



ICSS VI

6th International Conference on Social Sciences

11-12 September 2015

Istanbul

Proceedings Book

Volume II

ISBN 978-88-909163-5-9

A standard linear barcode representing the ISBN number 9788890916359.

9 788890 916359

REVISTIA  
PUBLISHING AND RESEARCH

Proceedings of the International Conference on Social Sciences  
11-12 September 2015  
Istanbul  
Volume II

ISBN 9788890916359

Every reasonable effort has been made to ensure that the material in this book is true, correct, complete, and appropriate at the time of writing. Nevertheless, the publishers, the editors and the authors do not accept responsibility for any omission or error, or for any injury, damage, loss, or financial consequences arising from the use of the book. The views expressed by contributors do not necessarily reflect those of Revistia.

Typeset by Revistia  
Printed in Istanbul

Copyright © Revistia. All rights reserved. No part of this book may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without written permission from the publisher or author, except in the case of a reviewer, who may quote brief passages embodied in critical articles or in a review.

Address: 11, Portland Road, London, SE25 4UF, United Kingdom

Tel: +44 2080680407

E-Mail: [office@revistia.com](mailto:office@revistia.com)

Web: <https://books.revistia.com>

**TABLE OF CONTENTS**

<b>THE ROLE OF HUMAN RESOURCES, RESPECTIVELY EMPLOYMENT IN THE SUSTAINABILITY OF THE PENSION SYSTEM IN KOSOVO.....</b>	<b>7</b>
MR. SC. NEXHMEDIN SHAQIRI- PHD CAND. ....	7
<b>SELF-EFFICACY IMPACT ON STUDENTS ACADEMIC PERFORMANCE.....</b>	<b>19</b>
DR. FATBARDHA OSMANAGA.....	19
<b>DOMESTIC CRIME – A SOCIOLOGICAL ANALYSIS .....</b>	<b>27</b>
DR. VALBONA MUÇA .....	27
<b>PEDAGOGICAL EXPLANATION METHODS OF TEACHING MATRIX PROGRAMMING OPERATIONS: EFFECTS ON STUDENTS' ACHIEVEMENTS IN IPCS .....</b>	<b>33</b>
ASSOC. PROF. DR. ARJAN SKUKA.....	33
<b>LEGAL JUSTICE AND HISTORICAL ASPECTS OF THE APPEARANCE OF CRIMINALITY.....</b>	<b>43</b>
MEVLEDİN MUSTAFİ .....	43
<b>THE ADMINISTRATION OF CORPORATE SOCIAL RESPONSIBILITY IN THE DISTRICT REGULATION IN INDONESIA .....</b>	<b>47</b>
MUKTI FAJAR ND .....	47
<b>SUPPRESSION OF DOMESTIC VIOLENCE IN CROATIA-QUO VADIS?.....</b>	<b>58</b>
BARBARA HERCEG PAKŠIĆ, PH. D.....	58
<b>GRAPH COLORING PROBLEMS IN MODERN COMPUTER SCIENCE.....</b>	<b>68</b>
BESJANA TOSUNI .....	68
<b>IMAGES OF THE GENTLEMAN IN VICTORIAN FICTION .....</b>	<b>77</b>
MAHMUT TERCI, PhD .....	77
<b>TAXATION AND GOVERNMENT EXPENDITURES IN THE CENTER OF THE ALBANIAN POLICY DEBATE .....</b>	<b>91</b>
TEUTA BALLIU, PhD CAND. .....	91
LORETA BEBI, PhD CAND. .....	91
<b>REDISCOVERING NATIONALISM .....</b>	<b>100</b>

VENERA LLUNJI.....	100
<b>FOREIGN DIRECT INVESTMENTS IN ALBANIA, STRUCTURE AND DYNAMICS.....</b>	<b>105</b>
DR. KLAUDETA MEROLLARI.....	105
MSC. SORINA KOTI .....	105
<b>THE RELIGIOUS CULTS OF THE ALBANIAN FAITH DURING THE EARLY 20<sup>TH</sup> CENTURY.....</b>	<b>116</b>
DR. BENITA STAVRE .....	116
DR. ERINDA PAPA.....	116
<b>ETHICAL DECISION MAKING PROCESS OF ALBANIAN ACCOUNTANTS: THE IMPACT OF ORGANIZATIONAL FACTORS.....</b>	<b>122</b>
LORETA BEBI, PHD CAND. ....	122
BRUNILDA LLAFTIU .....	122
<b>HOW CAN WE MEASURE THE VAT FRAUD AND EVASION? CASE OF ALBANIA.....</b>	<b>128</b>
PHD. LEDJON SHAHINI .....	128
PROF ASOC. ARBEN MALAJ .....	128
<b>ADVANTAGES OF USING TECHNOLOGY TO TEACH ENGLISH LANGUAGE IN MULTICULTURAL CLASSROOMS. (ALBANIAN CASE).....</b>	<b>138</b>
PHD. CAND. ARTI OMERI .....	138
<b>THE PERCEPTION OF THE REPRESENTATIVES OF PUBLIC SECTOR TOWARDS THE IMPROVEMENT OF SOCIAL SERVICES FOR FAMILIES AT LOCAL LEVEL - NORTH ALBANIA CASE.....</b>	<b>142</b>
PHD. BRILANDA LUMANAJ .....	142
<b>THE PROCESS OF LIBERALIZATION OF ELECTRICITY MARKET IN ALBANIA.....</b>	<b>148</b>
HELGA ZOGOLLI.....	148
<b>ALBANIA, A WONDERFUL EXAMPLE OF COEXISTENCE AND RELIGIOUS TOLERANCE .....</b>	<b>157</b>
EVALDA JERA .....	157
<b>MEASURES FOR EMPLOYING THE NEET YOUTH AND THE ONES THAT ABANDON THE SCHOOLING.....</b>	<b>161</b>
KASTRIOT HAXHIU.....	161
<b>THE IMPACT OF EDUCATION REFORMS IN TEACHER'S PROFESSIONAL TRAINING .....</b>	<b>169</b>
VENERA KËNDUSI.....	169
<b>RIGHTS OF THE DEFENDANTS IN A DUE PROCESS OF LAW - CONSTITUTIONAL PROVISIONS OBSERVING THESE RIGHTS IN THE COURSE OF THE PENAL PROCEDURE .....</b>	<b>172</b>

ELENA XHINA .....	172
<b>ALBANIAN UNIVERSITIES AND E - LEARNING .....</b>	<b>184</b>
LUAN BEKTESHI, PHD CAND. ....	184
<b>THE MAJOR PROBLEM OF DEVELOPING COUNTRIES IN DSB –WTO .....</b>	<b>193</b>
ADE MAMAN SUHERMAN .....	193
<b>THE CONTROL OF INFORMATION IN TRADITIONAL MEDIA THROUGH THE SOCIAL ONES .....</b>	<b>203</b>
RESUL SINANI, PHD CAND. ....	203
<b>THE ROLE OF SCHOOLS CO-OPERATIVE IN CULTIVATING ENTREPRENEURSHIP CULTURE AND MIND AMONG CHINESE STUDENTS.....</b>	<b>209</b>
OSMAN JUSOH .....	209
<b>NEW PERSPECTIVES ON CONTRACTUAL LAW IN THE CONTEXT OF REAL CONTRACTS IN THE SYSTEMS OF INTERNATIONAL CONTEMPORARY (ROMAN) LAW .....</b>	<b>219</b>
BASHKIM SELMANI, PH.D. ....	219
<b>REALITY AND IMAGINATION, THE PORTRAIT OF SOLITUDE, SUFFERING, DESPERATION AND EXCLUSION, THROUGH THE EXISTENTIAL CONSCIOUSNESS IN THE MAN'S CHARACTER .....</b>	<b>228</b>
ASSOC. PROF. DR. ELDA TALKA .....	228
<b>MONUMENTUM ANCYRANUM .....</b>	<b>232</b>
ASSIST. PROF. DR. MURAT ORHUN .....	232
<b>RELATIONSHIP BETWEEN PHYSICAL BULLYING AND AGE IN ALBANIAN TEENAGERS .....</b>	<b>241</b>
DR. LETICJA PAPA-GUSHO .....	241
<b>CHALLENGES IN CHILDREN'S LITERATURE TRANSLATION: A THEORETICAL OVERVIEW .....</b>	<b>247</b>
AIDA ALLA, PH.D CAND. ....	247
<b>VYGOTSKY THEORY ON SOCIAL INTERACTION AND ITS INFLUENCE ON THE DEVELOPMENT OF PRE-SCHOOL CHILDREN.....</b>	<b>251</b>
DR. MARTA TOPÇIU .....	251
DR. JOHANA MYFTIU .....	251
<b>TOWARD EUROPEAN INTEGRATION IN PUBLIC ADMINISTRATION AND PUBLIC SERVICES.....</b>	<b>259</b>
DR. GENTIANA KRAJA .....	259
<b>POLITICAL AND MILITARY PROCESS IN CROATIA 1991-1995.....</b>	<b>266</b>

DOC. DR. ISAK SHERIFI.....	266
<b>THE PROCESS OF LEARNING AND THE BASIC MATHEMATICAL CONCEPTS DIFFERENCE THROUGH CREATIVE ACTIVITIES .....</b>	<b>269</b>
MSC. DRITAN CEKA, PHD CAND.....	269
<b>THE CONCENTRATION-PROFITABILITY RELATIONSHIP IN TURKISH INDUSTRY.....</b>	<b>275</b>
MERAL Ozhan.....	275
<b>WHAT IS THE STAGE OF DEVELOPMENT OF ALBANIA IN THE INFORMATION SOCIETY? .....</b>	<b>287</b>
FATOS SALLIU, PHD CAND.....	287
<b>BELGRADE PRIDE PARADE 2014.: TABLOIDIZATION AND PARODY OF THE PROCESS OF EU INTEGRATION .....</b>	<b>300</b>
PROF. TATJANA ROSIC Ilic.....	300
<b>USING STORIES AS A TEACHING STRATEGY FOR LOW-MOTIVATED 9TH GRADE PUPILS .....</b>	<b>306</b>
ELONA ZIU, PHD CAND. ....	306
<b>E-BANKING AS A TOOL FOR COMPETITION ADVANTAGE IN ALBANIA .....</b>	<b>314</b>
PROF.ASSOC. EVELINA BAZINI .....	314
<b>RACIAL DISCRIMINATION IN ALBANIA - AN EU AND ALBANIAN LEGAL FRAMEWORK ANALYSIS .....</b>	<b>320</b>
ALMA HOTI .....	320

## The Role of Human Resources, Respectively Employment in the Sustainability of the Pension System in Kosovo

Mr. Sc. Nexhmedin Shaqiri- PhD Cand.

European University of Tirana – Tirana

### **Abstract**

*The study will focus on the evaluation of social indicators (indicators of population, unemployment rate, employment rate, etc.) and economic development in view of the socio-economic stability of Kosovo. The impact of the financial resources of pension funds in the quality of payment of pension annuities will be presented as key factors in the socio-economic stability of Kosovo. The research question is "How does the human potential, respectively employment or economic development in pension funds, impact on the sustainability of Kosovo's pension system". The theoretical basis of this study will focus on the study of human resources, employment theories and theories of economic development. Methods that help the study of this problem include the extraction of indicators to provide information which serves to measure the factors that indicate the point of crossing the threshold of socio-economic stability. The key finding of the analysis is the impact of human resource potential in the economic development of Kosovo and its impact on the sustainability of the pension system in Kosovo. From the results obtained conclusions will be drawn on the assessment of current economic development, the proper use of human resources, the assets of pension funds and employment requirements. From a critical evaluation connected to this theme, the findings will serve to make the necessary suggestions for changes and improvement of the problem.*

**Keywords:** economic development, population, employment, unemployment, pension contributions, pension funds, pension.

### **1. General Indicators**

Kosovo has an area of 10,908,000 km<sup>2</sup>, and in 2014 the total area of land used for agriculture was 257.639 hectares and thus 53% of Kosovo's land is agricultural land, 41% is forest, 1% is water and 5% is used for other purposes (land to regulate traffic, to regulate urban land and other infrastructure). Based on the potential economic and political circumstances, Kosovo has developed a low economic rate compared with other countries in the region. The economic development in Kosovo in 2013 is characterized by a low level of GDP<sup>1</sup> growth of 3.4%, which reached 5 billion and 326 million Euros, while the average annual income<sup>2</sup> per capita in Kosovo was 2.935 Euro. Depending on annual income, the total annual consumption was 2 billion 525 million, while per capita consumption in 2013 was 1,402 Euros (116 Euros per month) and annual consumption of households was 7.625 Euro (household consumption per month was 635 Euros). The total number of households in Kosovo was 297,090, while farms that had agricultural activity in 2013- 2014 were 129,220<sup>3</sup> with an average household size of 5.85 persons. In Kosovo several economic branches are developed; Agriculture, Industry, Construction, Energy, Telecommunications, Hospitality and Tourism, as well as various branches of economic services. Kosovo Industry had limited opportunities for economic development, because the industry inherited from before 1999 which was privatized have in effect ceased , while the industrial branches that are developed on a small scale are already private ; Extractive industries (mining and quarrying), processing industry, electricity production, processing industry of agricultural products (processing of milk, meat, honey, etc.), wood processing industry, metal processing industry, etc., industry for the production of construction materials. The rate of foreign direct investment (FDI) in 2013 was low and amounted of 232 million, while exports of goods was 293.842 million Euro, which was about 11.99% of the value of imports of goods was of 2,449,064,000 Euro.<sup>4</sup>

<sup>1</sup> Based on World Bank data that are updated in September 2014, it appears that Kosovo compared to the countries of the region, Gross Domestic Product per capita is the lowest. Gross domestic product per capita in the region and in Kosovo, Croatia - US \$ 13.529; Montenegro - US \$ 7.125; Serbia - US \$ 5.935; Macedonia - US \$ 4,850; Albania - US \$ 4.652; Kosovo - US \$ 3.815

<sup>2</sup> John Maynard Keynes "General theory of employment, interest and money "constellation 2006

<sup>3</sup> Source: Agriculture statistics 2011

<sup>4</sup> <http://esk.rks-gov.net/esk/regjistri-statistikor>

The labour force in Kosovo contains the potential for f economic development In 2011 the total resident population of Kosovo was 1 820.631(2013)<sup>1</sup>. Kosovo's<sup>2</sup> population density in 2013 was 166.9 people per 1 / km2, while the natural growth of the population in Kosovo in 2013 was 21,406 inhabitants. So Kosovo's population is predominantly young and motivated to work with 70% of the population being under age 35. About 61% of the population live in rural areas, while 39% live in urban areas..

Human resource development impacts on employment and economic development. Of the potential workforce in Kosovo who possesses education and job skills, it turns out that more than a third of young people do not attend schools or universities or are in a position to gain professional experience.

Employment of human resources is intended to connect them to economic factors (capital, land) in order to produce products or services that are used directly by the user or through their performance in the market.

Employment in terms of a socio-political system is conditioned by a number of factors; a) frictional (mobility of the population to seek work, the heterogeneity of jobseekers in addition to supply of works offered, migration job seekers best work, the organization and the scope of the labor market in addition to the allocation of resources for employment, the degree of balance of the labor market due to the impact of informality), b) structural (change of population growth, structural changes of GDP, social policy, changing the level of generation of jobs, the adaptation of education or their training seekers professional- specialization to the labor market, changes in international trade, the index of inflation, government spending, etc.), c) seasonal (development of seasonal activities which adjusts the amount of wages to labor market requirements, migration of workers, etc. ) and d) cyclical (changing the dynamics of economic development, recession cyclical economic conditions)<sup>3</sup>, etc.

A greater degree of employment in Kosovo includes household or agriculture (about 25% of GDP consists of the revenues from agriculture (2012), but employment in the agricultural sector is largely informal employment.), Then follows the private sector and the public sector (with growth of GDP in Kosovo in 2012, it has increased the employment rate in the public sector, which means that we have a normal behavior of an economy on the scale of growth).

The level of development of Kosovo's economy has influenced the development of competition in the market with the result that the Kosovo economy still has low labor productivity, delays in the modernization of the economy, low employment rate, and a low level of wages compared with economies of the countries in the region.

The main source of income for households<sup>4</sup> in Kosovo is the income from households with private sector income which is about 67% of revenue, while the rest of the income that employees benefit in the form of wages and salaries is derived from the public sector (being 23% of overall income in 2013)<sup>5</sup>.

## 2. Labor market

In the Kosovo labor market in 2011 there were 325,261 jobseekers, so it was hard for the labor market to absorb this number of jobseekers, as well as other persons entering the labor market every year. The Kosovo's labor market is characterized as primarily a market with a new labor force, because a third of the population is under 15 and over 50% of the population is over the age of 24. KSA based statistics show that in Kosovo around 25,000 young people enter the labor market for the first time within the category of skilled labor, while those who reach retirement age for a year is approximately 8000 persons. So the number of people who leave the labor market or retire is much smaller than those entering the labor market. Within a year approximately 8 thousand to nine thousand people can be employed in labor market in Kosovo.

<sup>1</sup> Source: Census 2011

<sup>2</sup> Dr. Hivzi Islami "Kosovo population" - demographic study

<sup>3</sup> [https://en.wikipedia.org/wiki/Structural\\_unemployment](https://en.wikipedia.org/wiki/Structural_unemployment)

<sup>4</sup> A household means an individual, family or community other persons (individuals), who live together and are situated wholly or partly in a household and supplied with food stuff and other things necessary for living. Members of the group may pool their incomes to a greater extent or less. Agricultural household is the household, whose members are engaged in agricultural production as their main activity or secondary, which has a single management and joint use of production tools, such as: land, machines and buildings etc. An agricultural households can produce agricultural products for sale, own consumption or to both.

<sup>5</sup> Source: social statistics 2013

The participation rate in the workforce population in 2013 was 483,193 persons or 40.5%, from the potential of working age people working 338,364 people or 70 percent of the unemployed are only 144,829 people, which means that unemployment Kosovo is 30.9% percent

The participation rate in the labor force in 2012 was 36.9%, in 2013 was 40.5% (men in 2012 was 55.4%, in 2013 it was 60.2%; women in 2012 were 17.8%, in 2013 was 21.1%).

## **2.1. Employment**

The employment rate in Kosovo in 2012 was 25.6%, while in 2013 it was 28.4%.

Temporary employees in 2012 were 73.0%, in 2013 was 68.8%.

The self-employed in 2012 were 19.8%, in 2013 was 22.9%.

Employment rates by sex had increased to 6.5 percent from 2001 to 2009<sup>1</sup>.

According to data of the Statistical Agency of Kosovo, the working age by 2013 have reached 1.191 630 people (15 to 64).

According to data of the Pension Savings Trust annual report in 2013 there were 277,267 people who were active contributors.

So, that means that the 57% of the active population work and contribute to the Pension Savings Trust of Kosovo, while the falling unemployment is 43%.

If we compare the statistical data Kosovo Pension Savings Trust with data of the Statistics Agency of Kosovo it appears that;  $(338364-277267 = 61\ 097)$  61 097 people or 12.20% of the active population are employed, but are not reported to the Tax Administration of Kosovo, or contribute to the Kosovo Pension Savings Trust

This means that 70.0% (338,364) of economically active people are employed, creating an employment to population (employment rate) of 28.4%. Based on the statistical data of the Tax Administration of Kosovo, the tax on salaries paid to 274,450 employed people, compared with data from Pension Savings Trust of Kosovo shows that in 2013 they paid pension contributions to 277,267 pensioners ( $277\ 267-274450 = 2187$ ) from the comparative data shows that 2,817 people or 1% of the active population contribute to the Pension Savings Trust, but no withholding tax is simply unaffordable.

It estimated that the total population in Kosovo in 2013 was 1,811,372 inhabitants (910,524 Men, Women 900 8480). The potential human resources in the labor market has been classified in 2013 as follows:

Working age population 1,191,630 people (593,111 Men, Women 598519,

- In elderly (age 65+) 141,085 (66,878 Men, Women 74207)
- Workforce (active people) (15-64) 483 193 (357 186 Men, Women 126,007).
- Inactive persons (15-64 years old) 708 436 (235 925 Men, Women 472511)
- Employed (15-64) 338 364 (261 244 Men, Women 77,120).
- Unemployed (15-64 years old) 144,829 (95,942 Men, Women 48887)<sup>2</sup>
- Workforce to teenagers (15-24 years old) 80,398 (55,850 Men, Women 24,548).
- Employed youth (15-24 years old) 35,476 (27,713 Men, Women 7763).
- Unemployed youth (15-24 years old) 44,922 (28,137 males, Women 16,785)<sup>3</sup>.

<sup>1</sup> The results of the LFS in 2013

<sup>2</sup> Source: Results of the labor force survey in 2013 in Kosovo

<sup>3</sup> Between Kosovo Agency of Statistics survey results workforce in 2013 in Kosovo, November 2014

In analyzing the economic sectors in which employment was made, it turns out that in 2013, half of the people employed were in manufacturing activities about 12.6%, 12.8% in trade, 11.1% in education and in construction 11.4% of persons employed. The lowest rate of employment is 28.4% of Kosovo, in Bosnia and Herzegovina is 31.6%, in the FYR of Macedonia is 44.0%, in Serbia is 46.4%, In Montenegro is 47, 4%, in Albania is 50.5% while in the 28 EU countries was 64.1%.

Table 1: Employment rate from 2000 to 2009 in the Eu countries and some European countries.

Employment rate from 2000 to 2009 States			Years			
	2000	2005	2006	2007	2008	2009
EU-27	62.2	63.5	64.5	65.4	65.9	64.6
Croatia	51.3	55,0	55.6	57.1	57.8	56.6
Iceland	83.3	83.8	84.6	85.1	83.6	78.3
Montenegro	38.5	40.9	41,0	49.2	50.8	48.7
Macedonia	40.3	37.9	39.6	40.7	41.9	43.3
Turkey	48.9	44.4	44.6	44.6	44.9	44.3
Albania	55.1	49.7	46.2	56.4	53.8	53.4
Bosnia and Herzegovina	:	:	35,0	36.8	40.7	40.1
Serbia	59.2	51,0	49.9	51.5	53.7	50.4
Kosovo	:	28.5	28.7	26.2	24.1	26.1

\* Source: Eurostat, 2010

## 2.2. Unemployment

The regulation of rights and obligations between employers and workers in the private sector and public in the Republic of Kosovo is regulated by the Labor Law<sup>1</sup>.

The unemployment rate expresses the percentage of unemployed persons in relation to the number of population of working age, which in Kosovo was 30.9% (in 2012), while in 2013 it was 30.0%<sup>2</sup>, which shows that two-thirds of the population of Kosovo are of working age (15 to 64)<sup>3</sup>.

Unemployment among persons aged 15-64 years is 45.3% (39.8% for men and, 57.3% for women).

According to the statistical results the age group 15-24 in 2103 had unemployment rate of 73.1% (male unemployment was 68.8%, and female t was 81.9%). The lowest rate of unemployment is for the 55-64 age brackets where it is 25.7 %.

So the percentage of the working age population ho are not economically active is 63.1%<sup>4</sup>, while the rate of inactive persons<sup>5</sup> was 59.5% or 708,436 persons (male unemployed in 2012 was 28.1%, while in 2013 it was 26.9% and for women in 2012 it was 40.0%, and in 2013 it was 38.8%).

<sup>1</sup> Labour Law of the Republic of Kosovo adopted on November 2, 2011

<sup>2</sup> Unemployed: Persons aged 15-64 who are unemployed, ie. They are not paid employees or self-employed, and are available for work, ie. They were willing to start paying job or self-employment, job seekers, ie. take specific steps in search of paid employment or self-employment.

<sup>3</sup> The employment to population ratio, also known as the employment rate, the percentage of the working age population of a country that is employed. (Employment to population ratio = // employed population working age population X 100)

<sup>4</sup> Considered economically active people who have a job, or seeking a job like that.

<sup>5</sup> Inactive persons are those who do not want to be employed, or have given up looking for jobs.

Among persons able to work, in addition the low rate of employment in Kosovo, 16.8% of employed persons in 2013 were in temporary employment (the unemployment rate for men in 2013 was 26.9%, while the unemployment rate among women was 38.8%..

Unemployment in the 25-54 age group in 2013 was 41.8% (male unemployment rate among this age group was 36.1%, for females it was 53.2%).

According to the statistics of ASK in 2013, it is noted that a very high percentage of employment-age population is unemployed, and most are unemployed and inactive who are not looking for work.

Considering that two-thirds of the population is of working age (15-24) means that their unemployment is very high and poses difficulties for employment, because these people do not have adequate education and training according to the labor market requirements.

The unemployment rate is higher among young people, which represents a concern for maintaining social stability, so the total number of unemployed registered at the Public Employment Office in 2011 was 325,261, while this level is increased even further in 2013, which shows that 59.5% of the population of working age are economically inactive (not employed and were not actively looking for work)<sup>1</sup>.

Since Kosovo is among the countries with the youngest population in Europe, the working age population is likely to increase rapidly over the next decade and provided that employment rates in the coming years are low<sup>2</sup>.

The highest rate of unemployment in 2013 was in the FYR of Macedonia at 31.2%, with 30.9% in Kosovo, Bosnia and Herzegovina 27.5%, Serbia is 23.1%, Montenegro is 19.7%, Albania 17.7%, in the 28 EU countries it is 10.5%<sup>3</sup>.

The unemployment rate in 2015 in Greece and in Spain is about 25%, while in Germany it is only 5%. The higher the unemployment rate, the higher is the rate of poverty<sup>4</sup>.

### **2.3. Informality in employment**

In terms of the labor market in Kosovo, the creation of an employment relationship is done both formally and informally<sup>5</sup>.

The statistical data shows that about 81.2% employees have an individual contract, while the rest are without a contract.

For young people (15 to 24 years), the percentage of those working without a contract was high at about 41.0%.

About 31.2% of employed persons in permanent work have a contract, while 68.8% have a temporary contract.

So, in terms of labor market development, in which the degree of informality in employment is huge, employed persons are unable to pay pension contributions.

Thus only 2.9% of the employed population reported that they had a second job during the week.

---

<sup>1</sup> Source: Labour Force Survey 2013

<sup>2</sup> Source: The results of the Labour Force Survey in Kosovo 2013

<sup>3</sup> Comparison of key employment statistics between countries in the region

<sup>4</sup> Poverty remains widespread Kosovo where around 29 percent of the population living in total poverty and 8 percent of the population lives (World Bank) in extreme poverty. Most of the beneficiaries of social assistance payments in Kosovo and reduce their poverty level, but these payments are insufficient to set up for the welfare of the poor population on the poverty line. Kosovo basic pension is 45 Euros per month is almost equal to the poverty line of 46.50 Euros. Poverty rates are lower economies. Remittances published by the UNDP show that the total amount of remittances in Kosovo revenues decreased by 14 percent between 2010 and 2011, from 442 million Euros to 379.6 million.

<sup>5</sup> Riinvest "view of business informality in Kosovo"; Business managers and owners believe that on average businesses in their industries report about 65.6 percent of sales, which means that 34.4 percent were avoided them. Results of informality in the labor force vary by sector; agriculture declare the least and 30 percent of the workforce declared. Over 60 percent of Kosovo's population depend on agriculture, while 70 percent of the workforce remains under-stated in that sector. The sector with the highest number of workers filing is the education sector with only 17.5 percent has evasion. Results show that on average 37% of the total workforce employed is not legally declared

So the informality phenomenon hides the true economic activities by business or institutions which has developed secretly without corresponding economic activities in the relevant documents, to escape from tax payments and other fiscal charges.

So most businesses escape fiscal obligations that are related to employment. Therefore, according to data released by research<sup>1</sup>, the total workforce of unregistered in Kosovo among various sectors is as follows: - Agriculture, Forestry and Fisheries 70%; -production / Processing 45.7%, Health and social work 38.7%; - Other services 36.3%; Housing and service activities ushqim 35.5%; Wholesale and retail trade, 33.8%; Communications 29.7%; Construction 20.7%; Education 17.5%

## 2.4. Employment Forecast

Based on employment date from ASK, the average employer in Kosovo employs 27.296 workers within a year, while based on data from KPST the average for the first time employed people is 10.978 .

Table 2: The number of the employed in Kosovo by years 2010-2014

Years	2010	2011	2012	2013
Nr employees under KSA	24.977	25.170	28.469	30.568
Nr. The contributors in the KPST	249,756	255,562	261,892	281,388
New employees, contributions payers KPST	12,280	5,806	6,330	19,496

\* Source: ASK "" Design of the Kosovo population 2011-2061

Based on projections for instance the development of population growth by age group, we come to the forecasts the total level of the population for the coming years 2011-2061.

Table 3: Forecast population growth in Kosovo by age group and the years 2011-2061 (medium variant)

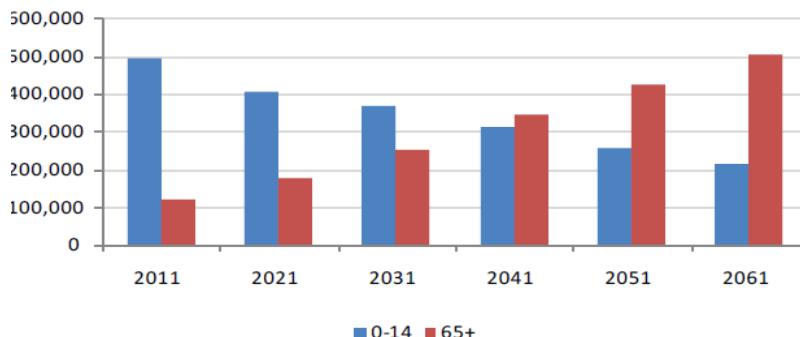
Years	Population by age				Population by age in%			
	Total	0-14	15-64	65-	Total	0-14	15-64	65-
2011	1,780,021	495,101	1,162,044	122,876	100	27,8	65,3	69
2021	1,883,805	406,059	1,301,556	176,190	100	21,6	69,1	94
2031	1,931,957	371,065	1,308,534	252,385	100	19,2	67,7	13,1
2041	1,923,175	313,466	1,262,015	347,693	100	16,3	65,6	18,1
2051	1,859,447	256,760	1,177,814	424,872	100	13,8	63,3	22,8
2061	1,743,470	215,907	1,022,265	505,299	100	12,4	58,6	290

<sup>2</sup> Source: ASK "" Design of the Kosovo population 2011-2061

Graph; Population (0-14, 15-64 and 65+ years) for the period 2011-2061 (medium variant)

<sup>1</sup> Riinvest "To pay or not to pay" | informality from the perspective of businesses in Kosovo | 5

<sup>2</sup> The estimated population was taken from the publication of KAS " Kosovo Population Projection 2011-2061 "based on the midpoint medium variant



## 2.5. Macroeconomic perspective in reducing unemployment

To alleviate unemployment it is necessary to pay attention to the development of an economic policy and a social development policy in order to build a clear perspective for increasing employment amongst the unemployed population and people who live in total or extreme poverty.

Social and economic policies must be active character in order to create real conditions for employment. To implement policies to alleviate unemployment, the following activities should be undertaken: Creating a favorable environment for economic development, macroeconomic policy development and implementation of labor legislation, attracting capital investment, exporting revitalization programs, building educational and professional capacity of the workforce in line with the needs of the market economy, labor market organization, development of monetary and fiscal policies in the interest of the development of local products, the orientation of remittances to promote economic development and employment, etc.

It is estimated that the labor market in Kosovo each year includes over 25,000 people, while the emerging market has over 8000 people.

Unemployment is one of the fundamental problems of Kosovo society, which requires an urgent solution, in order to increase human welfare and the preservation of socio-economic stability, giving priority to long-term unemployment alleviation.

To reduce the rate of unemployment it is necessary to undertake the following; combating the informal economy, improving the legal framework and its implementation, support and stimulation of household, small business support, the support of production capacity, capacity building education-training of the workforce, the orientation of the economy to support sectors which empower the labor market, the opening of new work places by increasing capital investments, develop a full program of temporary employment at home and abroad, support and develop microfinance institutions, labor market organization, the creation of tax incentives and customs, promotion of employment services etc.

## 3. The average wage and the minimum wage

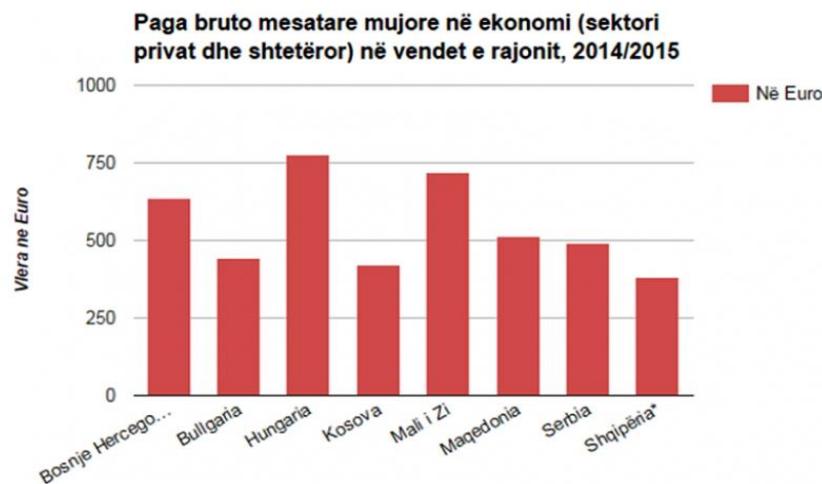
The average net salary of most employees was about 350 Euros per month<sup>1</sup>. Kosovo in 2014 applies a special minimum wage<sup>2</sup>, according to the age of employees. Under age 35, the minimum wage is 130 Euros/month, while the 35-65 years age minimum wage is 170 Euros / month, while the other Western Balkan countries minimum wages are as follows; Albania 156 Euros, in Serbia 158, Macedonia 178 EUR Montenegro 193 Euros, Croatia 405 Euros and Greece 684 EUR.

