); Historic Monuments of Novgorod and Surroundings (1992); Historical Centre of the City of Yaroslavl (2005); Kizhi Pogost (1990); Kremlin and Red Square, Moscow (1990); Struve Geodetic Arc (2005); White Monuments of Vladimir and Suzdal (1992).

From the category of natural sites of the Russian Federation, included on the UNESCO list are Central Sikhote-Alin (2001, 2018); Golden Mountains of Altai (1998); Lake Baikal (1996); Landscapes of Dauria (2017); Lena Pillars Nature Park (2012); Natural System of Wrangel Island Reserve (2004); Putorana Plateau (2010); Uvs Nuur Basin (2003); Virgin Komi Forests (1995); Volcanoes of Kamchatka (1996, 2001); Western Caucasus (1999).

At present, the examination list includes 28 more sites: Historical and Cultural Jeyrakh-Assa Reservation (1996); Centre historique d'Irkoutsk (1998); Rostov Kremlin (1998); Historic Center of the Yenisseisk (2000); Petroglyphs of Sikachi-Alyan (2003); The Commander Islands (Comandorsky State Nature Reserve) (2005); Magadansky State Nature Reserve (2005); Krasnoyarsk Stolby (2007); The Great Vasyugan Mire (2007); Ensemble of the Astrakhan Kremlin (2008); The Ilmensky mountains (2008); The archeological site of Tanais (2009); Bashkir Ural (2012); Testament of Kenozero Lake (2014); Virgin Komi Forests (re-nomination) (2014); Western Caucasus (re-nomination) (2014); Mamayev Kurgan Memorial

Complex "To the Heroes of the Battle of Stalingrad" (2014); The Oglakhty Range (2016); Centre historique de la ville de Gorokhovets (2017); Treasures of the Pazyryk Culture (2018); Rock Painting of Shulgan-Tash Cave (2018); Petroglyphs of Lake Onega and the White Sea (2018); Cathedral of the Transfiguration of the Savior with the Medieval Rampart City Wall of Pereslavl-Zalessky (1152-1157) (2019); Heritage of Chukotka Arctic Marine Hunters (2019); Vyatskoe village (2019); Divnogorye Historical and Cultural Complex (2020); Astronomical Observatories of Kazan Federal University (2020); National Park Kytalyk (2021).

Among the various categories of common heritage, cultural and natural world heritage occupies a place and has a special legal status. In terms of threats of destruction and modification, insufficient national action, and exceptional importance, the UNESCO's Convention on the Protection of the World Cultural and Natural Heritage of 16 November 1972 legally recognized the concept of "cultural and natural heritage of exceptional universal value", which is subject to a special protection regime, and in which the "collective assistance" is combined and complemented by the action of the State concerned.

## 6. Conclusions

In conclusion, we can establish the following aspects of the present research. Thus, civil heritage is the legal result of economic liberalism. In contrast, the common heritage is afferent to a much more conservative and unproductive conception, which evokes even the original vision of the heritage. The idea of *transmission* between generations and belonging, common, collective proximity, and responsibility of the exact nature, with private interests succumbing to this necessity, is to be remembered and then revealed.

The heritage has, in all these meanings, distinct from the *legal* notion of heritage, two characteristic features: it is a set of elements with a common nature and appears as a fact that is not intimately related to the idea of a person, whether it brings together the goods received from the father, parents or ancestors, or unites the creation of a particular community, or evokes the material resources close to a hypothetical collective subject of law, raised to the scale of all humanity, or describes a biological matrix [7].

Heritage is the expression of a complex social phenomenon. And the concept of heritage in the legal sense continues to raise scientific rigors quite frequently due to its difficult issues, multiple regulations, and the doctrinal expositions in this matter. Of course, the notion of heritage is mainly used in the branch of civil law. However, we are still in the presence of an idea that, with specific meanings, is also found in other branches of law, which gives it a multispectral concept, technical and well structured and determined. And the knowledge of this fact allows us to perceive even more about these branches of law, which have an essential constituent part—the heritage ([22], p. 40).

