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## The Assumptions of Development in the Spirit of Hegel's Philosophy of Economics (2) Private Property and Law

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### Abstract

According to Hegel's philosophy of the idea of free will, as well as logically justified idea right not direct the practical activities of individuals merely because they arise from Kant's categorical imperative *nadvrementskog*. Acting in the interest's complex sphere of exchange and opening of private relations, one can understand them reflexively, subsequently, indirectly. After highlighting categories of spirit and ideas of freedom, in the first part of the thematic titles, followed by presentation of Hegel's approach to the domain of private property rights and the category as a sort of infrastructure for the development of civil society and the state in terms of correlating ambivalence. At the same time, ownership is reflected in the abstract law because of the fact that having the right only. The state is a reflection and abstraction, which over the stack of institutional arrangements raises the idea of property in the domain indisputable categories. In the Philosophy of Law Hegel elaborates as having possible as a form of law and thus the construction of mental organization of free individuals as private owners within the community, the state. Within the state the reality is for Hegel's mental. Within the state the reality is for Hegel's mind. She does not need, as with Kant, that it just becomes (should...). It is a development modules mental or developmental dynamics of the reality on the principles of inter-action between individual citizens and individuals and the state. In this sense, private property and the legal system are key prerequisites for further development dynamics of the achieved degree of mental reality and thus dialectical progression of consciousness to self-consciousness, and thus to morality and responsibility, to the absolute.

**Keywords:** freedom, property, state, law, civil society

### Introduction

Hegel's philosophy has opened a space for contemporary modern thought. By pointing out and explaining the moments according to which freedom is the essence of the spirit and the domain within which all the properties of the spirit are compiled and developed, Hegel focuses on the intersubjective dimension of the philosopher's focus from the subjective domain. This raises everything that expresses the general, common, and universal. When we add to Hegel's knowledge of historicity idea of freedom, which is an open space and expanded the horizon of insight and understanding of the real world as a reflection of pure determination logic and ontology, it is undoubtedly that only with Hegel begins modern philosophy. The degree of realization of freedom depends on the degree by which objective spirit pervades the institutions of society and of the achieved level of self-confidence, understanding. In this case, freedom is linked to private property. When added that "a system of satisfying labor-intensive needs" and private property as the essential determinants of Hegel's civil society, with its boundless multiplication, produce instability and imbalance in the market and economy, then the more understandable the maximum and reflections Hegel warns of possible destruction; And points to the unavoidable and appropriate role of the state. The realization of egoistic and opposing interests in the impersonal relationships of numerous market actors is not pervaded by a spontaneous moral spirit, but framed in political institutions and the ethical moral dimension perceived by the achieved degree of spiritual development and institutionalized legal norms. That is, we come to the construction of social

as a reflection of the market, ie the exchange relations within the private working or economic sphere, and Hegel's paradigm of bringing social individuals into processes of mutual recognition as an inescapable domain of modernity, including political, moral, legal and economic relations.

### Private Property

**Human personality becomes real only by incorporating itself into some external ownership.**

#### Hegel

Hegel derives the ultimate deduction of legal categories from the category of property, so that the state as an institution assumes the right to property in order to regulate and harmonize the conflicting relations between individuals as holders of property rights. Private property in the state is still legal, and hence the state, before the very beginning, will be a private property without the guarantor. Unlike Kant and the Enlightenment, who only started from the required free individuals, Hegel points out that property, as the objectivity of an individual, must be free. In this respect, the prerequisite of ownership is freedom<sup>1</sup>, which according to Hegel can pulsate and develop only within the rights and the title of the work. Only a free individual achieves and enlarges his property within established institutions and institutionalized norms. The source of the institutional or legal system Hegel sees in his work as essence of modern-day private property. Given that differences, conflicts of interest, disruptive psychological and character lines are linked to individuals, it is necessary to develop specific institutions through which they regulate, mediate, arbitrate and direct egoistic aspirations, ie the behavior and action of selfish individuals within the sphere of working private Exchange relationships. Thus, within the framework of civil society, institutions above the

<sup>1</sup> When it comes to freedom, Schelling's free access is unavoidable. In his writings and letters sent to Hegel, Schelling points out that the freedom of the alpha and omega of philosophy. For Hegel, history is first and foremost a development of awareness of freedom. At the same time, Hegel points out that the spirit of the trend developing within certain social structures and areas and, depending on the society in which only one free (India, China), through the Greek and Roman construct within which, depending on the status, available only a while to Christian-European world within which each individual becomes free. While for Kant freedom from something, just outside of us (negative sloda), Hegel construct freedom is the basis of freedom of (positive freedom), as well as meet the need. Unlike Locke and representatives of liberalism, according to which freedom is external and negative, Hegel considers freedom from the standpoint of internal and positive. This means that the person develops and is released in proportion to the degree of understanding and realizing their potential. The idea of freedom is a product of the new age - the civil world, modern as a pre-existing developmental disadvantage on the way to man. Therefore, the meaning of the State, according to Hegel, reflected in the search for domains which is conditioned by human freedom. By expanding the formal formalized moral law enforcement to the level of the idea, Hegel emphasizes that the freedom of the individual does not stem from obedience to the law, but rather because the individual observes the law of freedom as the law of the mind.