The total cost of salaries and benefits and allowances during a year in the public sector is 560 million Euros, according to the Law on Salaries and Benefits in Kosovo

Based on data of the Statistical Agency of Kosovo, the average net salary in Kosovo for the public sector is 441 Euros, while the private sector it is around 230 Euros.

<sup>1</sup> <http://esk.rks-gov.net/esk/regjistri-statistikor-i-bizneseve>

<sup>2</sup> The minimum wage is the lowest wage that is required to be implemented by every employer, local or foreign.



Burimi: INSTAT; Institutet e Statistikave të Vendeve të Rajonit  
Komente dhe Analiza: Open Data Albania

In 2015 the minimum monthly salary in Kosovo up to the age of 35 is 130 Euros and over 35 it is 170 Euro.

The minimum wage in Kosovo is the lowest in the region, for persons under the age of 35 years. Kosovo applies a special minimum wage, age of employees of 35 years (the minimum wage is 130 Euros / month), while the 35-65 years age minimum wage is 170 Euros / month.

Table 4: Review of the minimum wage in the countries region

Nr.	Country	Minimal wage
1.	Greece	684 Euro
2.	Croatia	405 Euro
3.	Montenegro	193 Euro
4.	Serbia	188 Euro
5.	Macedonia	178 Euro
6.	Albania	156 Euro
7.	Kosovo	130 Euro

\* Source: Open Data Albania has researched the level of the minimum wage in the country, the Balkans and Europe

European countries apply a minimum wage higher than in the Balkan region and Kosovo, so in Greece, the minimum wage is 684 Euros, Croatia 405 Euros, Montenegro 192 Euros, 178 Euros Macedonia, Turkey 425 Euros, 156 Euros and in Albania and Kosovo it is 130 Euros<sup>1</sup>.

A higher minimum wage applies in Luxembourg, with amounts of 1921 Euros per month. Lower ranks Belgium, Ireland, France, and Great Britain.

Germany applies the minimum wage by sector, and lower fees totaling 7 Euro / hour for 48 hours per week, or 1,344 Euros per month. Among the countries with the lowest minimum wage, which does not exceed 200 Euro per month, are ranked Bulgaria, Serbia, Montenegro, Romania, while Macedonia applies the minimum wage which is placed under the employment sector and is 178 Euros, while Italy, Denmark, Austria, Finland, Sweden, Switzerland and Norway do not apply an official minimum wage<sup>2</sup>.

Unlimited growth of public sector wages exceeds labor productivity, thus increasing their impact on the growth of wages in the private sector, which weakens the possibility for increased productivity and prevents in equal conditions in the labor market, especially when it comes to attract more skilled workers for Kosovo's economic growth which must come from the private sector.

The main challenges for Kosovo are; increasing employment, increasing production capacity, exports and growth of the whole economy. These increases require attention bearing in mind the high cost of labor and the reduction of their skills mismatches. So, to achieve this, it should improve the environment business, offering better conditions in terms of economic infrastructure, in terms of human resources.

#### 4. Contributors and pension contributions

Contributors who have been contributing to KPST since 01/08/2012 number 25,351 employees and 2,828 self-employed. In 75% of cases, contributors for the first time were employed under the age of 35.

The total number of contributors by 2015 was 482,064 contributors for whom, KPST, had opened individual accounts, while the number of active contributors in 2015 is 290,000, or , 23% of the full introduction contributors. Total assets of the Fund under management of pension savings of Kosovo are 1,172 million Euros.

Table 5: Number of active contributors (2004-2013) - 281.388

Years	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Employees	164,839	171,285	177,779	202,067	193,845	207,793	218,893	224,878	235,488	251,392
Self employed	18,675	28,295	27,473	27,215	28,164	29,683	30,863	30,684	26,404	29,996
Total	183,514	199,580	205,252	229,282	222,009	237,476	249,756	255,562	261,892	281,388

\* Source: Annual report 2013 of KPST

The average age of contributors in 2012 was 33 years for employees and 39 years for the self-employed, while 50% were employed up to age 30 and the self-employed were aged 38 years.

<sup>1</sup> Express newspaper, Sunday, March 16, 2014

<sup>2</sup> INSTAT, Statistical institutes of regional countries

#### 4.1. Average contributions and the minimum wage

Minimum quarterly contributions in 2012 were 39.00 Euros for contributors up to age 35 years, and 51.00 Euros for contributors over this age.

The data shows that the self-employed in 10.4% of cases are paid less than the minimum required by law (€ 130 or € 170, depending on whether they are up to 35 years of age or over 35 years, respectively).

A large number of self-employed (over half) pay only the minimum required by law, and thus risk not saving enough for their retirement.

The employees show that 4.5% of them contribute under the minimum wage, or 3.7% contribute according to their minimum wage, while the remaining 91.8% of them contribute on minimum wage, so that it can be concluded that the current minimum wage levels are low, and we can grow without major implications for employers.

#### 5. Retirement or pensions

Repaid contributions represent contributors who are paid off by the Pension Savings Fund, in case of withdrawal of pension savings (retirement and wrong Refunds transfers, which are considered as contributions that are not under the management of KPST) is the amount of 35.8 million Euros (period 2002-2015), which is drawn from 16.936 individual accounts (the people who are retired or died before the age of retirement).

Data on the number of basic pension scheme persons by age between 2002 and 2014 shows that in 2014 the number of beneficiaries of the pension scheme based on age is 125,883 who benefit from € 75 per month, while the annual amount is of 108,199,460.00 Details the number of beneficiaries of the contributory basic pension scheme between 2008 and 2014 show that in 2014 the number of users was 38,651 who were receiving a monthly amount of  $(75 + 65) = 140$  € and the Annual Budget spent was 61,895,592.00

#### Findings

1. Policies need to be focused on the use of human potential as a function of employment growth, and to address the issues that are associated with savings of pension contributions, namely pension in order to create socio- economic stability.
2. Economic institutions have raised the level of commitment for the clarification and update of reliable statistical data on employment and participation contributors in the Kosovo pension system and pension beneficiaries.
3. The relevant institutions have declared war on informal working without a contract of employment, giving primacy to income-generating employments and overtime (service contracts), the purpose of payment of mandatory and voluntary contributions,
4. The participation rate in the workforce population in 2013 was 483,193 persons or 40.5%, from the potential of working age people working population of 338,364 or 70 percent of the unemployed are only 144,829 people, which means Unemployment in Kosovo is 30.9%
5. Within a year between eight and nine thousand people can be employed in the labor market in Kosovo.
6. The degree of informality is still high, which is seen from reports certifying that the active population of 61,097 people are employed in the year, but are not reported to the Tax Administration of Kosovo, nor contribute to the Kosovo Pension Savings Trust.
7. The total number of contributors (in the period 2002-2015) by 2015 was 482,064 for whom KPST, had opened individual accounts.
8. The number of active contributors in 2015 is 290,000, or 66, 23% of the total number participants.
9. The total assets under management of the Pension Savings Fund of Kosovo was € 1,172 million.
10. It is estimated that the labor market in Kosovo, for each year include over 25,000 people, while the emerging market has over 8000 people.
11. In 2015, the minimum monthly salary in Kosovo up to the age of 35 is € 130 and over age 35 is € 170.

12. The average net salary of most employees was around € 350 per month
13. The average net salary in Kosovo for the public sector is € 441, while in the private sector it is around € 230
14. The average age of contributors in 2012 was 33 years for employees and 39 years for the self-employed, while 50% of the employed were up to age 30 and the self-employed were up to age 38 years.
15. The minimum quarterly contributions in 2012 were € 39.00 for contributors up to 35 years, and € 51.00 for contributors over this age.
16. The data show that in 10.4% of cases the self employed are paid less than the minimum required by law (€ 130 or € 170, depending on whether they are up to 35 years of age or over 35 years, respectively).
17. A large number of self-employed (over half) pay only the minimum required by law, and thus risk not saving enough for their retirement.
18. Employees shows that 4.5% of them contribute under the minimum wage, or 3.7% contribute according to their minimum wage, while the remaining 91.8% of them contribute at the minimum wage, so that it can be concluded that the current level of the minimum wage is low, and that it can increase without major implications for employers.
19. The statistical data shows that about 81.2% of employees have individual contracts, while the rest are without a contract
20. About 31.2% of employees have a permanent work contract, while 68.8% have temporary contracts.
21. Repayment of contributions from Pension Savings Fund on the occasion of the withdrawal of pension savings (retirement and wrong Refunds transfers, which are considered as contributions that are not under the management of KPST) t is in the amount of 35.8 million € (period 2002-2015), which is drawn from 16.936 individual accounts (the people who are retired or died before the age of retirement).
22. In 2014 the number of beneficiaries of the pension scheme based on age is 125,883 which benefit from € 75 per month, while the annual amount of € 108,199,460.00
23. Data on the number of beneficiaries of contributory basic pension scheme (2008-2014) in 2014. The number of users is 38,651, the monthly amount of (75 + 65) = € 140), while annual spending budget of € 61,895,592.00

## Conclusions

1. Human resources have a potential impact on the economic development and the sustainability of the pension system in Kosovo.
2. Human resource potential is a key component of the pension system and represents stability, because the average age of participants was 39 years old with an average period of 26 years for contributions to save three pieces pension until the age of retirement which is 65 years.
3. Not all contributors in the KPST are active every year.
4. Decrease of seasonal contributors, may be one of the factors reducing the growth rate of contributions collected.
5. The number of contributors from public institutions, individual businesses, society's partnership, Joint Stock Societies, representatives of foreign businesses and other organizations, there is an increase in stress
6. The financial resources of pension funds affect the quality of the payment of pension annuities, pension and appear respectively as key factors in the socio-economic stability.
7. Statistical indicators are encouraging to measure factors that indicate the point of crossing the threshold of socio-economic stability.
8. The labor market is not well organized and the way it is structured is inefficient
9. Employment and unemployment are linked to the level of economic and educational level of the population.
10. The likelihood of employment in the formal economy is below 1% when the jobseeker reaches age 48 years.

## Recommendations

1. The rate of unemployment is the key problem that requires intervention in alleviating unemployment by creating new jobs and strengthening economic sectors that will contribute most to reducing unemployment.
2. Through the struggle against the informal economy and economic development, low disproportion between supply and demand for labor and a high absorption into the labor market and an increase in the exit from the labor market.
3. Update the time and the correction of the lists of beneficiaries of basic pension and basic contributors to the pension scheme; reduce the amount of the budget for the payment of pensions.
4. The creation of stable macroeconomic policies that affect the creation of new jobs, through improving fiscal policies in the interest of investors in domestic and foreign markets, in order to increase export and employment growth in the country.
5. The development of legal infrastructure and strengthening labor inspection, which should be in harmony with the country's socio-economic policies.
6. Education and training of the workforce should be based on market demand, or according to the market economy trends.
7. Upgrading and maintenance of labor market indicators, promotion of employment and employment mediation, the publication of statistical data on the labor market of certain periods of time, so that decision-making institutions have fresh data, stable and comprehensive.

## Literature

1. John Maynard Keynes' general theory of employment, interest and money "constellation 2006
2. Dr. Hivzi Islam "The population of Kosovo" - demographic study
3. Christopher A. Pissarides and Giovanna Vallanti "Productivity Growth and Employment" - Theory and Panel Estimates, CEP Discussion Paper No 663, January 2004
4. Sebastian G. Kessing, Chiara Strozzi "The Regional Distribution of Public Employment" - Theory and Evidence, No. PD Iza 6449 P.O. Box 7240 53072 Bonn, Germany, March 2012
5. Hansjörg Herr, Milka Kazandziska, Silke Mahnkopf-Praprotnik "Theoretical debates about the minimum Wages" Global Labour University working papers, paper no. 6 Feb 2009
6. Herbert A. Simon "A formal theory of the Employment Relationship" - source: Econometrica, Vol. 19, no. 3 (Jul., 1951), pp. 293-305
7. Karl Brunner, Allan H. Meltzer, "The Theory of Employment and unemployment" - Carnegie Mellon University Research, Chapter 4 of monetary theory (tentative title) Presented at the Konstanz Seminar, May 1978,
8. Oliver Landmann "Employment, Productivity and Output Growth", Employment Strategy Papers, 2004/17
9. Antonella Stirati "Employment theory in the history of Economic Thought", An overview, Dipartimento di Economia Università degli Studi Roma Tre, 2012
10. Statistical Agency between Kosovo Results of the labor force survey in 2013 in Kosovo, November 2014
11. Annual report 2013 from KPST
12. Social Statistics 2013
13. The results of the Labour Force Survey in Kosovo 2013
14. ASK " Kosovo Population Projection 2011-2061
15. Agricultural Statistics 2011
16. Census 2011
17. <http://esk.rks-gov.net/esk/regjistri-statistikor>

## Self-Efficacy Impact on Students Academic Performance

Dr.Fatbardha Osmanaga

Department of Psychology and Social Work.

University "Luigj Gurakuqi" of Shkodër Faculty of Educational Sciences. Albania.

bardha\_osmanaga@yahoo.com

### Abstract

*In this paper it is treated the self-efficacy topic. Self-efficacy is important for the people. It is, also, important for the students. Self-efficacy has great impact on students motivation, on their academic performance, on their expectations. The paper aims to measure self-efficacy of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree. The paper aims, also, to analyze opinions of these students about the self-efficacy in general and about their self-efficacy. The research questions are: 1. What is the self-efficacy of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree? 2. What are the opinions of these students about the self-efficacy in general? 3. What are the opinions of these students about their self-efficacy? This study made use of the technique of questionnaire. The measuring instrument is the General Self Efficacy Scale (GSE) (R.Schwarzer, M. Jerusalem (1995)). The GSE is a 10-item scale with a score for each question ranging from 1 to 4. Higher scores indicate stronger student's belief in self-efficacy. It is used, also, the interview technique in order to understand the opinions of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree, about the self-efficacy in general and about their self-efficacy. The data collected from the questionnaire was analyzed by means of the SPSS program, variant 20. There are given the appropriate conclusions and suggestions about self-efficacy of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree.*

**Key-words:** Self-efficacy, students academic performance, students motivation, students expectations.

### Introduction

Self-efficacy beliefs are very important for the people. They have a great impact on people motivation and behavior. Self-efficacy beliefs impact, also, people actions.

Self-efficacy is important because it is the reason behind why we push ourselves to be the best we can be. It motivates us to never give up and to always do our best (Jamel Ricks).

Self-efficacy theory states that the level and strength of self-efficacy will determine 1) whether or not a behavior will be initiated, 2) how much effort will result, and 3) how long the effort will be sustained in the face of obstacles (Cited by Carol Couvillion Landry, 2003).

Self-efficacy is important for the students. Their beliefs about their self-efficacy are very important, because they have impact on their beliefs about their aptitudes and have impact on their motivation to learn.

People high in self-efficacy take better care of themselves. They see tasks as something to be mastered, and they feel more empowered. They're not controlled by circumstances. They see setbacks as challenges to be overcome and can cope with hardship better than those with low self-efficacy (LeVan, 2010).

### Theoretical Treatment

According to [Albert Bandura](#), self-efficacy is "the belief in one's capabilities to organize and execute the courses of action required to manage prospective situations." In other words, self-efficacy is a person's belief in his or her ability to succeed in a particular situation (Cited by Kendra Cherry, 2015).

According to Staples et al. (1998), self-efficacy theory suggests that there are four major sources of information used by individuals when forming self-efficacy judgments. In order of strength:

1. **Performance accomplishments:** personal assessment information that is based on an individual's personal accomplishments. Previous successes raise mastery expectations, while repeated failures lower them.
2. **Vicarious experience:** gained by observing others perform activities successfully.
3. **Social persuasion:** activities where people are led, through suggestion, into believing that they can cope successfully with specific tasks.
4. **Physiological and emotional states.** The individual's physiological or emotional states influence self-efficacy judgments with respect to specific tasks.

Self-efficacy reflects confidence in the ability to exert control over one's own motivation, behavior, and social environment (American Psychological Association, 2015).

According to social cognitive theory, self-efficacy beliefs provide the foundation for human motivation, well-being, and personal accomplishment (Cited by Frank Pajares, 2009).

Students with a strong sense of efficacy are more likely to challenge themselves with difficult tasks and be intrinsically motivated. These students will put forth a high degree of effort in order to meet their commitments, and attribute failure to things which are in their control, rather than blaming external factors. Self-efficacious students also recover quickly from setbacks, and ultimately are likely to achieve their personal goals. Students with low self-efficacy, on the other hand, believe they cannot be successful and thus are less likely to make a concerted, extended effort and may consider challenging tasks as threats that are to be avoided. Thus, students with poor self-efficacy have low aspirations which may result in disappointing academic performances becoming part of a self-fulfilling feedback cycle. ([Bandura \(more info\)](#) ) [[Margolis and McCabe, 2006](#)].

Bandura (1993) postulates that self-efficacy beliefs affect college outcomes by increasing students' motivation and persistence to master challenging academic tasks and by fostering the efficient use of acquired knowledge and skills. Self-efficacy is shown to be associated with choice of task, motivational level, and effort and perseverance with the task (Compeau & Higgins, 1995; Hill, Smith, & Mann, 1987). Low self-efficacy is related to low academic motivation such as not persisting at a task or not working hard (Schunk, 1991). Regarding the number of hours students spent studying, Torres and Solberg (2001) found a positive association between academic self-efficacy and the motivation put forth to study (Cited by Mark Eric Barber, 2009).

### **Methodology of preparation and development of this paper**

A growing body of research reveals that there is a positive, significant relationship between students' self-efficacy beliefs and their academic performance. People with low self-efficacy toward a task are more likely to avoid it, while those with high self-efficacy are not only more likely to attempt the task, but they also will work harder and persist longer in the face of difficulties. Self-efficacy influences: (1) what activities students select, (2) how much effort they put forth, (3) how persistent they are in the face of difficulties, and (4) the difficulty of the goals they set. Students with low self-efficacy do not expect to do well, and they often do not achieve at a level that is commensurate with their abilities. They do not believe they have the skills to do well so they don't try (W.Piper).

A student's self-efficacy may play an important role in his or her academic achievement. Schunk (1991) claims that "there is evidence that self-efficacy predicts ... academic achievement" (p. 207). According to Bandura (1977), self-efficacy affects the amount of effort and persistence that a person devotes to a task (Cited by R.E. Mayer, 2010).

It is important to know students opinions about their self-efficacy, especially it is important to know what are the opinions of the students of Psychology branch about their self-efficacy, because they will be the future psychologists.

Assist. Prof. Bülent GÜNDÜZ, (Mersin University) conducted a study in order to see the relations between burnout and self-efficacy among school counselors. One of the findings of the study was that there is a high and positive relationship between personal accomplishment and self-efficacy (Bülent GÜNDÜZ , 2012).

While psychologists experience the universal stressors shared by the general population, they also experience specific vulnerabilities, which are products of professional psychology. Psychologists have strengths in their knowledge, training, and resources, yet their human

characteristics of life-experiences and emotional injuries play a role in their work. Continuous exposure to the emotional material of others, monitoring of one's own emotional reactions, prudent maintenance of boundaries, limited control over outcomes, and isolated work environments are all factors that present additional stress (APA Board of Professional Affairs Advisory Committee on Colleague Assistance, 2005) (Cited by Krista L. Dettle, 2014).

### **Aims and objectives of the paper**

The main aims and objectives are :

- Measuring self-efficacy of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree.
- Analyzing the opinions of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree, about the self-efficacy in general.
- Analyzing the opinions of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree, about their self-efficacy.

The research questions of the study include:

Research Question 1 : What is the self-efficacy of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree?

Research Question 2 : What are the opinions of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree, about the self-efficacy in general?

Research Question 3 : What are the opinions of students of Psychology branch of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree, about their self-efficacy?

### **Sampling**

In the study participated 146 students of Psychology branch Bachelor degree, of the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania. 9 students (6% of students participating in the study) were male, 135 students (93%) were female, while 2 students (1%) haven't given their gender. 47 students (32,2%) study in the first academic course, 53 students (36,3%) study in the second academic course, 46 students (31,5%) study in the third academic course. In the study participated students of different ages. 17 students (11,7%) were 18 years aged, 37 students (25,3%) were 19 years aged, 50 students (34,2%) were 20 years aged, 30 students (20,5%) were 21 years aged, 7 students (4,8%) were 22 years aged, 2 students (1,4%) were 23 years aged, 1 student (0,7%) was 24 years old, 1 student (0,7%) was 30 years old and 1 student (0,7%) was 35 years old. 103 students (70,5%) live in the country, 42 students (28,8%) live in the city, 1 student (0,7%) has not express where he lives. The students participating in the study live in Tirana and in different areas of Northern Albania. 72 students (49,3%) live in Shkodra district, 5 students (3,4%) live in Tirana district, 22 students (15%) live in Lezha district, 6 students (4,1%) live in Malesia e Madhe district, 3 students (2,1%) live in Burrel, 1 student (0,7%) live in Puka district, 8 students (5,5%) live in Kukës district, 9 students (6,2%) live in Lac district, 5 students (3,4%) live in Tropoje district, 3 students (2,1%) live in Kruja district, 4 students (2,7%) live in Diber, 5 students (3,4%) live in Ulqin district, 1 student (0,7%) lives in Mamurras, 1 student (0,7%) live in Mirdite district, 1 student (0,7%) has not given where she lives.

## Apparatus/Materials

This study makes use of the technique of questionnaire. The measuring instrument is the General Self Efficacy Scale (GSE) (R.Schwarzer, M. Jerusalem (1995)). The GSE is a 10-item scale with a score for each question ranging from 1 to 4 (1= Not at all true 2 =Hardly true 3=Moderately true 4 = Exactly true). The range is from 10 to 40 points. Higher scores indicate stronger student's belief in self-efficacy. It is used, also, the interview technique in order to understand students' opinions about their self-efficacy in general and about their self-efficacy. The content of the interview aims to collect students'opinions about their self-efficacy, about the factors that impact their perception about self-efficacy. The content of the interview aims, also, to collect students'opinions about the factors that impact their belief in self-efficacy. Another aim of the interview is to analyse students'perceptions about the influence of their self-efficacy on their profession as future psychologists.

The questionnaires and the interviews have been filled out by the students themselves. The administration of the questionnaires and the interviews (distribution and collection) was conducted during Mars 2015.

## Method of analysis

The data collected from the GSE questionnaire was analyzed by means of the SPSS program, variant 20. It is estimated the reliability of the test. The internal reliability of the Self-Esteem Scale Alpha Cronbach coefficient=0,74. It is carried out the coding of the variables according to the respective rules defined by the authors.

## Piloting stage

It is realised the piloting phase. In this phase the internal reliability of the questionnaire Alpha Cronbach coefficient=0,79. In the piloting phase we had the participation of 32 students of Psychology branch, the second course, the Faculty of Educational Sciences, Department of Psychology and Social Work, University "Luigj Gurakuqi", Shkodër, Albania, Bachelor degree. Alpha Cronbach coefficient was recalculated after 10 days with the participation of the same subjects. Alpha Cronbach coefficient was 0,79.

## Findings of the study

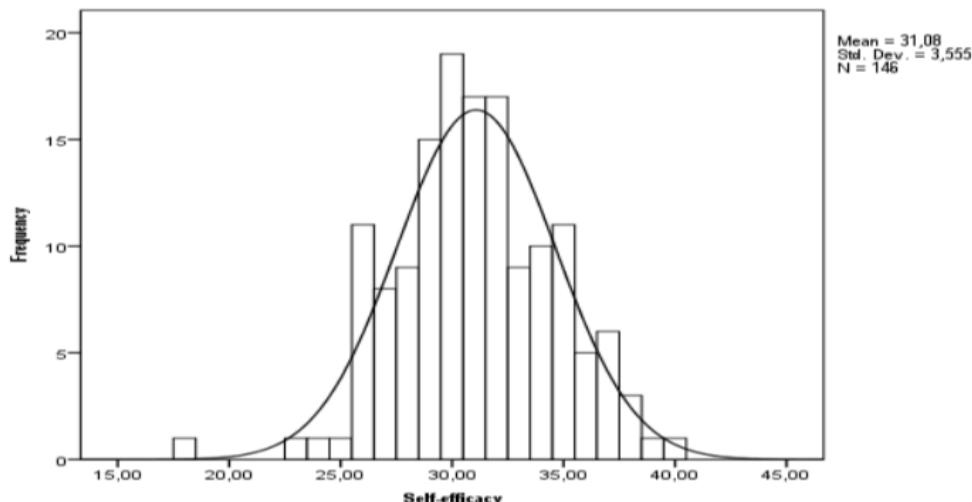
### General data concerning students' self-efficacy

Table 1. Data about students' self-efficacy

	N	Mean	Median	Mode	Standard Deviation	Minimum	Maximum
<b>Self- efficacy</b>	146	31,07	31	30	3,55	18	40
<b>Valid</b>	146						

The mean is 31,07, the median is 31 and the mode is 30. The maximum score obtained is 40 (obtained from 1 student or 0,7% of students), the minimum score obtained is 18 (obtained from 1 student or 0,7% of students). However, the corresponding histogram is shown in Graph 1.

Graph 1. Data about students' self-efficacy



The most of the results obtained is ranked in the range of values from 26 to 36 (131 students or 89,6%). A small fraction of the values obtained is ranked in the range of values from 18 to 25 (4 students or 2,8%). In the range of values from 37 to 40 is ranked the other portion of the results (11 students or 7,6%).

#### **The analysis of the influence of students residence on mean Self-Efficacy Scale score**

In this study it is used the analysis of variance ANOVA to examine the impact of students residence on mean Self-Efficacy Scale score of students. 103 students (70,5%) live in the country, 42 students (28,8%) live in the city, 1 student (0,7%) has not express where he lives, so, it is impossible to be sure about the fact if there is a significant relationship or not.  $Sig=0,521$  and we can say that the students that live in the city have a higher average of point (31,15), whereas the students that live in the country have a lower average of point (30,73), and this relationship is not statistically significant.

#### **The analysis of the specific academic course on mean Self-Efficacy Scale score**

There is not a significant relationship between the specific academic course on mean Self-Efficacy Scale score of students ( $Sig=0,129$ ). The mean for the students of the first academic course is 31,02, the mean for the students of second academic course is 31,77 and the mean for the students of the third academic course is 30,32. The students of second academic course have a higher average of point (31,77), whereas the students of the third academic course have a lower average of point (30,32), and this relationship is not statistically significant.

#### **The analysis of students'age on Self-Efficacy Scale score**

The relationship between students'age and Self-Efficacy Scale score is calculated using Pearson correlation. Pearson Correlation is  $-0,103$ . So, there is negative correlation between students' beliefs about their self-efficacy and their age.

There are given the mean, the mode and the standard deviation for each item response.

Items Responses	Mean	Mode	Standard Deviation
1.I can always manage to solve difficult problems if I try hard enough.	3,49	4	0,578
2.If someone opposes me, I can find the means and ways to get what I want.	2,90	3	0,678
3.It is easy for me to stick to my aims and accomplish my goals.	2,86	3	0,667
4.I am confident that I could deal efficiently with unexpected events.	2,88	3	0,620
5.Thanks to my resourcefulness, I know how to handle unforeseen situations.	2,90	3	0,678
6.I can solve most problems if I invest the necessary effort.	3,52	4	0,541
7.I can remain calm when facing difficulties because I can rely on my coping abilities.	3,04	3	0,735
8.When I am confronted with a problem, I can usually find several solutions.	3,19	3	0,591
9.If I am in trouble, I can usually think of a solution.	3,29	3	0,704
10.I can usually handle whatever comes my way.	3,08	3	0,680

As we can see, the lower results are for the items 2, 3, 4 and 5.

The students are based on different sources for giving their perception about their self-efficacy. For example: a)the personal experience, b)the psychological and emotional states, c)the personal beliefs, d)the experience and psychological and emotional states, e)the academic results, f)the experience and personal beliefs, g)the personal accomplishments and experience, h)the personal accomplishments and psychological and emotional states, i)the personal beliefs and psychological and emotional states, j)the personal accomplishments, the experience and the personal beliefs, and k)the personal accomplishments and beliefs.

According to the students, their beliefs about their sel-efficacy has impact on: a) their efforts to succeed, b) their efforts to overcom challenges, c)their motivation, d)their motivation and their efforts to overcom challenges, e)their motivation and their academic results, f)their expectations, g)their academic results, h) their family relationships, i)their relationships with the friends, j) their efforts to succeed and their academic results, k)their efforts to succeed and their relationships with the friends.

The students think that the factors that impact the positive self-efficacy are: the academic achievements, family support and good relationships with the family, family welfare, high self-esteem, the ability to solve problems, the optimism, the motivation, the hard work, the persistence to achieve what they want, their good physiological and emotional state, the thinking positively, their experience, the good relationships with their friends and the supporthing by them.

The students think that the factors that impact the negative self-efficacy are: low academic achievements, low self-esteem, negative thought about him/her, family relations, negative evaluation of the people, various failures in life, disappointments in life, the health condition, being pessimistic, poor relationships with the others and their poor supporting, poor management of the time, the inability to cope with the challenges, the family problems,

All the students consider very important the fact that the psychologist must have strong beliefs about his /her self-efficacy. They list these reasons: a)the psychologist will possess better his/her profession, b)he will better assist the client c)he will be more motivation at his/her profession, d)he will have good relationships with the client. The students think that if the psychologist hasn't strong beliefs about his /her self-efficacy, he/she would not be able at his/her profession.

## Conclusions

The student's belief in self-efficacy are good. The students that live in the city have a higher average of point, whereas the students that live in the country have a lower average of point, and this relationship is not statistically significant. There is not a significant relationship between the specific academic courses on mean Self-Efficacy Scale score of students. The students of the second academic course have a higher average of point, whereas the students of the third academic course have a lower average of point. There is negative correlation between student's age and their beliefs about their self-efficacy. Student's beliefs about accomplishing their goals and their beliefs about confronting and resolving their problems need improvement.

Student's perceptions about their self-efficacy are good. The students are based on different sources for giving their opinions about their self-efficacy, as: the personal experience, the psychological and emotional states, the personal beliefs, the experience and psychological and emotional states, the academic results, the experience and personal beliefs, the personal accomplishments and experience, the personal accomplishments and psychological and emotional state, the personal accomplishments.

According to the students, the psychologist must have strong beliefs about his /her self-efficacy, because this fact impacts on his/her profession quality, on his/her motivation and on his/her relationships with the client.

## Recommendations

It is very important the improvement of beliefs of the students that live in the country. It is, also, very important the improvement of beliefs of the students of the third academic course.

The improvement of students's beliefs on their self-efficacy is very important, because these students in the future will be the psychologists of the North of our country. So, improving students'beliefs on their self-efficacy will result in improving the quality of the work of psychologists and this will result in improving the quality of social services for people living in the North of our country.

One of the findings of the study conducted by Assist. Prof. Bülent GÜNDÜZ, (Mersin University, 2012) was that fact that counselors who get social support have high self-efficacy beliefs (Bülent GÜNDÜZ , 2012).

So, it is very important that our students get the needed support from our academic staff. Our support needs to be focused on students' beliefs about their performance, students' beliefs about their capabilities and students' beliefs about their psychological state. The needed support from our staff will influence student's beliefs about their self-efficacy and this will influence the quality of work of future psychologists.

## References

[American Psychological Association](#) (2015) "Teaching Tip Sheet: Self-Efficacy"

Barber M.E. (2009) "The impact of academic self-efficacy and socio-demographic factors on academic achievement of first-generation community college students", Submitted to the Graduate School Appalachian State University in partial fulfillment of the requirement for the degree of Doctor of Education

GÜNDÜZ<sup>a</sup> B. (2012) "Self-Efficacy and Burnout in Professional School Counselors", Educational Sciences: Theory & Practice - 12(3), Educational Consultancy and Research Center

Krista L. Dettle (2014) "Psychologist Self-Care, Perceived Stress, Psychological Distress, and Coping Self-Efficacy Across the Career-Span, Seton Hall University

Landry C.C. (2003) "Self-efficacy, motivation, and outcome expectation correlates of college students' intention certainty", Louisiana State University

Zajacova A., Lynch S.M., Espenshade Th.J. (2005) "Self-Efficacy, stress, and academic success in college", Research in Higher Education, Vol. 46, No. 6, September 2005 (\_ 2005) DOI: 10.1007/s11162-004-4139-z

[http://edutechwiki.unige.ch/en/Self-efficacy\\_theory](http://edutechwiki.unige.ch/en/Self-efficacy_theory)

[http://psychology.about.com/od/theoriesofpersonality/a/self\\_efficacy.htm](http://psychology.about.com/od/theoriesofpersonality/a/self_efficacy.htm)

<http://selfefficacy.weebly.com/index.html>

<http://serc.carleton.edu/NAGTWorkshops/affective/efficacy.html>

<http://www.apa.org/pi/aids/resources/education/self-efficacy.aspx>

<http://www.education.com/reference/article/motivation-based-self-efficacy/>

<http://www.education.com/reference/article/self-efficacy-theory/>

<http://www.gifted.uconn.edu/siegle/SelfEfficacy/section1.html>

## Domestic Crime – A Sociological Analysis

**Dr.Valbona Muça**

Education Science Faculty, Department of Social Sciences

"A. XHUVANI " University, Elbasan, Albania

bonamuca@yahoo.it

### **Abstract**

*After '90 years we have often heard and read in social networks for different cases of domestic violence, which in most cases have ended with the murder of one of the couple. Mostly, women are victims of domestic violence. Murder cases have increased, where parents murder their child or the opposite. Different researchers and as a sociologist, psychologist and criminologist or have attempted to study the nature of crime in the Albanian family, have given their opinions to explain the increase of crimes. This article will reflect an explanation of the causes of factors leading to crime to one spouse. It also reflects the way in which treated and protected by law, which in different societies treatments are different laws. Crimes in pairs which can occur because of jealousy, passion or for crimes for honor issues are not peculiar only in Albanian society but are prevalent in all societies.*

**Keywords:** domestic violence, sociological, society, jealousy.

### **1. Introduction**

Albania has undergone and is still going through a difficult period of transition, and therefore it ranks among the countries that have suffered more the political, social and economic changes which have affected the lives of many individuals and Albanian families. Today, Albania is facing many challenges related to domestic violence. It is one of the most widespread phenomena and one of the most unreported crimes in Albanian society and this makes it impossible to accurately measure the extent of such a phenomenon. Domestic violence is a widespread and serious threat to the lives and welfare of women. Only 5 percent of battered women report violence. Any form of "smacking" perpetrated on a woman is a violation of her rights. In most cases it leaves the woman with severe psychological and physical consequences. Therefore her ability to live a full life becomes limited.

