

# PROPERTY AND FREE INITIATIVE IN ECONOMY

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## Abstract

*The property is a subject that has been and it is studied by specialists from the economics, philosophy, law, history fields etc. It is natural to be a subject of attraction since the property is an essential precondition of the human economic activity, activity that provides the basis of his existence and creates the foundation for the other human activities. As between economics and law – how everybody knows – exists a close interdependence, it is necessary to explain this interdependence from the property perspective, as well as the relationship between property - economic liberty - free initiative. A clarification of ideas about these things and theoretical aspects, from economic and legal point of view, we believe that will have a benefic effect for the economical, legal and political practice etc.*

**Keywords:** *property, economic liberty, types of property, free initiative, private property.*

## 1. Introduction

The property issue is one of the most important issues of the economical theory and practice, we can say not only economical but also political, legal, moral, etc. The human existence is linked to the property, the goods approximation by humans in order to meet their needs, initially in a pure form, directly, and then through conventions and social norms, is determined by their interests, on one hand and of insufficient resources in relation to their needs, on the other hand.

In other words, it is a constant and a characteristic of a human and of the human society, a natural reality, acknowledged by the human, we can appreciate that it is both a social relationship and also a natural law. As we can not breathe without oxygen, in the same way we can not exist without the approximation and consumption of goods, processes which have as a prerequisite the property. It accompanies us all the time, from the appearance of human, at all stages of their development. They have acknowledged the property, since ancient times, as something you can not miss, as something that can not be denied. The property exists, is on the natural course of life to relate to her, and account for it. Paraphrasing the author Marin Preda, who said at one point in the „Moromeții” novel, that „there is nothing if there isn't love”, we can say also that „there is nothing if there isn't property”. This is why from the earliest times it has been trying to explain what the property is, how it may be seen, both in terms of individual, as well as from the society point of view.

Ideas about property can be found in religious writings, such as „Old Testament”, where ownership appears as being acknowledge by the human as a

natural reality, in the writings of the thinkers from antiquity to our days, philosophers, historians, economists, lawyers, sociologists et. al. Plato, Aristotle and other antiquity philosophers made a lot of references about property in general and its role in society, on the property natural character, as well as on the justification of a type of property or another. Plato looked with critical eyes private property, while Aristotle claimed private property, seen as an instrument of existence considering that it refers at the goods approximation necessary to the existence. He further said, that everything beyond the first need mean wealth and not property, even if wealth led to a multiplicity of instruments<sup>1</sup>.

Religious and philosophical ideas regarding ownership intertwined with the economical and legal ideas. Property approach from an economic perspective is, in our view, an objective necessity. Human must live, must satisfy their needs with goods from the nature, or with goods (services) created by him. This implies economic activity. Not accidentally the property is viewed in the economic sense, as the totality of relationships between people in connection with the acquisition of goods, as a historically defined form of ownership. It is natural then that economical ideas to be generated by the goods and property interests. If we look at the course of the economical ideas across the time, the way of the shape, of economic doctrines set up and development, we find that in the center of the preoccupation is located the property, both as an theoretical reflection of natural and social reality and human position to goods, and also as a goods approximation, possession and use. Mercantilists were speaking about wealth and reflection (embodiment) of it through its precious metal, of enrichment through commerce, industry and especially currency. Physiocrats, focusing on agriculture, looked at the

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<sup>1</sup> Musceleanu, M., p.7.

property as a natural law, claiming property guarantee and, on this basis, of the economical freedom. On this idea went and go the liberalism representatives which considers that the individual is the only reality, according to natural law, as he is his own master, master of his own will and his own body, thus being the owner. Hence the idea that the property is natural, any individual owning a property, those self. In this context, the property is justified by the idea of work, human acting on the nature, inherently it has the right (natural) on the products of his labor. So, not only property exists naturally, but is also necessary.

The liberalism as a economical doctrine, known over time shades, some of them being outlined in the current independent thinking. For example, the neoclassical current which it flows from the classical thinkers from Adam Smith, David Ricardo, John Stuart Mill and others, it was divided into three schools of thought: English marginal school, Austrian school and Lausanne Swiss School. The view differences does not refer to the property, but to the interpretation manner of the economical concepts and facts and from here of the action directions. Ideological base is the same, no one denied and does not deny the property in the economical sense, not even K. Marx, which defines the property as „Appropriation of nature by an individual within and by means of a determined social forms.”<sup>2</sup>.

