

## ABSTRACT

The concern of justifying the institution of property has existed in the various stages of the development of human society, but all currents and conceptions remained unanimous in sustaining its importance and necessity, but the concerns have differed regarding its origin and goals.

The main objective of the paper *Property in the Romanian economy* consists in studying and analysing the forms which property has experienced over time, taking into account it does not manifest identically in the various stages of the evolution of human society, taking various forms, which currently know and shall know in perspective an evolution and natural development, caused by the continuous dynamism of economic life.

The opening chapter, called – *Property – is a permanent social reality. The historical property types and forms* - make the transition from joint property to private property, indicating the historical evolution of private property, the types and forms it takes in time. This chapter continues by presenting the modern joint property – the social property and presenting the property concept in contemporary world – private property and public property, as well as with the pluralism of property forms.

In contemporary economy, along with the technical-scientific progress, with the considerable increment and diversification of the item of property, the structure of the property ratio is also intensified. Property develops, adapting itself to the new conditions, allowing the continuous development of market economy. Thusly, the pluralism of property forms is strengthened, the competition ratios between the property form are intensified, the public and private scopes of property are intertwined. The pluralism of property forms creates the premises for stimulating the initiative, provides unclosed possibilities for action and option to all economical agents, by means of the instruments and mechanisms of the market. The managerial revolution determines the passing of the power of decision and control from owners to managers, a fact also reflected upon on the purpose of redistributing the incomes. The increase of state's intervention into economy is more and more present by means of partnership, meaning to transform the state from a veritable partner for entrepreneurs, integrating itself organically into the mechanism of market economy. The existence of the pluralism of property forms leads to a competition

between these forms for maintaining it and a growingly strong affirmation, meaning that each economic unit takes part in this competitive process, regardless of the property form. Generally, all property forms have various shares and outline characteristic types of the property structure, in each country.

The second chapter, entitled *The content and features of the social relations of property* is the one where I wanted to highlight the content and features of the social relations of property, starting from the triple definition of the property concept: *the philosophical concept, the legal concept and economic concept*.

Regarded as an economic category, property has existed throughout the human society, the production and procurement of goods required for living are a requisite premise for the social life and, as such, property is closely connected to the scope of producing material goods and to “harvesting the fruition” of this activity. From analysing the property in an economic sense, it results that it occurs along with the human society and shall vanish through its dissolution.

Property is assessed as being an economical category, and unlike this, the property right is a legal category distinguished by appropriation, attribution of a good, and the owner is entitled to exercise the prerogatives of his/her right by self-power and for one’s self-interest, by complying with the limits imposed by law, being justified to claim everyone else to refrain from any acts likely to encumber this right. The legal sense is combined with the economic one, for all economic relations between people are also legal relations, which they have between them in connection to the goods.

In both its meanings, property creates human’s ultimate access to the appropriation of natural goods or those that are the result of human activity performed within the scope of producing material and spiritual goods. This feature operates either individually, or collectively.

Philosophers are the ones stating that humans fall into the property relations as a “total being”; according to them, the problem of property is one of economic efficiency involving the accomplishment of human personality in general.

Therefore, property is indissolubly connected to people’s life, being part of it, representing a problem of continuous feature and having a specially important place within the economical, social-political and philosophical sciences.

By the structure given to this chapter in this paper, I have also tried an analytical approach regarding the impact of property onto the people's economical-social state, relative to the property concept and economic freedom.

In the third chapter of the paper *The property right in contemporary Romania*, I took into account a thorough analysis of one of the most significant and present civil right institutions and namely the institution of property, regarded as real main right.

The property right is closely connected to patrimony and in Romanian doctrine was deemed to be closely related to the owner's identity. In civil law, the property right, as it appeared in the communist regime, had to be repealed, and the privileges assigned to the socialist, state or cooperative property forms needed to be abolished. Moreover, in countries which had no special law regarding the property of land, it needed to be created.

The fourth chapter entitled *Theoretical Foundations of the evolution of property forms in Romania* aims to analyse all property forms existing in our country.

The economic history attests the concomitant existence of multiple property forms, and within each one of them, we distinguish several ways of appropriation of factors for production and exercising the prerogatives of property by its subject. The property forms, as well as its management forms differ in time and space. Diversity of property forms and their management depends on: historical eras, the nature of the economic systems, the system of interests, the internal and external competition, the specific of the production, the degree of economic efficiency, the size of economic units, etc.