Life experience to date has proven that children learn what they see in their family. Thus, for example, children who witness or experience violence at home, often grow up to exercise it to their partners and children. In this way they become the cause of a repeated cycle of violence that continues over generations (UNICEF, 2003). According to a nationwide survey conducted in 2003 by UNICEF, at least 8 percent of Albanian women have experienced physical violence from an intimate partner and 25 percent have experienced psychological violence. According to the survey conducted by the Office of Publications of the EU (2014) , Albania was ranked the eighth among EU countries for the use of violence against women. In 2013 it resulted that 59.4 percent of women aged 18 to 55 years had experienced domestic violence. "Newspapers and the media in general report almost daily about this phenomenon which is difficult to treat and harder to be reported, as to understand that the dynamics of domestic violence is often not easy" (GADC, 2008). It is treated more as an individual problem, which belongs only to family members and not to the society. In transition societies, where we have had many significant political, social and economic transformations, human rights are violated more often.

Studies show that domestic violence, particularly the one against women and girls, has increased a lot especially during the last decade. "In the first years of the democratic system, the problem did not exist in the rate that it does today, but it has grown over the past five or six years, becoming a real concern" (Loya & Jamal, 2005). The main objective of local reformers and the international community must be improving the practice of human rights (Horowitz & Schnabel, 2004). This paper will provide a description of the current situation regarding domestic violence in Albania and its negative effects on children, parenting, the establishment of relations between family members and the development of society.

## 2. A short overview of domestic violence in Albania

In recent decades our country has been included in a powerful wave of violence within the family. Therefore domestic violence and its consequences have become a serious problem in Albania. According to the Progress Report of Albania (2008), prepared by the Commission of the European Communities, it was concluded that domestic violence is a "key phenomenon, which has been increasing" due to the fact of not taking proper measures in time and to the non-enforcement of laws. They also say that a very small number of domestic violence cases are reported, investigated and prosecuted. The Criminal Code on domestic violence is treated as an attack leading to a general crime. Although there are some rules about this problem, the issue is that the victims still do not consider domestic violence as a crime or they are afraid of reporting incidents as they can cause shame on their families.

Women accept the conviction that men are stronger and more capable than women, they understand that the state favors men, government positions are occupied by men, and this is reflected everywhere: in employment, socialization, etc. Although the Council of Europe Convention on preventing and combating violence against women and domestic violence, which came into force on August 1, 2014 requires stringent measures against various forms of gender-based violence, domestic violence statistics in our country show higher levels. Thus during 2013 it results that 59.4 percent of women aged 18 to 55 years have experienced domestic violence. This figure that has been increasing since 2007, which at that time showed that 56 percent of women aged 15 to 49 years had experienced domestic violence.

But by focusing on forms of violence in the family, including violence against women, it shows that one in two women in Albania have suffered psychological violence, a high ratio compared to the figures in the European countries where the ratio is two in five women who suffer this kind of violence. But in addition to psychological violence used against women, our country has also a high number of cases where are used physical and sexual violence. The victims' ratio of this kind of violence in our country is one in four women, while in EU countries the ratio is one in five women. Neither pregnant women have escaped from violence in our country. According to a research conducted in 2013, it results that 13 percent of Albanian women, currently in a relationship with a violent man, claim to have been hit, slapped, kicked or physically hurt during pregnancy. Not all categories of women experience violence against them either in a relationship or even in a family. The unequal position of women in society is what affects mostly in their victimization. Education is the key element that determines the position that women have in society, which affects the use of violence against them. Women with secondary education or less are more likely to experience domestic violence than those with higher education. Moreover, women who do not work outside the home are more likely to suffer violence than those who work outside the home.

Referring to the figures of battered women, it shows that 19 percent of abused women in Bangladesh suffer domestic violence injuries, such as: cracks / bruises, deep wounds, bone / broken foot, unconsciousness, head injuries and injuries in the abdominal area. 14 percent of abused women in Bangladesh were unable to do housework or take care for children, because of injuries from domestic violence, and 44 percent of abused women had a sexually transmitted disease. But what varies in the use of violence, is the period when women in our country begin to experience it. One in four women begins to experience violence in the first year of marriage, while one in two women, according to a research done in our country, asserts that violence against them started in the second or third year of marriage. Unlike EU countries, where women do not fear to denounce the fact that violence was used against them, in Albania, apparently there is the fear, as well as the mentality and the shame to denounce any form of violence used on them or in their family. It's a very small number of abused women, who manage to denounce any form of violence exerted on them. So, it turns out that only 8 percent of abused women in Albania ask for help to end violence in their lives, compared with 33 percent of battered women in EU countries, who require help from social services and organizations.

Violence against women has been often tolerated and never considered or treated as an abuse of human rights, including women's and girls', safety, freedom of speech ,physical and mental integrity. Such violence has always been justified because of the Albanian government and judiciary tradition or "mentality". "Recognizing that women and girls do not report violence against them as they often do not realize that they are victims of it, but instead consider themselves as participants in it, states must inform women about their legal rights and educate them specifically about domestic violence. In traditional families women have to follow some rules, they have to be "good girls" and violence is part of this tradition. They do not consider domestic violence as violence; they see it as normal" (SRVAW, Report of the Commission on Human Rights, 1996).

The role of the government and national authorities has been limited or non-existent in supporting and providing assistance to the victims of the domestic violence in Albania. Active roles in the treatment of this phenomenon have played non-

governmental organizations (NGOs) of women, by offering numerous services including helplines and shelters to support and protect these women from the abusers. Distrusting the role of the police because of the state non-recognition of the domestic violence as a criminal offense and being ashamed of women are not encouraged, to complain about the violence, but instead accepting it as their misfortune. Another reason of being shouted is their inability to financially support themselves and their children when they leave or divorce from their partners. But who are considered the common abusers inside a family? Based on this study, men with secondary education or a lower one are likely to be more violent rather than those with a university education. Another category includes those who are part of the low classes of the society, and consumers of alcohol. Albanian women, whose husbands consume alcohol, are 6 times more likely to experience physical violence and 1.5 times more likely to experience psychological violence.

Reasons why this happens vary. In various reports made by organizations that protect the rights of these women and that of the family members, show that men want to establish a sense of power and control, or keep women dependent on them, not to consider any attempt to be independent. Some other researches show that some men use violence, seeing it as the only way to be linked with his partner. Meanwhile, a lot of men are grown up in this way, being raped by their stepfathers experiencing everything themselves. Comparative Sociological studies at micro level have proven empirically that, due to the lack of economic opportunities and ways to cope with economic difficulties, men show a tendency to be violent against women and their children, especially to girls, not as a way to cope with such problems, but as a result of the lack of social solutions to such economic difficulties. The paternalistic and patriarchal figure, which dominates a large part of the Albanian society, not only in villages and remote areas, but also in cities, is an important factor.

Despite the progress made, in many cases women are considered to be "owned" by their husbands. In many cases, a woman has little or no authority in the family, even to her children. Their role, by the men, and unfortunately, even by a part of women, continues to be understood as in the past: take care of home and family, to satisfy the sexual needs of the husband, bear a baby, and raise him. In many cases, violent behaviors against women are caused by the jealousy. Jealousy cannot be excluded from the list of reasons that causes violent behaviors, but is just a cause, not the main one. As an emotional response to a threat or to the real danger for an intimate relationship, jealousy may eventually be associated with abusive behaviors, physical violence, emotional or verbal one. However, as a sociologist, I think we should look beyond the narrow framework that sees violence against women as a cause jealousy by men. I want to lay the emphasis on the rapid changes that are continuing to occur in the Albanian society in terms of ethics and sexual behavior, not only to the younger generation, but also at a good part of the population, especially in the cities and among educated people.

### **3. The effects of violence on children**

Domestic violence affect not only one of the partners, but in most cases are also children who become victims to its exercise. During the recent years, violent behaviors have escalated, especially in urban areas, and therefore children have been exposed to violence at home, school and community. Domestic violence is considered a form of child abuse, where children inevitably are affected by this phenomenon (Lapierre, 2008). In the study conducted in our country in 2013, it shows that 58 % of the children are beaten by a family member, as well as a high number of 86 % of the children become witnesses of domestic violence. This "double violence" to children certainly brings negative consequences in their social life or in their integration into the society. Besides the psychological trauma ,that remain in their minds, this violence reflects negatively on their education, making 43% of the children have difficulties at school, 31 % of the children live with fear, because of domestic violence, and 6 % of the children leave home to live with their relatives. The study showed that one in two children in 86 % of cases requires more assistance to the violence against him to one of the parents, and a single case is not required by children abused by doctors or police assistance.

Domestic violence can take the form of one or more traumatic incidents, which may cause a sudden change. Such changes are often observed in the child's behavior, such as aggression, or lack of respect for women. Domestic violence also changes the way how children think and feel about themselves, their families and life in general (Cunningham & Baker, 2007). They say that children are good observers and poor performers, so they are able to hear and see what happens, but they fail to understand the situation as adults do. Children may be angry because their mother is such a person, they are afraid that it will go back to it, or worry that it may be accompanied with another abusive partner. So children can not believe their mother can keep them in a safe environment, or they may even wonder whether she loves them or not. The quality of the relationships that parents and especially mothers, create with their children in childhood, is a significant

indicator of the child development and all the relationships that the child creates during his lifetime (Bornstein 2002; McCain & Mustard 1999).

Sometimes children can develop some negative beliefs that are essential for themselves, such as asking: "Am I someone who deserves to be happy?" Such beliefs are formed in childhood and parents play an important role during this process (Bancroft & Silverman, 2002). Research also shows that children who have been victims of violence within their families were 24% more likely to report violent behavior as adolescents than those who had not been abused. Teenagers who were victims within families where there was a violent partner were 21 % more likely to report violent acts than those who have not been exposed to it (Baker & Jaffe, 2003). Efforts to assess and treat mental health for young people who have witnessed violence were more limited. Limited research also shows that, as a result of exposure to violence, children may be threatened by mental disorders, symptoms of post-traumatic stress, depression and anxiety, anger and aggression, impaired interpersonal relationships with colleagues and relationships with friends and poor academic achievement. This is based on some findings made by Levendosky and his co-author (2006), where children with a history of domestic violence are more likely to display behavioral problems in the external environment.

In another study of 103 pre-school children, who were at risk of exposure to domestic violence against their mothers, it was found that domestic violence negatively affects the behavior of children while interacting with their mothers, but that does not affect the relations of mother -child's problematic behavior. These findings suggest that the impact of domestic violence starts very early, reflecting more the relationship built with the mother and other individuals, rather than the child's mental health (Levendosky et al., 2003). In a study of Holden (1998), was reported that marital violence is associated with a wide range of behavioral and adaption problems, such as emotional and behavioral problems of children. The effects of domestic violence are set by Rossman (2001), as being considered as long-term effects where exposure at any age can create disruptions and disorders in all aspects of child development. To witness a mother's abuse by her partner for a long time, affects the child or adolescent's perception of the mother as a vulnerable victim of emotionally, or as someone who can not defend it. Often in these cases there is a change of roles, where the child goes to the mother's caretaker role, by leaving behind all his childish dreams and desires.

#### **4. Domestic violence and parenting issues**

Violence against women is a serious threat to women's health throughout the world. Such violence may interfere with their motherly behavior. This complicated problem with its roots in marital relationships has a negative impact on parenting. Women, who are victims of domestic violence, have usually difficulties in concentrating and working effectively with their children; they are more inclined to withdrawal and avoidance and ignore the impact of violence on themselves and their children. These mothers risk being killed or seriously injured and most of the time they suffer from chronic pain, depression, psychosomatic disorders, unwanted pregnancies, miscarriages, and so on. The roles played by all members of an abusive family reflect how each person adapts and gets used to the confidentiality, intrigues, and dangerous situation in which they live. An abusive man undermines the efforts of a mother in parenting, whether, in rejecting it, weakening its confidence as a parent, or by changing the views of her children towards their mother in order not to be considered as a person worthy of respect. She can change her style of parenting (Bancroft & Silverman, 2002).

Most women do not usually report violence to the police, they do not understand that it is a criminal offense, because many of them are violent towards their children and at the same time see it as a tool for education. The effects of violence can continue even after the abuse has stopped because such effects can be significantly undeclared. The results of a study (Albania Reproductive Health Survey) conducted by the Ministry of Health in 2002, show that 11.5 percent of Albanian women between age groups 15-44 had children who have witnessed parental abuse. Also male individuals with the same social profile reported having observed (47.4 percent) and have experienced, (66.8 percent), high levels of violence as children. A survey conducted by professionals in the health sector shows another profile of such abuse. They found that 37 percent of women living in Tirana have experienced physical violence, where women aged 25-34 were at higher risk. According to their findings, the increase in the educational level of women has increased the risk of being abused. Also, in families where only women were employed, the risk of being abused was higher. Such findings are consistent with theories which argue that violence is used to enforce gender hierarchies (Burazeri et al., 2005).

Nowadays, there is a great concern about the effects of violence on children and a limited attention exercised on the effects of violence against their mothers and parenting. Such concerns have always been focused more on children than among women who play a key role in their children's welfare. Although some studies show that domestic violence does not have

a big impact on parental attitudes towards raising children, this does not mean that the quality of a parent remains the same, as in a violent environment, as well as in non-violent households (Holden, 1998). For example, mothers of children exposed to domestic violence in fact show a huge increase in the use of positive discipline and a slight decrease in bringing the softness and warmth compared to mothers of children not exposed to violence (Levendosky et al., 2003 and Letourneau et al., 2007). Also, find out how reasonable is mediating the connection between domestic violence and parental behavior through internal mental representations of the mother, to herself, her child and care (Stephens, 1999). Sometimes, women feel as trapped and fight to protect their children from abusers. In this context, the mother plays an important role in how children are affected by violence. Many studies have focused more on abused women where regarding parenting; they are considered a failed mother. A few studies have been made about the effect of domestic violence on parenting experiences under such circumstances, regardless of the position of the mother.

## 5. Conclusions and Recommendations

Through this work we found some of the difficulties that women face in relation to parenting in the context of domestic violence. In addition to the evidences and the negative impact of violence on women and children, being familiar with the domestic violence indicators show that the judiciary and other government institutions lack the will to focus their powers to child welfare, women and their issues related to parenting. Having considered and treated as a crime of violence within the family, the state and the judicial authorities think that such a problem will be resolved once the perpetrator is punished. But such a conclusion is not correct, because the punishment of domestic violence should be accompanied by the provision of intervention or rehabilitation programs in the service of mothers and children to recover from trauma these victims, by the state structures. In fact, safety and rights of victims of domestic violence should be a top priority in all aspects of the services provided by the judicial institutions.

Cultural changes take time so that new cultural values and social concerns about the life of the society of the country, primarily in its core cell is the family. Making changes in marital relationships between parents and children requires the creation of a new culture, seeking an active role in society (civil) and also require decisive implementation of state laws that protect the rights and freedoms of every citizen and condemning any kind of violence in society and in the family.

Also, child welfare professionals and family must be aware of and assess the risk for children and establish relationships with their mothers and intervene appropriately and in a timely manner to prevent this phenomenon. When in most cases the abusers are male partners in the family, it is important that they become part of the problem and be involved in the intervention programs. In this way, their commitment as fathers towards their children can open up opportunities for change. Therefore, domestic violence strategies and intervention programs should support their view that domestic violence is a criminal activity, it is a learned behavior, and is therefore variable. The focus of social policies and practices related to domestic violence should be to improve the safety of women and children and the prevention of abusive behavior, intimidation and violent offenders to this category of population.

## Bibliography

- Baker, L. L. & Jaffe, P. G. (2003). Youth Exposed to Domestic Violence: A handbook for the Juvenile Justice System to Enhance Assessment and Intervention Strategies for Youth from violent homes. Center for children and the family in the Justice System, p. 7.
- Bancroft, L. & Silverman, J. (2002). The batterer neither parent: Adressing the impact of Domestic Violence on Family Dynamics .: Sage, Thousand Oaks, CA.
- Bornstein, M. (Ed.). (2002). Handbook of Parenting: Vol. 1: Children and Parenting (2nd ed.). Mahwah, NJ: Erlbaum.
- Burazeri G., E. Roshi, Jewkes R, Jordan S., Bjegovi V., & Laaser U. (2005). "Factors Associated with spousal Physical Violence in Albania: Cross sectional study", British Medical Journal 331, 197-201.
- Cunningham, A. & Baker, L. (2007). Little Eyes, Little Ears: How Violence Against
- Cunningham, A. & Baker, L. (2007). Little Eyes, Little Ears: How Violence Against Children a mother nor broke the world Grow shapes. The center for children and the family in the justice system (book).
- Domestic violence in the focus of media - Guidelines. (2008). Gender Alliance for Development (GADC). Taken from: www.gadc.org.al

Holden, G.W. (1998). Introduction: the Development of Research Into Another consequence of Family Violence. In: Children Exposed to Marital Violence: Theory, Research, and Applied Issues (eds GW Holden, RA Jouriles Geffner & EN), p. 1-20. American Psychological Association, Washington.

Horowitz, however. & Schnabel, A. (April, 2004). Human rights and Societies in transition: Causes, consequences, Responses. United Nations University Press, Tokyo, New York, Paris.

Lapierre, S. (2008). Mothering in the context of Domestic Violence: the pervasiveness of a deficit model of mothering. *Child and Family Social Work* 13, 454-463.

Letourneau, NL, Fedick, CB & Willms JD (2007). Mothering and Domestic Violence: A longitudinal Analysis. *Journal of Family Violence*.

Loya, A. & Jamal, B. (2005). Crime Within the family. *The Review of English Legal Medicine* 2, 9-16.

McCain, M., & Mustard, F. (1999). Early years study: reversing the real brain drain. Ottawa: Canadian Institute of Advanced Research.

Rossman, B. B. R. (2001). Longer term Effects of Children's Exposure to Domestic Violence. *Domestic Violence in the Lives of Children: The Future of Research, Intervention, and Social Policy* (eds SA Graham-Bermann & JL Edleson), p. 35-65. American Psychology Association, Washington.

SRVAW, report to the Commission on Human Rights, (1996). AI Interview with NGOs. Useful to Albanian Women.

## Pedagogical Explanation Methods of Teaching Matrix Programming Operations: Effects on Students' Achievements in IPCs

Assoc. Prof. Dr. Arjan Skuka

Izmir University, Turkey

Department of Software Engineering

[arjan.skuka@izmir.edu.tr](mailto:arjan.skuka@izmir.edu.tr)

### Abstract

Despite the fact that introductory programming courses (IPCs) are taught at universities for more than thirty years, students still find computer programming very difficult to learn. Programming pedagogy deals with the methods and principles of teaching and learning computer programming. The programming pedagogical approaches that have been proposed to increase the efficiency of teaching and learning computer programming mostly focus on the tools, paradigms, programming languages and environments used in IPCs. To increase significantly the students' success rates in IPCs, these approaches should be complemented with pedagogical explanation (PE) methods. This research is focused on a PE method of teaching sequential search of a matrix row (SSMR). The research was designed as experimental study with pretest-posttest control group model, involving students of Computer Engineering department Izmir University. While the experimental group was subjected to a pedagogical explanation method, a traditional explanation method was applied in the control group. To collect the research data, an achievement pretest, posttest and a questionnaire were developed and applied. The research findings showed the effectiveness of teaching SSMR by using a PE method. This method positively influenced students' level of topic comprehension, which consequently improved their achievements. In order for students to understand better the other matrix programming operations, similar PE methods should be developed and used in IPCs. On a more general level, the results of this research suggested that PE methods should be developed and used for other topics that students usually find difficult to understand in IPCs. Using these methods can be a very important factor in significantly increasing students' success in IPCs.

**Keywords:** Programming Pedagogy, Introductory Programming, Pedagogical Explanation Method, Matrix Programming

### 1. Introduction

Although introductory programming courses (IPCs) are taught at universities for more than thirty years, students still find computer programming very difficult to learn. This situation has had negative consequences on Computer Science (CS) education. In many developed countries, even though the demand for CS specialists of different profiles is increasing, the number of students in these study programs is steadily decreasing (Mason, Cooper and de Raad, 2012; Vitkute and Vidžiunas, 2012). Some of the main reasons for this downward trend is curriculum complexity, its insufficient links with practical needs and extremely rapid IT evolution. It has been stated numerous times in various research papers that learning programming is a difficult task to achieve (Brown, 2006; Chetty and Barlow-Jones, 2014; Mason and others 2012; Saeli, Perrenet, Jochems and Zwaneveld, 2011; Vujosevic and Tasic, 2008). Research papers continuously reveal high failure and dropout rates for IPCs (Bennedsen and Caspersen 2007, Chetty and others, 2014; Fares and Fares, 2014; Robins, 2010). This is partially a result of the recent trend of enrollment of non-CS major students in IPCs. The most significant reason for these high failure and dropout rates, yet again is related to the difficulties that students face when exposed to complex programming topics.

Programming pedagogy, as one of the emerging research areas in computer science, deals with the methods and principles of teaching and learning computer programming. A variety of programming pedagogical approaches have been proposed to increase the efficiency of learning computer programming. Mostly, they focus on the tools, paradigms, programming languages and environments used in IPCs (Hadjerrouit, 2008; Meyer, 2003; Porter and Simon, 2013; Stephen, Elizabeth, Ogao, Franklin and Ikoha, 2012; Woszcynski, Haddad and Zgambo, 2005; Zingaro, Bailey Lee, and Porter, 2013). These approaches have had positive effects in IPCs, but unfortunately they did not solve the problem. Introductory programming remained complex and difficult for majority of students to learn.

## 1.1 Pedagogical Explanation Methods

To increase significantly the students' success rates in IPCs, previously mentioned approaches should be complemented with optimal topic explanation methods. How a programming topic is explained is crucial to the level of students' comprehension of the topic. Being an expert in programming doesn't make an instructor a good teacher by default. Unfortunately, a considerable number of instructors explain complex programming topics to students in less understandable ways. Some of the reasons for that, among others, are:

- some instructors do not possess an appropriate programming pedagogy background;
- some instructors are neglecting the fact that majority of students in IPCs have not yet developed the "programming logic" and cannot understand their way of explanation;
- considerable number of textbooks for IPCs used by instructors are not as "good" as they should be – they miss pedagogically based explanations of programming topics;
- some instructors are being focused on research and are not spending enough time on preparing pedagogically based lectures.

Based on our experience in teaching IPCs in C, C++, Java, Scheme and Racket at several universities, explaining programming topics in a step-by-step and understandable way is a very important factor in increasing students' success in IPCs. This way of teaching represents a solid basis for the other student activities in the course: lab exercises, homework, programming projects, solving problems using Online Judges etc. On the other hand, if the topic is explained in less understandable way, it usually frustrates and demotivates students for the required further activities.

A *pedagogical explanation method* is a well planned and structured sequence of steps to present a programming topic in a concise, clear and understandable way. Recursion, matrix programming operations (MPOs) and linked lists are some of the topics that students usually find difficult to understand in IPCs. In this paper we have focused on explanation methods of teaching one fundamental MPO: *sequential search of a matrix row* (SSMR). This operation is easy for experienced programmers, but it is difficult to learn for beginners in programming. The purpose of the research was to investigate the effects of two different explanation methods on students' level of topic comprehension as a result of using a *traditional explanation* (TE) method and a *pedagogical explanation* (PE) method.

## 2. Method

### Research design

In this research, we have used an experimental study with pretest-posttest control group model aimed at measuring the effects of two different explanation methods on students' level of topic comprehension. In accordance with this model, *control group* (CG) and *experimental group* (EG) were created and experimental lectures using two different explanation methods were conducted.

### Research sample

Participants in the experiment were 60 students of Computer Engineering department in Izmir University attending the Algorithms and Programming II course, which focuses on procedural programming in C. Both CG and EG were consisted of 30 students. The distribution of students in the groups was done based on their grades in Algorithms and Programming I course<sup>1</sup>, insuring that there was no significant difference between the total average grades of students in both groups.

---

<sup>1</sup> The course focuses on functional programming in Racket. According to us, functional programming followed by procedural programming is not an optimal approach for IPC. It is quite a rare approach in the world, as well as in Turkey. But, since it is the current curriculum policy in our faculty we have to follow it, despite our believes.

## Research instrument and procedure

To collect the data of the study, two tests and one questionnaire were developed. In order to determine the students' previous knowledge of SSMR, a pretest was conducted for both groups. After that, we conducted experimental lectures using two different explanation methods in the spring semester of the 2013-14 academic year. SSMR was taught to students in CG by using a traditional explanation method, while our pedagogical explanation method was used in EG. The survey process was finished by conducting a posttest and a questionnaire to students of both groups.

## Data Analysis

Students' level of a programming topic comprehension can be measured in terms of *knowledge* level and *application* level (Davies, 1993). The *achievement pretest* contained one programming problem aimed at determining the students' previous knowledge of SSMR. The *achievement posttest* contained two programming problems aimed at determining students' knowledge and application levels of SSMR, after the experimental lectures were conducted. In addition to the two tests, we prepared an *attitude questionnaire* which contained two multiple-choice questions aimed at collecting students' opinions towards both explanation methods. Students' answers were measured using a five-point Likert scale.

The quantitative data from the achievement pretest and posttest was analyzed using the programming language R (R development core team, 2012). we wrote an R script to read students' scores in R data frames and analyze them. For analysis purposes we used independent variables *t-test* and other tools of the language (built-in functions *qt*, *sd*, *barplot* etc.). The level of statistical significance was taken as 0.05.

## 3. Explanation Methods of Teaching SSMR

In this section, a traditional and a pedagogical explanation method of teaching SSMR are described. SSMR problem statement: Write a function to find a given number in a specified unsorted row of a matrix of integers. If the number is found in the row, then the function should return the position of its first appearance (col. index). Otherwise, it should return -1.

### 3.1 Traditional explanation method

TE method of teaching SSMR consists of two steps: writing a function for SSMR and using it in a program.

#### Step1. Writing a function for SSMR.

The function has four parameters: *matrix* – reference to a matrix, *ncols* – number of columns, *number* – searched number, *row* – index of the row to be searched. It should return the index of the first appearance of the number in the row with index *row*, if it is found. Otherwise, it should return -1. Searching is done by comparing each element of the specified row against the searched number until a match is found or all elements are unsuccessfully compared. If the number is found, the first *return* statement will return the index of the found element and it will exit the function. If the number is not found, then the program will exit the *for* loop. In that case, we need a second *return* statement to return -1 and exit the function.

```
int find_in_row(int matrix[][M], int ncols, int number, int row) {
    int j;
    for(j = 0; j < ncols; j++)
        if(matrix[row][j] == number) return j;
    return -1;
}
```

**Step 2.** Using the function in a program.

```
int n = 4, A = {{3,1,7,5}, {8,4,6,2}, {6,9,0,3}};  
int num, row, index;  
num = 6, row = 1; index = find_in_row(A, n, num, row);  
num = 0; index = find_in_row(A, n, num, row);
```

First, the value of *index* is 2 because 6 is found in column 2 of row 1. After the second function call, it will change its value to -1 because 0 is not found in row 1.

**3.2 Pedagogical explanation method**

In order for students to understand better the programming solution to SSMR, our pedagogical explanation method is based on two important pedagogical techniques:

- Visual tracing of the matrix operation by using concrete input values and specifying matrix cell references for all possible scenarios.
- Inductive derivation of the matrix function from the corresponding array function.

A row of a matrix is an array. The algorithm to search a matrix row is based on the algorithm to search an array. Consequently, our PE method of teaching SSMR is comprised of the following steps:

1. Writing a function to search an array.
2. Visually tracing the SSMR operation.
3. Deriving the function for SSMR from the function to search an array.
4. Using the function in a program (identical to step 2 of TE method).

**Step 1.** Writing a function to search an array.

The function has three parameters: *array* – reference to an array, *N* – number of array elements, *number* – searched number. It returns the index of the first appearance of the number in the array, if it is found. Otherwise, it returns -1.

```
int find_in_array(int array[], int N, int number) {  
    int i;  
    for(i = 0; i < N; i++)  
        if(array[i] == number) return i;  
    return -1; }
```

**Step 2.** Visually tracing the SSMR operation.

In order for students to understand better the SSMR operation, it should be visually presented and traced by using concrete input values and specifying matrix cell references. There are two possible scenarios: finding and not finding the number.

	0	1	2	3		0	1	2	3		0	1	2	3
0	3	1	7	5		3	1	7	5		3	1	7	5
1	8	4	6	2		8	4	6	2		8	4	6	2
2	6	9	0	3		6	9	0	3		6	9	0	3
	$A[1][0] = 8 \neq 6$					$A[1][1] = 4 \neq 6$					$A[1][2] = 6 = 6$			

**Figure 1.** Successful search of the number 6 in row with index 1

0	1	2	3		0	1	2	3		0	1	2	3	
3	1	7	5		3	1	7	5		3	1	7	5	
8	4	6	2		8	4	6	2		8	4	6	2	
6	9	0	3		6	9	0	3		6	9	0	3	
	$A[1][0] = 8 \neq 0$					$A[1][1] = 4 \neq 0$					$A[1][2] = 6 \neq 0$			
	$A[1][3] = 2 \neq 0$													

**Figure 2.** Unsuccessful search of the number 0 in row with index 1

**Step 3.** Deriving the function to compute SSMR from the function to search an array.

We modify the function *find\_array* considering that we have to search a given matrix row. So, we have to select a given row of a matrix and apply the algorithm to search an array elements. To select the index of the row we will use a variable *row*. The variable *array[i]* is modified to *matrix[row][i]* to access the row with index *row* of the matrix. Selecting the elements of the row is accomplished by using the counter *i*.

Searching an array:

```
for(i = 0; i < N; i++)
    if(array[i] == number) return i;
```

Searching a matrix row:

```
for(i = 0; i < N; i++)
    if(matrix[row][i] == number) return i;
    fixed ↗ variable (0, 1, ..., N-1)
```

The reference to an array must be replaced with a reference to a matrix in the header of the function and the parameter *row* must be included in the function parameter list. To make the function more understandable to students, we can rename *find\_in\_array* to *find\_in\_row*, *N* to *ncols* and *i* to *j* because usually, but not necessarily, *i* is used to select rows and *j* is used to select columns. The final version of the function is identical to the function we wrote using the TE method.

#### 4. Findings and Results

##### 4.1 Achievement Pretest Results and Analysis

To determine students' previous knowledge level of SSMR, they were given the following problem in the achievement pretest: "Write a function to find a given number in a specified unsorted row of a matrix of integers. If the number is found in the row, then the function should return the position of its first appearance (column index). Otherwise, it should return -1". Students' solutions were weighted with maximum 100 points. The obtained findings are given in Table 1.

**Table 1**

*Achievement Pretest Scores of EG and CG Groups*

Group	N	$\bar{x}$	sd	t	p
EG	30	9.67	7.98		0.741
CG	30	10.33	7.54	0.33	(p > 0.05)

Table 1 revealed that there was *no significant difference* between the scores of the students of experimental group and control group in the achievement pretest. The mean scores of the students in EG and CG were 9.67 and 10.33, respectively. The obtained t-value was smaller than the critical value ( $0.332 < 2.001$ ) and the p-value was larger than 0.05 ( $0.741 > 0.05$ ).

##### 4.2 Achievement Posttest Results and Analysis

To determine students' knowledge and application levels of SSMR after the experimental lectures were conducted, the achievement posttest contained two programming problems. Solutions to each of the problems were weighted with maximum 50% of the total number of points in the test.

*Analysis of Scores of EG and CG in the Achievement Posttest Regarding Students' Knowledge Level of SSMR.*

To determine students' knowledge level of SSMR, the following problem was given in the achievement posttest: "Write a function to count the number of matrix rows which contain a specified number". The obtained findings are given in Table 2.

**Table 2**

*Achievement Posttest Scores of EG and CG Regarding Students' Knowledge Level of SSMR*

Group	N	$\bar{x}$	sd	t	p
EG	30	74.50	18.54		0.009
CG	30	61.17	20.07	2.67	(p < 0.05)

Table 2 shows a significant difference between the scores of the students of EG and CG in the achievement posttest regarding students' knowledge level of SSMR, in favor of the experimental group. The mean score of the students in EG ( $\bar{x} = 74.50$ ) was 21.79% higher than the mean score of the students in CG ( $\bar{x} = 61.17$ ). The obtained t-value (2.67) was larger than the critical value (2.001) and the p-value (0.009) was smaller than 0.05.

*Analysis of Scores of EG and CG in the Achievement Posttest Regarding Students' Application Level of SSMR.*

To determine students' application level of SSMR, the following problem was given in the achievement posttest: "Write a function to sort the numbers of a specified matrix row". The obtained findings are given in Table 3.

**Table 3***Achievement Posttest Scores of EG and CG Regarding Students' Application Level of SSMR*

Group	N	$\bar{x}$	sd	t	p
EG	30	71.33	17.90		0.001
CG	30	55.17	19.98	3.30	(p < 0.05)

Table 3. shows a significant difference between the scores of the students of EG and CG in the achievement posttest regarding students' application level of SSMR, in favor of the experimental group. The mean score of the students in EG ( $\bar{x} = 71.33$ ) was 29.29% higher than the mean score of the students in CG ( $\bar{x} = 55.17$ ). The obtained t-value (3.30) was larger than the critical value and the p-value (0.001) was smaller than 0.05.

