

Review work

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THE INFLUENCE OF HUMAN RIGHTS ON SOCIAL DEVELOPMENT

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Abstract: Modern human rights laws based on the idea that it is above norms made by man and there is no higher law, whether it is of divine character, whether or not it is rooted in natural law. This idea is as old as human thought itself, and some human rights are so important to stand above the authority of the legislature.

Keywords: *Human rights court, Magna Charta Libertatum, constitution, charter, declaration, democracy, agreement.*

INTRODUCTION

In modern conditions, human rights are rights that belong to all people equally, regardless of their gender, religion, color, nationality or any other affiliation or social class they belong.

Human rights in the modern age are condition for the survival of humanity and human development. Human rights did not always had a high level of importance as it is today. Human rights today become a political tool used by everyone, not only the former visionaries, but today's political leader as well. In terms of elementary human right is the right of every individual to survive in the community in which he lives, to meet basic human needs, to live according to its nature and to be able to live together with other people. People are free depending on the social environment, technical and economic development, political circumstances and others.

1. HUMAN RIGHTS AND FREEDOMS IN GENERAL

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"—this is the beginning of Article 1 of the Universal

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Declaration of Human Rights. This means that all of us, from the moment of birth, have certain rights so called human rights. *"Human rights are guaranteed to every person on the basis of its existence as a man and are inalienable, which means that they cannot be taken away from anyone. Human rights are considered to be guaranteed the right to the protection of the individual from the state, which belong on the basis of its existence as human rights, which in any case remain viable and states do not can restrict"*⁴. Basic human or fundamental rights belong to: *"Dignity of man; the right for development of the person; equality before the law and equality; freedom of religion and reasoning; freedom of learning; freedom of thought; freedom of the press and information; freedom of assembly, freedom of unification, freedom of movement; freedom of choice of occupation and freedom to work; inviolability of the home, the guarantee of private property, guaranteeing the right of inheritance; right to asylum petition"*⁵.

In political vocabulary, the term "human rights", means the totality of the rights of freedom for any individual, required on the base of its existence as a human being, and his community has a legal guarantee for ethical reasons. Therefore, it is about the rights that respect, secure and legitimize a political community. Since this belongs to all human beings, human rights should be viewed both as a privilege and as a responsibility. Rights to which one can refer to a person, the same as the one on which you can recall any other person, which means that the enjoyment of rights necessarily connected with the responsibility to recognize the same privileges and ensure others⁶.

2. ORIGIN OF HUMAN RIGHTS

150 years ago was made by the German parliament, the Reichstag then, a large catalog of human rights. As the crown of that work he wanted Parliament to the emperor democratically legitimized and put into service a lecture crown. However, this car is refused, because parliament is elected by the people cannot offer the crown to Caesar that it is by God's grace. The Kings in the Middle Ages were ruled by "divine right"⁷. The one who rules in the name of God that is according to God's law does not require human rights. The king is sovereign and, as such, is not subject to any judicial authority. The idea that human personality has saopstvena rights and that those rights should be protected and state laws require that they care about human dignity goes back to the European Middle Ages, as in many other cultures and philosophies kontinenenata. Institute of Human Rights was rooted in the form of a written document in the English Magna Charta of 1215. However, despite the idea of human rights, rulers and kings were never allowed to those rights and the rule

⁴ Baškić-Muftić, J., "Human Rights System", Magistracy, Sarajevo, 2002. year, page 79.

⁵ Anđelić, N., "A Brief History of Human Rights", ACIPS, Sarajevo, 2008. year, page 19.

⁶ Dimitrijević, V., Popović, D., Papić, T., Petrović, V., "Fundamentals of public international law", Belgrade Center for Human Rights, Belgrade, 2005. year, page 234

⁷ Babić, D., Udovičić, Z., Dizdarević, Z., "Human rights", Faculty of Sarajevo, 2009. year, page 231.

of their powers are limited. They believed that only they can best protect human rights. However, the basic idea of the modern understanding of human rights in contravention of the notion of royal authority. Human rights limit the power of the state. It sets limits to the government and undertake to respect human dignity. That duty, and this is the essential content of human rights should ultimately be implemented through independent courts. If human rights are understood as rights, then it can be entrusted only to judicial protection. What follows, the right is only right when the court determines the content, scope and limits of rights and when it is able to bring the necessary decisions for implementation.