Although Marx criticizes capitalism and its foundations, the idea of ownership remains as prerequisite for production and social development. It is criticized capitalist private property and the way of creating, acquiring and developing them, given the fact that the real creators of the property, according to Marx, in the sense of wealth, are those who work (working class), who are exploited by those who own the means of production and, on this basis, economic strength.

The development of economic thought in the twentieth century and early twenty-first century by relevant thinking trends such as Keynesianism, monetarism, institutionalism, behaviorism, etc. is based - on our opinion - on the idea of the property which underlies the real economy and structuring economical behavior of people, communities and society as a whole.

In reality every economy is a mixed economy, and its working mechanism is the market mechanism, a mechanism which creates and distributes wealth (the subject of property). In conclusion, understanding wealth as a materialization of the property, all economic doctrines have focused, or on the creation of wealth (Adam Smith), or on the distribution of its (David Ricardo), or on the wealth increase (John Maynard Keynes) or on the explaining the human economical behavior.

## 2. Property at the intersection between economic and legal

As highlighted from the above, human existence is linked to the property. Between this and the economic interests of the people there is a biunique relationship. The property is manifested in society, mainly, in the form of economic interests, and these, in turn, drives the society members towards the development property (wealth).

An economic interest is always determined by the satisfaction of human needs. Just as the human needs know an evolving, the same thing happend with economic interests. They are constantly evolving, from primary phase imposed by the direct contact of human with the nature, at more complex and advanced forms like those of today.

Economic interest is causing the act of human awareness about its needs and therefore, his action for their satisfaction. People acquisition of conscience interests, transform these into action motivations, purposes and momentum of human activity. Human being involve, seeks to transform nature, to acquire goods from nature to produce more and to create wealth, from the awareness of the property existence, which gives a reason to the goods approximation to meet their needs. It is reported to goods, at the wealth, not only based on its needs, but also from the relationship between him and other members of the community in which he lives. Hence, it follows that in our consciousness, the property is represented on one hand, as a social relation between people in connection with obtaining and acquiring goods, on the other hand, as a material wealth, a quantity of goods that we are approaching and dispose of them whenever we like, according with our interests. This prompts us to point out that there is a separation between ownership seen from a theoretical point of view, as a stand-alone concept (social relation) and property object, goods of various kinds (wealth itself).

From economical point of view property – as I said – it is a social relationship, the property subject is recognized only within this relationship. So, the property outside human society does not exist, it does not make sense and content. The appearance of the human, of the human communities, has generated property recognition as a relationship and as a object. The members of the human communities to make a living, became aware that the proximity of goods for their own use can not be achieved if other members do not agree, do not recognize this right. In other words, appears objectively the idea of property for the purely purposes, untouched by any interpretation, respectively the power exercised by someone on his property, on his riches, shall be recognized by other members of the community, the property being essentially a way of achieving human powers over wealth.

The rules of coexistence of human societies includes also the one regarding ownership in the form

<sup>2</sup> Hanga V., 1971, p. 171, apud K. Marx, p. 661.

of customs, rules, regulations etc., which gradually, with the advent of state and law were transformed into legal norms, meaning a right distinct – right property. „There has not been and there can not be human society without the presence of property rules and therefore property rights, expressed or implied, of organizing the relationship between people in order to use things and goods. In this view, the thing that differentiates companies, which opposes is not the presence or absence of property rights, but how those legal rights enshrined combines and conjugates with each other.”<sup>3</sup> In other words, property in the economic sense is metamorphosed in the ownership in a legal sense, namely in property right. So, the property besides de economical valence, embrace also a juridical valence, meaning that the goods proximity, acquisition and appropriation become a right, reinforced and sanctioned by the coercive power of the state.

Hegel said that the individual and property are inseparably linked. The property is a condition of life and human development; it is generated by the human nature and must be appreciated as an absolute and primitive law, which is not resulting from any outside act, as occupation, job or contract. Property right came from human nature itself. It is sufficient to prove that you are human to enjoy also from the right property<sup>4</sup>.