The recognition and cultivation of the idea of the establishment of a right of cultural and natural heritage, as a new area of regulation and a new area of dog-

matic reflection, as well as the emergence of a new fundamental human right of solidarity, the right to common, national, European and world heritage are imposed by prominent developments in social realities and developments in relevant legal regulations.

Heritage, therefore, means a legacy left by the generations that preceded us and that we have to pass on intact to future generations, constituting at the same time the heritage of tomorrow. The UNESCO's definition of heritage makes clear this right and the duty of heritage: "**Heritage is the legacy of the past that we enjoy today and that we will pass on to future generations**."

As a right of the intersection, *the Law of Cultural and Natural Heritage* borrows the component elements of *the law of culture*. Still, it treats them with a special aspect of cultural heritage, which must be preserved, enriched, and passed on. The connections with *environmental law* are mainly aimed at nature conservation in terms of protecting species, spaces, and aesthetics. In environmental law, the concept of heritage does not necessarily refer to the notion of property. Instead, it designates a set of goods that do not necessarily have an economic value. Even if they can have a patrimonialism market value, they present a mainly symbolic interest: historical, cultural, artistic, scientific, identity, and often ecological. In this perspective, it is a matter of "preserving the elements that appear to be essential, and that must be passed on intact to future generations" (C. Chamard) because, according to the formula expressed in the European Charter for Architectural Heritage (1975), "Each generation disposes of such heritage only lifelong. It is responsible for its transmission to future generations." The privileged relations with urban planning law, both from the perspective of soil damage and the requirement that the planning documents of the area, integrate, among others, the protection of historical monuments, their surroundings, and sensitive natural spaces, and individual urban planning permits have particularities important in the matter. Significant developments also concern relations with other rights, such as rural or land-use planning laws.

All such regulations constitute a specific system, generated by the indissoluble unity of cultural and natural heritage, their quality of common heritage, which meets the collective requirements, is of utmost importance and by their intrinsic value should be conserved, preserved, and transmitted to future generations. Moreover, in the conditions in which, in comparative law, the subject is the object of a special code or framework law, of a specific doctrinal exposition and didactic approach, the recognition of the existence of an autonomous field of regulation of the cultural and natural heritage law is required by itself. It comprises all the rules of law and institutions which contribute to the identification, delimitation, protection, conservation, preservation, and transmission of the common, natural and cultural heritage to future generations. In this situation, the new field of regulation and doctrinal reflection includes significant sectors, arranged horizontally and vertically by the legal norms belonging to international, Union-European law.

## Acknowledgments

The reported study was funded by the Research project: *Increasing the value of the architectural heritage of R. Moldova 20.80009.0807.34*.

The goal of the research project is to harmonize the national normative framework concerning real estate with historical and architectural value with the practices of the European Union. For this reason, we studied the concept of architectural heritage from a general perspective to a specific one. As a result of the identification and analysis of the national legal framework on the concept of heritage, it will be easier to determine the specifics of the architectural heritage of this country.

The perspective research plan in the investigation of the topic is directed towards the continuation of the research in the identification and analysis of the problems at the national level and the elaboration of the proposals for their solution in order to increase the value of the national architectural heritage.

## Conflicts of Interest

The authors declare no conflicts of interest.

## References

[1] Duțu, M., Lazăr, A. and Predescu, Ov. (2018) Protecția juridică a patrimoniului cultural și natural: Volum dedicat Centenarului Marii Uniri și Anului European al patrimoniului cultural. Editura Academiei Române, Universul Juridic, București.

[2] Adam, I. (2013) Dreptul Civil. Teoria generală a drepturilor reale. C.H. Beck, București.

[3] Rey, D.A. (2008) Dictionnaire historique de la langue française. Le Robert, Paris.

[4] Stoica, A. (2014) Drept civil. Drepturile reale: Note de curs, spețe, grile. Pro Universitaria, București.