Human rights have had its origin in various democratic revolutions of the 17th century, eliminating the absolutist regimes. The basis for all future human rights lies in the Catalogue of Human Rights, 1689, which prepared the English Parliament. King of England from the 17th century could not have considered himself to be king by the grace of God, but the king of the "People's grace," because it has now become dependent on the parliament which is elected by the people. This essentially changed the position of the head of state law. Along with the democratization of state governance and the establishment of the rule by the people, starting the winning stroke human rights. Since that time no revolution which was not in the name of human rights led the fight against the rule and abuse of power. However, the revolutionary movements that have managed to unseat exploitative regimes have not managed to set up a long-term rule.

Hardly would come to power because they would soon be staying razvlašćivani of radical elements, which are again abusing human rights, because they themselves have felt the fear of the people, which is the revolution became more mature and more self-aware.

Once born the idea of human rights can no longer be shut down. The free man is the foundation of modern democracy. Man is capable of as an individual, an individual who has a mind, take their fate into their own hands. Sovereign man has become the foundation of all subsequent revolutions and democratic movements of the 18th and 19th centuries. Apart from the Western point of view of human rights and democracy has developed and Marxist communism learning with him, and imposed before the end of the 19th century a completely new image of man. In their conception until then man is alienated being tortured and completely spent by the capitalists. Such a tortured man is unable to know what is good for him properly. Therefore, one needs completely purify our mind and spirit. And in this transitional period there is no human rights. So in this period downloading communism over capitalism for the sake of higher new goals, people in the name of human rights taken away their humanity. Different theories that people divider in class and some people proclaimed "people of higher rank," such as "Aryans" in Nazi Germany. It turned out to any depravity led the theory. They are proof that human rights can exist only when it recognizes that all people are equal.

Also, in our recent past, we have been witnessing, more depravity that was implemented in the name of human rights. Resettlement and ethnic cleansing in the name of the absolutist nationalism and the imposition of collective consciousness, has led to the suffocation of civil rights and liberties

in the individual calls in favor of the collective. Thus ended the 20th century in which so much talk of human rights, and so blatantly violated. Thus, despite the acceptance of human rights and we are now the same as before in front of nearly unsolvable conflict, individualist versus collectivist ideology⁸.

There are different views on the inclusion of human rights, between the west and east. While on one side the Western ideologues believe that human rights are political and civil rights and socialist ideology is introduced and the implementation of economic and social rights. Regular discussions on human rights and freedoms at the interstate level, contributed to the end of the 80s of the twentieth century, the then Soviet Union closer to their views and accept declarative democratization and respect for human rights and freedoms. While this change is observed with great interest ignored the fact that the former Yugoslavia was more democratic and allowed more human rights and freedoms and even of the United States.⁹ In support of the aforesaid, Yugoslavia signed and ratified almost all international declarations (except for two) and the United States half of these documents is not ratified.

From the first "document of freedom" and the first theory of Rights and Freedoms class interests are clearly appear to be the starting point of legislation. English theorist John Locke 1688.godine considered the inviolable rights of the people: the inherent right to life, the right to liberty, and property. And these are up to date other primary values of civil society in general. In accordance with modernism and "specific hedonism" democratic structure is introduced and a new type of rights, the right to seek happiness. This right is mostly bound for the United States. It was built in contemporary myths about the "promised land", "gold rush" happy rich ". Even greater affirmation and elaboration of these ideas and their adjustment to European political tradition of bringing the French bourgeois revolution of 1789 and its capital Declaration of the Rights of Man and of the Citizen. In this document freedom spread in the statement that men are born and remain free and with equal rights and that the purpose of all political association preservation of human rights, which are primarily: freedom, property, security, countering violence.

This law runs through all subsequent declaration. UN Declaration 10.12.1948. The comment Maurice Cranston¹⁰. He notes that there is a difference between the "new rights" and "traditional natural rights". The first set of provisions, twenty, called "political and civil rights," while other rights are called "economic and social rights". He believes that a declaration brought economic and social rights for countries that do not respect the right of ownership to the end, but that it will provide social protection, medical services. This is primarily related to the country's socialist block, because they are not supported property individualca but collective. Critics of this declaration believe that preidealna and not feasible in practice.

⁸ Miljko, Z., "The constitutional arrangement of Bosnia and Herzegovina", Croatian University Publishers, Zagreb, 2006. year, page 89.

⁹ Miljko, Z., cited work, page 97.

¹⁰ Margetić L., General History of Law and State, Faculty of Law, Rijeka, 1998. year, page 15.