individual, as individuals exist for one another only as objectivized individuals, so their mutual relationships are mediated by their objectifications. According to Hegel, civil society is merely a specific form of materialisation of property as an abstract concept and the development of the subjective form of property until the moment of objectification of the opposing relations between the holders of property rights. For this reason, an individual accepts superiority of the general interest to his personal interest, for the realization of personal interest is possible within the domain of general or formal freedom. In an obscure race for personal interest, through the principle of spontaneity, individuals do not notice that dimension as they do not notice breathing even though breathing is one of the conditions of life. That is, for Hegel, work and private property is the source of the idea of the right or the institutional legal system of the state.

Hegel in paragraph 45 of the Philosophy of Law clarifies what ownership is" To have even external power over something constitutes *possession*, just as the, particular circumstance that I make something my own out of natural need, drive, and arbitrary will is the particular interest of possession. But the circumstance that I, as free will, am an object to myself in what I possess and only become an actual will by this means constitutes the genuine and rightful element in possession, the determination of *property*" (Hegel 1991: 76-77).

For Hegel, it is crystal clear that property is producing and developing inequalities, warning that an attempt to equalize the distribution of goods, and since property depends on diligence, was shortened for a short time. People are the same, but only initially as a person.

Ownership, according to Hegel, does not exhaust the natural form needs to possess. In paragraph 46 the Philosophy of Right, Hegel points out, that the determination concerning private property must undergo a larger sphere of law, community or mental organism state. At the same time, Hegel is subjected to criticism the idea of platonic state, which as a general principle contains the principle of quasi against the person that is unsuitable for private property, because the show is friendly, or extorted brotherhood of people with community resources and the exclusion of the principle of private property eligible for a certificate that does not know and recognizes the nature of freedom and the spirit of law without realizing it in its certain moments.

### **Law And Separation Between Civil Society And State To go to institutions - that's a lot. But change yourself - that's even more**

#### ***Dragoljub Jovanović***

Although through the work, as the postulates of the appropriation of nature, the property and its economic content arise, property is primarily determined by the domain of rights. Legislative norms and institutions create essential prerequisites for physical and legal entities to have unlimited access to things, on the one hand, and authorize and take advantage of, or benefit, on the other hand. Only when this process of appeals between the holders of property rights and property rights is determined, regulated and sanctioned, we are talking about the legal institute of ownership, or the legal content of ownership. Highlighting and defining the legal dimension of ownership is necessary due to the fact that property belongs to the category of

scarce resources, and that the allocation of funds is linked to the scope and content of the normative structure of property rights and property rights. The legal content of property is also due to the fact that property is the primary social relation between the actors in the processes of management and appropriation. Similarly, ownership implies a clear definition, interaction and distinction between: the subject of the right, the subject of the right, the content of the right, the principle of exclusion, etc. In order for the economic content of the property to function as a spread of freedom as well as efficient use and optimal allocation of resources, The system, apart from being a guarantor of the lack of ownership of the property, the appropriation and management prerogatives of the property, should be innovated - to promote legal norms regulating and sanctioning processes and processes between individuals and legal entities, issues and their appropriation.

The first, unavoidable condition for effecting the function of private property<sup>2</sup> and the state's focus on economic growth and development, in the Hegelian sense of the word, refers to the degree of building and integrity of the state. This desirable level of building and integrity of the legal state derives from:

- **The legal aspect** of the legal state, ie the need to prevent (obstruct) the legal norms and limit the possible domination and abuse of power (security and protection of liberty, the principle of equality before the law, etc.). The spectrum of different opposing, conflicting interests in relations between the state and the individual, Of these active entities, must be realized through the clarity of institutional mediation of a rational, neretroactive, efficient and legally secure system.
- **The political aspect** of the rule of law that is reflected in finding an optimal solution (model) of separation and balancing of the divided government, which implies an appropriate degree of decentralization of state power and the creation of essential institutional and structural elements of the democratic system - freedom.
- **The economic aspect** of the legal state that derives from the need to meet the requirements of the process of satisfying needs through the work and the appropriation, which is based on private ownership, protects private property by law, law and institutions, and defines and integrates the appropriate formal appropriation structure.