*Analysis of the Overall Scores of EG and CG in the Achievement Posttest.* To determine the overall success of the students in the achievement posttest, we summed the points gained for the solutions to programming problems for each student and computed the mean scores for both EG and CG. The obtained findings are given in Table 4.

**Table 4***Achievement Posttest Overall Scores of EG and CG*

Group	N	$\bar{x}$	sd	t	p
EG	30	72.92	18.08		0.003
CG	30	58.17	19.80	3.01	(p < 0.05)

Table 4 shows a significant difference between overall mean scores of the students of EG and CG in the achievement posttest, in favor of the experimental group. The mean overall score of students in EG ( $\bar{x} = 72.92$ ) was 25.36% higher than the mean overall score of the students in CG ( $\bar{x} = 58.17$ ). The obtained t-value (3.01) was larger than the critical value and the p-value (0.003) was smaller than 0.05.

#### 4.3 Attitude Questionnaire Results and Analysis

Based on the fact that the students in EG obtained higher scores than the students in CG in the achievement posttest, we wanted to determine opinions of both EG and CG students towards both explanation methods. In order to do that it was necessary for the students in each group to be familiar with the explanation method used in the other group. So, we presented the TE method to students in EG and PE method to students in CG. The following two questions were addressed to students in the attitude questionnaire:

1. "Pedagogical explanation method of teaching SSMR is more efficient compared to traditional explanation method in terms of students' level of topic comprehension".
2. "Pedagogical explanation method of teaching SSMR is more understandable to students compared to traditional explanation method".

Students' answers to both questions were measured using a common five-point Likert scale (Strongly Dissagree, Dissagre, Neutral, Agree, Strongly Agree). The obtained findings are given in Table 5.

**Table 5***Questionnaire Results Regarding Students' Attitude Towards Explanation Methods*

Strongly disagree		Disagree		Neutral		Agree		Strongly agree	
f	%	f	%	f	%	f	%	f	
Question 1 (EG, CG / N = 60)									
0	0	0	0	11	18.33	29	46.67	20	33.33
Question 2 (EG, CG / N = 60)									
0	0	0	0	9	15.00	31	51.67	20	33.33

In response to the first question 33.33% of the students strongly agreed, 46.67% agreed, 18.33% were neutral and none disagreed. In response to the second question 33.33% of the students strongly agreed, 51.67% agreed, 15.00% were neutral and none disagreed. Based on the answers to the first question, 81.67% of students found PE method more efficient than TE method, in terms of students' level of topic comprehension. The answers to the second question clearly showed that 85% of the students found the PE method more understandable than TE method. None of the 60 students found the TE method more efficient or understandable than PE method.

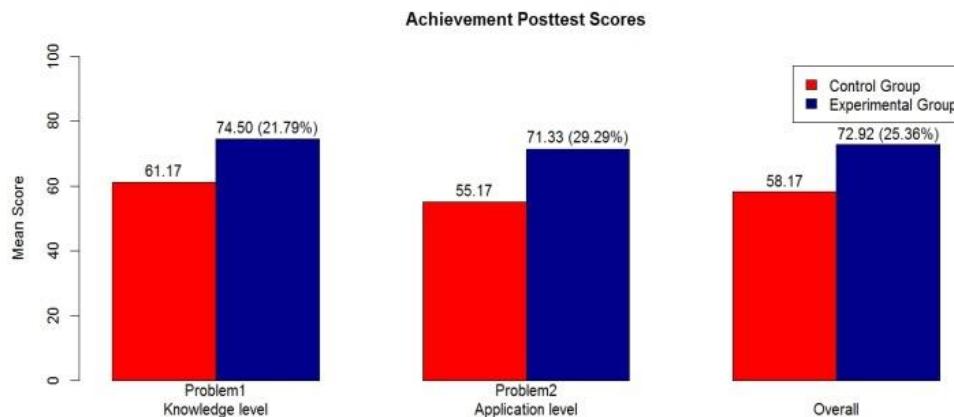
## 5. Conclusion and Discussion

The findings presented in Table 1 regarding the students' achievements in the pretest reflected that the students in EG and CG had almost equal levels of knowledge of SSMR before the experimental lectures took place.

Regarding students' knowledge level of SSMR after the experimental lectures, the findings in Table 2 revealed that the mean score of the students in EG was 21.79% higher than the mean score of the students in CG. This significant difference in favor of the experimental group showed that the pedagogical explanation method of teaching SSMR was more efficient than the traditional explanation method, in terms of students' knowledge level of SSMR.

The findings in Table 3 regarding the students' application level of SSMR, presented an even higher difference of 29.29% between the mean scores of the students in EG and CG, in favor of the experimental group. The students had to solve another similar matrix programming operation – sorting the numbers of a specified matrix row. The students in EG were much more successful than the students in CG in solving this problem because they applied the pedagogical steps similar to the ones they learned for SSMR operation. This significant difference in favor of EG showed that our pedagogical explanation method of teaching SSMR was especially more efficient than the traditional explanation method, in terms of students' application level of SSMR.

As Table 4 indicated, the mean overall score of the students in EG was 25.36% higher than mean overall score of the students in CG. This significant difference in favor of the experimental group showed that our pedagogical explanation method was more efficient than the traditional explanation method in terms of the overall students' achievements in the posttest.



**Figure 1.** Achievement Posttest Scores

Finally, students' feedback on both explanation methods presented in Table 5, clearly reflected that majority of students (85%) considered the pedagogical explanation method of SSMR more efficient and understandable than the traditional explanation method. None of the students found TE method more efficient or understandable than PE method.

These results showed the effectiveness of teaching SSMR by using a pedagogical explanation method. This method positively influenced students' level of topic comprehension, which consequently improved their achievements. In order for students to understand better the other matrix programming operations, similar pedagogical explanation methods should be developed and used in IPCs. These methods should also be based on two important pedagogical techniques that we used in our PE method of teaching SSMR:

- *Visual tracing of MPOs by using concrete input values and specifying matrix cell references for all possible scenarios.* Visualizing the MPO from the pedagogical point of view is mandatory considering the positive effects of visualization in topics comprehension. It can be done by using various software tools ranging from standard office applications (presentation applications, word processors), programming languages to specialized graphics applications.
- *Inductive derivation of matrix functions from the corresponding array functions.* Majority of students in IPCs have not yet developed the "programming logic" to understand the traditional straightforward explanation of matrix programming operations. Consequently, higher level of comprehension can be accomplished by deriving the matrix operations from the corresponding array operations.

On a more general level, the results of this research suggested that pedagogical explanation methods should be developed and used for other topics in IPCs that students usually find difficult to understand, like recursion, linked lists, etc. Using these methods can be a very important factor in significantly increasing students' success in introductory programming courses.

## References

- Bennedsen, J., & Caspersen, M. E. (2007). Failure Rates in Introductory Programming. *ACM Special Interest Group on Computer Science Education Bulletin*, 39 (2), 32-36.
- Brown, C. (2006). An Active Learning Pedagogy in a Programming Course. *Issues in Information Systems*, 2 (1), 124-128.
- Chetty J., & Barlow-Jones, G. (2014). Novice Students and Computer Programming: Toward Constructivist Pedagogy. *Mediterranean Journal of Social Sciences*, 5 (14), 240-251.

- Fares, S.C., & Fares, M.A. (2014). A Redesigned Pedagogy in Introductory Programming Reduces Failure and Withdrawal Rates by Half. World Academy of Science, Engineering and Technology. *International Journal of Social, Management, Economics and Business Engineering*, 8 (5), 1247-1250.
- Hadjerrouit, S. (2008). Towards a Blended Learning Model for Teaching and Learning Computer Programming: A case Study. *Informatics in Education*, 7 (2), 181-210.
- Mason, R., Cooper, G., & de Raad, M. (2012). Trends in Introductory Programming Courses in Australian Universities – Languages, Environments and Pedagogy. *Proceedings of the Fourteenth Australasian Computing Education Conference*, Melbourne, Australia, 33-42.
- Meyer, B. (2003). The Outside-In Method of Teaching Introductory Programming. *Proceedings of Symposium on Object Orientation (IPSJ-SIGSE)*, Tokyo.
- Porter, L., & Simon, B. (2013). Retaining Nearly One-Third more Majors with a Trio of Instructional Best Practices in CS1. *'SISCSE 13 Proceeding of the 44th ACM Technical Symposium on Computer Science Education*, 165-170.
- R Development Core Team (2012). R: A language and environment for statistical computing. Vienna: R Foundation for Statistical Computing, <http://www.R-project.org>.
- Robins, A. (2010). Learning edge momentum: A new account of outcomes in CS1. *Computer Science Education*, 20 (1), 37-71.
- Saeli, M., Perrenet, J., Jochems, Wim M.G., & Zwanenveld, B. (2011). Teaching Programming in Secondary School: A Pedagogical Content Knowledge Perspective. *Informatics in Education*, 10 (1), 73-88.
- Stephen, M., Elizabeth, A., Ogao, P., Franklin, W., & Ikoha, A. (2012). Choosing Tools of Pedagogy (Case of Program Visualization). *International Journal of Application or Innovation in Engineering & Management*, 1 (4), 35-40.
- Vitkute-Adžgauskiene, D., & Vidžiunas, A. (2012). Problems in Choosing Tools and Methods for Teaching Programming. *Informatics in Education*, 11 (2), 271-282.
- Vujosevic-Janicic M., & Tasic, D. (2008). The role of Programming Paradigms in the First Programming Courses. *Teaching of Mathematics*, 11 (2), 63-83.
- Woszczynski, A., Haddad, H., & Zgambo, A. (2005). Towards a Model of Student Success in Programming Courses. *ACM-SE Proceedings of the 43rd Annual Southeast Regional Conference*, 1, 301-304.
- Zingaro, D., Bailey Lee, C. & Porter, L. (2013). Peer Instruction in Computing: the Role of Reading Quizzes. *SIGCSE '13 Proceeding of the 44th ACM Technical Symposium on Computer Science Education*, 47-52.

## Legal Justice and Historical Aspects of the Appearance of Criminality

Mevledin Mustafi

Doc.Dr. of criminal and legal sciences and

a specialist in the field of customs crime, Macedonia

### 1. The general approach to criminality as a negative and dangerous social phenomenon

Criminality as a negative and dangerous social phenomenon presents a social occurrence manifested in different forms during the entire course of human history. Historically, it has been proved that since the ancient times of existence of human society, since primitive community, there have been not only deviations, but also other forms of excessive behavior through breaking the rules, values and social relations of life where they existed.<sup>1</sup> However, the forms of breaking such behavioral rules and the manner of reaction towards these behaviors have changed during the course of development of human communities in accordance to economic ties and as a result also to those cultural. With time passing and the emergence of classes in societies, as well as due to the influence of economic conditions in the life of all members of organized society within a state, crime became a more massive social phenomenon. Thus, in order to successfully develop the fight against it, within class societies emerged a special instrument: the law through which certain behaviors were regulated.<sup>2</sup>

Every human society within its positive-legal norms incriminates certain activities, which by "public governance" institutions give them the character of dangerous social activities and foresee sanctions in cases where the same are breached. Crime is a social occurrence which in different ways manifests negative activities and in a social context produces consequences. Such a negative activity is manifested primarily against material goods and values. Despite these material goods, subject to attacks from criminal activities are also the social values in the context of moral perceptions at a given social environment. These also include the different political, cultural and other social values, generated by the society in the process of its development. When all these material goods and values fall under criminal attacks, this activity leaves destructive and negative implications.<sup>3</sup>

### 2. Being a unique social phenomenon, crime has its roots, reasons, history and manifests certain effects

Being a unique social phenomenon, crime has its roots, reasons, history and manifests certain effects depending on the circumstances and cases, in different fields of life, such as economy, politics, justice, morality, culture etc. Due to its destructive nature, crime has always produced fear, insecurity and horror among citizens, and at the same time increased interest in it. Therefore, in all phases of development of human societies a special interest was shown about the nature, reason and motives of the crime as well as the often tragic consequences and in finding ways for its prevention.<sup>4</sup>

Since the beginning of the 20<sup>th</sup> century it becomes increasingly clear that crimes committed by adults and juveniles are not only criminal-legal concepts. These two phenomena represent complex social occurrences the fight of which needs comprehensive organization of the society and different sciences; hence the legal-criminal treatment of these phenomena is related to this issue. Criminal and sociological researches have contributed in the opinion that crime is a phenomenon conditioned by the society, whereas the criminal, to a greater or lesser extent, is a result of certain social influences and rapport.<sup>5</sup> Earlier views and opinions on crime encompass its road toward development, beginning from the earlier opinions of philosophical and theological nature on criminality all the way to the opinions of legal-penal schools on criminality. In this sense security issues gain another new meaning and importance, essentially in managing and efficient operation of the security system subjects in modern conditions. Only educated and well trained personnel can create transparent,

---

<sup>1</sup> Dr. Selmani Bashkim, *Kriminologjia dhe penologjia*, p.-12-19. Prishtina, 2014

<sup>2</sup> Sahiti Ejup. *E drejtë 1/1995*, Prishtina, p. 13-14.

<sup>3</sup> Milutinovic, Milan. *Kriminologjia*, Rilindja, Prishtina, 1982, p. 297-298.

<sup>4</sup> Halili, Ragip. *Kriminologjia*, Prishtina, 2008, p. 10.

<sup>5</sup> Latifi, Vesel. *E drejtë 1/1997*, Prishtina, p. 29.

democratic and communicative subsystems with clear objectives and defined strategies for carrying out duties in the process of modernization.<sup>1</sup>

### 3. A process needed to be based on theoretical and scientific knowledge as legal justice

This process needs to be based on theoretical and scientific knowledge, whose concrete and practical operability needs to ensure an acceptable role of the system subjects. This is in the reciprocal and mutual interest for solving security issues. Security is not only an issue for the organs of security, but also for all the citizens. For this reason the security mechanisms need to have a respectable place in the society and this can be achieved only through acting based on the scientific and professional knowledge and achievements.

To improve the institutions and its laws, by making them just, society members may freely discuss and present their legitimate requests. Everyone can freely present arguments for their rational positions. Those who are able to think critically always have an opinion on the society, its values and the lack of values, problems and possibilities for rational solution of the same. It would have been ideal if the critical thinking through its views on society and its institutions and laws would have been respected during the course of solving issues that preoccupy the society. Obviously, this is opposed by the policy of pseudo-intellectuals, who prefer to keep their positions, couches, good salaries and other benefits. In the interest of proper functioning of institutions and laws, according to which they function, which is also in the interest of all members of the society, it is necessary to voice a critical opinion. It should always be ready for free discussions on institutions and laws and to present its legitimate demands, aiming at the enhancement of institutions.<sup>2</sup>

### 4. The informative revolution, despite the provided benefits, still has its negative aspects

Great and fast changes in the field of information technology of many modern countries and the application of this technology in the automation of work processes in all spheres of economic and social life represent a real phenomenon today. As part of this, the development of information technology and permanent perfection of the computer's operation in different spheres of activities of natural and legal persons, from the production and circulation of goods and services all the way to national defense and security in a broader sense, have caused that a certain category of irresponsible groups and individuals, through their illegal behavior by using their computers and its components, earn illegal profits for themselves or others. At the same time, through their activities, they cause material damage to natural persons, institutions and to the society in general.

The modern society today is using the greatest achievements of technical-technological development, which are followed by the fast expansion of information technology and the automation of working processes in all spheres of economic and social life. This development, in one hand has brought great ease to the modern society, whereas on the other hand, the premeditated misuse of these technological achievements has created a number of problems and risks to the society in general.

Today, the information technology touches every aspect of life regardless of its position in the globe. Despite the benefits provided by the information revolution, it also has its negative aspect.

### 5. The educational concept oriented towards the future

The educational concept oriented towards the future is a very strong instrument for adapting the dynamism of organizational security structures towards future challenges. Despite the development of the educational system in accordance with the demands and needs of modern society, the equipment with material and technical means, the use of the scientific achievements and the use of information and communication means, of a crucial importance is also the management system, especially in performing actions in complex security situations. Only a managing system based in scientific

---

<sup>1</sup> Dr.Selmani Bashkim, *Krimi i organizuar dhe terrorizmi* - Univeristeti parë privat „FON"-Shkup 2010

<sup>2</sup> Dr. Selmani Bashkim *Kriminologjia dhe penologjia* p-12-21. Prishtina, 2014

achievements and in the application of modern concepts, principles, methods, tactics and techniques can bring success to operational strategic duties in achieving specific objectives, which are a target of democratic security forces' vision.<sup>1</sup>

On the other hand, what are the researchers of this scientific field doing to eliminate and alarm that exactly the ignorance towards these criminal action techniques influences the deterioration of public opinion at times when wealth deviates and draws in itself every person. Of same importance today is also to identify crime, because often both us and our children may be a part of a certain crime if we don't study it and educate people and the young generations about the risk threats from the organized crime in the Albanian modern society.

## 6. The Albanian society is more than ever touched from crime and criminality

The Albanian society is more than ever touched by crime and criminality, and if this is kept silent as it was done until now, crime becomes everyday life to the point where people just by listening to the news know that every sentence starts and ends with crime and criminality. Historical tracking among Albanians has shown that the tendencies and the authors of the crime had usually come from the less educated and less developed people and parts of society. The question that arises is whether today this is still a practice! I can guarantee you that that is not the practice today. Exactly when the psychology of thinking among Albanians have changed a lot, criminality has broken these postulates and we can responsibly conclude that today we have a different momentum, when in particular educated and skilled people commit crimes in different criminal fields, starting from high officials, all the way to their drivers. I stress this because people and officials often, unconsciously and unwillingly enter the darkness of the bunker called greed for wealth without knowing what is hidden in that hermetically sealed bunker.

It is also important that leadership is also a profession that, besides knowledge, demands scientific preparation for building interpersonal relations within the state organizational structures in order to familiarize the public with the potential dangers. This occurs in order to adapt to the demands of the society without the use of corruption and the conditional criminal way for performing an administrative-institutional service.

Viewed from this perspective, we can conclude that a precondition to this is the building of such relations within security structures, which will enable their development in accordance with the principles of equity, tolerance, patience and abilities. This implies the respect towards the leadership philosophy which includes political, judicial, strategic, tactical and other components. In the events of drafting the operational global plans, especially in cases of operational measures, that what highlights is the knowledge about the matter at hand by managing structures. In this way we can follow the level of the implementation of objectives and give the necessary counsels for action, which then will help the orientation of the efficient actions. Each security system of a society takes care for the implementation of duties for which is held responsible.

## 7. Conclusion

The modern management system requires the achievement of determined objectives according to the mutual strategy and the security policy and strategy in the war against criminality. Each death case today would be much more complicated to be solved unless we didn't have sophisticated methods and techniques of forensic expertise. For this reason, the managing services in all hierarchical levels of organization and of authorizations and responsibilities have a crucial role in building and developing relations with the social community in rapport to individual-state and society.

If the relations between elements of the managing system are at a satisfactory level, then also the relations between different levels of forces against the state organized crime would be in accordance with the predetermined objectives from the legal state mechanisms. This can be achieved only within those structures which posses developed organizational and strategic components. Through special methods, expert personnel and higher responsibility they would attempt to eliminate evil thoughts which devour more and more the Albanian society, regardless of the territories they live today. Also the security system, through a series of bearers and entities aims at fulfilling the duty and implementing the duties for achieving, defending and advancing the security situation, with an emphasis in the protection of the citizens and their personal safety

---

<sup>1</sup> Dr.Selmani Bashkim, *Krimi i organizuar dhe terrorizmi*-Univeristeti parë privat „FON"-Shkup 2010

and property. From what we discussed earlier we can easily conclude that the higher the level of the security situation within the state, the harder the potential for higher criminality and other criminal deviations in the society.

## Bibliography

Bashkim Dr Selmani, „Krimi i organizuar dhe Terrorizmi”, Shkup, 2009.

Majk Megvaer & Rod Morgan & Robert Rajner, „Teksti i Oksfordit për Kriminologji” Shkup, Nampres ,2010.Hanson, R.K., Steffy, R.A., & Gauthier, R. (1993) „Recedivizmi afatgjatë i ngacmuesve të fëmijëve. Gazeta e Psikologjisë këshilluese dhe klinike” 61,646-652.

Ragip Dr. Halili, „Kriminologja”, Prishtinë, 2011.

Raporti mbi gjendjen e krimit të organizuar dhe krimit ekonomik në Europën Juglindore, Aktivitetet Kriminale- Trafikimi i Drogës www.europol.eu.int „Europol, Fact sheet on Trafficking in Human Beings”, 2005

Edmont Dragoti „ Psikologjia ligjore e krimit” faq. 76-79 Tiranë,2007

Kodi Penal i Republikës së Kosovës.

Ligji Nr.8610, datës 17.05.2000, “Për parandalimin e pastrimit të parave.

Ligji Nr.9258, datës 15.07.2004, “Për masat kundër financimit të terrorizmit”

Ramadani, Ruzhdri. „Guidë për politikën dhe strategjinë e sigurisë kombëtare”, Tiranë, 2009

Selmani, Bashkim. „Krimi i Organizuar dhe Terrorizmi Ndërkombëtar” Universiteti i parë prvat “FON” Shkup, 2009

Reinares F., European Democracies against Terrorism, Governmental Policies and Intergovernmental Cooperations, 1999

Sandoz Y., Swinarski C., Zinmiermann B., Commentaire des Protocoles additionnels du 8juin 1977 aux Conventions de Genève du 12 aout 1949, 1986.

Byroja Federale e Investigimit (FBI) “Rreth krimit të organizuar”

Byroja Federale e Investigimit (FBI) “ Krimi i organizuar në Ballkan”

Qendra për Studime Strategjike dhe Ndërkombëtare „Duke luftuar rrezikun në rritje të krimit të organizuar ndërkombëtar”, 23 prill 2008

Lajmet e trafikut të drogës, 20 prill 2008

Kontrolli i rrezikut të krimit të organizuar në BE, 2008 (OCTA)

Raporti vjetor i Europol-it, 2007

HUMSEC, prezantim nga Dejan Anastasijevic „Krimi i organizuar në Ballkanin Perëndimor”, nëntor 2006.

Transparency International, Indeksi i Korruptionit Global, 2007, 2008

Jane’s Sentinel, “Kontrolli i rizikut të vendit për Shqipërinë, Maqedoni, Mal i Zi, Serbi, Rumani, Bullgari, Kroaci”.

Kodi Penal i Republikës së Shqipërisë

Kodi penal i Republikës së Maqedonisë

Kodi penal i Kroacisë

# The Administration of Corporate Social Responsibility in the District Regulation in Indonesia

Mukti Fajar ND

Faculty of Law

Universitas Muhammadiyah Yogyakarta, Indonesia

*muktifajar\_umy@yahoo.co.id*

## Abstract

*In Indonesia, Corporate Social Responsibility (CSR) is corporate activity that is regulated by the law. By means of the Investment Law No.25 year of 2007 and the Limited Liability Company Act No. 40 year of 2007, it is regulated that every company in Indonesia is obliged to implement CSR. However, these regulations are not set technically; therefore some local governments have made guidelines for the implementation of CSR through the District Regulations. The problems of this study are: (1) how is the CSR regulation model in the District Regulation? (2) What are the company's attitude and the company's request towards the CSR regulation in the District? This study uses normative law research method that examines the provisions of the law, as well as empirical legal research method that used to observe the behavior and the attitude of the government and corporate actors. This research took place in several provinces in Indonesia. The results of this research are: First, the CSR regulation in regional area is formulated based on local government authorities. The provisions of these district regulations are customized to the interests of each region, although it still normatively refers to the standard legislation. Second: The Company's attitudes prefer the self-regulated regulations arranged by their respective companies. Additionally, the setting of CSR can make the arrangement of CSR activities in accordance with the District Government program; as a result it can speed up the community development.*

Key Word: Corporate Social Responsibility, District Regulation, Self Regulation, Community Development

## A. Background

In Indonesia, Corporate Social Responsibility (CSR) is a corporate activity that is regulated by law. Through the Investment Law No. 25 of 2007 and the Limited Liability Company Act No. 40 of 2007, every company in Indonesia is obliged to implement CSR. Once enacted, many companies, both of domestic private companies and foreign companies as well as state enterprises have been implementing various programs of CSR.<sup>1</sup> Implementation of CSR programs is practically done in a variety of areas in which the companies are operated

This situation raised some issues, namely: First: some regions attempt to manage the implementation of CSR in their areas. With regional autonomy possessed authority, some local governments made policy management in their respective regions.<sup>2</sup> But because there are no clear guidelines on laws and government regulations, the respective local governments formulated and shaped their regulations without any standardization. For example, there are some provinces that regulate the management of CSR through regional regulation. While other areas use the Governor Regulation. While there are also areas that are not set a regulation at all, but many companies have implemented CSR programs there. Second: The settlement of the CSR program management raises a variety of practical problems in the field such as the absence of a local institution to supervise the program implementation. The emergence of ambiguities of rights and duties in companies, governments and society program recipients, as well as the un-standardized implementation of CSR evaluation system has led to legal cases that being brought to corruption court.<sup>3</sup>

Those issues arose because the regulations at the national level are not applicable and lack of guidance.<sup>4</sup> It is causing the rise of multiple interpretations in regulations at the local level as well as in the implementation of CSR practices by

<sup>1</sup> Mukti Fajar ND, *Corporate Social Responsibility in Indonesia*, Publisher: Pustaka Pelajar, 2009, p.281-351

<sup>2</sup> Mukti Fajar ND, *The Problem of Regulation on Corporate Social Responsibility in Local Regulation*, A paper presented in the 30rd Corporate Forum for Community Development (CFCD), Jakarta, PT Indonesia Power, 14 May 2012

<sup>3</sup> Mukti Fajar, *The Deviation of CSR Funding*, Kedaulatan Rakyat Newspaper, 10 September 2013

<sup>4</sup> Directorate of Legal Affairs and Human Rights of the Ministry of National Development Planning/National Development Planning Agency. 2005. "Study of Harmonization of Laws and Regulations in Supporting the National Development". Jakarta; Bappenas RI

companies in the society. Therefore we need a standard model of local government policies regarding the management of CSR programs.

## B. Research Question

From the description above, this study will focus on the question of reviewing the implementation of CSR in the regions based on normative and empirical aspects, with formulated problems as follows:

1. How does the concept of CSR and setting in Local Regulation?.
2. What kind of practices and wishes of the companies towards the regulation of CSR in the local region

## C. Literature Review

### 1. Definition and concept of CSR

Explaining CSR definitively is the initial issue that must be addressed because the definitions of CSR are very diverse. The diversity of the model definition of CSR is the logical consequence of the nature of the implementation that based on the principle of volunteerism. There is no standard model that can be considered as the main reference, both at global and local levels. But some of them can be used as an explanation. ,

According to The World Business Council for Sustainable Development (WBCSD) definition of CSR is: "*Corporate Social Responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.*"<sup>1</sup>

Meanwhile, according to Article 15 paragraph (b) of Law No. 25 Year 2007 regarding Investment stated: "*Every investor is obliged to carry out corporate social responsibility*". Mentioned in the article description what is meant by corporate social responsibility: "*is the inherent responsibility in any investment companies to sustain the harmony of balanced relationship in accordance with the environment, values, norms, and culture of the local community*".

Furthermore, in Article 1 paragraph 3 of Law No. 40 Year 2007 on Limited Company states: "Social and Environmental Responsibility is the commitment of the Company to participate in the sustainable economic development to improve the quality of life and environment which is beneficial for the company, local community and other society".

Hartman and Desjardins explained that CSR is also part of the decision making system in the company.<sup>2</sup> Regarding that matter, implementation of CSR programs cannot concern only on social interest, without any regard on shareholders' since it will deny the corporate nature of the companies that is morally aimed for profit.<sup>3</sup> In other words, the rights of shareholders (stockholders) on profits must also be prioritized, in addition to the other social interests (stakeholders).<sup>4</sup>

Based on its motivation, companies aim the CSR program to donate, to promote as well as the company's sustainability strategy.<sup>5</sup> Practically, the implementation of the CSR programs is quite diverse in reality. For example: (a) Education; (b) Health; (c) Poverty; (d) Employment; (e) Natural disasters; (f) Public facilities and environment; (g) Empowerment of SMEs; (h) Cultural, sport and Religious.

<sup>1</sup> Phil Watts and Lord Holme, Meeting Changing Expectations, World Business Council for Sustainable Development – Corporate Social Responsibility, p.3, download from [www.wbcsd.org](http://www.wbcsd.org)

<sup>2</sup> Laura P. Hartman and Joe Desjardins, Business Etiquette: The Decision Making for Self-Integrity and Social Responsibility, Jakarta: Publisher Erlangga, 2008.

<sup>3</sup> K Berten, Introduction to Business Etiquette, Publisher Kanisius, 2000, p.289-305.

<sup>4</sup> Benedict Sheehy, Scrooge -The Reluctant Stakeholders: Theoretical Problems In The Shareholder-Stakeholders Debate", *University of Miami Business Law Review* 14 (Fall/Winter, 2005): 197, lihat juga Jill E Fish, "Measuring Efficiency in Corporate Law : the Role of Share Holder Primacy", *Journal of Corporation Law University of Iowa* 31 (2006) : 647-648

<sup>5</sup> Mukti Fajar, Corporates Social Responsibility in Indonesia, Yogyakarta, Publisher: Pustaka Pelajar, 2009, p.285

In this study, CSR is formulated in a broader perspective which refers to: (1) the contribution of the company; (2) aimed at improving quality of life and the environment; (3) in the various fields of social activities; (4) employees or external parties; (5) provide the benefit for the companies and society as well as the environment.<sup>1</sup>

## 2. Local Government Authority

The Indonesian government is divided into three levels: central government, provincial government and district government. From the authority aspect, local governments are given the autonomy to manage their own regions. The authority of the government is the main basis for any action and legal acts of every level of government.<sup>2</sup> By the existence of basic legal authority, therefore any actions and legal acts that carried out can be categorized as a legitimate legal action and vice versa.<sup>3</sup>

In Act No. 32 Year 2004 on Regional Government, article 19 verse 2 confirms that the administrator of the local government is the Local Government and Parliament. Article 21 of Act No. 32 of 2004 on Regional Government confirmed the existence of eight rights that belongs to the region in organizing autonomous authority, namely:

- a. Organize and manage the affairs of government.
- b. Selecting the local leaders.
- c. Managing the regional human resources.
- d. Manage the region's wealth.
- e. Pooling the taxes and levies.
- f. Get the profit sharing from the management of natural resources and other resources in the area.
- g. Receiving other legitimate resources of funds.
- h. Receiving other rights set out in the legislation.

The handover of the majority of governmental authority (from the central) to the local government has put local governments as the spearhead of national development in order to create prosperity for the people, fair and equitably. Regarding this matter, the regional's role and support in the implementation of legislation is very strategic, particularly in the establishment of the regional regulations (local laws) and other local regulations in accordance with the provisions of the legislation.<sup>4</sup>

Article 18 verse 6 of the 1945 Constitution states that local government has the right to set of the local regulations and other regulations to implement the regional autonomy and duty of assistance. In this regard, the national legal system gives the attributive authority to the region to establish Local Rules and other regulations. The Local Regulations are expected to synergistically support government programs in the region.

According to article 25 Act No. 32 Year 2004, Regional head has the duties and rights as follows:

1. Lead the management of local government based on policies established with Parliament.
2. Submit the draft of regional regulation.
3. Establish the Regional Regulation which has been approved by parliament.
4. Compile and submit the draft of Regional Regulation on Regional Development and Expenditures Budget to Parliament to be discussed and defined together.
5. Promote the implementation of local obligations.

<sup>1</sup> Michele Sutton, "Between A Rock and Judicial Hard Place Legal Liability Under Kasky v Nike , UMKC Law Review 72 Summer 2004 , ... see also ISO 26000: Guidance on Social Responsibility, Download from [www.iso.org](http://www.iso.org)

<sup>2</sup>Hans Kelsen, 2006, General Theories on Law and State, translated by Raisul Muttaqien, Bandung, Nusa Media,

<sup>3</sup> Afan Gaffar and M Ryass Rasyid, Local Autonomy in the Unitary State, Yogyakarta: Pustaka Pelajar, 2002, p.233

<sup>4</sup> Jimly Asshiddiqie, Regarding Laws, Jakarta, Konstitusi Press, 2006, p.269

- 
- 6. Represent the region in and outside the court, and may appoint legal attorney to represent him in accordance with the legislation.
  - 7. Carry out other duties and responsibilities in accordance with the laws and regulations.

### **3. Theoretical Approach**

There are at least four legal theory related to CSR. (1) reflexive law theory, (2) social responsibility theory, (3) the Hobbesian Leviathan theory, (4) corporate governance theory. But in this study, reflexive law theory will be used as a main analysis tool for the data obtained in this study. This theory has been chosen for at least three reasons, namely:

Firstly, other theories cannot be used for several reasons, such as:

- a. The core of the Social Responsibility Theory, is to give an obligation for the board of directors and corporate management to maintain the harmony between the interests of shareholders and stakeholders.<sup>1</sup> This theory has become too narrow to discuss the formulation of the problem posed in this study, because it only focused on the liability of directors alone.
- b. Hobbesian Leviathan theory calls for strict control of the government, as well as diminish other efforts. Thomas Hobbes in Leviathan teaches that routine control by the government is very effective in law enforcement.<sup>2</sup> This theory became less appropriate to use, because it puts the government as the most competent in managing the public (corporate). This view would be diminished other alternatives in setting CSR.
- c. Corporate governance theory calls for corporate accountability of corporate directors. Accountability is intended for direct accountability to the shareholders in accordance with the law firm.<sup>3</sup> This theory is more likely to observe internal party relations between the management of the corporation and the owner of the company while CSR is also related corporate relationship with external parties.