Between the economical property approach and juridical approach, there is a clear interdependence. We consider that we can not talk about property only from the economical point of view, or only from the juridical point of view. The property is a unitary concept reflected both in its natural character, and also in his subjective character, given by its natural reglementation in society, respectively by its right property.

„Property rights are as fundamental as the rarity and rationality of resource allocation”<sup>5</sup>.

In essence, property right is „that subjective law that gives expression to the approach of a thing, allowing to his owner to exercise the possession, to use and dispose of that thing, under its own power and self-interest, and in compliance with the legal provisions”<sup>6</sup>.

„The guarantee and protection of the right property is a major attribute of the state, ensuring consistency and stability of economic actions, directing economic agents movements by creating the incentives, through economic agents empowerment for the results obtained and to partners by sanitizing economic life in general to ensure the normal operation of the market mechanism”<sup>7</sup>.

So, we can appreciate that property right is a fundamental right, a fact accepted by the constitutions

of democratic countries and international treaties. J.J. Rousseau said that „the right property, through the guarantees stipulated, will confer the natural status of development to all human communities and each of their members.”<sup>8</sup>.

Defining and defending the property rights is an increasingly important part of the rules that govern economic life, causing what economic movements must be made by creating the incentives, by empowering economic agents towards results and to partners, but also for general economical life cleaning in order to formulate and achieve a correct supply and demand based on the competition.

According to Professor Belli, property rights, as a whole mechanism of economic growth, rests on the following pillars of strength<sup>9</sup>:

- a) access to the natural and human resources;
- b) technological investments;
- c) people's preferences;
- d) development institutions.

„There are at least three major circumstances that circumscribe the content of property rights. First, there is the fact that these human rights gives social permission to access the resources of its existence. But he realizes this access, usually, not as a parasite, but as a creator of goods and services from the acquired resources. Property rights looks therefore before all the facts at the material production. Secondly, the same rights are a prerequisite of the goods exchange. The sale and purchase act, daily repeated a million times over, can not take place, if those engaged in this process do not owe (or authorized by him) the goods exchanged. Through the exchanges, however, property rights include not only production, but also material goods and services distribution. Third, property rights permit the appropriation of goods, not only as a result of production and distribution, but also of the redistribution process, as taxes on profit or wealth, inheritances, donations, etc.”<sup>10</sup>.

Romanian legal doctrine in interpreting 480 article from the old Civil Code, consider that the attributes which form the content of property right are: the right to use the asset (*jus utendi*), the right to collect the fruits (*jus Fruendi*) and the right to dispose the good (*jus abutendi*). The new Civil code establishes (555 article) as property attributes: possession, use and disposal. Possession (*jus possidendi*) enables the owner to exercise actual dominion of the work in its materiality, directly and immediately, through its own power, its own interest or to consent that the possession should be exercised in the name and on behalf of, by another person<sup>11</sup>.

<sup>3</sup> Berthu, G., Lepage, H., 1986, p. 53.

<sup>4</sup> Florian, M., 1938, p. 290).

<sup>5</sup> Ryan, A., 1987, p. 1029).

<sup>6</sup> Boroi, G., Angheliescu, C.A., Nazat, B., 2013, p.13.

<sup>7</sup> Iancu, A., 2000, p.200.

<sup>8</sup> Rousseau, J.J., 1957, pg. 24.

<sup>9</sup> Belli, N., 1996, pg.8.

<sup>10</sup> Belli, N., 1996, pg.8.

<sup>11</sup> Boroi, G. et al., anul 2013, pg. 15.

From a legal perspective, the property characters, as set out in the new Civil code (555 article) are: exclusive character, absolute character and perpetuity character. The exclusive character put in mind that the owner of the property is the only one entitled to exercise his right attributes, being the only one who can oppose of any disturbance whether they are caused by individuals or by the state. Perpetuity character highlights the fact that property right doesn't have a limited time, can not be lost through disuse by the holder. In other words, the right to private property is inalienable<sup>12</sup>. The absolute character is explained by some authors as a character which targets property rights of *erga omnes*, which means that all other law subjects are forced by law to respect the owner rights. Related to this character, E. Chelaru highlights the fact that its existence does not depend on any rights that would serve as the basis of the constitution. In other words, property right is defined by itself and not in relation to other rights. Property right is the only right that allows the holder to exercise all the prerogatives conferred on them, in the power and own interest.