3. THE NEED FOR HUMAN RIGHTS

In a democratic society people, and most can be defended against the arbitrariness of the authorities, but one I can not fight the government and the state. In this domain are needed human rights, because they protect the individual. Human rights are at the service of individuals and minorities. They are there to protect the minority from the majority of discrimination. The implementation of human rights is paramount in having independent courts. The limitation of state power under international law it is possible because human rights today are among the recognized values of a democratic legal state system. If there were no human rights, no one could with a European Court seeking protection of their rights in relation to a country that does not respect them. International conferences are convened to better protect human rights. The organization of European security and cooperation of the OSCE, held every year a conference of governments, to examine how human rights in different Member States respect and how they can still improve and enhance their implementation. United Nations seeking an annual report on the situation of human rights in member states. Are formed various committees that are sent to the country in which the notice of human rights violations broader scale. In our recent history we are participants of human rights violations. Given that some of the state union of the Eastern bloc refused the possibility of the existence of specific national and ethnic groups, reducing them to "citizens" of the State concerned and "equal citizens", it is clear that there is deprived of the right to self-determination and a certain autonomy. And in consequence thereof and disabling the right to use their own language, their own culture, education system, religious autonomy. In addition to the above problems, also one of the problems in the twentieth century, the problems of human rights and freedoms in the socialist bloc, especially in the former USSR. This is the problem of dissidents and all those who think *drukačije* of official Soviet policy. In the interpretation of the term dissident differences. Western outlook on dissidents, according to them these are all those people who, due to the free expression of their political ideas, thoughts, programs or efforts to protect human rights and freedoms are part of the authorities in their own country persecuted, imprisoned, sentenced, or subjected to various repressions. On the other hand, in the Soviet Union the term dissident is generally not recognized. They're the criminals, outlaws. Problem dissidents received the news after the mass emigration of significant Soviet scientists, writers, artists. After solving the problem of dissidents mankind is faced with a new problem of violations of human rights and freedoms.

The problems of the Middle East marked the beginning of the 21st century are still encountered. OSCE these reports state that the serious human rights violations were in Iraq, China, Myanmar, Ivory Coast, Zimbabwe, Ukraine, Russia and Belarus. In listing the problems and horrors that are passing through peoples of these countries. The report highlighted the courage and determination of activists in the Middle East, in North Africa and in other repressive societies, requiring peaceful democratic change and respect for their universal human rights. Report highlighted the peaceful protests of the people in Tunisia and Egypt, which resulted in the toppling of President and two countries, hoping to change that part of the planet for the better. The most

serious violations of human rights and dignity in Islamic countries ruled by religious laws. The governments of these countries have banned access to information, media, internet, restricting people freedom of assembly and association, entirely in discrimination against women. Also, the report said the "extremely serious" human rights violations in Russia, Belarus and Ukraine, as well as that in China recorded a negative trend, with growing constraints involved freedom of speech and the great repression in Tibet.¹¹

4. ACHIEVING HUMAN RIGHTS

Earlier, in the history, the people are ruled Valadar and kings. A development of the rule of law, they are not simply replaced by the rule of the people and the majority parliamentarism. What is noticeable in this context, is that it is through the development of the rule of law, through its establishment, the people the government on the basis of law and not through other people. States, sovereign parliaments and peoples, there should be and act in the spirit of the rule of law and through the rule of law, not above these determinations. It is certain that this corresponds to the ideal performances that in many areas have not yet been realized. On the contrary, the one who looks at the present state of the world must agree with the fact that a small number of people and democracy are truly adheres to democratic rules and democratic principles. In any case, only advocate the thesis vladvine rights, which today tries in all situations and relationships but in rallying legal documents and legal traditions, it is often present and almost inevitably.

The struggle for human rights as old as the only violations of basic human rights. How can I prevent uncontrolled exercise of power of some people over others? It has always been and unfortunately will be individuals or groups who will for our own instincts achieving power, fame and money endanger other people and violate human rights. The idea of human rights and access to it that it must protect not only be realized through state institutions. This idea must be part of the state, political and social culture. Human rights must be included in the system of upbringing and education. If discussions on human rights belong to the normal social life itself is self-explanatory, the chances for the realization and implementation of growth when human rights become part of everyday life. The basic principle of human rights "does not appear the second you do not want yourself". Human rights need to be better protected and promoted through the construction and international legal instruments. Existing international law protects a limited extent human rights in the countries that have acceded to the relevant conventions.