Concurrently, regardless of how brief it would be, the history of property forms attests the coexistence and compatibility of various forms in all historical eras, the increase of the complexity degree of the property system, the multitude of ways of manifestation of individuals as owners. The evolution of each property form and the relation between them were quite contradictory. The essential element of this evolution consisted in the coexistence and interdependence of all property forms.

History again is the one showing us that, regardless of the manifestation forms, private property ensure the individual's economic freedom and is the basis of free

initiative, being in fact the engine of economic life, hence the scientific importance of the research.

An aspect of special importance is the one stated in connection with the two contradictory conceptions regarding the property concept, conceptions that practically divided the world into two: *individualism and collectivism*.

*The individualist conception* has its roots in the theory of natural law; according to this, man is born with certain rights incidental to him/her and no social force can deprive one of these elementary rights that distinguish one from other species.

*The collectivist conception* was developed contrary to the individualist conception, and according to it, the majority may decide anything for the minority and when we reach the individual, the latter may at any moment be deprived of everything, even of the right to life. Such a conception led to the totalitarian state, which on behalf of the majority, has suppressed tens of millions of lives only during this century, hundreds of millions of people have been deprived of basic rights, obviously starting with the property right.

The paper continues with chapter five: *The analysis of the property forms and property law in the process of Romanian economy development*. The chapter is reserved to the study of the property forms and legislative system in the process of Romanian economy development in the contemporary era and it refers to highlighting three important stages: interwar period 1918-1944, the period between 1945-1989 and the period between 1990-2010.

During the communist regime, any economic activity was controlled by the party and along with establishing the totalitarian system the dissolution of private property, collectivisation, nationalisation followed, events which led to destroying the Romanians' economic and social life. But, along with the Revolution of 1989, the Romanian economic system became capitalist. Any citizen has the right to own private property or to open their own business.

By very briefly analysing the fundamental characteristics of the main activity sectors in each stage of the evolution, we reach to a certain conclusion, proven in history, that the property forms of liberal type contribute to a greater extent to the economic increase of the country, compared to the property forms of socialist type.

In the market economy, there is a tight connection between the forms of property and economical agents' manner of getting involved into the company's life. The forms of property may generate either interest for increasing the economical agents' performances, or disinterest towards the entire performance of the economical activity. It has been proved that the development of the society depends on the progress registered regarding the property.

The proportion of each property form within the national economies varies. Generally, in countries with market economy, private property occupies the central place, thusly predominating. The compatibility of the multiple property forms has meaning and support in increasing the economic efficiency and in modernising the technical apparatus of the society. The economic efficiency and rationality represent the absolute criterion of assessing all property forms, which are in permanent competition.

The novelty of this chapter consists in the fact that I have tried for the first time to establish a SWOT analysis of the property forms, as well as of the Romanian legislative system in this current stage of economy development, taking into account the property reform, as well as the economic crisis which not only world economy is facing, but Romanian economy is also facing. Although this technique of analysis is used at a microeconomic level, I have exploited the investigative style, but at a macroeconomic level.

The main objective of Chapter 6: *Privatisation and abolition of the socialist property monopoly of the Romanian economy* consists in studying the phenomenon of privatising and abolishing the monopoly of socialist property in Romanian economy.

Like all other former socialist countries, our country undergoes a transition process of particular depth and amplitude. Configuring some answers to the important problems such as those referring to the structures of the economy, disposal of all kinds of ideological interpretations, as well as the unleash of all kinds of old concepts makes us think they are of special importance from a theoretical point of view, as well as a practical one.

In this chapter, the research shall also take into account the reform of property during the period of transition to the market economy, a theme which generated much controversy and disputes among economists, lawyers, politicians, population and mass-

media, analysing the changes caused as consequence of the property reform and mainly focusing onto the privatisation process in progress within Romania.

The transition process which our country has been subject to after 1989 meant going through a long and toilsome path of economic reforms, as well as a continuous search for an economic, social and political identity which we would individualise with in the large family of European Union states, a family which we are also part of, with the accession of our country. The entire process was a series of difficulties which both the governments that managed the country and the country's population have been facing.