Throughout the time, the property understood as a social relation clad two types:

A. common property, in a common sense (to all), the state being the holder, through central government (the public domain - the national interest) and/or administrative-territorial units (public domain of local interest: town, city, county), The attribute of all, in reality means that, nationwide, of the citizens of that country, at a local level, of the population who owes and live particular territorial area; B. Private property, seen as private-particular property and also as a private property of the State (state private domain) and of the administrative-territorial units (private domain of the administratively-territorial units). In the case of private-particular property, the property holders are individuals (private individual) and/or groups of individuals associated based on certain interests, with a common purpose (private property associations). When the property owner is a single person or entity, private property is exclusive, and if there is more than one person, it is common private property, in condominium or co-ownership. Private state domain and private domain of the administrative-territorial units have a distinct status from private property (particular), of individuals and groups associate. First, the owner is the state, on the one hand and administrative-territorial units, on the other hand, secondly, its management is performed centrally by the state or at a local level, in the interest of citizens. The difference between public and private domain of the state and of the administrative-territorial units, is not significant for the economic sense of public property, but how does it fit into the civil circuit. From a legal perspective, both sectors (public and private) have as a holder the state authorities (central or local), so the property is seen in

the unity of the public, on one hand and the private sector, on the other hand.

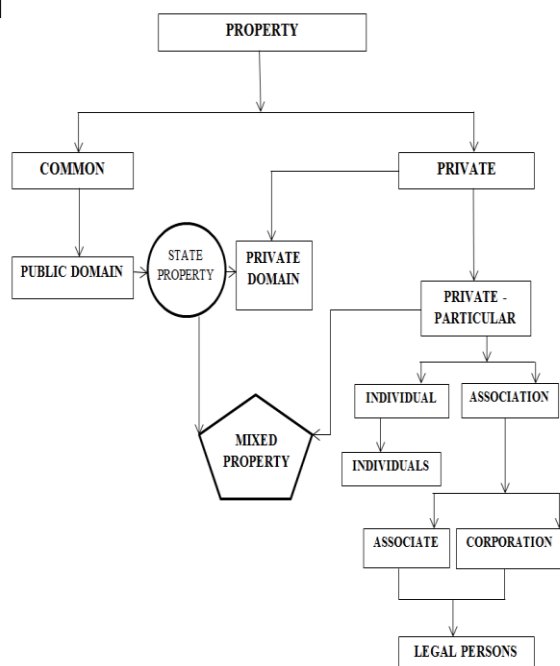
It is appropriate to make a statement. In the above classification of the property, we took into account the current legislation stipulations from Romania. Text of the law - in our opinion - does not always reflect accurately the social and economic reality. Is possible that some legal concepts to be nuanced, more or less, towards economic concepts. For example, the existing Constitution, as such as other laws, do not use the term state property, but public property, showing that its holders, as state through the central organs of administration and administratively-territorial units by local authorities administration. At the same time, in reality there are private domain of the state and administrative-territorial units, which as a type of property is private property, whose holder is the state, on one hand, through administrative central and administrative-territorial units, on the other hand, by the local administration.

From the economists perspective and not only, it is normal to use an integrating concept, **the state property**, as a unity between the two major areas (public and private domain of the state and public and private administrative-territorial units). This term of state property, we consider that defines property distinct which enter under the state umbrella (central and local government authorities), ensuring a net shootout by the private-particular property.

Based on these considerations and taking as a criterion the property holder, is apparent clear the existence in the society, in the current circumstances, from an economic perspective, of two major types of property, state property (public and private domain of the the state and administrative-territorial units) which reflects the content of public property (common) of all citizens at national and/or local level and the private - particular property, which reflects the content of private property (individual and associative), either as a exclusive form, or as a common private property (in condominium and co-ownership) - fig. no. 1. According to Romanian legislation, holders property rights are constituted on types and, within them, by forms of property.

<sup>12</sup> Baias, F.A. et al., anul 2012, pg. 608-609.

Figure no. 1



Considering that a market economy and a democratic society can not be constitute and developed only under the conditions in which have the basis on private-particular property, the constituent legislator enshrined, in several articles of the Constitution, the prominent character of this kind of private property. According to this principle, within the property system, private-particular property is the rule, and state property is the exception.