To the extent that these conventions establish independent courts, such as the European Court of Human Rights in Strasbourg, they substantially contribute to the improvement of the situation of human rights in the countries in which we already have developed legal systems. To the extent that these instruments contribute to the politicization of the situation of human rights and serve as a means to undermine the authority of the weak government, which others use to implement their economic interests, they actually contribute little to the improvement of human rights and for the further development become

¹¹ Dimitrijević, V., Popović, D., Papić, T., Petrović, T., International human rights law, Belgrade cenatr for Human Rights, Belgrade, 2006. year, page 127.

very harmful. By the International law is useful only if you serve convince the authorities of a country that itself should contribute to better protection of human rights in the country. In this framework can be meaningful international conventions on the protection of human rights. And ultimately, the situation of human rights in a country can improve only when the country's authorities to engage themselves in. However, that the authorities are prepared to give up their power and limit themselves in the interest of human rights. However, in such a step the government can convince only the rough and sensitive arguments. Even when you convince need to pass vrieme to it and apply in practice. International involvement of human rights requires patience, perseverance, and willingness.¹²

Democracy and human rights are not only in theory but also in practice closely related and intertwined. When people ruled by a dictator or king having absolute power that will sooner or later misused their power. Democracy is an unconditional prerequisite for the realization of human rights. But not in any democracy human rights protected. People can take with the help of lying propaganda and campaign full of hatred towards the subjugation of minorities. In this case, the masses become tyrants higher than any tyrannical government. In this way, democracy can destroy itself. Then the most democratic nations established a state in the service of a racist ideology of nationalism. The hatred, misunderstanding and hostility can with the help of the media and apparently democratic instrument majority decision-making to create an unbridgeable gap between majority and minority. New pictures friend-enemy, which justifies terror and any violation of human rights especially in multicultural countries with delimited majorities and minorities leads to the state and social discrimination.

In the context of realization of human rights, the question guarantees these rights. It is clear that neither the government nor Parliament nor the people themselves can not constitute a reliable guarantor for compliance with law. However, only the right to set limits just state interests and the interests of the majority. These boundaries, which are rightly identified, can be determined by the judges. In this context, it is necessary to the existence of the court that will guarantee this prava.sudovi should be so regulated to guarantee the public, and the majority and minority, the realization of their rights. This means that these institutions are not under the influence of any party and that in their activities and actions governed by law which is superior to the state itself. In practice, many countries, including the practice of Serbia, these activities are under the jurisdiction of constitutional courts. In addition, regulation of human rights also has its base in the constitution of the specific country. Therefore, as a logical consequence, the protection of constitutionally guaranteed rights, there is a Constitutional Court and its competence in this context.

5. THE DEVELOPMENT OF THE IDEA OF HUMAN RIGHTS

The idea of human dignity is as old as humanity, it exists in various forms in all cultures and religions. So in African philosophy shows deep respect for human beings, and in ancient Greek philosophy (more than 2000

¹² Buergetal, T., "International Human Rights in a summary form," Magistrate, Sarajevo 1998. year, page 284.

years), the idea of equality of all people - the idea of natural right that belongs to every human being.

Razor donjons development ideas of natural rights continued to expand and improve during the period of early Christianity, but in other religions. During this period, the very idea of human rights did not have many characteristics in common with the political reality of that time as well as the philosophical considerations. Only in the coming years donjons in the future, these ideas were gradually transferred to the sphere of politics, political relations and political developments. Therefore, the very idea of human rights generally associated with the beginning of a "new era". The issue of human rights of tied to the philosopher John Locke (17th century), according to which human rights are inherent rights, odnsno innate human right to life, liberty and personal property. On the other hand, is the state that is obliged to keep donjons to protect the rights and freedoms of man. *"The abstract idea of human rights began to be progressively realized in the framework of the state. The leading role in this development had England. Already in 1215, with the "Magna Carta" of the king exacted certain rights, and the document "Petition of Rights" of 1628 guaranteed the inviolability of a citizen, a "Habeas Corpus Acts" from 1679 was a decisive turning point for anchoring the idea of human rights in a particular state law. This act citizen was protected from unjustified arrests: arrestee had within twenty days to perform in front of a judge"*¹³. These rights, donjons rights that are mentioned, were transferred to the British colonies, which means they are starting to apply in the United States. During the struggle for independence in the United States for the first time in the history so far been identified, donjons created a "catalog of human rights" which has just called for the views of John Locke. *"In fact," Virginia Bill of Rights "of 1776, is a document with" American declaration of independence "from the same year, one of the single most important document in the history of human rights"*¹⁴. Document entitled "Virginia Bill of Rights," which clearly defines the rights to which are considered inalienable rights of man, these are the following rights: "the right to life, liberty and private property; freedom of assembly and freedom of the press; freedom of movement and the right to petition; the right to legal protection; voting rights".