Enabled Rights and Defined Boundaries of Destined Ownership Rights<sup>3</sup> and the System of Protection of these Rights. "In California, right after the golden fever in 1849,

there were some eight hundred separate jurisdictions on ownership, each with its own documentation and own regulations established by local consensus. Throughout the United States, California to Florida, parcel owners' associations agreed on About its own rules and elected its own clerks. It took more than a hundred years, but deep in the nineteenth century, that the United States Government has adopted specific laws that integrate and formalize American property "(Soto 2001: 52). On the complexity of the immanent forms and practices of ownership relations, Hernando de Soto: "Between 1785 and 1890, the United States Congress passed over five hundred laws to reform the ownership system..." (Soto 2001: 134).

Although the state and the legal system should be seen from the standpoint of pulsation and development: economic efficiency and social progression, and the principles of justice, security and effectiveness of justice, it is necessary to look at the state and from the standpoint of access to formalization and integration of private property as the basic precondition for a business. "The key role of the state is to ensure the protection of property rights through an efficient judicial system, so the system becomes a key moment for businesses to start, run, and close businesses!" The court system is a key obstacle or key motive for business philosophy to be expelled from one society or Be immanent to a society. " (Hegel 1991: 377-378).

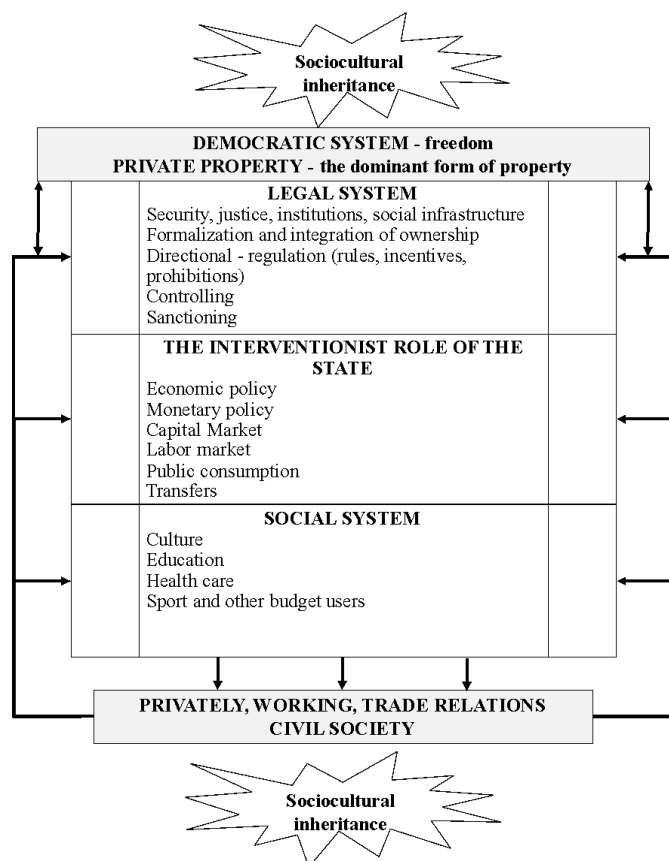
Contrary to Kant's thesis in which the source of the right is a special mind-minded individual, Hegel's deduction of the category of rights does not even begin with an abstract mental individual, nor with the abstract concept of matter, but with his property as the original form of law. The final point of Hegel's deduction of the category of right is the state, which through the authority of coercion, has the right to ownership, and through the legal framework and the institutional system regulates and directs different interest relations between individuals in the function of developing the structure of the objective spirit.

By integrating economics into the philosophy of law, Hegel exits from the framework of the tradition of practical philosophy that has been confined to Aristotle, its interpreters and followers. In a special way, the spontaneity in the sphere of business (activity)<sup>4</sup>, private property, law and the state is tied to the way that Hegel's reflection on the mind dimension of the state is increasingly stressed. Specifically, the state, apart from appearing as a dispensation of rights, is increasingly becoming a key economic actor. On the one hand, the state is dominant in the sphere of creating conditions of work and life, and on the other hand simultaneously appears as an investor (public good) and a commander of various goods and services. From Hegel's reflection on the architecture of the state and civil society, and from the point of view of the discourse of the economy, including the categorical apparatus of complexity theory, the complexity of the interconnected permeation of relations between states and civil society can be summarized in the following way:

<sup>2</sup> Author, Borislav Bijelić, in: Privatization or..? (2004), has developed the key functions of private property.

<sup>3</sup> The rules of the game are determined and determined by the regulations, which include: bond relations, ownership, contracts, establishment, development and liquidation of the company, bankruptcy proceedings, securities related to the securities market, etc. They are unthinkable without a criminal law on property protection and the whole line other regulations governing: the area of labor legislation, the area of health and social protection, the field of outward-trading activities, etc.