In order not to misinterpret the private property term, considering that the state holds the private sector, we will use in the following, private-particular property term, for what it represent the real meaning of private property across its owners.

If we refer to both types of property, we find the following general characteristics:

- common property (common) manifests itself differently depending on the stage of society development, for example, in primitive societies it take the form of common property, today, the form of state property, which includes the private property of the state;
- public property is broadly seen as the state property equivalent;
- private property appears, on one hand as a private property of the state, on the other hand, as a private – particular property;
- public domain can be of national interest, case in which, the property holder is the state, or other entity of local interest, so the property holder is the local authority, at commune level, city or county;
- the double quality of the state and of the administrative-territorial units, by any legal person of public law and by any legal person of private law, gives them the right to be the

property owner of the national public domain goods, or for interests or locally as appropriate, as well as of the private property goods;

- goods which make up the private domain of the state and administrative-territorial units are not limited, the limited character is specific to the public domain;
- all the movable or immovable assets under the civil circuit, can be the subject of the private property rights;

Private property (particular), occupies a central place in the property system from market economy countries. What defines the private property in a market economy, is not its presence in the manifesting forms, but the dominance of three essential legal principles:

- any property right can only be an attribute of the persons, defined by individual and personal rights;
- any law relating to the possession, resources use or transfer can not be the subject of several simultaneous and competing properties;
- any legally established right of an individual constitutes a „private good”, which can be freely assigned or transferred for the benefit of the others.

Private-particular property, from its appearance, has been particularly visible in the exclusive private property form, holder being a single person or entity and under the common private property form, which acts as a condominium ownership and/or co-ownership. In the case of individual property, in which the one who owes the production factors and uses them directly, by using their own labor (craft individual property, of the peasant, of the merchant, of the various services provider etc.). It manifests itself when an individual who owns the production factors, its uses in the goods or services production and marketing, by hiring factory non-owners salaried workers, but the owners of their own workforce. Exclusivist private property is put in value through the association process of several individuals in various forms. Private-particular property is also manifested through consumers broad category, who enters into the possession of the consumer goods exercise their rights to use them. The fact is that, for the natural and upward course of the economy, very important is the private-associative property, organized or in the form of capital companies or individuals, where the owners uses non-owner employees, either in the form of cooperatives. An important role in the economic development it is also the individual property of those who initiates and organizes various businesses on their own (eg. Small entrepreneurs).

State property (public and private domain), present in different proportions, in all countries, is characterized by the fact that the goods, those from investments particularly, is owned by the state organizations, as property subject. The object use and

management of this property is the task of the various public administrations, central or local.

When talking about the state public property form we refer at the infrastructure constraints sectors such as energy, rail transportation, communications, "I assume normal social conditions and requires major capital investments; in the case of military-strategic businesses; in the social sector; in the social services delivery; in the fundamental scientific research realization. However, its proportions spread diminish the workers interest and initiative, which leads to the production efficiency decrease, causing a social indifference and thus lead to the real chance to live on the account of others."<sup>13</sup>

The Civil Code covering both property forms, and also the acquisition manner. According to it (Civil Code, 555 article), all the using goods or private interests belonging to individuals, legal persons of private law or public law, including the assets which make up the state private domain and territorial units, forms the private property. State assets (Civil Code, 554 article) and of the administrative-territorial units which, by its nature or by the law statement, are of use or public interest and forms the public property object, but only if they were legally acquired by them.

Private property, in other words, is the holder right to possess, use and dispose of property exclusively, absolute and perpetual, within the limits set by the law. It, through its components (individual private property and associative property) is presented as the only legitimate form of attaining wealth, established through native approach, production and exchange. In contrast, public property (comprised of both state public domain and also the public domain of administrative units), the so-called public sector, is established through coercive expropriation, public interest investment, through taxation and fiscality. The last one, often constituted to the detriment of private – particular property, acquires, under certain conditions, a parasitic character, which inhibits wealth creation. We can say that the private property form has a primary advantage that contributes to the development of personal initiative, and also of its entrepreneurial skills. Moreover it is the basis of the economic freedom and of the prosperity growth, as it ensures the production development according to social needs. Regarding the disadvantages of this form we can mention the risk of starting a business, and also the high pressure on the owner.