Secondly, reflexive law theory is used to overcome the deadlock on the formal approach to the obligations of the company in the legal system. Formal legal mentioned is the state intervention in regulating private issues through laws and regulations, such as the Labor Law, Environmental Law, Consumer Protection Act and so forth

It is also explained further that reflexive law theory is the legal theory that explains the limitations of the law (limit of law) in a complex society to drive social change effectively.<sup>4</sup>

Reflexive law theory attempts to suppress the complexity and diversity of the community through the extensive legislation. Reflexive law theory aims to direct the patterns of behavior and encourage the setting itself (self regulation).<sup>5</sup> This legal theory focuses on social processes "regulated autonomy" that is: let the private actors, such as corporations to freely organize itself. On the other side of the reflexive law intervenes social processes by making reference procedures for corporate behavior.<sup>6</sup>

Gunther Teubner said that there has been a law's evolution that produced three types of laws, namely: formal, substantive, and reflexive.<sup>7</sup> . Reflexive Law emerged in response to the crisis of the interventionist state. On one side, reflexive law frees

---

<sup>1</sup> Peter Nobel, "Social Responsibility of Corporations, Article on Symposium Corporate Social Responsibility: Paradigm or Paradox", *Cornell Law Review* 84 (July, 1999): 1259. see also Frank René López, "Corporate Social Responsibility in a Global Economy After September 11: Profits, Freedom, And Human Rights", *Merger Law Review* 55 (Winter 2004): 747. See also Julian Velasco, "The Fundamental Rights Of The Shareholder", *U.C. Davis Law Review* 40 (December 2006): 453

<sup>2</sup> Westlaw Noted, "Finding Strategic Corporate Citizenship: Harvard Law Review, April 2004, p 1973-1974. See also... Thomas Hobbes (1588-1679), *Moral and Political Philosophy*, in the sub-chapter *The Natural Condition of Mankind: Why Should we Obey the Sovereign?*, electronic book version. Downloaded from <http://www.iep.utm.edu/h/hobmoral.htm>

<sup>3</sup> Cynthia A. Williams, "Corporate Social Responsibility In An Era Of Economic Globalization, Symposium: Corporations Theory and Corporate Governance Law", *U.C. Davis Law Review* 35 (February 2002) : 713 .see also Henry Hansmann dan Reinier Kraakman, "The End of History for Corporate Law", Paper no 280, *Business Discussion Paper Series* (Boston : Harvard Law School, 2000), hal. 7-10

<sup>4</sup> David Hess, "Social Reporting: A Reflexive Law Approach To Corporate Social Responsiveness", *Journal of Corporation Law*, 25 (Fall 1999): 42

<sup>5</sup> Ibid.hal 43

<sup>6</sup> Ibid., hal. 50

<sup>7</sup> Ibid., hal. 48

the private sector to determine their own policies, and on the other hand, this law intervene reflexive social processes by establishing procedures that guide the behavior of the subjects.<sup>1</sup>

Reflexive law is basically a procedural law, and therefore, can be considered as self-regulation. Reflexive law seeks to influence decision-making processes and communication with the required procedures. However, the final decision remains in the private sectors. The aim is to encourage the processes of independence self-reflexive in corporations about the impact of their actions on society.<sup>2</sup>

To assess CSR, reflexive law theory is the theory of law that seeks to encourage corporations to reassess whatever practices they have done by providing cutting-edge information called social reporting. Social reporting is a form of a brief report on the social impact due to the corporate behavior ethically on the interests of the public or stakeholders.<sup>3</sup>

In many ways, the social report is the same as social performance of the corporation. Although similar to the company openness that is often disputed, but it is a very important part to be delivered.<sup>4</sup>

Peter Pruzan from Copenhagen Business School provides a very useful description of social reports stating the basic characteristics. According to him, a social report provides standard on how well an organization revive the existing values that are made together with the stakeholders, where the organization is committed also to apply for the organization itself. A social report share a process of dialogue in which the values are integrated into an organization. The social reports also provide an extensive overview of the organization relationship with stakeholders, and thus have the opportunity to thrive and survive in the long term.<sup>5</sup>

The purpose of the regulation that is based on reflexive law theory is not to make the corporation to do the defensive compliance, but to encourage the proactive and responsive management to social issues.

Social reports should be an obligation for all companies at a certain proportion. Both, for public and private corporations in order to obtain a significant impact on stakeholders. However, the costs for CSR and create a social report may be too large for small firms.<sup>6</sup>

The legislators need to consider the cost burden on companies that are smaller, as well as they also need to consider the impact of the companies in the community. A social report should be an annual requirement for all companies that meet the standard requirements.<sup>7</sup>

The importance of the corporate to conduct social reporting is related to the implementation of CSR. First, this report will encourage companies to systematically reflect the impact of their actions on the bigger community. Secondly, this requirement is to provide information to the public whether to reward or to punish a company based on the company's social performance.<sup>8</sup>

On the other hand through the social reporting procedures, companies also obtain information about the current expectations of the market on responsible corporate behavior.<sup>9</sup>

#### D. Research Method

This research uses the normative legal research method that analyze the perspective of the theory, principles and provisions of the law regarding the regulation of CSR in the region.<sup>10</sup> Research materials that needed is a wide range of

---

<sup>1</sup> Ibid., hal 50

<sup>2</sup> Ibid., hal 51

<sup>3</sup> Ibid., hal 64

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Section 12 (g) dari the Securities Exchange Act of 1934 di Amerika Serikat mempersyaratkan semua korporasi dengan 500 atau lebih stakeholders dan lebih dari 5 juta dollar assetnya untuk registrasi ke Securities Exchange Commission dan memenuhi semua persyaratan untuk melakukan keterbukaan (informasi), Ibid., hal 66

<sup>7</sup> Ibid., hal 67,

<sup>8</sup> Ibid., hal 67 - 68

<sup>9</sup> Ibid., 68-69

<sup>10</sup> Peter Mahmud Marzuki, *Legal Research*, Jakarta, Publisher Kencana. 2005

legal documents originating from regulations, books and scientific articles. This is conducted by the library research. Collected secondary data will be analyzed by juridical prescriptive.

Furthermore, this research will also carried out with some kind of empirical legal research, a research that will examine the facts of the implementation of CSR in the region, both explicit and implicit events such as the attitude and the will of the company for the arrangements of CSR area<sup>1</sup>. This process will be carried out by field research. This research will be conducted in several provinces in Indonesia. In addition to observe directly, the data also obtained through interviews with respondents, ie: the representative of the company and local government officials concerned. Collected primary data will be analyzed with a qualitative approach.<sup>2</sup>

## E. Discussion

### 1. The Concept of CSR And Setting In Local Regulation

CSR obligations in Indonesia in the *Investment Law 2007* and *Limited Liability Company Act of 2007* set only few provisions so that it becomes not applicable. This has encouraged local governments to further regulate CSR obligations in local legislation in detail with the hope that it can be a technical guideline in the implementation of CSR programs in the local area. It empirically obtains a variety of different opinions. The government agrees with the idea to organize CSR in the local legislation. It is because of the fact that the companies operate and give impacts to the local area. So it is logical if the government formulated rules. However, unlike the business community, they argue that it is ready sufficient that CSR is regulated at the central government regulations in general terms. Detailed regulation at the local level will make the implementation of CSR programs be bounded, whereas the problems in each area are different. Another opinion from the company's representative stated that it is acceptable that the government regulate CSR in their own region. Nonetheless it must also be understood that some big companies have national and international scale, in which its CSR policies are determined by the center management. Therefore it becomes harder for companies and governments to do the synchronization.<sup>3</sup> Meanwhile, in the government side, the issue of whether the provincial government (Regional Level 1) or the district/city governments (Regional Level 2) which will the effectively regulate it, still emerges.

There are two things that become the background of why the local government regulate the CSR in local legislation.<sup>4</sup> First: Local government normatively has the legal authority to regulate it. Based on Article 25 of the Act No. 23 Year 2014 on Local Government that the head of the local government has the duty and authority to: (1). *Lead the implementation of local government based on policies established with DPRD (Regional House of Representatives)*. (2). *Propose a draft and establish Local Regulations which was already approved along with DPRD (Regional House of Representatives)*. This authority has the objective and the obligation for the duty of local government. In Article 2 of the Local Government Act, several local duties are mentioned related the issues of CSR regulation, which are:

1. To improve the quality of people's life.
2. To improve basic services of education.
3. To provide health care facilities.
4. To provide viable social facilities and public facilities.
5. To develop social security system.
6. To preserve the environment.
7. To preserve socio cultural values.

Secondly, some regions see that by regulating CSR in the region, the regions may get benefit. The development process of the region can be accelerated by involving the companies synergistically. Some government duties can be shared with business people, especially relating to social and environmental issues.

<sup>1</sup> Harkistuti Harkisnowo, 2004, *Handout of Legal Research Method*, Doktoral Program Post Graduate Universitas Indonesia

<sup>2</sup> Anselm Strauss dan Juliet Corbin, *Basic of Qualitative Research*, Translater Muhammad Shodiq, Yogyakarta, Pustaka Pelajar 2003, ...see also , John W Cresswell, *Research Design, Qualitatif and Quantitative Approaches*, (London: SAGE Publication),hal. 20 -21 see also Norman K Denzin and Yvonna S Lincoln, *Handbook of Qualitative Research*, California , SAGE Publications Inc, 1994

<sup>3</sup> The result from an interview with Rio and Andaru, the company representatives who become the members of the CSR Forum, on 11 - 12 June 2015

<sup>4</sup> The result from an interview with Ibu Susie and Ibu Henny, Deputy of Social Service of the Province of Central Java, 11 June 2015

Some regions have different rules formats. Some are regulated by the Governor Regulation, the Decree of the Governor and some are regulated by Local Regulation. For the Special Region of Yogyakarta, for example, it still temporarily uses the Governor Decree of the Special Region of Yogyakarta No. 397/KEP/2012, but it is only to the extent on the regulation of CSR forum in the region. Whereas in West Java, it uses Governor Regulation of West Java No. 30 Year 2011 which regulates the Facilitation of CSR. Meanwhile, in East Java, it regulates the CSR through Local Regulation No. 4 Year 2011.

These different formats of rules are due to several things. *First*, the source of such regulation is different. Regulation which is based on the Investment Act 2007 and the Limited Liability Company Act 2007 is more appropriate to use the Local Regulation. While the one which is based on Social Welfare Act 2009 is more appropriate to be regulated by Governor Decree because it only regulates the working mechanism of the CSR Forum. In addition there is few area which regulates it based on State Own Corporation Act in the form of Local Regulation because it only regulates Partnership Program and Environment Building of the state-owned company operating in the local region. Partnership Program and Environment Building are another names of CSR.

*Second*, legal format differences in the regulation of CSR in the local region is also due to the readiness of governments, companies and communities to regulate CSR. In the local region whose legal instrument is not yet ready, it usually uses Governor Decree of the CSR Forum in advance. If later it is ready, then they regulate it further in the Local Regulation.

In the working process of making academic paper and Local Regulations Draft in the Province of Riau, City of Batam,<sup>1</sup> and Province of Central Java,<sup>2</sup> describes in more detail about the importance of the local region to regulate the implementation of CSR based on the owned authorities. The provisions of Local Regulation Draft of CSR should arrange the important issues which are not regulated in the regulations previously, such as: (1). Rights, Obligations and the CSR Implementer Company; (2). Program, the Execution Location and Targeted Society; (3). Mechanisms and Implementation Procedures, (4). The Location of the Execution; (5). Financing and Procedure of Funding Distribution; (6). CSR Forum; (7). Facilities/Incentives for companies; (8). Evaluation and Reporting; (9). Community Engagement, and; (10). Sanctions.<sup>3</sup>

Normatively, various conditions can be regulated in local regulation, provided they do not conflict with the above regulations. Either basic norm (*Grundnorm*), the constitution, the central regulations (Act) or other regulations.<sup>4</sup> If structurally the hierarchy of the laws are maintained, then it is legitimate normatively and has the force of law to be applied.<sup>5</sup> In addition, local regulation may regulate the operation of the rules above as far as it does not violate the authority of local government.

Some of the issues arranged above have got full support from the government, companies and society. Others experience a long debate, and a small portion is rejected. Issues which have easily got the agreement from all parties are: Right and obligations, incentives, Reporting and CSR Forum. While the issue of: Mechanism of work, location, sanctions and the act of determining programs are not easily agreed upon because of technical problems. For example: the company wants the location of the implementation of CSR programs take priority in the area around the company (ring 1), while the government and the people want the location is based on the government's development programs and the needs of people which may be far away from where the company is located. The mechanism of work also experienced a long debate. The government wants the implementation of CSR programs in accordance with the government, while the company is often in a situation that must respond to the wishes of the people quickly. Related to sanctions, it is also not easily formulated, but eventually it can be decided that the violation of the local regulation on CSR will be subject to administrative sanctions through licensing mechanisms. The issue of financing was rejected by the company. The government wants to regulate the amount of financing for certain CSR through a percentage of company profits. The numbers which are asked only about 2-3 per cent, but this will obviously make the company indirectly reveal their financial condition. It is a taboo for the company.

Finally, in some Local Regulations which is already legalized continue to provide freedom for the company along with the government and the public to determine the program in accordance with the interests of all parties. This is in accordance

<sup>1</sup> Mukti Fajar and Nanik Prasetyoningsih, Academic Paper on Local Regulation Planning on CSR in the Province of Riau and Batam, year 2011

<sup>2</sup> Mukti Fajar and Erwin Indrayanta, Academic Paper on Local Regulation Planning on CSR in the Province of Central Java, year 2014

<sup>3</sup> The Bill of the District Regulation of CSR Province of Central Java, 2014

<sup>4</sup> Hans Kelsen, Pure Theory of Law, Bandung: Nusamedia; 2006, p. 243-252

<sup>5</sup> Hans Kelasen, ibid, p. 216- 222

with the principle of self-regulation in the reflexive law theory.<sup>1</sup> Similarly, the obligation to report to the public on the CSR activities carried out by each company gets the full support from the business person. Social reporting desired meaning of reflexive law theory can be realized through the mechanism of CSR policies in the local region. The existence of CSR forum as an institution which manages the implementation of CSR in the local region is very important. The institution is not part of the governance structure. However, its membership represents government, companies and public. Of the planning, the determination of the program, budget and cost up planning, to conducting evaluation process will be undertaken by the forum. Here the principle of self-regulation gets its effective place, without having the form of repressive policies.

In some local regions, the establishment of the forum is based on the Governor Decree. While in other areas, it has been included in the articles of institution in Local Regulations. Normatively, the existence of CSR Forum is formed by legal sources from the Regulation of the Minister of Social Affairs No. 13 Year 2012. Such Forum has a fairly broad functions, namely: a. to formulate the concept of policy; b. to monitor the implementation of CSR; c. to conduct surveillance; d. to evaluate the implementation ; and e. to give advice and consideration to the implementer of CSR forum.

On the other hand, the forum which is established through that regulation narrows its scope of work. It is because the forum only does the duty for social activity as one part of the duty of Ministry of Social Affairs. The priority of its CSR work program includes: a. income generating for poor families; b. social empowerment for families with socio-psychological problem and socio-economic problems; c. vocational training for drop out teenagers, for women prone to socioeconomic problem, and others; d. assessment and development of a model program of social responsibility on the business world; e. unlivable home renovation; f. social rehabilitation for disabled people (with disabilities); g. social rehabilitation of women with social problem; h. social rehabilitation for juvenile delinquents; i. social protection for neglected children; j. *Home Care* for the elderly; k. empowerment for Remote Indigenous Communities ; l. relief for victims of natural and social disasters; and m. social protection for victims of violence. In fact, CSR can have a very broad program depend on the social problems faced in the region of the operating company both in terms of relief and empowerment. Its scope could be internal party like the employees and the external parties such as consumers, small business partners, surrounding communities, and even the surrounding environment.<sup>2</sup>

While, some local regions establishes the CSR Forum based on Local Regulation which is normatively has no legal reference. However, it already becomes the customary practices in the field. Many CSR Forums were formed by a group of companies with community involvement. The forums were named Corporate Forum for Community Development (CFCD). The model of this forum becomes a sociological reference in the preparation of the institutional in Local Regulation. With such model, the existence of the forum becomes more flexible and broad in its work space so that the various work programs of CSR can be reached.

Some issues related to institutional of those CSR Forum are on costs and budgets. In the Regulation of the Minister of Social Affairs No. 13 Year 2012 it is mentioned that the source of financing for the forum is the Regional Budget (APBD), which is taken from the budget for Social Service. The amount of funding is very minimal, so it is unable to sustain the activities of the CSR Forum. Therefore, in various discussion with members of the forum and the Government in some regions appeared an initiation that the forum can be financed from some part of CSR. This provision refers to the Regulation of the State Minister for State Owned Enterprises No. Per-05/MBU/2007 on the Partnership Program between State Owned Enterprise with the Small Business and Community Development Program. In the regulation, it is mentioned that the implementer can obtain a financing from the CSR funds of 5% for the assistance programs and 10% for the community development activities.

## **2. Practices and Wishes of the Companies towards the Regulation of CSR in the Local Region.**

This study conducts observation and interviews with several companies that have implemented CSR in the Province of Special District of Yogyakarta and Central Java.

Judging from the intention and purpose of companies in implementing CSR in Indonesian, they do not even have any motives. Initially they only respond to requests from the local community who have social problems and need help in terms

---

<sup>1</sup> David Hess, op cit.

<sup>2</sup> Mukti Fajar ND, Corporate Social Responsibility in Indonesia, Yogyakarta, Pustaka Pelajar: 2009

of funding or facilitation. Margaria Group, for example, a company operating in Province of Yogyakarta, already implemented CSR long before the birth of the laws that make CSR as legal obligations.

According to Nina Elsdwastand, General Manager of Margaria Group, she says:<sup>1</sup>

*"Margaria Group not only always emphasize on providing the best quality at every transaction made, but also continuously keep developing CSR programs so that it can also provide benefits to people in need. Now CSR is a commitment of Margaria Group to provide benefits to the community and the embodiment of social responsibility to the community"*

As well as mentioned by Lusiana, General Manager of Natasha Group:<sup>2</sup>

*"We do not have any special expectations and wishes with the implementation of CSR. We have done it before the governments regulates it. The relations with the surrounding community who need help is only a form of spontaneity. So we do not think about the reciprocal benefits. The most important thing is that we can help others".*

The companies have been carrying out various CSR activities in each province. If it is seen from their business, CSR work program is more likely to philanthropy (pure assistance) without any element of community development. CSR activities which they have been done were in relation to the aid for education, health facilities, disaster relief, and religious activities. For instance, Natasha Group has regular annual programs such as: 1) Natasha care of cancer patients; 3) natural disasters reliefs for earthquakes, floods and landslides victims. Similarly with Margaria Group, they have a CSR program "Karena Kita Peduli (Because We Care)" which is routinely held annually. In the Health Sector: 1) The facilitation of cancer surgery and other diseases for the surrounding communities; 2) The medical help of the employee's family. In the environment field, they carry out Biopori plants program, preserving the environment, and building places of worship. In the educational field, Margaria Group provides many scholarships and provides equipment for schools and books. Regarding the form of that CSR program, company determines based on the internal policy along with the public demand. Self-regulation process is used based on the agreement between companies and community groups.

So far they have said that the program was going well and provided benefits to the community. While from the corporate side, they do not pay much attention in the beneficial feedback from the program. They did it without the specific intent to gain "profits" for the company. Only sometimes they take advantage of the activities by putting the brand name of the product, but it also never taken into account of the marketing impact. The most essential part is these companies implement CSR purely to provide for the good of society.

From the side of the company, social reporting is not yet used to enhance the corporate image. Report of activities is still used for internal purposes only.

Although it has been carrying out CSR before there are rules, of side of the company it has expectations and wishes of the regulation of CSR<sup>3</sup>. First, businesses people generally agree with the willingness of the government to regulate CSR in Local Regulation. It is considered to provide legal certainty and clearer guidelines. In addition, the regulation is expected by businesses people in order to encourage companies that have not implemented to take part. CSR activities which can be carried out together will eliminate the feeling of unfairness. The regulation is also expected to create a synergistic situation and to get optimum results. Consequently, the social problems in an area can be overcome by governments, companies and communities together. Secondly, there are several things that become the concern of the businesses people with the idea that of CSR regulation, namely regarding the uniformity of the form prescribed by the government. The Government can prioritize a program that should be carried out by company, but often this would be a barrier. It is because CSR program depends on the conditions and factual situation demanded by the public. It can be different with the government's program. Society will only lead to disappointment. Besides other things which is undesirable is the decision of the amount of the fund of CSR. Although the funding is not big in percentage, for the business people this idea would be a burden. They prefer to be left alone by the principles of fairness and decency. Another thing that becomes the problem for the company is about the location determined by the government. If the location is far from the company's operational area, it is not exactly beneficial. It is because the company hopes that by implementing CSR it will get a return in the form of a good attitude of the people around it. This can be overcome with government's reward to make announcements about

<sup>1</sup> The result from an interview with Nina Elsdwastand, General Manager of PT Margaria Group in Yogyakarta in May 2014

<sup>2</sup> The result from an interview with Lusiana, General Manager of PT Natasha Group in Yogyakarta in May 2014

<sup>3</sup> The result from an interview with Rio and Andaru, the company representatives who become the members of the CSR Forum, on 11 - 12 June 2015

companies that have implemented CSR, so that the people around the company can judge, although not directly feel the benefits.

## F. Conclusions

From the above discussion, it can be summarized as follows:

1. Based on its authority, Local Government is entitled to regulate CSR in the Local Regulation, as a form of giving guidance from the Central Government Regulations. The things that are arranged in the Local Regulations include: (1). Rights, Obligations and the CSR Implementer Company; (2). Program, the Execution Location and Targeted Society; (3). Mechanisms and Implementation Procedures, (4). The Location of the Execution; (5). Financing and Procedure of Funding Distribution; (6). CSR Forum; (7). Facilities/Incentives for companies; (8). Evaluation and Reporting; (9). Community Engagement, and; (10). Sanctions.
2. Many companies that have implemented CSR routinely before the regulations are based on the intention to do good to the society. The idea of CSR regulation in the Local Regulation was welcomed by the business people because it will provide legal certainty and give hope to optimal results. There are some issues that still considered problems such as programs, and location and financing, because it will become an obstacle.

## BIBLIOGRAPHY

Afan Gaffar and M Ryass Rasyid, Local Autonomy in the Unitary State, Yogyakarta: Pustaka

Anslem Strauss dan Juliet Corbin, Basic of Qualitative Research, Translater Muhammad Shodiq, Yogyakarta, Pustaka Pelajar 2003

Benedict Sheehy, Scrooge -The Reluctant Stakeholders: Theoretical Problems In The Shareholder-Stakeholders Debate”, *University of Miami Business Law Review* 14 (Fall/Winter, 2005): 197, lihat juga Jill E Fish, “Measuring Efficiency in Corporate Law : the Role of Share Holder Primacy”, *Journal of Corporation Law University of Iowa* 31 (2006) : 647-648

Cynthia A. Williams, “Corporate Social Responsibility In An Era Of Economic Globalization, Symposium: Corporations Theory and Corporate Governance Law”, *U.C. Davis Law Review* 35 (February 2002)

David Hess, “Social Reporting: A Reflexive Law Approach To Corporate Social Responsiveness”, *Journal of Corporation Law*, 25 (Fall 1999)

Direktorat of Legal Affairs and Human Rights of the Ministry of National Development Planning/National Development Planning Agency. 2005. "Study of Harmonization of Laws and Regulations in Supporting the National Dévelopement". Jakarta: Bappenas RI

Frank René López, “Corporate Social Responsibility in a Global Economy After September 11: Profits, Freedom, And Human Rights”, *Mercer Law Review* 55 (Winter 2004)

Hans Kelsen, 2006, General Theories on Law and State, translated by Raisul Muttaqien, Bandung, Nusa Media,

Hans Kelsen, Pure Theory of Law, Bandung: Nusamedia; 2006, p. 243-252

Harkristuti Harkrisnowo, 2004, *Handout of Legal Research Method* , Doktoral Program Post Graduate Universitas Indonesia

Henry Hansmann dan Reinier Kraakman, “The End of History for Corporate Law”, Paper no 280, *Business Discussion Paper Series* (Boston : Harvard Law School, 2000)

ISO 26000: Guidance on Social Responsibility, Download from [www.iso.org](http://www.iso.org)

Jimly Asshiddiqie, Regarding Laws, Jakarta, Konstitusi Press, 2006

John W Cresswell, *Research Design, Qualitatif and Quantitative Approachhes*, (London: SAGE Publication)

Julian Velasco, “The Fundamental Rights Of The Shareholder”, *U.C. Davis Law Review* 40 (December 2006)

K Berten, Introduction to Business Etiquette, Publisher Kanisius, 2000, p.289-305.

Laura P. Hartman and Joe Desjardins, Business Etiquette: The Decision Making for Self-Integrity and Social Responsibility, Jakarta: Publisher Erlangga, 2008.

Michele Sutton, "Between A Rock and Judicial Hard Place Legal Liability Under Kasky v Nike , UMKC Law Review 72 Summer 2004

Mukti Fajar and Erwin Indrayanta, Academic Paper on Local Regulation Planning on CSR in the Province of Central Java, year 2014

Mukti Fajar and Nanik Prasetyoningsih, Academic Paper on Local Regulation Planning on CSR in the Province of Riau and Batam, year 2011

Mukti Fajar ND, Corporates Social Responsibility in Indonesia, Yogyakarta , Publisher: Pustaka Pelajar, 2009

Mukti Fajar ND, The Problem of Regulation on Corporate Social Responsibility in Local Regulation, A paper presented in the 30rd Corporate Forum for Community Development (CFCD), Jakarta, PT Indónesia Power, 14 May 2012

Mukti Fajar, The Deviation of CSR Funding, Kedaulatan Rakyat Newspaper, 10 September 2013

Norman K Denzin and Yvonna S Lincoln, Handbook of Qualitative Research, California , SAGE Publications Inc, 1994

Peter Mahmud Marzuki, *Legal Research*, Jakarta, Publisher Kencana. 2005

Peter Nobel, "Social Responsibility of Corporations, Article on Symposium Corporate Social Responsibility: Paradigm or Paradox", *Cornell Law Review* 84 (July, 1999)

Phil Watts and Lord Holme, Meeting Changing Expectations, World Business Council for Sustainable Development – Corporate Social Responsibility, p.3, download form [www.wbcsd.org](http://www.wbcsd.org)

The Bill of the District Regulation of CSR Province of Central Java, 2014

The result from an interview with Ibu Susie and Ibu Henny, Deputy of Social Service of the Province of Central Java, 11 June 2015

The result from an interview with Lusiana, General Manager of PT Natasha Group in Yogyakarta in May 2014

The result from an interview with Nina Elsdwastand, General Manager of PT Margaria Group in Yogyakarta in May 2014

The result from an interview with Rio and Andaru, the company representatives who become the members of the CSR Forum, on 11 -12 June 2015

The result from an interview with Rio and Andaru, the company representatives who become the members of the CSR Forum, on 11 -12 June 2015

Thomas Hobbes (1588-1679), *Moral and Political Philosophy*, in the sub-chapter *The Natural Condition of Mankind: Why Should we Obey the Sovereign?*, electronic book version. Downloaded from <http://www.iep.utm.edu/hobmoral.htm>

Westlaw Noted, "Finding Strategic Corporate Citizenship: Harvard Law Review, April 2004

## Suppression of Domestic Violence in Croatia-Quo Vadis?

Barbara Herceg Pakšić, Ph. D.

Senior assistant, Chair of Criminal sciences

Josip Juraj Strossmayer University, Faculty of Law

Ulica Stjepana Radića 13, 31000 Osijek, Croatia

bherceg@pravos.hr, 0912245526

*«Family is a highly variable human group, nevertheless it is a fundamental constant of human history while other groups come and go. » (Šeparović, 1988)*

### Abstract

Domestic violence is a specific form of violence whose suppression is a complex problem. Manifests of the state reactions are different in relation to the prevailing legislative positions on this issue. Studies indicate an increase of this negative behaviour which points out that their control is constantly gaining in importance. The purpose of this paper is to present the legislative positions on domestic violence in the Republic of Croatia. Considering the fact that it has a wide range of modalities it can be directed to different members of the family: children, parents, married and cohabiting partners, the elderly...etc. Respecting the limited scope of this paper, the underlying attitudes of criminal and misdemeanour law against domestic violence are presented. Constant changes regarding the place of this incrimination indicate indecisiveness and caution when it comes to its suppression. Each of the previously existing solution was subjected to numerous complaints from theory and practice. However, deficiencies in the implementation of legal provisions represent major obstacle, followed by the shortcomings in domestic violence victim's protection.

**Keywords:** domestic violence, criminal law, misdemeanour law, human rights, protection of victims.

### 1. INTRODUCTION- BASIC DETERMINANTS OF DOMESTIC VIOLENCE IN CROATIA

Family can be described as a miniature society and certainly is a basis of social development. Domestic violence occurs in homes through various forms against different victims: children, parents, elders, partners... It is therefore not easy to determine its overall concept or effective control strategy. Family connection can be singled out as a cohesive factor and specific interdependence between perpetrator and the victim. In 1988 Šeparović stated that domestic violence is a part of the overall violence in very violent world and represents a harmful, widespread, relatively poorly understood and researched negative social phenomenon, with specific causes but with no easy solutions. Today, almost thirty years later, we can agree with most of his conclusion.

Significant amount of literature on the global level indicates the permanent actuality of this topic. Many studies show a steady increase of domestic violence. It is no longer just a private matter of individual. Sometimes it is called even a matter of public safety (Wolfslehner, 2014, 1). In a contemporary context, under the influence of various factors, family goes through various forms of redefinition. Some of these factors are social dynamics, woman emancipation, social development in general, the loss of family relationships...etc. We have trends of increased age of first marriage fertility rates are declining, various forms of cohabitation instead of traditional marriage are preferred, a large number of divorces is becoming usual. All leads to crisis of the family that is becoming a "crisis of the world" (Racz, 2009, 6).

Violence implies an extreme form of aggression with illegitimate use of physical or psychological force. Domestic violence is any act or omission in interaction and dynamics of mutual relations, conducted individually or collectively and directed to physical or psychological harm (Šeparović, 1988). From a psychological point of view, domestic violence can be defined as conduct aimed at control of other person by force, intimidation and manipulation. Most common forms are physical, emotional, sexual, material and labour abuse (Ajduković, 2000). According to the same author, it is the second half of the 20th century that brought an awareness of the need to prevent violence in families: in the early sixties the problem of abused children was examined, in the seventies we analyzed violence against women and in partner relationships; in the eighties highlight was on the sexual abuse of children and in the nineties on violence toward older people in the family. Some Croatian authors estimate that the latter violence is in great progression (Poredoš, Tošić, Lavor et al., 2005).

Many international documents are dealing with fragments of domestic violence, providing protection to certain categories of victims. Such an approach is not incorrect, but it should take into account the compliance of individual envisaged measures. Numerous studies have proved extremely harmful consequences of domestic violence. For example, violence against women is the biggest external health risk factor for women, which leads to more injuries than traffic accidents, robbery and accidents together (Pavleković, Ajduković, Mamula, 2000, 20).

Given the prevalence of domestic violence and the multiple negative effects caused, we can say that in Croatia, as well as in other countries, there is a problem of systematic access: to determine the forms of domestic violence and to lay down the sanctions in order to prevent violence and protect victims.

According to the statistic data, there is a constant growth of this kind of violence and some authors have pointed the frequency of negative interactions of this kind in the Croatian society (Hrabar, 2007). It should be noted that statistics do not provide a real picture of domestic violence, since these offenses have a large dark number. Gathering reliable data is difficult because of the complexity of the notion of domestic violence. The reasons for this conclusion can be found in poor reporting due to the fact that the victims have constant fear of a repetition of violence; evidence collecting is problematic; there is a potential social condemnation (still exists!) and "family" relationships between the offender and his victim or victims are to be considered. Possible responses to domestic violence from other countries are being monitored in Croatia. Comparative analyses were made regarding various solutions: such as the USA, Japan and Australia...etc. (see Milas, 2005). On the other hand, studies regarding status of women in society and family are not yet at systematic level.

The dynamics of abuse in the family has its own course. From a psychological point of view, it can be observed at all stages, starting from the romantic idealisation of relation until its breakup. Life experience shows that domestic violence has typically progressive line; relatively mild forms of violence are followed with harder ones, which are periodically repeating (Grozdanić, Škorić, Vinja, 2010, 691). Also, there are numerous reasons why some seek to maintain such a distorted human relationships: economic dependency, parenting, fear, saviour syndrome, duty, love, guilt, responsibility, low self-esteem...etc. The case law indicates that victims report perpetrators only after a long exposure to psychological and physical violence (Oset, 2014, 615). All these reasons reveal the complexity of this topic, which implies a specific approach to this problem. It can be researched from a variety of aspects, but the fact is that it is not possible to achieve control this violent behaviour without repressive state intervention. Therefore, the purpose of this paper is to present criminal law and misdemeanour law framework to suppress domestic violence in the Republic of Croatia.

### **1.1. Statistic indicators of domestic violence in the Republic of Croatia, sanctions and profile of perpetrator**

According to the recent extensive research on forms and prosecution of domestic violence, data indicate increase of this violence each year. At the same time, it is considered that progress has been made in its suppressing and punishing the perpetrators (Rogić-Haždalić, Kos, 2012, 78). More specifically, in the observed four-year period 2007-2010, for a criminal offense and misdemeanour regarding domestic violence total of 62 490 perpetrators were reported. Of these, 58 172 (or 93.1%) were reported for misdemeanour and the remaining 4 318, for criminal offense. Of that number, 47 965 perpetrators were convicted: 45 493 perpetrators for the misdemeanour offense, and 2 472 for criminal offense.

Regarding the profile of perpetrator, according to some studies of specific type of domestic violence, parents were the perpetrators of violence against children. For example, 27 years ago, in the former Yugoslavia, research was conducted on violence against children in the area of the Zagreb Municipal Court. The results showed that the incrimination of Neglecting and child abuse was committed almost exclusively by the child's parent, fathers were twice as likely than mothers (Turković, 1988). Research conducted in the area of Osijek Municipal Court, for the period 2008-2011, showed very similar

results: the perpetrators of violence towards children were their fathers, married or in extramarital relationship and with secondary education (Herceg, Salitrežić, 2014).