<sup>4</sup> In §124. Of the philosophy of law, Hegel crystal clearly states that what the subject is, is a series of actions.



**Fig.1:**The relationship between the state and the sphere of work-based private-sector relations of civil society

In the context of considering the differences between the states of the classical antiquity and the state of the new age, Hegel in the appendix to §260 states: "The essence of a new state is that it is generally associated with the full freedom of the individual's specialty and well-being, Civil society has to be assembled in the state, but that the generality of the purpose can not progress without its own knowledge and the will of the specialty which must preserve its right. Only it must be confirmed in the work, but the subjectivity on the other side is to be fully developed. With a divided and genuinely organized state it is to be seen only through the fact that both moments exist in their power". (Hegel 1991: 377-378)

The discourse on the assumptions of economic growth and social progression implies consideration and understanding of the dynamics and structure of the ensemble of civil society, as a complex system that spontaneously produces self-regulation processes (autopetition) but also its own entropy destruction. From the state it is expected that the entropy destruction of the liberal construct of the system of proprietary individualism with the path of total destruction will be reversed into the system of creative disagreement, namely Šumpeterovski's concept of entrepreneurial "creative destruction". It is about the role of the state as a means of establishing institutional arrangements and conditions of entrepreneurial behavior and action through the form of socially responsible action. A modern state will fulfill its purpose if it does not exceed its responsibilities and if it does not seek to overcome or hamper spontaneity related to the sphere of work-based private relations - the market economy - with its administrative regulation. From the seventies of the twentieth century, the state is an expression of a paradox. Namely, the state is the domain

through which it is created and produced: structural imbalances, crisis situations, a high level of uncertainty and fear, and at the same time it is only invited to eliminate what it has caused, and that by practicing the infrastructure and entrepreneurial development model, space is opened to growth-oriented changes development.

## Conclusion

**Modern capitalism needs people (...) who feel free and independent, and yet people who are willing to manage them, to refer to unbiased activity - except one that succeeds, moves, works, progresses.**

## Erich Fromm

In "Elements of the Philosophy of Right" Hegel tied historical development role of abstract rights, private ownership structure of the ethos and organization of the state for the dimension of the spirit as absolute. The development of the spirit arises from practical action within the sphere of custom or institutional reality.

Starting from the idea of freedom and holding that the development of the civil society and the state of mind-pushing advances the achieved degree of freedom until full freedom, self-awareness, absoluteness, Hegel recognizes the role and importance of private ownership, both for the individual and for the community, the state. From the category of private property, a construct of abstract law and, consequently, the construct of the organized state is made, emphasizing that only in the legal state the private property has its legal merit. Thus, only a free individual<sup>5</sup>, within an organized institutional system, increases his property by his work. The work is the source of the idea of law as personal self-serving, conflicting interests of individuals can meet only in the framework of the rule of law, which transcends individual in a way that is creative potentials and opportunities of individuals encourage and develop and thus contribute to the development of general. Unlike Kant and representatives of the Enlightenment, who only started from the required free individuals, Hegel points out that property, as the objectivity of the individual, before the freedom of the individual, must be free. This is a precondition for apstarch law and state to become a kind of leverage for developmental dynamics and thus spreading the field of freedom.

In order to reflect the economic content of private property on the scope of the freedom of spread - the qualitative dimension as well as the efficient use of available resources - the quantitative dimension, the state through the legal system must be a guarantee of the existence of private property as a dominant form of property. The state, through the legal system, simultaneously guarantees assimilation and management prerogatives, resulting from private ownership and work engagement of individuals. Therefore, it is very important to innovate - to promote legal norms regulating and sanctioning the processes and processes that come from the intersubjective domain title, and the cause of things and their appropriation.

The dominant value form of profit, capital has become the goal and purpose and purpose as if we were to distance ourselves from the contents of Hegel's objective and

<sup>5</sup> In the Philosophy of history, Hegel states: "... man is by itself determined to be free". (Hegel 2006: 377)

absolute spirit and to the empirical plane represented by the categorical apparatus of Hegel's philosophy of economics. Is not our day-to-day consciousness, the bounded domain more - faster, faster, more, falls considerably below the baseline from which it is supposed to mature and to realize dialectically Hegel's projection of the mind state as the bearer of development towards the absolute spirit. It seemed to adapt itself to the deepening of the abyss of contradictions and the vain / extravagant exegesis, and that Hegel must over time overcome by the dimension of the ex- To overcome the already staggered path of mankind to flee from oneself, it is necessary to focus on Hegele's speculative philosophy of development, taking into account his postulation of the metaphysical system of categories, which are still the inevitable assumptions of economic growth and social progression, as well as the criteria that the state must fulfill to be The state of freedom and development.

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