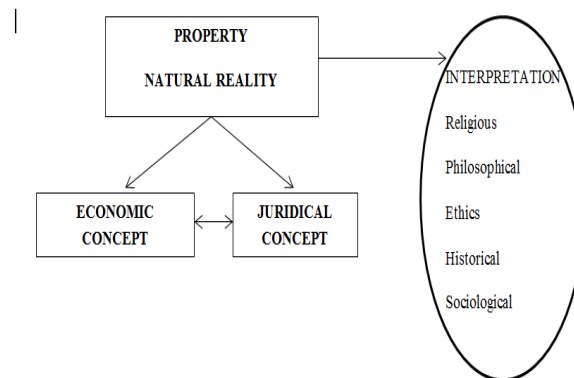
In the society, we meet, in the current period also the **mixed property**, the resultant of the public–privat property, benefit from a economical perspective, as the state efforts, in this context, is correlated with the efforts of private companies, for making investments that benefit all citizens and private organizations which are participating in the partnership. Mixed property consists of shapes combining and property different

proportions whose owner is the state and/or administrative-territorial units and of property private–particular where the holder is a private investor, emphasizing that the general interest defies over the strict division of property.

Nowadays, as we noticed, coexist three forms of property: private- articular, of state and mixed. Private-particular property, occupies the central place in the property system from the market economy countries. Among these property forms exists, in the conditions of market economy, a permanent compatibility. Meaning that, in economic terms, they are subordinated, equally, to the universal economic principle of rationality and efficiency. Meanwhile, individual property - proven from work - liquidates the premises of the alienated property, regardless of the forms and of the historical conditions of alienation.<sup>14</sup>

In conclusion, the property, should be seen as a evident natural reality in which, in the unraveling process of its essence, of the society manifestation mode, of the types and forms that takes, of the role it plays etc. it can be given different interpretations. The most important are the economic and legal nature, along with religious philosophical interpretations, moral, etc. Between these two interpretations which we dealt in this article, economic and legal, there are no differences, do not oppose each other, but rather there is a close interdependence, we can say a unit of two sides of the same realities that complement one another (fig. no. 2).

Figure no. 2



Therefore the economic content of the property highlights the growth wealth sources and mechanism; the distribution principles of the material assets and income; the causes of differentiation in the wealth distribution process among the population, while, through legal characteristics we reflect the movement, patrimony "movement"; patrimony rights distribution and redistribution (for example, drafting legal purchase - sale acts of the apartment, car, etc.)<sup>15</sup>.

<sup>13</sup> Soroceanu, O., Filip, N., anul 2005, pg. 109.

<sup>14</sup> Dobrotă, N., anul 1997, pg. 64.

<sup>15</sup> Soroceanu, O., Filip, N., 2005, pg. 109.

### 3. Private property and free initiative manifestation

The property provides the economic freedom manifestation premise of the human, materialized in the decisions and actions of the production, proximity and goods consumption. Individual free initiative, as a way of expression of economic freedom is present only in certain conditions, namely when the property, better said its existing forms in the society, will permit this thing.

The first type of property known by the humanity was the common property, as common property, in primitive societies the lowest level of the technique and technology development led to a common work, as the only way of human survival. The individuals economic interests were the same, they started from the goods shortage, from the need for survival and of the individual and community. The economic freedom and, respectively free initiative, it could not occur under these conditions at the individual level, had no real basis, since all the members of society possessed in common material goods and production conditions. The economic freedom is manifested only at community level, which appears in the position of the property owner, on which can make economic decisions of initiation, organization, production development for a equal distribution of the obtained goods, for their consumption. It is noted with a great clarity, that the economic action, economic initiative, is closely linked to the property and it does not exist independently of it.

Exceeding the primitive stage, society beginner and thus of economic activity, due to the technical and technological progress, has generated a restriction of this type of property moving gradually to the private property. This fact meant the recognition by the society of the individuals right, to take possession and use and dispose of diverse nature goods, to satisfy their own personal interests. Private property, therefore, reflects the natural relations between society members (individuals) regarding their position on certain parts of social wealth, acquiring them individually, to meet their personal consumption needs.