Also, results of a study conducted at the national level showed that the perpetrator of domestic violence is mostly male (83.2%) and between the age 40-49. The percentage of female perpetrators was 16,8%. More than half of the convicted offenders were married (52.8%), a quarter was unmarried (24.6%), and a fifth divorced (20.4%). When it comes to education, offenders had secondary or only primary school. Most of them are craftsman, tradesman or have no occupation. On the national level, the number of convicted offenders for domestic violence is 270.2 per 100 000 inhabitants. (Rogić-Haždalić, Kos, 2012, 79-80).

Regarding the imposed sanctions, mainly suspended sentence was applied (83.1%), followed by imprisonment (16.5%). The perpetrators of the misdemeanour were punished by a fine (50.8%), followed by prison (41,8%) (Rogić-Haždalić, Kos, 2012, 82). It should be noted that imposition of fines is not particularly effective in the context of suppression of domestic violence. Namely, as this is a merely the obligation of the perpetrator to pay a certain amount of money to the state, there is a shortage in its inadequacy for resocialization as well as the fact that it cannot provide personal character (Novoselec, Bojanić, 2013, 404). Since the payment of fine decreases the consumer standard of entire family of the perpetrator, it represents a form of secondary victimization. Along with the punishment, it is often that courts find it justified to impose protective or security measures, of which the largest part is related to mandatory treatment of addiction.

What is particularly alarming is an established fact that in Croatia every third perpetrator of domestic violence (as criminal offense) is recidivist. For domestic violence as misdemeanour, every eighth perpetrator is recidivist. (Rogić-Haždalić, Kos, 2012, 80). Considering victim protection aspect, this fact is of particular concern. Also, from the standpoint of special prevention, it indicates a poor effect of sanctions on perpetrators. Special prevention (deterrence of perpetrator from future crimes), in addition to general prevention and retribution, is an integral part of Croatian provision on the purpose of punishment (Art. 41 of Criminal Code). For its achievement, it is necessary that the perpetrator perceives the imposed sanction as fair (Novoselec, Bojanić, 2013, 377). It should be noted that in the context of the perpetrators of these criminal and misdemeanour offenses it is particularly important to appropriately conduct imposed security and protective measures. It has been mentioned previously, that these measures are imposing in a high percentage which points to the fact that the courts in a number of cases find the legal requirements for imposition (risk offenders). Real problem is their quality implementation. Life experience dictates that such measures may have even a better effect on the perpetrator rather than punishment itself. A punishment is imposed retrospectively, for what has been done in the past, while these measures are prospective and are imposed with the aim that the unlawful behaviour would not be repeated *pro futuro*.

## 2. DOMESTIC VIOLENCE AND THE VIOLATION OF GUARANTEED HUMAN RIGHTS AND FREEDOMS

Domestic violence violates fundamental human rights guaranteed by numerous documents at the international level. It is evident from the Vienna Declaration adopted in 1993 at UN World Conference on Human Rights, which *explicite* recognizes domestic violence as a human rights violation. The Republic of Croatia is a signatory to numerous international documents related to the topic concerned, but due to the limited scope of the paper, we will mention only the most important of them. The emphasis will be on the domestic legal sources that are presented in detail in the next subchapter.

When it comes to international instruments for the prevention and suppression of this kind of violence, within the framework of the United Nations, there are UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and its Protocol from 1999, the Declaration on the Elimination of Violence against Women from 1993, the Convention on the Rights of the Child in 1989. The Rome Statute of the International Criminal Court places gender crimes and sexual violence under criminal law. Compared to the previous *ad hoc* statutes of international tribunals on Yugoslavia and Rwanda, the position of victims has been improved, since better conditions for compensation of damage and the possibility of involvement in the process are provided (Römkens, Letschert 2007).

Within the Council of Europe there are Recommendation R (85) 4 of 1985 on violence in the family, then Recommendation No. R(90) 2 of 1990 on social measures for protection against domestic violence, also Recommendation Rec (2002) 5 of 2002 on the protection of women against violence. In addition, the Convention for the Protection of Human rights and Fundamental Freedoms from 1950, protects the right to life (Article 2), personal security (Article 5), family and personal life (Art. 8), prohibits torture and degrading treatment (Art. 3) and discrimination (Art. 14). Convention has its own supervisory

mechanism that monitors the possible violation of its provisions in the Member states. This mechanism is the European Court of Human Rights.

This ECtHR started to deal directly with the issue of domestic violence in 2010 (Radić, Radina 2014, 729). In this context two judgments are significant for Croatia: B. Tomašić and others v. Croatia (App. no. 46598/06)<sup>1</sup>, in which a violation of the right to life was confirmed and A. V. the Croatia (App. no. 55164/08)<sup>2</sup>, where a violation of the right to respect for private and family life was confirmed. In both judgments ECtHR criticized the Republic of Croatia due to its ineffective protection of victims of domestic violence and the implementation of protective measures and pointed out that the existing legislation cannot be properly implemented in practice.

One of the more recent documents is Convention on Preventing and Combating Violence against Women and Domestic Violence from 2011. Republic of Croatia became the 27th signatory state of the Convention on 22 January 2013. The purpose is to protect women from all forms of violence and to prevent, prosecute and eliminate violence against women and domestic violence, contribute to combating all forms of discrimination, to promote full equality of women and men including the empowerment of women. In order to create a comprehensive framework, protective policies and measures for assistance to all victims of violence against women and domestic violence are encouraged. It is important to promote international cooperation and provide support and assistance to organizations and competent law enforcement with the aim of effective cooperation and comprehensive approach in combating violence against women and domestic violence. The Convention was so far signed by 36 countries and ratified by 14. Thus it is now in force, for example, in Albania, Andorra, Austria, Bosnia and Herzegovina, Montenegro, Czech Republic, Italy, Portugal, Serbia, Spain, Turkey from August 2014, and from November 2014 in France, Malta and Sweden. It has yet to be ratified in Croatia.

However, none of the mentioned documents «covers» domestic violence as a whole. In fact, one study conducted by the Council of Europe, almost 10 years ago (2006), showed that legal measures to prevent domestic violence, protect victims and prosecute perpetrators are very diverse and vary from country to country. Most countries do not have a specific legislation on combating physical domestic violence. This kind of violence mainly belongs to in the criminal law area or family-related offenses (Hagemann-White, Katenbrink, Rabe 2006). Contrary to this practice, Republic of Croatia passed a special act on combating domestic violence in 2003, as it will be discussed below.

## 2.1. Types of repressive state reaction in Croatia

There are a number of relevant acts and regulations concerning domestic violence in Croatia. Criminal Code, Act on Protection from Domestic Violence, Family Act, Criminal Procedure Code, the National Strategy for Protection against Domestic Violence for the period 2011-2016., Ordinance on the method and place of conducting psychosocial treatment, Standards for the implementation of psychosocial treatment of perpetrators of domestic violence, Protocol for handling cases of Domestic Violence and in the case of sexual violence...

The protection of marriage and the family, as well as the protection of children and young people represent the constitutional category in the Republic of Croatia. Domestic violence is possible to observe through three different aspects: criminal law, misdemeanour law and family law. In the context of effective control of this behaviour, it is necessary to have compatibility and coordination of the above mentioned branches of law. Victim protection is achieved, *inter alia*, with the prescription of criminal offenses, misdemeanours and specific measures in legislation.

Legal norms which stipulate the repressive state reaction in the Croatian legal system represent a certain (positive) *specificum*. In fact, since the beginning of the 21st century, is clear that a response to domestic violence stands out as a

<sup>1</sup> The perpetrator was convicted for Threat to imprisonment of five months and a security measure of mandatory psychiatric treatment was imposed. After the expiration of a little more than a month of the time served, the offender shot his wife, daughter and himself. In considering the obligation of the state, the ECtHR, took two things as the key criteria: the predictability of events-whether the authorities knew or ought to have known of a real and immediate threat to the life and the non-application of reasonable preventive measures. Both criteria were confirmed, and the main complaint was made to the deficiencies of the national system to protect people's lives from dangerous offenders who are recognized as such by the competent authorities.

<sup>2</sup> Several misdemeanour and criminal proceedings were started against perpetrator for different forms of domestic violence, but in the period of five years, no verdict was pronounced and none of the imposed measures was carried out. The ECtHR found that the national courts, pronouncing variety of measures (detention, psychosocial treatment, protective measures and safety regulations, of mandatory psychiatric treatment) demonstrated their necessity, but ultimately these measures had not been implemented.

separate criminal or a misdemeanour offense. This tendency is different from the other legal systems compatible with Croatian one, as these countries generally do not provide a separate incrimination for this type of violence. For example, Germany, Austria, Switzerland and France do not have separate incrimination that penalizes domestic violence (Martinović, 2011, 265, and Radić, Radina, 2014, 730-734).

The year 2003 can be marked as turning point in the Croatian legal system, since a various norms in the field relevant to this topic were adopted: Act on Ombudsman for Children, the Gender Equality Act, Act on Same-sex Communities and Family Act together with the Act on Protection from Domestic Violence. First, we will look at family law, and then misdemeanour and criminal law.

**a) The family law response to domestic violence includes primarily the protection of the child in the context of imposition of certain measures to parents.**

Family Act (Official Gazette 162/98) was the first act that sanctioned domestic violence. It was in a form of misdemeanour, through Art. 118. It entered into force on 1 July 1999 and provision content was as follows: "A violent behaviour from a spouse or any other adult member of the family is prohibited." A provided sanction was deprivation of liberty for up to 30 days. Many of complaints were directed to this solution, coming both from the «theory» (Milas, 2005, 983-984) and from practice (summary of complaints, Oset, 2014, 588). Regardless of that, this opened the way to more appropriate state response.

In 2003, a new Family Act was adopted. (It is yet valid with numerous amendments, Official Gazette 116/2003, 17/2004, 136/2004, 107/2007, 57/2011, 61/2011, 25/2013, 75/2014, 5/2015). It no longer penalized this behaviour as an offense, but focused on the protection of the child from the violent behaviour of family members. The reason was the fact that misdemeanour responsibility was provided through the Act on Protection from Domestic Violence. The toughest possible family law measure is deprivation of parental care. The parent who abuses or grossly violates parental rights and duties can be deprived from parental care in non-litigation proceedings. However, although the commission of offenses against a child is a self-evident example of gross violation of parental responsibility, one study conducted has shown that this measure in practice is not imposed as it should be, regardless of the existence of legal preconditions (Herceg, Salitrežić 2014). When domestic violence against children is committed by other members of the family, it is possible to impose some measures: committal to an institution for social care if the perpetrators are siblings. If the perpetrators are grandparents, the measure of restraining harassment of the child can be imposed. It is certainly necessary to initiate misdemeanour or criminal proceedings.

**b) Misdemeanour sanctioning of domestic violence is the result of efforts to accelerate the state reaction and to be more effective.** Therefore, the Act on Protection from Domestic Violence was passed initially in 2003. In 2009 a new one was adopted (Official Gazette 137/2009, 14/2010, 60/2010), with clearer defined modalities of violence. According to this Act (Art. 3) family consists of women and men married or in extramarital community, common children and children of each of them; blood relatives in a direct line without limitation, in the collateral line to the third degree, by marriage to the second degree; people who have children together; guardian and the ward, foster parent and member of the foster family and members of their families while the relationship lasts. Violence (Art. 4) implies any form of physical, psychological, sexual or economic violence, including, for example, and corporal punishment of children in the educational purposes, sexual harassment, physical coercion, destruction/damage to common property..etc. As an example of economic violence one can mention a situation when one spouse takes advantage of the absence of another, due to hospitalization, and vacates the apartment of the common things, sells common personal vehicle and disputes the existence of joint property while marriage still formally lasts (Oset, 2014, 594).

Specific obligation is provided: health care workers, professional staff of social welfare, professional staff of family prevention and protection, education, labour, religious institutions, humanitarian organizations and society organizations have to report the information on committing domestic violence for which they learned in the context of its competence. Although this obligation is set out in good faith, the practice shows that it is not easy to implement it. For example, in health care there are no adequate records of victims of domestic violence.

The stipulated sanctions are protective measures (mandatory psychosocial treatment, restraining order, prohibition of harassment or stalking, removal from the family home, mandatory treatment of addiction and seizure), imprisonment (up to 90 days) and fine (minimum of 1000 HRK, while for repeat domestic violence minimum of 15 000).

With regard to the current expression of the Act, it should be noted that there is insufficient determination of kinship/congenital relation in certain cases. Specifically, when regulating the sanctioning of repeated commission of violence in the presence of a child (Art.20 of this Act, in para. 4 and 6: a minor or a person with disability), there is no prominent family characteristic. Although according to «letter of the Act» it can be a case of no relatives or family connections (which undoubtedly creates practical difficulties in procedure since the notion can go too broad), given the teleological interpretation of the legislator intention, *ceterum censeo* it should be taken as a child, minor or a person with disabilities, who is a member of the perpetrator family. The notion "family member" is sometimes not even determined in practice of misdemeanour courts when a person is convicted (High Misdemeanour Court, JŽ-2999/2012).

c) **Criminal offense regarding domestic violence has been introduced in 2000**, with the Amendments to the Criminal Code (Official Gazette 129/00). Art. 215a called *Violent conduct within a family* was added. Before its introduction as a separate offense, domestic violence could have been prosecuted through other incriminations: bodily harm, grievous bodily harm, sexual misconduct, defamation and others, depending on the circumstances and *in concreto*. The provision was as follows: "The family member who uses violence, harassment or particularly insolent conduct and places another member of the family into a humiliating position shall be punished by imprisonment of six months to five years." The incrimination had significant deficiencies.

The very text of incrimination makes it evident that this is a *delictum proprium*, but comparing the parallel positive norms of the Act on Protection from Domestic Violence (Art. 3, furthermore APDV) and previous Criminal Code ( Official Gazette 110/1997, 27/1998, 50/2000, 129/2000, 84/2005, 51/2001, 111/2003, 190/2003, 105/2004, 71/2006, 110/2007, 152/2008, 57/2011, 77/2011, furthermore CC/97) (Art. 89 para. 30), one comes to the conclusion that the APDM sets the notion «family» more broadly. Specifically, CC/97 did not mention specific categories such as custodian and guardianship, foster parent and the person placed in a foster family and the members of their families. Furthermore, complaints have been addressed to the set of actions of commission, whose basic terms have not been defined in the CC/97. So the major opinion at the time was that it is too extensive.

It was defined as "violence, abuse or particularly impudent behaviour". In this regard, the violence implied physical or psychological force, sexual or economic violence or violence against things (Turković in Novoselec et al., 2011, 212). According to the same author, abuse had the same meaning and according to other authors, it was a behaviour that had weaker intensity than violence (Pavišić et al, 2007, 535). Particularly insolent conduct included insults, arrogance, a behaviour that deviates considerably from the usual (Turković in Novoselec et al., 2011, 212). It is evident, that there was a coincidence and overlapping of certain forms of violence in the broad sense.

It is enough just to point out that judges have had a problem in the interpretation of these forms. For example, behaviour of son, shouting at the mother not to interfere in his affairs and to go out of the house or he is going to hit her, was not considered violent family behaviour. Court found that this kind of behaviour does not represent a particularly insolent conduct (County Court Bjelovar, Kž-437/08), even though the meaning of this behaviour was, *inter alia*, behaviour that deviates substantially from usual. Objective requirement was bringing in humiliating position. Modelled by the Swedish criminal provision (Law 1999: 845, Chapter 4, Section 4a), this was interpreted as a "gross violation of integrity" with the loss of self-esteem and self-confidence. It was thought that this objective condition does not have to be included in the perpetrator's intent, but the judgments showed that sometimes that was required (in detail, Martinović, 2011, 269-271).

Regarding the imposed sanctions for offenses committed under the Art. 215a, typically pronounced sanction was suspended sentence with supervision. In a number of cases special obligations were imposed, such as mandatory treatment of addiction, the obligation of psychosocial treatment and others (Brkić, Loje, 2014, 100). Many complaints were referred to this incrimination: interweaving with numerous other incriminations without a clear demarcation criteria (Herceg, Salitrežić, 2014, 75), questions of concurrence, the absence of borders between this crime and misdemeanour offense form APDV with no clear criteria for procedure... Some practitioners believe that this border is often not determinable (Oset, 2014, 589). The latter remark became especially important after the judgment of the ECtHR in the case Maresti v. Croatia

(judgment of 23.07.2009., Application no. 55759/07): the violation of the *ne bis in idem* principle (Art. 4 Protocol 7 to ECHR) was confirmed, which incurred by conducting misdemeanour and criminal proceedings for the same offense.

This, in Croatian literature often analyzed judgment, started the way of a clearer demarcation of misdemeanour from criminal offenses. It was therefore rightly highlighted that the provision of this incrimination was too wide, unclear and contrary to the requirements of the principle of certainty (*lex certa*) as part of the principle of legality (Turković in Novoselec et al., 2011, 213; Martinović, 2011, 277).

Because of all this, the group working on the new Criminal Code (further: CC), decided to delete this incrimination. This attitude was ultimately accepted. This means that this CC (Official Gazette 125/11, 144/12), which entered into force on 1 January 2013, no longer anticipated domestic violence as a form of criminal offense. After twelve years of its existence, the sanctioning was left completely to the field of misdemeanour law. However, that there was no absolute decriminalization of domestic violence. It was anticipated that future domestic violence behaviour will be processed through the following criminal offenses: bodily injury, serious bodily injury, aggravated bodily injury, coercion, threat, insult, serious crimes against sexual freedom, serious crimes of sexual abuse and exploitation of children. The circumstance that the perpetrator committed violence against members of his family was a qualifying circumstance in a variety of criminal offenses, since the family members were included in a close person concept.

This led to a specific prosecution. For example, an offender who has his wife beat up all over the body, cut her with a knife on hand, threatened to kill her holding the knife at her heart, and then under her neck, committed two criminal offenses: Bodily injury under Art. 117. para. 2, and Threat, Art. 139. para. 2 CC (Virovitica Municipal Court, K-3 / 13-24). Various complaints were directed to this incrimination solution: domestic violence ceases to be "visible" and makes it difficult to track statistics (that will have to go through an analysis of other crimes, such as injury); reduction in social significance of domestic violence, lack of protection of victims, requirement that severe domestic violence modalities need criminal protection (Moslavac, 2013), faster possibility of recidivism ... etc.

Although response through misdemeanour procedure is generally faster than the criminal one, the effectiveness of providing protection to victims is questionable considering that the envisaged misdemeanour sanctions were less severe. Some practitioners pointed out that the new Criminal Procedure Act insists on the cost benefit principle and effective treatment, reducing time limits for taking action. Therefore, it is achievable that the perpetrator can be punished in the short time period. Additionally, in order to speed up, a specific withdrawal of withholding testimony from privileged witnesses was proposed (Moslavac, 2013). It can be said that this concept of responsibility for domestic violence was subjected to criticism since the beginning. This was particularly obvious in violent brutal behaviours that did not end with injury or other criminal offense and therefore were prosecuted merely as misdemeanour offense.

As a response to these critics, a new criminal offense was proposed. It was meant to be called "Psychological violence in the family", with content as follows: "Who with prolonged serious insulting or intimidation of a close person severely impairs her psychological integrity". This proposal was subjected to criticism immediately: the concept of favourizing only psychological violence against individuals was unclear; it would lead to uneven protection of victims; the notion of psychological integrity in itself is vague ... etc. So this proposal reached only to first reading in the Croatian Parliament, afterwards professional debates were held that have shown the insufficiency of this incrimination for all forms of domestic violence that deserve criminal responsibility.

What followed next was a change of attitude of the legislator. The Act on Amendments to the Criminal Code (Official Gazette 56/15), entered into force on 30 May 2015, adding a new Article 179a, entitled "Domestic Violence". Thus, after two and a half years (01 January 2013 -29 May 2015) domestic violence was recriminalized in CC. The Article states that "The one who has seriously violated the regulations on protection from domestic violence and thus to a family member or to close person caused fear for safety or the safety of persons close to this person or brings person into a humiliating position, and by this act a graver criminal offense is not committed, shall be imprisoned up to three years. "This is an individual criminal offense related to the manifests of violence that have not resulted in some other offense. The intensity of the violence shows that misdemeanour liability is not sufficient.

For example, heavy insults, intimidation, physical, sexual abuse, etc. (The final proposal on amendments to the Criminal Code). This is a specific offense, suggesting violation of other regulations concerning protection from domestic violence. Regarding prosecution, higher criminal quantity is required, derived from two cumulative conditions: a grave breach of subject regulations and serious consequences (fear for safety). Thus formed criminal offense gives a clearer demarcation from the misdemeanour offense. Maintaining the concept of qualified criminal offenses when they are committed against a

person close to, a subsidiary of this new criminal offense of domestic violence is proposed: domestic violence will be a solution if "another (harder) a criminal offense" is not committed.

**Two more acts should be mentioned that are adopted to combat domestic violence at national level.**

First one is the Protocol for handling cases of domestic violence that aims to provide conditions for effective and comprehensive reaction of the competent authorities, in order to improve protection and assistance to victims of domestic violence as well as to help the offenders to change their behaviour and value system in order to enable non-violent conflict resolution. The competent authorities in terms of the protocol are police, social care centres, health care and educational institutions and judicial bodies. Second document is National Strategy for Protection from Domestic Violence (Official Gazette 20/11). As the basic goals this Strategy emphasizes prevention of this type of violence, improvement of interdepartmental cooperation, training of professionals working in the field of domestic violence, psychosocial treatment of offenders, improvement of the legislative framework, care and support to victims of domestic violence as well as raising public awareness of the issues.

**d) Specific procedural questions regarding domestic violence**

Collecting evidence in domestic violence cases represents a delicate difficulty. It involves interference in highly personal relations between family members. Although victims seek protection of state authorities *proprio motu* and report the perpetrator, it should be noted that withdrawals or changes in their testimonies happened often. This was greatly complicating sanctioning of perpetrators *in concreto*. These testimonies are often crucial in criminal proceedings of domestic violence. The possibility of withdrawal represented "significant problem for the prosecution that directly affected the quality and efficiency of the procedure" (Moslavac, 2014, 4).

Victims, according to a previous regulation, enjoyed the privilege of not testifying, while later this privilege was modified. The amendments to the Criminal Procedure Act changed the Art. 285. Changes came into force on 15 December 2013. Article regulates exemption from testifying in criminal proceedings for certain categories of people, including, in the context of the subject of this paper, the person with whom the accused person is married or in extramarital union, relatives in the direct line, relatives in the collateral line to the third degree and relatives by marriage to the second degree, an adoptee and the adoptive parent of the accused.

Standing in the aforementioned legal relation with perpetrator, these persons do not have to testify in criminal proceedings. The competent authority has to inform them on this right. However, if they do decide to testify, the competent authority has to inform them that their statement, regardless of any future change of mind, can be used as evidence. This prevents domestic violence victims from withdrawal of their statements in later stages of the proceedings but also makes it easier for prosecution to prove violence *in concreto*. There are no specialized courts that would deal with cases of domestic violence in Croatia. For example, Canada has introduced Domestic violence courts in 1991; first one was in Winnipeg, Manitoba. The purpose was to respond to family violence more effectively (Beaupré, 2015, 9). It is stated that they cooperate with other sectors of community such as treatment agencies, specialized police units, victim advocates and probation officers. It seems that, given the high rate of domestic violence and recidivist level, it would be appropriate to rethink even more active state response in this direction. It would increase the importance of justice system role in combating domestic violence.

### 3. CONCLUSION

Frequent changes in legislative positions regarding domestic violence are sending a message of state reaction uncertainty and indecisive mechanisms of suppression. In the last fifteen years Republic of Croatia has had different versions of domestic violence suppression strategy. First, regulation in misdemeanour sphere exclusively, second through simultaneous offenses in misdemeanour and criminal law. In this context, situation was followed by procedural implications regarding the existence of dual incrimination. Enforcement of criminal and misdemeanour procedure involves a breach of guaranteed *non bis in idem principle*. Selection of one procedure had not been transparent due to interlocking similar modalities of violence that could be subjected to criminal and misdemeanour procedure as well.

Third solution was to delete the penal incrimination and surrender the suppression to misdemeanour law. Fourth and positive situation (again) implies both misdemeanour and criminal involvement in family relations. Recent modifications have brought improvement in demarcation, since a grave breach of subject regulations is required as well as realization of severe consequences. While this reluctance in legislation attitudes is not reassuring when it comes to the state response to perpetrators of domestic violence, some authors have recently expressed their approval regarding domestic violence «come back» in criminal law, believing that this synergy solution is a proper way of better suppression results to be achieved.

Studies have shown that children exposed to domestic violence adopt and implement it as a way of "communication" with each other in adulthood, whereby such behaviour is not manifested only in the family but also in the wider environment. That's reason enough why we should constantly be putting efforts in suppressing this unlawful and highly damaging behaviour. It is necessary to pay special attention to the following elements: capable and educated human resources sensitized to the problem of domestic violence; activity coordination of relevant state authorities since obvious reaction incoherence that leads to lack of quality protection for victims was confirmed; simplified procedures and reinforced mechanisms of restraining orders for perpetrators. It would be justified to think about more active role of justice system through specialized courts for domestic violence in the future.

#### BIBLIOGRAPHY:

- Ajduković, M. (2000), Određenje i oblici nasilja u obitelji [Definition and forms of family violence] in M. Aduković, G. Pavleković, (Eds.) *Nasilje nad ženom u obitelji*, Društvo za psihološku pomoć, Zagreb, 11-15.
- Ajduković, M., Mamula, M. (2000), Dinamika zlostavljanja unutar obitelji [The dynamics of abuse within the family ] in M. Ajduković, G. Pavleković, (Eds.) *Nasilje nad ženom u obitelji*, Društvo za psihološku pomoć, Zagreb, 81-87.
- Beaupré, P. (2015), Cases in adult criminal courts involving intimate partner violence, Canadian Centre for Justice Statistic, Juristat, Statistic Canada Catalogue no. 85-002-X, 3-28.
- Brkić, G., Loje, G. (2014), Sankcioniranje obiteljskog nasilja [Sanctioning of domestic violence] *Pravo i porezi*, 7-8/14, 91-100.
- Grozdanić, V. Škorić, M. Vinia I (2010): Nasilje u obitelji u svjetlu promjena Kaznenog zakona i Domestic Violence in the scope of changes to the Criminal Code], Hrvatski ljetopis za kaznenou pravo i praksu, vol.17, n. 2/2010.
- Hagemann-White, C., Katenbrink, J. Rabe, H. (2006), *Combating violence against women Stocktaking study on the measures and actions taken in Council of Europe member States*, Directorate General of Human Rights Strassbourg, <[http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/CDEG\(2006\)3\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/CDEG(2006)3_en.pdf)>, 15 June 2015.
- Herceg, B., Salitrežić, A. (2014), Odnos između kaznenih djela na štetu djeteta i poduzimanja mjere lišenja roditeljske skrbi [The relation between criminal offenses against children and measure of deprivation of parental care] in B. Rešetar, S. Aras (Eds.) *Represivne mjere za zaštitu osobnih prava i dobrobiti djeteta*, University of Josip Jurja Strossmayer, Faculty of Law, Osijek, 67-82.
- Hrabar, D. (2007), Nasilje u obitelji [Domestic Violence] in M. Alinčić, D. Hrabar, D. Jakovac-Ložić, A. Korać Graovac, *Obiteljsko pravo*, Narodne novine, Zagreb, 255-257.
- Kazneni zakon [Criminal Code] Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11.
- Konačni prijedlog o izmjenama i dopunama Kaznenog zakona [The final proposal of amendments to the Criminal Code], <<https://vlada.gov.hr/UserDocsImages/Sjednice/2015/221%20sjednica%20Vlade//221%20-%201.pdf>>, 01 June 2015.
- Konvencija o sprečavanju i borbi protiv nasilja nad ženama i nasilja u obitelji iz 2011 [Convention on preventing and combating violence against women and domestic violence] <[http://www.ured-ravnopravnost.hr/site/images/pdf/prijelom\\_online\\_konvencija.pdf](http://www.ured-ravnopravnost.hr/site/images/pdf/prijelom_online_konvencija.pdf)> 17 June 2015.
- Martinović, I. (2011), Kaznenopravni aspekti obiteljskog nasilja [Criminal law aspects of domestic violence] in I. Radačić, J. Vince Pallua, J. (Eds.) *Ljudska prava žena, razvoj na međunarodnoj i nacionalnoj razini 30 godina nakon usvajanja Konvencije UN-a o uklanjanju svih oblika diskriminacije žena*, Institut za društvene znanosti Ivo Pilar, Zagreb, 261-280.
- Milas, I. (2005), Nasilje u obitelji-pravni aspekti [Domestic violence- legal aspects], *Zbornik Pravnog fakulteta u Zagrebu*, Vol.55, n.3-4, 961-999.
- Moslavac, B (2014) *Psihičko nasilje u obitelji kao zasebno kazneni dio /Psychological violence in the family as a specific criminal offense/* IUS Info, <<http://www.iusinfo.hr/Article/Content.aspx?SOPI=CLN20V01D2014B747>>, 25 June 2015.

- Moslavac, B. (2013), Upitnost kaznene dekriminalizacije nasilničkog ponašanja u obitelji [The questionable decriminalization of domestic violence in Criminal law], *Hrvatska pravna revija*, 7-8/2013.
- Novoselec, P., Bojanić, I., Cvitanović, L., Derenčinović, D., Grozdanić, V., Kurtović, A., Turković, K. (2011): *Posebni dio kaznenog prava* [Special Part of Criminal law], second edition, Sveučilište u Zagrebu, Pravni fakultet.
- Novoselec, P., Bojanić, I. (2013), *Opći dio kaznenog prava* [General Part of Criminal law], Sveučilište u Zagrebu, Pravni fakultet,
- Oset, S. (2014). Prekršainopravna zaštita od nasilia u obitelji. [ Protection against Domestic Violence provided by Misdemeanour law], *Hrvatski ljetopis za kazneno pravo i praksu*, vol.21, n. 2/2014, 579-618.
- Pavišić, B., Veić, P., Grozdanić, V. (2007), *Komentar Kaznenog zakona* [Commentary of the Criminal Code], Narodne novine, Zagreb.
- Pavleković, G., Ajduković, M., Mamula, M. (2000), Nasilje nad ženom u obitelji: osobni, obiteljski ili javnozdravstveni problem? [The violence against women in the family: personal, family or public health problem?] in M. Aduković, G. Pavleković, (eds) *Nasilje nad ženom u obitelji*, Društvo za psihološku pomoć, Zagreb, 17-28.
- Poredoš, D., Tošić, G., Lavor, T., Jerković, S., Tomurad, M., Grgić, Z. (2005) Osobe starije životne dobi žrtve nasilja u obitelji [Elderly victims of domestic violence], *Policija i sigurnost*, 14, n.1-6, 36-48.
- Protokol o postupanju u slučaju nasilja u obitelji [Protocol for handling cases of domestic violence], <[http://www.iusinfo.hr/Appendix/DDOKU\\_HR/DDHR20140128N89\\_24\\_1.pdf](http://www.iusinfo.hr/Appendix/DDOKU_HR/DDHR20140128N89_24_1.pdf)>, 17 June 2015.
- Racz, A. (2009), *Uvjerenja medicinskih sestara o nasilju nad ženom u obitelji i spremnost na suradnju sa službom socijalne skrbi* [Beliefs of nurses about violence against woman in the family and willingness to cooperate with the ministry of social welfare], Pravni fakultet, Studijski Centar socijalnog rada, Sveučilište u Zagrebu, doctoral dissertation.
- Radić, I. Radina A. (2014) *Zaštita od nasilia u obitelji: obiteljskopravni, prekršainopravni i kaznenopravni aspekt* [ Protection against violence in home [Domestic Violence-Family law, Misdemeanor and Criminal aspects]], *Zbornik radova Pravnog fakulteta u Splitu*, 51, n. 3/2014.
- Ronić-Haždalić, D. Kn. I. (2012) *Nasilje u obitelji: pravni okvir i nojavni oblici 2007-2010* [Domestic Violence: Legal Framework and Forms of Appearance, 2007-2010], Državni zavod za statistiku, Zagreb.
- Römkens, R., Letschert, R. (2007), *Studija provedivosti konvencije o suzbijanju obiteljskog nasilja* [Study on enforceability of the Convention against domestic violence] <[www.uvt.nl/intervict](http://www.uvt.nl/intervict)> 25 May 2015.
- Šeparović, Z. (1988), Nasilje u obitelji, pojave-uzroci-rješenja [Domestic violence: Incidence, causes, solutions] in Z. Šeparović (Ur.) *Nasilje u obitelji*, Jugoslavensko viktimaloško društvo, Dubrovnik, 3-15.
- Turković, K. (1988), Nasilje nad djecom; istraživanje krivičnog djela zapuštanja i zlostavljanja maloljetnika u praksi općinskog suda u Zagrebu [Violence in the Family-maltreating and neglecting minors, some results of the research undertaken on the County Court of Zagreb] u Z. Šeparović (Ur.) *Nasilje u obitelji*, Jugoslavensko viktimaloško društvo, Dubrovnik, 85-97.
- Turković, K., Novoselec, P., Grozdanić, V., Kurtović, Mišić, A., Derenčinović, D., Bojanić, I., Munivrana Vaida, M., Mrčela, M., Nola, S., Roksandić, Vidlička, S., Tripalo, D., Maršavelski, A. (2013) *Komentar Kaznenog zakona* [Commentary of the Criminal Code], Narodne novine, Zagreb.
- Vienna declaration adopted by the World Conference on Human Rights on 25 June 1993, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>> 20 May 2015.
- Wolfslechner, B. (2014), Schutz vor Gewalt in der Familie. Maßnahmen gegen physische und psychische Beeinträchtigungen im Straf-, Zivil- und Verwaltungsrecht, Dissertation, Universität Wien.
- Zakon o kaznenom postupku i Criminal Procedure Code* Official Gazette 152/2008, 76/2009, 80/2011, 91/2012, 143/2012, 56/2013, 145/2013, 152/2014.
- Zakon o zaštiti od nasilja u obitelji* [The Protection from Domestic Violence Act], Official Gazette, 137/2009, 14/2010, 60/2010

## Graph Coloring Problems in Modern Computer Science

Besjana Tosuni

European University of Tirana , Tirana, Albania

e-mail.b.tosuni@hotmail.com

### Abstract

*Graph coloring is one of the most important concepts in graph theory and is used in many real time applications in computer science. The main aim of this paper is to present the importance of graph coloring ideas in various areas of computer applications for researches that they can use graph coloring concepts for the research. Graph coloring used in various research areas of computer science such data mining, image segmentation, clustering, image capturing, networking etc. This papers mainly focused on important applications such as Guarding an Art Gallery, Physical layout segmentation, Round-Robin Sports Scheduling, Aircraft scheduling, Biprocessor tasks, Frequency assignment, Final Exam Timetabling as a Grouping Problem, Map coloring and GSM mobile phone networks, and Student Time Table. In this paper we review several variants of graph colouring, such as precolouring extension, list colouring, multicolouring, minimum sum colouring, and discuss their applications in scheduling. A very important graph parameter is the chromatic number. Presently, graph coloring plays an important role in several real-world applications and still engages exciting research.*

**Keywords:** Graph theory, graph coloring, map coloring , scheduling problems, multicolouring.

### 1. INTRODUCTION

Nowadays the studies about the behavior of several graph parameters in product graphs have become into an interesting topic of research in graph theory. For instance, is it well known the Hedetniemi's coloring conjecture [16, 20] for the categorical product (or direct product), which states that the chromatic number of categorial product graphs is equal to the minimum value between the chromatic numbers of its factors. Also, one of the oldest open problems in domination in graphs is related with product graphs. The problem was presented first by Vizing [25] in 1963. After that he pointed out as a conjecture in [26]. The conjecture states that the domination number of Cartesian product graphs is greater than or equal to the product of the domination numbers of its factors.