[5] Chiriac, N., Ursu, V. and Bostan, I. (2020) Legal Liability for Violation of Legislation Regarding the Protection of Immovable Cultural Heritage in Republic of Moldova. *International Journal of Humanities and Social Science Invention* (*IJHSSI*), **9**, 25-34.

[6] Duțu, A. (2013) Patrimoniul în dreptul civil și în dreptul mediului. Universul Juridic, București.

[7] Stoica, V. (2013) Drept Civil. Drepturi reale principale. C. H. Beck, București, a 2-a.

[8] Tatiana, S. (2018) Răspunderea patrimonială—formă a răspunderii juridice. Autoreferatul tezei de doctor în drept. Chișinău. http://www.cnaa.md/files/theses/2018/53190/tatiana_stahi_abstract.pdf

[9] Hamangiu, C., Rosetti-Bălănescu, I. and Băicoianu, A. (1995) Tratat de drept civil. All, București, Vol. I.

[10] Vlachide, P.C. (1994) Repetiția principiilor de drept civil. București, Vol. I.

[11] Lupan, E. and Reghini, I. (1996) Drept civil. Universitatea Babeș-Bolyai, Cluj-Napoca.

[12] Mircea, T. (2000) Drept civil. Drepturile reale. Argument, București.

[13] Pop, L. (1993) Drept civil. Drepturi principale. Cluj-Napoca.

[14] Florescu Dumitru, C. (2002) Dreptul de proprietate. Universității Titu Maiorescu,

București.

[15] Садикова, О.Н. (2006) Гражданское право Российской Федерации. Том I. ИНФРА-М, Москва, 493 с.

[16] Brînză, S. (2005) Obiectul infracțiunilor contra patrimoniului. USM, Chișinău.

[17] Stahi, T. (2016) Analiza funcțiilor și caracterilor juridice ale patrimoniului. Studii juridice universitare, nr. 2-4, 178-187.

[18] Viorica, U. (2015) Drepturile patrimoniale. Tehnica-UTM, Chișinău, 112 p.

[19] Шершеневичь, Г.Ф. (2001) Учебник русского гражданского права.Московское научное издательство, Москва.

[20] (2003) Гражданский кодекс Российской Федерации. 3 изд. НОРМА, Москва. http://www.usla.ru/printver.php?obid=4220

[21] Сухарев, А.Я., Зорькин, В.Д. and Крутских, В.Е. (1998) Большой юридический словарь. Инфра М, Москва.

[22] Ursu, V., Chiriac, N. and Bostan, I. (2021) Analysis of the Concept of Heritage in Legal Terms. *International Journal of Management and Applied Science* (*IJMAS*), **7**, 38-44.

[23] (2002) Civil Code of the Republic of Moldova No. 1107 of 06.06.2002. Republished in the Official Gazette No. 66-75 of 01.03.2019 Art.132.

[24] Ungureanu, O. and Munteanu, C. (2008) Tratat de drept civil. Bunurile. Drepturile reale principale. Hamangiu, București.

[25] Stoica, V. (2004) Drept Civil. Drepturi Reale Principale. București.

[26] Patrimoniul Economic—obiect al managementului contabil. https://www.rasfoiesc.com/legal/contabilitate/PATRIMONIUL-ECONOMIC-OBIECT-AL69.php

[27] Contabilitate comparata—patrimoniul economic—obiect de activitate. https://www.scrigroup.com/afaceri/contabilitate/CONTABILITATE-COMPARATA-PATRIM34174.php

[28] Patrimoniul agenților economici. https://www.stiucum.com/economie/economie-generala/Patrimoniul-agentilor-economic92173.php

[29] Patrimoniul economic—obiect al managementului contabil. https://www.rasfoiesc.com/legal/contabilitate/PATRIMONIUL-ECONOMIC-OBIECT-AL69.php

[30] Contabilitate Comparată. https://biblioteca.regielive.ro/cursuri/contabilitate/contabilitate-comparata-127297.html

[31] (2013) The National Accounting Standard "Presentation of Financial Statements". The Official Gazette No. 233-237, Art. 1533.