Regardless the forms that existed over the time and exists today, private-particular property ensures the economic freedom of the individual, standing at the base of its free initiative. Thus, people, goods owners can manifest themselves as economic agents, by consuming how they consider to be more favorable, their goods. They may decide to maintain, collapse or develop their economic actions, can freely participate in sale and purchase acts, to all kinds of associations in order to produce and sale goods, to enter into agreements and contracts etc., all of which are generated by their personal economic interests. Of course, this freedom must be seen in the context of some economic objective laws and on the existence in the society of proper legal regulations.

So, in the society is created a supportive framework for private property expression and

objective mechanisms for regulating the economic relations between individuals, through which ensures not only the self-interest promotion but also of the public interest (general).

The fact is that the economic interests of individuals are closely linked with thousands of wires of private-particular property, no matter of the concrete form of the manifestation. All economic operators follow through their actions a certain personal gain, think about all their past, present and future actions through the prism of maintaining and developing private property. Triggering free initiative, private-particular property put in work the people minds in order to find ways to increase efficiency, in order to respect the rationality principle from the economy, to use resources carefully. It stimulates scientific research, maintain its flame, forcing creativity triggering, introducing a new perspective, in drawing up viable solutions, even spectacular, of optimizing the economic life of society.

Ignoring private-particular property, taking measures of restriction or even constrictions, organizing and structuring economic life on other criteria and coordinated and also free initiative restriction, led and lead to lack of interest from individuals, apathy, temperance initiative of any kind, the manifestation of bureaucratic trends, not only in leadership but also in the actual pursuit of economic activity. The failure of socialist economies, as is known, was primarily due to the annihilation of private-particular property and to the socialist property establishment and "development", so-called property of all the people. This led, among other things, to the limitation up to liquidation of free economic initiative, to the abolition of free market economy and its mechanisms, to the establishment of the command economy.

By abolishing private property, people look at it from economic point of view, became simple automatism. The only economic agent, was the State, led by the Communist Party, which decide what's right and what's wrong, which are the laws that should govern economic life, how economic mechanism should look like and operate. Thereby acting, contrary to the natural course of the economy based on private property and free market mechanisms, have resulted serious errors in economic decisions, in all bearings economy. So, the economic failures of the communist government, were due, largely, to the destruction of private property and thereby, of the economic freedom and initiative freedom restriction.

Free initiative – founded on private-particular property – it is considered a natural human state from all times. Normally, it was required and requires no matter how it is reflected in the economical, political, legal doctrines etc.

It is objectively required, underpinning at the economic regulatory mechanisms, at the basis of the social economical progress. Private property provides not only the human expression freedom as an economic

agent, but the possibility of this manifestation, generated, primarily, by the economic support provided to the individual – his property and, secondly, by the awareness of this position that he has in society and the role they must fulfill. All of this impel him at action, because the purpose of the action is recognized and supported by society.

#### 4. Conclusions

Economy society, is not only an important component of it, we can say that is the fundament which ensures the existence and operation of others society components, but it also presents a fascinating field, very often surprising us by the manner in which it manifests itself.

The humans has always endeavored to understand, to explain its mechanisms, to take action as much as possible, according to them, to correct his errors or ignoring the signals that it receives, to understand them, to shape their actions and behavior so that his interests can be met. Sometimes it succeeds to harmonize with the economic laws, with the economic mechanisms requirements and specifics, with its dynamism, sometimes not. The results are evident in one case to another.

Of course, in order to smooth the integration process of the human into the requirements and into the

functional mechanism of economic life, it carefully observes, investigates and studies the real economy, in order to shape their actions and be able to action in line with the objective reality. This is why, any extra knowledge of one side or another, of one aspect or another, of economic life it is beneficial. This is reflected by the course of the economic ideas over the time, which provides the theoretical foundation of practical human actions. In this context, we consider that is very important and those some considerations that we have made in this article, regarding the property, at the interdependence between economic and legal for its explanation and its manifestation, at the relationship between economic freedom and property.

Certain the property is seen as a natural reality of humans, is beneath all its actions which aim to satisfy his needs, which allows the perpetuation of species and society as a whole. The human in order to exist first he has to secure their basic needs, and then has to be able to conduct other activities that define it as a superior human being. For this he must understand the property essence, its economic and legal perspective, which underlies and support economic freedom and his free initiative. In this article, we wanted to bring in the attention of those interested in the understanding and studying of the economic life and its mechanism, exactly these aspects which we mentioned above.

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