Graph coloring especially used various in research areas of science such data mining, image segmentation, clustering, image capturing, networking etc., For example a data structure can be designed in the form of tree which in turn utilized vertices and edges.

Similarly modeling of network topologies can be done using graph concepts. In the same way the most important concept of graph coloring is utilized in resource allocation, scheduling. Also, paths, walks and circuits in graph theory are used in tremendous applications say traveling salesman problem, database design concepts, resource networking. This leads to the development of new algorithms and new theorems that can be used in tremendous applications. Graph coloring is one of the most important concepts in graph theory and is used in many real time applications in computer science. Various coloring methods are available and can be used on requirement basis. The proper coloring of a graph is the coloring of the vertices and edges with minimal number of colors such that no two vertices should have the same color. The minimum number of colors is called as the chromatic number and the graph is called properly colored graph .

## 2. GUARDING AN ART GALLERY

### 2.1 The Sunflower Art Gallery

Figure 2.1 shows the unusual floor plan of the Sunflower Art Gallery and the locations of four guards. Each guard is stationary but can rotate in place to scan the surroundings in all directions. Guards cannot see through walls or around corners. Every point in the gallery is visible to at least one guard, and theft of the artwork is prevented. Of course, it would be more economical to protect the gallery with fewer guards, if possible.

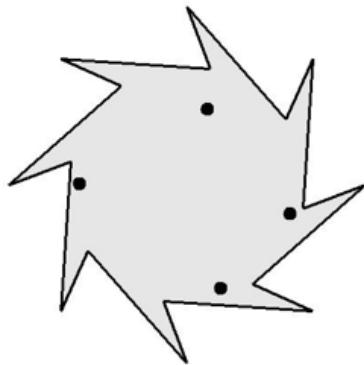


Figure 2.1: The Sunflower Art Gallery

### 2.2 Art Gallery Problems

Let us define our terms carefully. For our purposes, an art gallery is a polygon in the plane.<sup>2</sup> The polygon need not serve as the floor plan of any real-world art gallery. An art gallery includes the interior region as well as the boundary segments—the walls. We let  $G$  denote an arbitrary art gallery and write  $G_w$  for an art gallery with  $w$  walls.

Let  $p$  be any point in an art gallery. The point  $q$  is visible to  $p$  provided the line segment joining  $p$  and  $q$  does not exit the gallery. (We also assume that every point is visible to itself.) The segment represents the sight line of a guard. A set of guards protects an art gallery provided every point in the gallery is visible to at least one guard. Note that a guard at a corner protects the two adjacent walls.

Example 1. (a) The four guards in Figure 2.1 protect the Sunflower Art Gallery.

(b) The Sunflower Art Gallery is not protected by guards at the eight outer corners (Figure 2.2). Even though all of the walls are protected, a region in the center of the gallery remains invisible to all the guards.

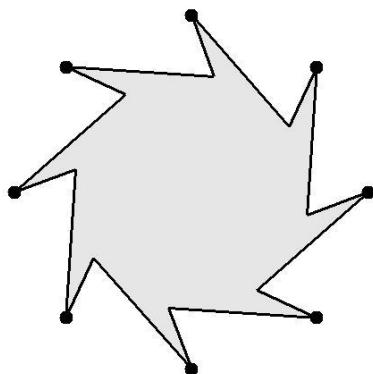


Figure 2.2: The eight guards protect the walls, but not the interior

(c) Each gallery in Figure 2.3 is protected by one or two guards, as shown.

An art gallery is convex provided every point in it is visible to every other point. A convex gallery is easy to guard; a guard can be posted anywhere in the gallery. Every triangle is convex, as are the first two galleries in the top row of Figure 2.3. The other galleries in the figure are nonconvex.

### Galleries in Particular

Our desire to post as few guards as possible raises two general problems about art galleries.

The first problem deals with specific galleries, and the second deals with all galleries with a fixed number of walls.

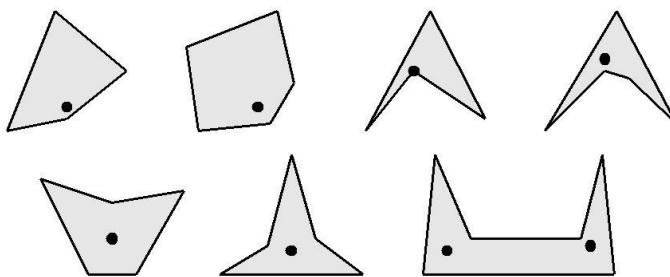


Figure 2.3: The first two galleries in the top row are convex

These are generalizations of the two questions we posed earlier. Let  $\text{guard}(G)$  = the minimum number of guards needed to protect the art gallery  $G$ .

**Gallery problem 1.** Find the value of  $\text{guard}(G)$  for every art gallery  $G$ . In other words, find the minimum number of guards needed to protect every art gallery.

**Example 2.** (a) A convex gallery  $G$  satisfies  $\text{guard}(G) = 1$ .

(b) We have seen that the Sunflower Art Gallery  $G_{16}$  satisfies  $\text{guard}(G_{16}) = 3$ .

To show that  $\text{guard}(G) = g$ , we must demonstrate two facts:

- The gallery  $G$  can be protected by  $g$  guards.
- The gallery  $G$  cannot be protected by fewer than  $g$  guards.

The first fact implies that  $\text{guard}(G) \leq g$ , while the second gives  $\text{guard}(G) \geq g$ . The second fact becomes increasingly difficult to demonstrate as the number of walls increases and the shape of the gallery becomes more complicated.

Ideally, we would have an efficient algorithm that takes an arbitrary gallery  $G$  as its input and produces the value of  $\text{guard}(G)$  as its output. Such an algorithm could be carried out by a computer (or a patient, careful person) to determine the minimum number of guards needed to protect any given gallery. Researchers in computational complexity, an advanced area of discrete mathematics, have strong evidence that we will never find an efficient algorithm of the desired type. The crux of the matter is that the number of essentially different guard configurations to examine increases exponentially as a function of the number of walls. Any proposed general algorithm becomes effectively worthless, even with the fastest computers available. In this sense, gallery problem 1 remains unsolved.

### Galleries in General

Now suppose we know an art gallery has  $w$  walls, but we do not know its exact shape. Let  $g(w)$  = the maximum number of guards required among all art galleries with  $w$  walls. In other words,  $g(w)$  is the maximum value of  $\text{guard}(G_w)$  among all  $w$ -walled galleries  $G_w$ .

**Example 3.** (a) Any triangular art gallery can be protected with one guard. Therefore,  $g(3) = 1$ .

(b) The Sunflower Art Gallery has 16 walls and requires three guards. Therefore,  $g(16) = 3$ . We cannot conclude that  $g(16) = 3$  since there could be a 16-walled gallery that requires more than three guards. In fact, we will soon see a 16-walled gallery requiring five guards.

### 3. Physical Layout Segmentation

Automatic mail sorting machines of most recent systems process about 17 mail pieces per second. That requires a fast and precise OCR based recognition of the block-address. This recognition is mainly conditioned by a correct address lines organization. Once the envelope image has been acquired by a linear CCD camera, three principal

modules contribute to the task of the address-block localization: physical layout segmentation of envelope image, feature extraction and address-block identification. Every-day, the postal sorting systems diffuse several tons of mails. It is noted that the principal origin of mail rejection is related to the failure of address-block localization task, particularly, of the physical layout segmentation stage. The bottom-up and top-down segmentation methods bring different knowledge that should not be ignored when we need to increase the robustness. Hybrid methods combine the two strategies in order to take advantages of one strategy to the detriment of other. Starting from these remarks, our proposal makes use of a hybrid segmentation strategy more adapted to the postal mails. The high level stages are based on the hierarchical graphs coloring. Today, no other work in this context has make use of the powerfulness of this tool. The performance evaluation of our approach was tested on a corpus of 10000 envelope images. The processing times and the rejection rate were considerably reduced.

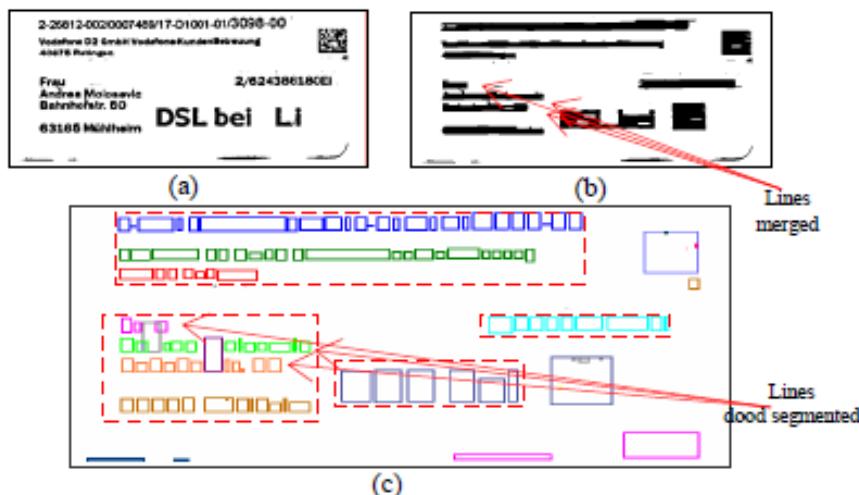


Figure 3.1 Noisy block address (a), emergence of the text lines by the RLSA method (b), Perception of the text lines by hierarchical graph coloring (c).

The segmentation technique objective is based on its decision strategy which defines a best block extraction manner in order to recognize it by the block address recognition module. The segmentation techniques cannot systematically produce uniform and good located blocks in complex environments (difficult envelopes). Consequently, the knowledge delivered by the descriptors of non-homogeneous blocks (containing parasitic elements) is less discriminating.

In order to improve the robustness and exactness of segmentation, it has been necessary to choose an even more advanced tool. The idea is to use a hybrid strategy of segmentation using the richness of pyramidal structure. Our method is mainly based on the powerfulness of graph coloring to regroup correctly the connected components into text lines then the lines into blocks.

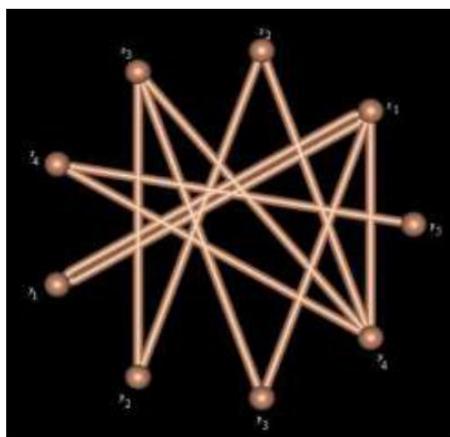
#### 4. Time table scheduling

Allocation of classes and subjects to the Teachers is one of the major issues if the constraints are complex. Graph theory plays an important role in this problem. For „t“ Teachers with „n“ subjects the available number of „p“ periods timetable has to be prepared. This is done as follows. A bipartite graph (or bigraph is a graph whose vertices can be divided into two disjoint sets  $U$  and  $V$  such that every edge connects a vertex in  $U$  to one in  $V$ ; that is,  $U$  and  $V$  are independent sets)  $G$  where the vertices are the number of Faculty say  $t_1, t_2, t_3, t_4, \dots, t_k$  and  $n$  number of subjects say  $n_1, n_2, n_3, n_4, \dots, n_m$  such that the vertices are connected by „ $p$ “ edges. It is presumed that at any one period each Teacher can teach at most one subject and that each subject can be taught by maximum one Teacher. Consider the first period. The timetable for this single period corresponds to a matching in the graph and conversely, each matching corresponds to a possible assignment of Teacher to subjects taught during that period. So, the solution for the timetabling problem will be obtained by partitioning the edges of graph  $G$  into minimum number of matching. Also the edges have to be colored with minimum number of colors. This problem can also be solved by vertex coloring algorithm. “The line graph  $L(G)$  of  $G$  has equal number of vertices and edges of  $G$  and two vertices in  $L(G)$  are connected by an edge iff the corresponding edges of  $G$  have a vertex in common. The line graph  $L(G)$  is a simple graph and a proper vertex coloring of  $L(G)$  gives a proper edge coloring of  $G$  by the same number of colors. So, the problem can be solved by finding minimum proper vertex coloring of  $L(G)$ .” For example, Consider there are 4 Teachers namely  $t_1, t_2, t_3, t_4$ , and 5 subjects say  $n_1, n_2, n_3, n_4, n_5$  to be taught. The teaching requirement matrix  $p = [p_{ij}]$  is given as.

P	n <sub>1</sub>	n <sub>2</sub>	n <sub>3</sub>	n <sub>4</sub>	n <sub>5</sub>
t <sub>1</sub>	2	0	1	1	0
t <sub>2</sub>	0	1	0	1	0
t <sub>3</sub>	0	1	1	1	0
t <sub>4</sub>	0	0	0	1	1

*Figure 4.1: The teaching requirement matrix for four Teachers and five subjects*

The bipartite graph is constructed as follows.

*Figure 4.2. The bipartite multigraph G*

Finally, the authors found that proper coloring of the above mentioned graph can be done by 4 colors using the vertex coloring algorithm which leads to the edge coloring of the bipartite multigraph G. Four colors are interpreted to four periods.

...	1	2	3	4
t <sub>1</sub>	n <sub>1</sub>	n <sub>2</sub>	n <sub>3</sub>	n <sub>4</sub>

*Figure 4.3: The schedule for the four subjects*

## 5. GSM Mobile Phone Networks

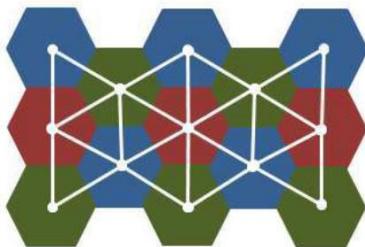


Figure 5 The cells of a GSM mobile phone network

The Groupe Spécial Mobile (GSM) was created in 1982 to provide a standard for a mobile telephone system. The first GSM network was launched in 1991 by Radiolinja in Finland with joint technical infrastructure maintenance from Ericsson. Today, GSM is the most popular standard for mobile phones in the world, used by over 2 billion people across more than 212 countries. GSM is a cellular network with its entire geographical range divided into hexagonal cells. Each cell has a communication tower which connects with mobile phones within the cell. All mobile phones connect to the GSM network by searching for cells in the immediate vicinity. GSM networks operate in only four different frequency ranges. The reason why only four different frequencies suffice is clear: the map of the cellular regions can be properly colored by using only four different colors! So, the vertex coloring algorithm may be used for assigning at most four different frequencies for any GSM mobile phone network, see figure 7 below.

## 6. Precoloring extension

In certain scheduling problems we do not have full control over the schedule, the assignments of certain jobs are already decided. In this case some of the vertices of the conflict graph has a preassigned color, and we have to solve the *precoloring extension* problem: extended the coloring of these vertices to the whole graph, using the minimum number of colors. Bir'o, Hujter and Tuza [7, 8, 9] started a systematic study of precoloring extension. In [7], the aircraft scheduling problem discussed in Section I. is extended. There is a maintenance period for each aircraft, during which it cannot fly. We can model these maintenance periods by adding a "dummy" flight for the maintenance period of each aircraft, and requiring that the maintenance period of the  $i$ th aircraft is assigned to the  $i$ th aircraft. Therefore we have to solve the precoloring extension problem on the conflict graph, which is an interval graph. It is shown in [7] that the precoloring extension problem is **NP**-complete for interval graphs, but it can be solved in polynomial time if every color is used only once in the precoloring, that is, if every aircraft has only one maintenance interval (the later result is generalized to chordal graphs in [10]).

## 7. List coloring

In the list coloring problem each vertex  $v$  has a list of available colors, and we have to find a coloring where the color of each vertex is taken from its list of available colors. List coloring can be used to model situations where a job can be processed only in certain time slots, or if it can be processed only by certain machines. Using standard dynamic programming techniques, list coloring can be solved in polynomial time on trees and partial  $k$ -trees [11]. By combining dynamic programming with a clever use matching, list coloring can be solved on the edges of trees as well [12]. The multicoloring concept introduced in Section II. can be applied for list colorings as well: each vertex has an integer demand  $x(v)$ , and vertex  $v$  has to receive a set of  $x(v)$  colors from its list of colors. The algorithm for list coloring trees and partial  $k$ -trees does not generalize for the multicoloring case, as the problem is **NP**-complete already for binary trees [13]. On the other hand, list edge multicoloring can be solved in polynomial time on trees: using standard techniques, the good characterization theorem of Marcotte and Seymour [14] can be turned into a polynomial time algorithm. This result is generalized in [15] to a slightly more general class of graphs, that includes odd cycles. Moreover, a randomized algorithm is given for an even more general class of graphs, including even cycles.

## 8. Minimum sum coloring

Besides minimizing the makespan, another well-studied goal in scheduling theory is to minimize the sum of completion times of the jobs, which is the same as minimizing the average completion time. The corresponding coloring problem is *minimum sum coloring*, introduced in [16]: we are looking for a coloring of the conflict graph such that the sum of the colors assigned to the vertices is minimal. Apart from trees, partial k-trees, and edges of trees, minimum sum coloring is **NP-hard** on most classes of graphs. On the other hand, it turns out that the sum of the coloring is easier to approximate than the makespan (see e.g. [17, 18] for approximation results). The reason for this is that the sum of the coloring and the makespan of the coloring behaves very differently when a small part of the graph is recolored. If we recolor a small part of the graph, then this change has only a small effect on the sum of the coloring, but it can change the makespan significantly. The multicoloring version of the problem can be used to model arbitrary length jobs. Since we want to minimize the sum of the completion times, the objective function of the coloring problem has to be defined as follows. The *finish time* of a vertex is the largest color assigned to it, and the sum of a coloring is the sum of the finish times of the vertices. It is clear that the sum of the finishtimes in a multicoloring is equal to the sum of completion times in the corresponding schedule. This variant of multicoloring was introduced in [19], where approximation algorithms are given for various classes of graphs. The preemptive and non-preemptive versions of the problem can have very different complexity: while the non-preemptive version can be solved in polynomial time for trees [20], the preemptive version is **NP-hard** for binary trees [13], but has a polynomial time approximation scheme [20]. In [21] polynomial time approximation schemes are given for partial k-trees and planar graphs as

well. Unlike minimum sum coloring, the multicoloring version of the problem is **NP-hard** on the edges of trees. However, in this case the problem admits a polynomial time approximation scheme [22].

## REFERENCES

- A. Bar-Noy, M. Bellare, M. M. Halld'orsson, H. Shachnai, and T. Tamir, "On chromatic sums and distributed resource allocation," *Inform. and Comput.*, 14 (2):183–202, 1998.
- A. Bar-Noy, M. M. Halld'orsson, G. Kortsarz, R. Salman, and H. Shachnai, "Sum multicoloring of graphs," *J.Algorithms*, 37(2):422–450, 2000.
- C Viard-Gaudin, D Barba, A multi-resolution approach to extract the address block on flat mail pieces, ICASSP-91, International Conference, vol.4, Pages: 2701 - 2704 .
- D. Marx, "List edge multicoloring in graphs with few cycles," *Inform. Process. Lett.*, 89(2):85–90, 2004.
- D. Marx, "Minimum sum multicoloring on the edges of trees," 2003, To appear in 1st Workshop on Approximation and Online Algorithms, Budapest, 2003.
- D. Marx, "Precoloring extension on chordal graphs," 2003, submitted.
- D. Marx, "The complexity of tree multicolorings," in Mathematical Foundations of Computer Science 2002 (Warsaw-Otwock), pp. 532–542. Springer, Berlin, 2002.
- E. Kubicka and A. J. Schwenk, "An introduction to chromatic sums," in Proceedings of the ACM Computer Science Conf., pp. 15–21. Springer, Berlin, 1989.
- K. Giaro and M. Kubale, "Edge-chromatic sum of trees and bounded cyclicity graphs," *Inform. Process. Lett.*, 75(1-2):65–69, 2000.
- K. Giaro, R. Janczewski, M. Kubale, and M. Małafiejski, "A 27=26-approximation algorithm for the chromatic sum coloring of bipartite graphs," in Proceedings of APPROX 2002, pp. 135–145, 2002.
- K. Jansen and P. Scheffler, "Generalized coloring for tree-like graphs," *Discrete Appl. Math.*, 75(2):135–155, 1997.
- L. F. Paquete, and C. M., Fonseca (2001) "A Study of Examination Timetabling with Multiobjective Evolutionary Algorithms", Proc. of the 4th Metaheuristics International Conference (MIC 2001), pp. 149-154. Porto, F.T. Leighton, (1979) "A Graph Coloring Algorithm for large Scheduling Problems", Journal of Research of the National Bureau Standard, 84 pp 79-100.
- M. Bir'o, M. Hujter, and Zs. Tuza, "Precoloring extension. I. Interval graphs," *Discrete Math.*, 100 (1-3):267–279, 1992.
- M. Hujter and Zs. Tuza, "Precoloring extension. II. Graph classes related to bipartite graphs," *Acta Mathematica Universitatis Comenianae*, 62(1):1–11, 1993.
- M. Hujter and Zs. Tuza, "Precoloring extension. III. Classes of perfect graphs," *Combin. Probab. Comput.*, 5(1):35–56, 1996.

M. M. Halld'orsson and G. Kortsarz, "Tools for multicoloring with applications to planar graphs and partial k-trees," J. Algorithms, 42(2):334–366, 2002.

M. M. Halld'orsson, G. Kortsarz, A. Proskurowski, R. Salman, H. Shachnai, and J. A. Telle, "Multicoloring trees," Inform. and Comput., 180(2):113–129, 2003.

Narasingh Deo, "Graph theory with applications to engineering and computer science", Prentice Hall of India, 1990.

O. Marcotte and P. D. Seymour, "Extending an edge-coloring," J. Graph Theory, 14(5):565–573, 1990.

Shamim Ahmed, Applications of Graph Coloring in Modern Computer Science.

Wang Ching-Huei, P.W. Palumbo, S.N. Srihari, Object recognition in visually complex environments: an architecture for locating address blocks on mail pieces, Pattern Recognition, 1988., 9th International Conference, IEEE, 1988, vol.1, Pages: 365 – 367.

## Images of the Gentleman in Victorian Fiction

Mahmut Terci, PhD

Beder University, Tirana

### Abstract

The term 'gentleman' has been used in English culture by an enormous number of people loading varied meanings to its concept. The idea of the 'gentleman' has attracted many historians, philosophers, religious figures and writers. Countless comments have been uttered and a large number of studies have been written about it and probably many more will be published in the future. Who were or are called gentlemen then or now? What qualities are necessary for a person to be a gentleman? How does a historian, a philosopher, a social scientist, a religious figure or a writer define the term gentleman? In which period of history being a gentleman was fashionable? The complex mixture of qualities expected in a gentleman such as his 'birthright', 'education', 'wealth', 'income', 'vocation', 'civic responsibilities' and 'personal virtue' have made it difficult to pinpoint exact definition. Although it has been hard for everybody to pinpoint an exact definition for the term because of its connotations with 'masculinity', 'social class', 'manners', 'morality' and 'Englishness' we have brought varied views of critics, writers and important figures to observe their point of views. We need to see the gentleman's social position in the English gentry and his evolution from fifteenth century to nineteenth century. While the gentleman's chivalric qualities used to play important roles as well as his social status and wealth in the fifteenth and sixteenth centuries, the gentleman's manners and morals gained more importance in the coming up centuries. The purpose of this paper is to offer a clearer picture of the concept of the gentleman especially in the Victorian times.

**Keywords:** gentleman, English gentleman, Victorian gentleman, gentry, gentility

### 1.1. Introduction

When the term first appeared in Chaucer's *Canterbury Tales*, it was used ironically to describe a '*vray, parfit, gentil knight*' (qtd in Pollard, 3-4). The chivalrous characteristics were the main focus in the connotation of the term. In the following centuries (the 16<sup>th</sup> and 17<sup>th</sup>), the 'gentlemen' were a social group in the English gentry just below the baronets, knights and esquires. Prestigious professions or wealth made the lower class people call the upper class social status as 'gentleman.' The developments in economy and sciences within the expanding of the English empire in the eighteenth and nineteenth centuries had a great influence on scientific, social and moral issues. The term was preferred to be used to envisage the manners of the people rather than class signification in the Victorian age. Conduct books were extremely popular in the nineteenth century. In the modern time the reputation of the concept has almost faded away, but to become a real 'gentle' and 'kind' man has never lost its importance.

Recent research on the concept of the *gentleman* has pointed out various definitions and interpretations of the term taking into consideration distinct approaches by writers, sociologists, historians, philosophers and religious figures. Not only have the varied perspectives on the concept of the *gentleman* by different people in different periods made it more difficult to pinpoint the term, but also the changes in the class system related to the expansion of the empire, those in the education system, in people's moral values and social behaviors have added a plurality of additional meanings to the word.

The Victorian age was the high time when the gentlemanliness used to see its rise and be considered almost like a religion due to its popularity.

### 1.2. England in the Victorian Age

The Victorian Age, whose name derived from Queen Victoria, who ruled the British Empire from 1837 to 1901, was actually the period comprised between 1830 and 1880. It is considered that the Victorian Age properly started in 1832 when the first of the Reform Bills were passed. According to George P. Landow, "it was the time when Britain saw great expansion of wealth, power and culture." (Landow, 1) While the era saw the stability, progress and social reforms, the great problems such as poverty, injustice and social unrest were the facts about the period of time. The new approaches from science and technology to religion, from literature and arts to ideology and politics, the Victorian society had great changes in their own

era and had also great influences on the modern age today from the idea of invention to democracy, from feminism to socialism, from doubts in religious faith to the eccentric ideas of Darwin, Marx and Freud, and above all

...it was the age of *paradox* and power. The Catholicism of the Oxford movement, the Evangelical movement, the spread of the Broad Church, and the rise of Utilitarianism, socialism, Darwinism, and scientific Agnosticism, were all in their own ways characteristically Victorian; as were the prophetic writings of Carlyle and Ruskin, the criticism of Arnold, and the empirical prose of Darwin and Huxley; as were the fantasy of George MacDonald and the realism of George Eliot and George Bernard Shaw. (Landow, 1)

Furthermore, Landow thinks what really makes Victorians Victorian is their sense of 'social responsibility' or 'social duty' and tries to prove his suggestion by giving examples from Tennyson who went to Spain to help insurgents and also urged the necessary of educating "the poor man before making him our master" to Mathew Arnold who refused to reprint his poem as his main character in it who kills himself – set a bad example for the public readers. (Landow, 1)

Drawing on Raymond Williams, Adina Ciugureanu gives a detail explanation of the key concepts; 'industry', 'democracy', 'class', 'art' and 'culture' of the age and states that the development of the five concepts is seminal to understand the Victorian Age as the century progressed in three directions: economy, society and culture (Ciugureanu, 13). Democracy, industrial development, political reforms, urbanization, loss of strong religious faith, education at public schools, scientific discoveries, development in people's understanding of morality and class notion, the financial improvements of middle class and people's lifestyles, from their reading to travelling, from their table manners to addressing people, from their writing letters to leisure activities such as hunting, playing cricket and swimming, they all had a various impact on literature. While Dickens's *Hard Times*, Carlyle's *Chartism* and E. Gaskell's *North and South* were associated with 'industrial novels', Darwin's scientific book the *Origin of Species* challenged the people's belief in God. And while W. Thackeray's *Vanity Fair* is a good example for the 'novel of manners', Dickens's *A Tale of Two Cities* is an example for 'historical novels' and his *Great Expectations*, which will be focused on in detail later, is a good example for 'humanitarian novels'. (Ciugureanu, 14-16) In fact, there are more writers who have developed their own styles and admired by many Victorian and modern readers. In the following sub-chapters, some of the works of the Victorian novelists, whose approaches vary in terms of the gentleman they portrayed in their works, are analyzed in details.

When does the study of Victorian literature begin? According to G.K. Chesterton it was the period when the attacks on the Victorian rationalism started by various significant personalities. What were these attacks, then? For Chesterton, the first attack on Victorian rationalism, which held the centre, was the 'Oxford Movement' the second was 'Dickens' and the third one, was a group – Carlyle, Ruskin, Kingsley, Maurice and perhaps Tennyson – who tried to create a new romantic Protestantism. (Chesterton, 1) Moreover, in his other article, George P. Landow places the movements and currents in the Victorian age – in politics, literature, and culture – into four categories: 1. Progressive vs. Conservatives, 2. Radical Progressive vs. Tory Radical vs. Conservative, 3. Moral vs. Aesthetic, 4. Believers vs. Nonbelievers to explain the trends, tendencies, movements or loosely organized schools of Victorian thought. (Landow, 1)

The reason why we have mentioned all this information is to mirror the general sociological trends in Victorian history and culture. As the novel is one of the most important genres in Victorian fiction and as we have already suggested that 'the idea of the gentleman' was one of the important themes in Victorian novel, our next concentration will be first on the 'Victorian novel' and then on 'the idea of the gentleman in the Victorian novel'.

### 1.3. The Victorian Novel

The novel was the leading form of literature in the Victorian age. The heritage of the 18<sup>th</sup> century with the changes and developments in politics, society and economy made the novel one of the main form of communication and education among social groups in the Victorian society. According to Adina Ciugureanu, "the novel becomes the vehicle of the social awareness of the whole period", and she explains the development of the novel as follows:

Basically, the development of the Victorian novel depends on the eighteenth-century heritage and is closely associated with different kinds of realism: Defoe's documentary concreteness, Richardson's sentimentalism, Fielding's and Smollett's picaresque features, Jane Austen's refined comedy of manners, Scott's revelation of historical causes and conditions. (Ciugureanu, 43)

She also gives a special emphasis on the models seen in the novels, written by the eighteenth-century novelists, which become examples or role-models for the Victorian people. Taking the case further, she claims that "the Victorian novel became, in a sense, an epic." (Ciugureanu, 44) So, reminding the fact that "the plot is not necessary but the protagonist is" (Ciugureanu, 44), she states that the main character's struggling in the society becomes a kind of portrait in which the character's psychological motivations are explored. She concludes her point of view as "thus, the character becomes a rounded personality, a complete human being, with biological and educational history, with an economic, social, domestic and intellectual life of its own." (Ciugureanu, 44) As this paper focuses on the detailed analysis of the 'gentleman' in Victorian culture and its production, the 'Victorian novels', this fact, which has already been emphasized by A. Ciugureanu, takes an important place in shaping the general outlines about the idea of the 'gentleman' in Victorian culture.

Generally, the Victorian novels have long and complicated plots; the characters are analyzed in detail; the whole texture of events is explained in the final chapter and the omniscient narrator comments on the plot and distinguishes the right from the wrong. While the social and humanitarian themes were popular in the early Victorian novels – such as Charles Dickens's novels –, the theme of the persistence of Romantic and Gothic tradition and a psychological vein were popularized by the Brontë sisters and Stevenson in the Mid-Victorian time and the Late-Victorian novels were mainly about a scientific look at human behavior and discontent with values such as the novels written by Thomas Hardy and Oscar Wilde's literary creation. The Victorian novels appealed to the readers due to their realistic descriptions of the places, well-rounded middle-class characters and their problems in the society. Thus, the Victorian readers could easily recognize and associate the characters, places (mostly growing big industrial cities) and even the events in their own lives. Self-made personalities become role-model characters for the lower and middle class people. The readers were kept being laughed, cried and suspended thorough the professional patterns of 'love', 'humor', 'suspense', 'melodrama' and 'pathos'.