[32] Patrimoniul, ca obiect al contabilitatii. https://www.creeaza.com/afaceri/economie/contabilitate/Patrimoniul-ca-obiect-al-conta217.php

[33] Rèmond-Gouilloud, M. (1989) Du droit de détruire. Essai sur le droit de l'environnement. Presses Universitaires de France, Paris.

[34] Matei, D. (2005) Considerații privind patrimoniul comun al umanității. https://drept.ucv.ro/RSJ/images/articole/2005/RSJ34/0211MateiDiaconu.pdf

[35] Duțu, M. (2017) Patrimoniul cultural și natural și Dreptul său.

https://www.juridice.ro/essentials/1247/patrimoniul-cultural-si-natural-si-dreptul-sau

[36] (2018) Patrimoniul cultural—element al identității europene și parte a avuției naționale. https://tribunainvatamantului.ro/patrimoniul-cultural-element-al-identitatii-europene-si-parte-a-avutiei-nationale

[37] Ursu, V., Bostan, I. and Chiriac, N. (2020) Protecția patrimoniului mondial cultural și natural. În: Svetlana, A., Ion, A. and Viorica, U., *et al*., Eds., *Patrimoniul arhitectural*: *Aspecte legale*, *tehnice și economice*, S. n., Tipogr. "MS Logo", Chișinău, 355 p.

[38] Patrimoniul mondial cultural și natural U.N.E.S.C.O. din România. https://nuibaihailadrum.ro/patrimoniul-mondial-cultural-si-natural-u-n-e-s-c-o-din-romania/

[39] (1998) 1972—Recomandări referitoare la protecția la nivel național a patrimoniului cultural și natural (extrase). În Buletinul Comisiei Naționale a Monumentelor Istorice, nr. 1-2. https://patrimoniu.ro/images/BCMI/BCMI_1998_nr.1-2.pdf

[40] (2015) Decision of the Government of the Republic of Moldova on the Approval of the Strategy on Biological Diversity of the Republic of Moldova for the Years 2015-2020 and of the Action Plan for Its Implementation No. 274 of 18-05-2015. The Official Gazette No. 131-138 Art. 321.

[41] (2007) Emergency Ordinance No. 57 of June 20, 2007 on the Regime of Protected Natural Areas, Conservation of Natural Habitats, Wild Flora and Fauna. In Mo. of Romania No. 442 of June 29, 2007.

[42] (1997) Law of the Republic of Moldova on the Principles of Urbanism and Spatial Planning No. 835 of 17-05-1996. The Official Gazette No. 1-2 Art. 2.

[43] Dudley, N. (2008) Ghid pentru aplicarea categoriilor de management al ariilor protejate. IUCN, Gland.

[44] Mircea, D. and Andrei, D. (2014) Dreptul mediului. Ediția 4, Editura C. H. Beck, București.

[45] (1998) Legea nr. 1538 din 25-02-1998 privind fondul ariilor naturale protejate de stat. În Monitorul Oficial nr. 66-68 din 16-07-1998.

[46] Ariile protejate în Republica Moldova (1971-2018) Agenția de Mediu|Ministerul Agriculturii, Dezvoltării Regionale și Mediului (gov.md).

[47] Stanciu, E. and Bucur, C. (2013) Recomandări pentru sistemul național de categorii de management pentru Ariile Protejate—Normele generale pentru fiecare categorie de Arii Protejate din Republica Moldova.

[48] World Heritage List. https://whc.unesco.org/en/list

[49] Locuri din Patrimoniul Mondial UNESCO. https://ro.wikipedia.org/wiki/Locuri_din_Patrimoniul_Mondial_UNESCO

[50] (2008) Arcul geodezic Struve. https://ro.wikipedia.org/wiki/Arcul_geodezic_Struve