The evolution of the Romanian economy after 1989 was dominated by a continuous decline, and one of the main subjective elements that definitively determined its evolution was the economic environment.

The structure and way of manifestation of the economic environment has generated the emergence of new enterprises with losses in the both public and private sectors, which shall leave its mark onto the overall economy and onto the intensity of the crisis. It may be said that during the first decade, Romania's transition was a transition through a crisis, but with some exceptions (years 1994 and 1995). The decline in labour productivity in industry and constructions was reflected in the oscillating reduction of the gross domestic product, which in between 1990-2000 tended to generally drop. During the second decade, the gross domestic product increased, a situation manifested through a process of economic increase of recovery in relation to the level of 1989 and lasted until the second half of 2008. During the whole analysed period, the evolution of the GDP was determined by the evolution of social productivity of labour. The increase or decrease in the GDP was determined by productivity, which represents the intensive factor of population's contribution, occupied at the results of economic activities.

Obviously, the transition process was under the influence of a powerful crisis, affecting the living standards for the vast majority of the population. The increasingly lower actual incomes of the population's households have contributed to the increase of share of the expenditures for food products to the detriment of the non-food products and services.

Economical dismantling promoted during the transition process determined much stronger negative effects than the heritage of economic structures. Waiving the state

property and any of its intervention and control in the economy, without an orderly strategic plan, it was found out that at the basis of accelerating the economic chaos during the first years of transition.

The reduction of state's intervention into economy was accompanied by using some economical-financial key factors not adapted to country's conditions, triggering and enhancing the financial blockages. Thusly, using the credit did not stimulate the economic agents investing into the productive sector, especially affecting the agriculture and services, sectors which requested renewal and financial support.

A problem vividly contested during that period consisted in accomplishing a more clear legal base regarding the property, which has as aim the improvement of the economic agents' activity. The transition to the pluralism of property forms meant an inevitable process, but which should be made under the efficiency conditions and not as an aim in itself.

The state of world economy and unfavourable international economic relations were also added to these domestic situations, the former determining the Romanian agents' loss of external markets.

The exit of Romania's economy from the extended crisis, which reoccurred in 2009 implies first of all the attenuation of the economic activity decline, agents' economic release, including on a competitive plan. Since the last decade, it was necessary to create the conditions of releasing again the economic activity on a short term and accomplish the macro-stabilisation. Within this context, the following problems must have been solved:

- clarification of property ratios;
- definition of and compliance with association liberty under the efficiency conditions;
- finding new ways of providing technical means to the economy, which would contributed to increasing its efficiency;
- attracting and valuing the competence of specialists within the branches of the economy;
- establishing economic-financial measures allowing agents to perform investigations under efficiency conditions.

During the transition period, the property structure has essentially changed in Romania; it was revived and the private sector developed in economy; the functional mechanism of the economy is based especially on private property; most enterprises are private economic agents or they own majority private capital; industry, agriculture, constructions, commerce and services predominantly work based on private property; more than two thirds of the GDP are obtained in the private sector. The changes in the nature and structure of property have created the economic agents' freedom of decision and action. The economic environment has become adequate for the free market economy, which has determined the European Union to admit the existence of the functional market economy in Romania.

The last chapter, entitled *National strategy in the field of intellectual property (2003-2010)*, aims for important and current matters, concerning the intellectual property in our country.

The legislative reform in the field of intellectual and industrial property also significantly contributed to establishing some foundations that would direct the legislative system towards a free market, as in the past, the socialist legislation was featured by the fact that the property right or the right to operate the invention were automatically inputted into the state's patrimony, while the inventor received a remuneration, which most of the time was very small only under certain conditions. To this effect, a true patent's protection needed to be introduced, which would stipulate an exclusive right for the inventors onto their creation.

This paper starts from the requirement to clarify a specially important matter of the market economy, the need of imperative existence of property.

In order to determine the place property occupies within legal, economic, historical and social sciences, the documentary sources used for creating this paper were extensive, varied and valuable; they undeniably keep the most important and useful information used for preparing my research.

This study represents a new attempt in the complex field of property, regarded interdisciplinary, especially from an economic and legal point of view; concurrently, this approach is intended to be a new step, meant to continue and complete the research in this field.