The constitutional arrangement donjons identification of human rights in the constitutions of some countries, it has become topical after revoulucije in France, 1789. then developed the famous slogan: "liberté, égalité, fraternité"¹⁵ which had a very large impact on the further development of human rights¹⁵. Charter on Human and Civil Rights was adopted 26.08.1789.godine. She especially emphasized the universal human rights, donjons, emphasized the importance of having universal human rights. As far as the constitutional regulation of human rights, they were founded in the 19th century in almost all the constitutions of Europe.

¹³ Laslo, L., Sociology ", Faculty of Economics Subotica, 1997. year, page 201.

¹⁴ Bošnjak, B., "The Greek philosophy," Matica Croatian, Zagreb, 1978. year, page 34.

¹⁵ Buergetal, T., cited work, page 289.

The idea of human rights, almost in the conditions prevailing today, identified by the mid-20th century. "However, human rights require special importance, a specific analysis of a binding guarantee for them as for the basic rights was limited to a narrow framework of national states"¹⁶. After the Second World War began to use the term "severe human rights". At this triggered the horrific crimes during World War II record. The idea was born as prebda to create a framework in which to develop a coherent framework of human rights around the world. It was necessary to create such conditions in which the crimes of the Second svetakog war will not be repeated. Therefore, it was necessary to ensure that all people enjoy basic human rights, it was one of the key initial ideas of the United Nations after the Second World War. The agreement, which was signed by 48 countries, have created such a situation that human rights were no longer just a matter of the individual or the individual states, but have become global rights. These attitudes are listed in the "Charter of the United Nations", which was adopted on 26 June 1945th.

The UN Charter of Human Rights indicates that the Member States shall cooperate with the United Nations regarding the protection of human rights. On this basis until today, each country pledged to respect ljudska rights, as defined by the "Universal Declaration of the UN".

6. WHERE ARE STILL GOING IDEA OF HUMAN RIGHTS

In the coming period, the state potpisanice Convention should as much as possible to protect human rights just looking for in the Convention. In particular, countries in transition have sometimes problem with the unconstitutionality of the law, and disregard for the rule of law, abuse of political positions and positions of power. This is why should aspire to greater implementation of international standards and regulations, strengthening the International Court of Justice in Strasbourg.

Constitution of Bosnia and Herzegovina in the catalog of human rights incorporates the rights protected by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and have direct application in Bosnia and Herzegovina, and the rights that are protected under numerous international documents. It is expected that in the future that Bosnia and Herzegovina in both entities ensure the highest level of internationally recognized human rights and fundamental freedoms.

Constitution of Bosnia and Herzegovina demonstrates reciprocity of democracy and human rights, because only democratic state with respect for international standards can ensure respect for human rights.

The primary role of the international system for the protection of human rights is not only to protect human rights and fundamental freedoms inference against the state, but also to create a new, objective, positively legal order. It clearly follows from the positive obligations assumed by the States Parties to the Convention during its ratification. The Convention is not just an ordinary treaty, it creates a new objective legal system with advanced processing system for the protection of human rights. It is necessary to

¹⁶ Duzinas, K., „Human Rights and Empire“, Official Gazette, Belgrade, 2010. year, page 207.

constantly improve constitutional matters related to human rights. Strengthen the role of the constitutional judiciary, in order to better protect the country's constitution, and thus human rights.

Control bodies of the Convention in Strasbourg to give even greater importance in terms of preservation of a democratic society.¹⁷

CONCLUSION

History of human rights, or idea and the beginnings of human rights reach deep into history. From the ancient Greek idea of human rights continues to exist and develop, so that today we live in an age in which the Human Rights pays special attention. Human rights have become an essential content of constitutional matter, but nevertheless comes to the frequent violations of human rights. Human rights should be better protected and promoted through international instruments.

UTICAJ LJUDSKIH PRAVA NA DRUŠTVENI RAZVOJ

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Apstrakt: Savremeno pravo o ljudskim pravima zasniva se na ideji da iznad normi koje donosi čovjek postoji i neko više pravo, bilo da je ono božanskog karaktera, bilo da ono svoje izvore ima u prirodnom pravu. Ova ideja je stara koliko i sama ljudska misao, a neka prava čovjeka su toliko značajna da stoje iznad autoriteta zakonodavca.

Ključne riječi: *Ljudska prava, sud, Magna Charta Libertatum, ustav, povelja, deklaracija, demokratija, sporazum.*

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¹⁷ Jakšić, Aleksandar, European Convention on Human Rights, Faculty of Law, Belgrade, 2006, page 20.