We have already traced the term 'gentleman' from Chaucer's 'vary parfit gentil knight' to John Ball's 'When Adam dalf (or delved) and Eve span, Who was then the *gentleman*', from the gentleman with the coat of arms in Shakespearean times to Newman's ideal portrait of the gentleman, and then from its metamorphosis (the moral and manner connotations of the term rather than its significance linked to birth, social rank or wealth) to the idea of the 'true gentleman' and got a conclusion that the term is so complex that it is hard to pinpoint its exact definition and it is still hard to understand what each person means or implies using this term.<sup>1</sup>

Now, we have reached the Victorian Age with its inheritance from the previous centuries. Before we follow the 'gentleman' through the perspectives of some significant Victorian novelists, the Victorian novels are categorized according to their types first. Then, the chosen popular novelists – Thackeray, Dickens and Trollope – from different backgrounds describe different perspectives of the 'gentleman' in their periods. Their detailed descriptions of the society and particularly the 'gentleman' give us clear ideas about the characteristics of the English society and the 'gentleman's position or its perception' in Victorian England.

Due to the great popularity of the 'novel' as a literary genre in the Victorian Age, the Due to the great popularity of the 'novel' as a literary genre in the Victorian Age, the period can be considered as the age of 'fiction' from a literary point of view. There was an enormous demand for literary works from the public and thousands of books – most of them appeared in periodicals and magazines in serialized forms – were published in this period. Dickens's *The Pickwick Papers* for example, reached a circulation of 40,000 by the end of its run in November 1837 (Mays, 17). Mays describes the relation between the periodicals and the novel publication, as follows:

Magazine serialization of new fiction began in the 1830s, and by the 1840s serials were a common feature of half-crown monthlies, but the real take-off of this format came in the 1850s and 1860s with the founding of weekly magazines such as Dickens's *Household Words* (1850–9) and *All the Year Round* (est. 1859), and of monthlies such as *Macmillan's* (est. 1859) and Smith, Elder's prestigious *Cornhill* (1860–1975), first edited by Thackeray. Designed for family reading, such magazines offered one or two illustrated serials by the best-known authors, plus a wealth of other material, for the same 1s. price previously demanded for a novel "part" alone. As a result, such magazines reached as many as 100,000 readers and became the initial publishing venue for many of the major works of Collins and Trollope, George Eliot and Elizabeth Gaskell. (Mays, 17)

---

<sup>1</sup> See Terci, M. *The Gentleman and the British Cultural Space* International Journal of Cross-Cultural Studies and Environmental Communication Volume.2 Issue.1, 2013 pp.43-54

More interestingly, according to Kelly J. Mays's research based on Walter Besant's estimation in 1899, the number of English-speaking reading public jumps from 50,000 in 1830 to 120 million by the 1890s. (Mays, 22) Yet, Kelly thinks that "though such estimates are factually inaccurate, they reflect a view widely promulgated in 1890s." (Mays, 22)

Ciugureanu claims that "three requirements were crucial to turn the novels into a real success: be comical, be sentimental, and create suspense in each of the episodes published in magazines. (Ciugureanu, 43) Various types of novels developed during the Victorian Age and they can be categorized as the 'sensational novel', with a mixture of melodrama, complicated plot and mystery, the 'imaginative or romantic novel', like the works of Bronte sisters, the 'historical novel' like the works of Walter Scott, the 'fantastic novel', like Lewis Carroll's *Alice in Wonderland*, the 'social or humanitarian novel', like Dickens's *Hard Times* and *Oliver Twist*, the 'domestic or sentimental novel', like Catherine Sedgwick's *New-England Tale*. A different classification is also offered by Hilary Schor according to the class distinction developed in the Victorian Age.

...Hilary Schor distinguishes between (1) the novel of high society (the 'silver fork' novel); (2) the novels of lower-class and criminal life (the 'Newgate' novels); (3) the budding social-realist novel focusing on factory and industrial-urban life; and (4) the novels of middle-class (or 'domestic' realism).<sup>1</sup> (Schor in Tucker, 325)

In the general sense, Victorian novels, whose authorial voices are rather strong, due to the moral and social responsibility they felt for the society (from the position of teaching and preaching) and whose readers are on the other hand usually passive (from the position of listening and learning), aimed to represent the life as it is in their fictional world which the readers accepted what they read real and responded both emotionally and rationally. As a result, "the Victorian novel becomes a means of educating people, of healing society, of advocating morality, and progress." (Ciugureanu, 47)

### 1.3. The Idea of the 'Gentleman' in Victorian Culture

The idea of the 'gentleman' appealed to the Victorians as the term which involved both social and moral connotations. On the one hand, the 'gentleman' possessed a social position in the traditional landed 'gentry' among the baronets, knights and squires; on the other hand, the moral values such as honor, respect, kindness, sweat-heartedness, generosity, faithfulness, trustworthiness were attached to the idea. Thus, the Victorian novelists' approaches to the idea were based on both social and moral connotations at the same time. As Robin Gilmour suggests that

Just as in society at large the gentlemanly idea exercised its fascination because it was neither a socially exclusive nor an entirely moralized concept, so too the novelists move naturally and easily between the moral and social attributes of gentlemanliness: they are never pinned down, as Richardson is in *Sir Charles Grandison*, to strictly moral formulation, and their novels better for it. (Gilmour, 12)

Gilmour makes a comparison between the eighteenth- and the nineteenth-century novels and finds Dickens's *Great Expectations* for example, more successful as the idea of the 'gentleman' is used in a more complex way. It is never strictly attached to its moral connotations only as it is done in *Grandison*, an eighteenth-century novel.

Were the Victorians themselves certain what a real gentleman looked like or what exactly the idea of the gentleman was? What were his essential characteristics? How long did it take to become a gentleman? Was one born a gentleman or did one become a gentleman? David Cody thinks that the concept of the nineteenth-century gentleman is very complex. He claims that members of the British aristocracy were gentlemen by right of birth (although it was also emphasized, paradoxically enough, that birth alone could not make a man a gentleman), while the new industrial and mercantile elites inevitably attempted to be designated as gentlemen as a natural consequence of their growing wealth and influence. Other Victorians – clergy belonging to the Church of England, army officers, members of the Parliament – were recognized as gentlemen by virtue of their occupations, while members of numerous other eminently respectable professions – engineers, for example – were not. Further, Cody states that, the Victorians eventually settled on a compromise. By the latter part of the century, it was almost universally accepted that the recipient of a traditional liberal education based largely on Latin at one of the elite public schools – Eton, Harrow, Rugby, and so on – would be recognized as a gentleman, no matter what his origins had been. (Cody, 1)

Notably, the idea of the 'gentleman' plays an important role in the construction of the English society and culture. Due to the elasticity of the social status of the 'gentleman', the lower and middle class society easily found a space for themselves

<sup>1</sup> For details see Hilary Schor, "Fiction", in Herbert F. Tucker (ed.), *A Companion to Victorian Literature*, London: Blackwell, 1999, p.325.

when they got rich. Until the Victorian period, the courtesy books tried to fill the gap between classes in terms of the polite manners considered as behavioral obligations in the society. The novels took this responsibility in the Victorian age. Moreover, the increase in the number of successful and wealthy merchants, and in the number of the administrators – including civil and military high officials – for the need of the expanding empire – for the colonies –, in addition the increase in the number of distinguished professionals from writers to journalists, from engineers to doctors, from lawyers to university professors, gave a great opportunity for the lower and middle class people to get into élite group in the social hierarchy. The wealth is shared by millions of people through trades, industrialism, and urbanization. The development in all the areas of life – from art and architecture to literature, from means of transportation to means of communication, from public schools to university education – gave millions of people opportunities to get a high level social status. The public schools, universities and especially the literary works such as periodicals, magazines and novels educated and enlightened the Victorians in a positive way that they became the ancestors of the modern trends and movements in science, art, philosophy and literature. Although Reform Acts had been passed by the government as a result of some social and political unrest, British people did not face a bloody revolution as the revolutions occurred in France and Russia. The 'new' 'gentlemen' once who once belonged to lower social backgrounds shared the wealth and the power of governing side by side with the old aristocrats and they did not need to fight. They struggled in a civilized manner in their fight to share the wealth and the power as a result of the moral influence of the idea of the 'gentleman'.

Robin Gilmour outlines the fundamental characteristics of the gentleman in his work, *The Idea of the Gentleman in the Victorian Novel*, as follows:

...the idea of the gentleman carried some of the best hopes as well as the deepest contradictions of Victorian experience; behind snobbery, the anxious debates about who did and did not qualify as a gentleman, the uneasy relationship to the aristocracy, there lies the struggle of a middle-class civilization to define itself and its values, a process in which the novelists were intimately and sympathetically involved. (Gilmour, 14)

Thus, the social and moral struggles of the Victorians look like the process of the birth of a modern nation. All the births involve pains, but the result makes everybody happy. It is high time to have a closer look on the works of some Victorian novelists and focus on how they described the 'gentleman', what qualities made a 'gentleman' gentleman, the difference between 'snobs' and 'fake gentlemen', the effects the social background had upon the gentleman: birth, descending from a noble family, environment, official and unofficial education, wealth and strength of character. Thus, some important Victorian novelists, who have reflected the idea of the 'gentleman' from different perspectives in their works as, for example W.M Thackeray, Charles Dickens, Anthony Trollope who are from different backgrounds and periods of Victorian age as well as their references of the concept in their works, are chosen here to obtain the whole picture of the image of the gentleman.

#### 1.4. The 'Gentleman' and the Victorian Novelists

The novelists chosen for this research paper have significant importance for the history of the Victorian novel. The idea of the 'gentleman' is in the centre of their major works and they reflect the evolution and, at the same time, the devolution of the concept from the beginning of the Victorian period until the end of the 19<sup>th</sup> century. These novelists', with varied backgrounds and different approaches to the concept of the 'gentleman', do not only mirror their own perspectives but they also mirror the Victorians' changing ideas about the concept in the course of time. While W.M Thackeray, who had come from an upper-class family, got his education like a 'gentleman', lived like a 'snob' for a while in his youth, used the language of a 'gentleman' and wrote about the 'snobs' and 'gentlemen' in his works, reflects the lives of the aristocrats much better, Charles Dickens, who had a humble origin, got his education with great difficulty, had to live and work in poor conditions at a factory when he was young, reflects the lives of the poor, at times of noble origin, and their struggle to accede to a better condition in life. Dickens's protagonists are usually orphans and they ambitiously struggle to become 'gentlemen' and to get 'respectability' in their lives. A. Trollope, who had an aristocrat' background, preferred to use his characters strictly according to their positions including the 'gentleman' in the traditional hierarchy of the 'gentry'. Supportive ideas and comments, which have to be mentioned to prove these arguments, find their place in the following sub-chapters.

#### 1.4.1. The gentleman with William Makepeace Thackeray

W. M. Thackeray was the person who gave the word 'snob' its modern sense to the English vocabulary. As his friend James Hannay wrote, "Thackeray was a well-born, well-bred and well-educated gentleman," being labeled by his contemporaries as 'the novelist as gentleman'. (Gilmour, 37)

Although Thackeray inherits 17,000 pounds from his parents, this fortune is lost through his addiction to gambling, in two ill-fated investments in periodicals – namely the *Constitutional* and the *National Standard* – and most of it through the failure of an Indian bank. The financial problem forces him to find a job and he starts to work as a journalist for *Fraser's Magazine*, *The Morning Chronicle*, *New Monthly Magazine* and *The Times*. His satires about English snobbery in *Punch* attract the public attention. Robert Fletcher writes that "before the success of *Vanity Fair*, Thackeray worked as a free-lance journalist for about ten years, publishing literary criticism, art criticism, topical articles, and fiction either anonymously or under a number of comic pseudonyms." (Fletcher) <sup>1</sup> With *Vanity Fair*, Thackeray has a name that gains the public notice and professional reviews appear in journals such as the *Edinburgh Review*. The success and reputation continues with the publications of his later novels, yet his fame had been established with the introduction of the 'snob' as a major character in fiction.

His views on the idea of the 'gentleman' were complex, because, on the one hand, his gentlemanly status already got its shape through his noble birth, aristocrat environment and gentlemanly education and, on the other hand, there were severely attacks, such as criticisms in the publications, on the idea of the 'gentleman of birth' and the 'gentleman of rank'. The 'gentleman of moral' or the 'gentleman of manners' was gaining popularity among the Victorians at that time. It seems that he had to keep the balance between these groups and that is one of the reasons why he had a more complex approach to the concept of the 'gentleman'. Another reason for his ambivalent manner is the period he lived. He was described "with one foot 'in the era of later Georges' and the other in the Victorian period: so balanced, he was uniquely well placed to interpret for his own generation the transition from Regency to Victorian which they had lived through." (Gilmour, 40) Gilmour also interprets Thackeray's complex attitude as follows:

Thackeray is peculiarly the novelist of the period 1815-1845, and it is against the background – the background of dandyism, the fashionable novel, the beginning of the middle-class assault on aristocratic privilege – that his redefinition of gentlemanliness needs to be seen. He understood better than any of his contemporaries that the flamboyant Regency and its long aftermath had been the nursery of the Victorian middle classes, and in novels like *Vanity Fair* and *Pendennis* he portrays the interaction between the self-confident worldliness of the old order and angular, domesticated morality of the new, struggling to define and assert itself in the early decades of the nineteenth century. (Gilmour, 40)

Thackeray's two different attitudes can be easily seen in his works. For example, he writes about the readers' feelings in *The Second Funeral Napoleon* (1841) as follows:

In the matter of gentleman, democrats cry, 'Pshaw! Give us one of nature's gentlemen, and hang your aristocrats.' And so, indeed, nature does make *some* gentleman – a few here and there. But art makes most. Good birth, that is, good, handsome, well-formed fathers and mothers, nice cleanly nursery maids, good meals, good physicians, good education, few cares, pleasant easy habits of life, and luxuries not too great or enervating, but only refining – a course of these going on for a few generations are the best gentleman-makers in the world, and beat nature hollow. (qtd in Gilmour, 42)

So, the gentleman is connected to the idea of democracy as an opposition to aristocracy. At the end of *The Four Georges* (1861), Thackeray writes his famous rhetorical moralizing of the 'gentleman' as "what is to be gentleman? Is it to have lofty aims, to lead a pure life, to keep your honor virgin...?" (Gilmour, 42) Gilmour also states that "the two attitudes can be found at all stages of his career, but the hostile one predominates in the early writings up to *Vanity Fair*." (Gilmour, 42)

Before we proceed to analyze how Thackeray portrays his fictional characters in detail, it is important to mention a few characteristics of his writing style. Ciugureanu emphasizes the facts that "Thackeray's manipulation of character often recalls earlier, satiric modes, where the character is only a functional and typological being. The writer's apprenticeship in journalism and burlesque makes him witty, satirical, and at times even cynical. Thackeray's realism is the realism of critical attitude, which is mainly anti-heroic (e.g. the Waterloo scenes in *Vanity Fair*), and censors the excitement of dramatic illusion. His main themes are the corruption of values, the mean admiration of means things, the exposure of false heroism,

<sup>1</sup> See Robert Fletcher William, *Makepeace Thackeray: A Brief Biography* <http://www.victorianweb.org/authors/wmt/wmtbio.html>

in particular the reputed heroism fostered by historical legends." (Ciugureanu, 49) In his article on Thackeray, W. E. Henley writes about Thackeray's writing style as follows:

Thus the two sects: the sect of them that are with Thackeray and the sect of them those are against him. Where both agree is in the fact of Thackeray's pre-eminence as a writer of English and the master of one of the finest prose styles in literature. His manner is the perfection of conversational writing. Graceful yet vigorous; adorably artificial yet incomparably sound; touched with modishness yet informed with distinction; easily and happily rhythmical yet full of colour and quick with malice and with meaning; instinct with urbanity and instinct with charm — it is a type of high-bred English, a climax of literary art. (Henley, 1)

Keeping these considerations in mind, mainly his genius and ability in writing, his anti-heroic characters, his satiric and cynical style, his dual and complex attitudes due to his aristocratic background as well as his transition from Regency to the Victorian period, we will focus on the works in which Thackeray portrays the gentleman. Thackeray attacks the eighteenth-century stereotype of the gentleman, who used to be considered as a gambling, drinking, dueling and philandering gentleman, in his early works with Galenstein in *Catherine* (1839-40), Brandon in *A Shabby Genteel Story* (1840) and Barry in *Memoirs of Barry Lyndon* (1844). The following lines taken from *Catherine* illustrates the characteristics of gentleman-rogue which Thackeray satires.

And so he had the reputation of being a gentleman, not only wealthy, but discreet. In truth, it was almost a pity that worthy Brock had not been a gentleman born; in which case, doubtless, he would have lived and died as became his station; for he spent his money like a gentleman, he loved women like a gentleman, he would fight like a gentleman, he gambled and got drunk like a gentleman. (Thackeray, *Catherina*)<sup>1</sup>

The main character in *Barry Lydon*, the hero has a noble birth, gets a good breeding and education, excels in fencing, dancing and shooting, but kills Captain Quinn for his destroyed honor, runs away and has lots of adventures including his joining the army in the war time. He behaves like a 'gentleman,' drinks like a gentleman ('I drank my mother's health that night in a bumper and lived like a gentleman whilst the moneys lasted,' (Thackeray, *Barry Lyndon*)<sup>2</sup>, gambles like a gentleman; 'Yet, if I could find myself in an honourable post, and with an assured maintenance, I would never, except for amusement, such as every gentleman must have, touch a card again.'<sup>3</sup>. He is also described to duel like a gentleman and more than that he shapes his own life according to the revenge code. He was about to pay a visit to his lady mother at Bath, when he recognized the well-known face of Mr. Barry Lyndon, in spite of the modest disguise which that gentleman wore, and revenged upon his person the insults of former days.<sup>4</sup> With this book, Thackeray mocks the old manners of the gentlemanly behaviors and ironically portrays the eighteenth-century through the narrator who represents 'gentlemanly' attitudes such as killing for honor, gambling, dueling, drinking, philandering and even living for revenge. Also, we had better note Gilmour's idea about Thackeray's first works:

Certainly Thackeray's early writing is markedly anti-aristocratic: his noblemen are either rascals or nincompoops, and his middle-class characters are mocked for allowing themselves to be taken in by the mystique aristocracy. (Gilmour, 43)

Thackeray's *The Book of Snobs* (1848), which was the collection of his fifty-three weekly installments, appeared in *Punch* entitled "The Snobs of England, by one of themselves" between 1846 and 1847. The book did not only bring fame for Thackeray, but it also gave a vivid picture of the Victorian society 'which no other writer, not even Dickens, had grasped so comprehensively – the hectic struggle for social position in a society rendered volatile by the influx of new money and ambition.' (Gilmour, 45) The word 'snob' took its place in the English vocabulary as "the one who blatantly imitates, fawningly admires, or vulgarly seeks association with those regarded as social superiors"<sup>5</sup> but Thackeray himself defined the word as "the one who meanly admires the mean things."<sup>6</sup> His vague definition never pleased anyone though it encompasses the meaning quite well. While everybody had been expecting the word 'snob' referred to the people 'among the lower class', he contended that 'an immense percentage of Snobs I believe is to be found in every rank of this mortal life.' (qtd in Ray,

<sup>1</sup> See W. M. Thackeray, *Catherina*, <http://www.victorianweb.org/history/gentleman.html>

<sup>2</sup> See W. M. Thackeray, *Barry Lyndon*, <http://www.gutenberg.org/files/4558/4558-h/4558-h.htm>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See <http://www.merriam-webster.com/dictionary/snob>

<sup>6</sup> See [http://ebooks.adelaide.edu.au/t/thackeray/william\\_makepeace/snobs/chapter2.html](http://ebooks.adelaide.edu.au/t/thackeray/william_makepeace/snobs/chapter2.html)

22-23) The book enables us to see how Thackeray envisages snobbery, which is a subversion of the concept of gentlemanliness. Gilmour concludes his views about the book as follows:

*The Book of Snobs* shows Thackeray's awareness of the process of which money is 'washed into estates, and woods, and castles, and town mansions', but only in *Vanity Fair* is the awareness integrated with a narrator who can command and orchestrate the panorama of English social life that the Snob papers intimate but never quite achieve. (Gilmour, 47-8)

With the success of *Vanity Fair*, Thackeray's reputation was made permanent. Several reasons are put forward for its success as it got an appreciative review in the *Edinburgh Review* by Hayward, in which he said, judging by what had been already published, '*Vanity Fair* is as sure of immortality as ninety-nine hundredths of modern novels are sure of annihilation,' (qtd in Jr. Payne, 437-456) According to Thackeray himself, the reason for its success was the publication of his Christmas book *Mrs. Perkin's Ball*. But the most probable explanation is that Thackeray's unusual, artistic, realistic style that he used in his works made it appealed by the Victorian readers. It is unusual because there are no exact heroes or heroines; as the Victorian critic, E. S. Dallas, described it 'Novel without a Hero.' The main characters are realistic and ordinary people, not exactly protagonists. It was the period of time when *snobs* began to appear in all areas of social life – no matter from which class –. His satiric language had an impact on the Victorian readers. Aftermath of the 'Victorian wars' – I mean the economical, political, philosophical and social struggles in the Victorian period – all the changes in the 'melting pot', formed the seeds of the modern nation which had a deep impact in all over the world. There was a great increase in the amount of readers in various tastes. His cynical and satirical tones in his language about the play and its puppets attracted a lot of admirers. Another important reason why Thackeray got his permanent reputation is that, the female characters in his novels – although they were not heroines – appealed to many readers as they reflected the realistic dimension of the Victorian society in this period. The reason why he used mostly humor and satire in his works is explained by L. W. Payne Jr. as follows;

He saw the hollowness and pretense of the outside show, and, like a true knight, took up his lance and boldly advanced to attack. "Such people there are," he writes in *Vanity Fair*, "living and flourishing in the world – faithless, hopeless, charitiless; let us have them, dear friends, with might and main. Some there are, and very successful, too, mere quacks and fools; and it was to combat such as these, no doubt, that laughter was made." Here we have the clue to his satirical view of life. (Payne, 449)

Payne Jr. also has a very interesting idea that all of Thackeray's novels could be placed under the general title of '*Vanity Fair*' with the exception of *Henry Esmond*. He thinks that "in fact, *Vanity Fair* is unquestionably the greatest of his books. The other, with single exception named above, are but the fuller development of the principles, methods and thoughts laid down in the first great work." (Payne, 450)

In *Vanity Fair*, Thackeray chooses two female characters, named Becky Sharp and Amelia Sedley, who are close friends but quite different from each other in terms of their behaviors, points of views and ambitions. While the term 'sharp' symbolizes Becky's attractiveness, intelligence and crazy ambitions, the term 'sedley' implies Amelia's future sadly experiences, hardship and endurance. While Amelia lives for the affections of home and motherhood, Becky ambitiously tries to reach the 'pinnacle glory' at any cost. The whole story is set up over these characters. Becky, who is very clever ambitious and at the same time very attractive, is from a lower class, and is very enthusiastic to go into and be accepted by the aristocracy. She represents a social climber who uses all her qualities – such as her intelligence, her beauty, her singing ability and her speaking a foreign language – and all the chances to reach the top of the society. Although Becky, who dominates the first half of the novel, has a lot of faults – from her secret marriage to not taking care of her own son – but she plays an important role in Amelia's marriage with William Dobbin in the end who is the closest character to be a real gentleman. As Adina Ciugureanu suggests that "Thackeray portrays the world he knows best. The evils of self-interest, of parasitism, and of snobbery release in him a detached ferocity." (Ciugureanu, 53) She also claims that

There are no positive characters in the novel. The aristocracy to whom the writer himself belonged, is depicted as hypocritical, not really well-bred, often mean (Sir Pitt), dirty, illiterate (Rawdon's letters), and brutal (Sir Pitt, Lord Steyne). (Ciugureanu, 53)

In an environment like this, the only way – and the best way according to Thackeray – is to laugh at them. A. Ciugureanu continues as follow:

Thackeray laughed at almost everything: at the attempts of mothers marry their daughters to rich suitors, at the frantic effort of ageing ladies to appear youthful, at the hypocrisy of clergymen and their energetic and ambitious wives, at the tribute

demanded by the poorer members of the family by their wealthier relations, at the paramount importance of money and the folly to which men and women stoop to get it. (Ciugureanu, 53)

That's why Thackeray mocks the snobbishness thorough the adventures of Becky and that's why with the help of the puppets he created, he laughs at them and makes the snobbish people be laughed at. In this way, probably, Thackeray takes his revenge from them. Yet, the realistic characters and the plot, besides Thackeray's ironical style mirror the Victorian age. Moreover, his mocking snobbishness draws the attention to the distinction between the snob and the gentleman.

#### 1.4.2. Charles Dickens and the idea of the gentleman

Unlike Austen, Thackeray and Trollope, Charles Dickens did not have an aristocrat family and besides that for a while his father had to go to the prison as a result of his debts. In this period little Charles had to work in a blacking factory. Although some critics argued that Dickens could not describe a 'gentleman' as a result of his being an outsider to the life of the 'gentlemen', Gilmour suggests that "his ability to see the gentleman 'from the outside', as Chesterton recognized, gave him an insight into the Victorian pursuit of gentility, and the role of the gentleman in the structure of nineteenth century society, which a born insider like Thackeray could never have." (Gilmour, 107) Therefore, while Thackeray's gentlemen are very close to the aristocrats, Dickens's gentlemen are mostly self-made and closer to the lower class. Gilmour points out this fact as follows:

Dickens is concerned with the lower reaches of the middle class in its most anxious phase of self-definition, struggling out of trade and domestic services and clerical work into the sunshine of respectability.' (Gilmour, 106)

The hard life he had to endure developed his character in a way that, he became the voice of the people who had never been noticed and valued at all. He directly saw and lived the social injustices and became one of the novelists who used the hard life of the people as a subject in his works. Due to his social consciousness, his works attracted the public attention to the social problems such as poverty, poor conditions at workhouses – as in *Oliver Twist* – and factories – as in *Hard Times*, poor educational system – as in *Nicholas Nickleby*, the increase in crimes in big cities – as in *Oliver Twist* – and, more importantly, the injustice suffered by the lower class people who tried to obtain respectability by becoming gentlemen or ladies – as in *Great Expectations* and *David Copperfield* –. This point, which will be discussed in detail in the following chapters, is very important because Dickens portrayed the gentleman in his novels and they all have specific purposes and implications in the plot. What we emphasize in this sub-chapter is that, as a Victorian novelist, Charles Dickens developed the concept of the 'gentleman,' by enlarging its meaning, in most of his novels.

While in *Great Expectations* the main theme is Pip's struggle to become a gentleman and his understanding of the true gentility in Joe's character and attitudes, Oliver's nobility in *Oliver Twist*, which is found out in the end, is attached to idea of the gentleman in Dickens's early novel. Dickens praises the old gentleman, Mr. Brownlow, and Rose for their possessing gentle, kind, pure hearts and good natures, but he punishes the fake gentleman such as Mr. Bumble, for his being selfish, Fagin and Sikes for their unkind manners, cruelty and their murderous drives.

In *Hard Times* the fake gentlemen, such as Mr. Gradgrind – the man of facts and calculations – and Mr. Bounderby – the self-made rich but boastful man, are brought forward by Dickens with a view to criticizing the education given to the children and to satirizing the attitudes of the employers towards their employees in the industrial era. Nevertheless, in *Nicholas Nickleby* the disgusting manners and cruel behavior of Mr. Squeer squeeze the school children using physical and verbal violence. Mr. Gradgrind grinds the hopes and dreams of the children, even of his own, by using wrong methodology and ignoring children's psychological growth. As a result, Mr. Grandgrind's son, Tom, becomes a snob who drinks, gambles and spends his money extravagantly.

Unlike Aunt Betsey Trotwood, in *David Copperfield*, who becomes the shelter and sponsor for David in his later life, Uncle Ralph Nickleby, in *Nicholas Nickleby*, never gives a sincere help to his nephew, Nicholas. Although Ralph Nickleby is a rich person and he inherits the same blood, Dickens points out the fact that sometimes the noble blood is not enough for a man in his becoming a *true gentleman*. We also notice that Dickens uses the old traditional dueling of the two gentlemen, Hawk and Verisoph, as the result of ungentlemanly and rude behavior to a lady (Kate).

Mr. Murdestone, in *David Copperfield*, may be seen as a fake, devious gentleman who is perceived like a *murderer* by David. His rude and cruel attitudes as well as his humiliating tone in the use of language towards David results in David's sending off to a boarding school and then in his working in a factory, albeit his very young age. At school, Steerforth

becomes his close school friend and Mr. Micawber, David's first landlord, becomes a close family member. While the *snob*, Steerforth, seduces and dishonors Little Emily, who is David's first childhood love and Pegotty's orphaned niece, Mr. Micawber's assistance reveals Uriah Heep's misdeeds to Mr. Wickfield and migrates to Australia for a better life. Mr. Pegotty is another gentle person with a humble origin, attracts the admiration of the readers for his search of Little Emily and his dedication to leave everything behind her to start a new life in Australia. After getting rid of the Murdestones with the help of his Aunt Betsey, in his later period of his life, David comes across another person of humble origin, Uriah Heep, but unlike Mr. Pegotty, he betrays Mr. Wickfield secretly getting control of his business and wealth in order to allegedly become a gentleman and get married to Wickfield's daughter, Agnes. All his misdeeds and evil plans are revealed with the help of Mr. Micawber. He is also another interesting character who, like Dickens's own father, shares the fate of being sent to prison because of his debts. Yet, Mrs. Micawber is described as a most significant lady, who supports her husband in his hard times and shares all the difficulties they have to suffer.

In *Great Expectations*, the main character, Philip Pirrip, nicknamed Pip, becomes involved with various people belonging to different social classes. As an orphan child, Pip first finds himself with his sister and her husband, the blacksmith Joe. At first, Pip is ashamed of Joe's lack of education. Pip wishes that Joe could teach him the correct names for the card game, when he is young, and Joe's awkward manners as a result of his lack of knowledge in gentlemanly attitudes among the upper class-people make Pip behave in a snobbish way. Nevertheless, at the end of the novel, Pip realizes (and this is also the most important point in Dickens's perspective on the idea of the gentleman) that Joe is the true gentleman. In her study *Victorian Selves*, Adina Ciugureanu points out this fact as follows:

... he [Pip] eventually understands the meaning of the word 'gentleman' which he applies

to Joe when he addresses him as "this gentle Christian man" (Ch. 57). So money, education, good manners, and social position are worth very little outside Christian moral values. The ultimate achievement of a man who calls himself a gentleman in Victorian society is therefore, being a 'gentle man'. (Ciugureanu, 65)

Other true gentlemen who should be mentioned are Magwitch and Herbert. Magwitch, the convict, becomes Pip's secret benefactor and when he finds out that he is also the father of his Estella, his life-long love, he assists him in his attempt to secretly leave the country. Magwitch dies happily when he sees Pip, the gentleman, that he has in a way 'created'. Herbert Pocket, who once had a fight with Pip at Satis House during his visits to Miss. Havisham, teaches Pip the art of 'gentlemanly' behavior from table manners to the polite manners in the public life when Pip stays in London. According to Ciugureanu,

Herbert teaches Pip elegant table manners, but he reminds him and the readers that they are meaningless unless they are grounded on moral principles. One cannot be "a true gentleman in manner" unless one is, according to Herbert's father "a true gentleman at heart" (Ch.22) (Ciugureanu, 64)

Pip has a great inner struggle with his conscience as a result of his ambition to become a gentleman. Dickens portrays his own perception about the idea of the gentleman through the progress of his main character, Pip, from snobbery to gentlemanliness.

#### **1.4.3. Anthony Trollope and the gentleman**

Anthony Trollope, who tried to describe the Victorian period realistically and also used the idea of the gentleman in his works, is another important writer who should be mentioned. When he is compared with Thackeray and Dickens, he did not face directly the growing pains of the early Victorian as the concept was under severe influences of the *aristocratic insolence* and the *moralized gentry*. Although the idea of the gentleman was central in his works, his readers might have had some problems with his understanding of the concept as a result of his hesitation to give his own definition to the term 'gentleman'. According to Gilmour

his notorious reluctance to say what he meant by a gentleman, which is sometimes taken as a sign of his confusion, implies just the reverse: he knew, or thought he knew, very well what a gentleman was, and his refusal to spell it out came partly from a feeling that gentlemen should not be too specific on such matters, and partly, I think, from a correct suspicion that many of his readers would be shocked to learn how very inegalitarian and unprogressive his concept was. (Gilmour, 149)

Why he shrank to give a definition of the term 'gentleman' could be seen, perhaps, in his autobiography. Rather skeptical about fame in his life and about the seriousness with which his contemporaries might consider his own views on the gentleman, Trollope wrote the following:

As what I now write will certainly never be read till I am dead, I may dare to say what no one now does dare to say in print – though some of us whisper it occasionally into our friends' ears – there are places in life which can hardly be well filled except by 'Gentlemen.' The word is one the use of which almost subjects one to ignominy. If I say that a judge should be a gentleman, or a bishop, I am met with a scornful allusion to "nature's gentlemen." Were I to make such an assertion with reference to the House of Commons, nothing that I ever said again would receive the slightest attention. A man in public life could not do himself a greater injury than by saying in public that the commissions in the army or navy, or berths in the civil service, should be given exclusively to gentlemen. He would be defied to define the term, – and would fail should he attempt to do so. But he would know what he meant, and so very probably, would they who defied him. It may be that the son of the butcher of the village shall become as well fitted for employments requiring gentle culture as the son of the parson. Such is often the case. When such is the case, no one has been more prone to give the butcher's son all the welcome he has merited than I myself; but the chances are greatly in favor of the parson's son. The gates of the one class should be open to the other; but neither to the one class nor to the other can good be done by declaring that there are no gates, no barrier, and no difference. The system of competitive examination is, I think, based on a supposition that there is no difference. (Trollope, 34-35)

This passage reveals that Trollope was highly conservative in his understanding of gentlemanliness and was relatively unaffected by the modernizing tendencies which appeared in the Victorian period. He considers gentlemanliness as a rank but "he nowhere states that the gentleman is superior to the good and honest man who is not a gentleman, only that he is different." (Gilmour, 151) Thus, Gilmour thinks that "It is this honest realism, coupled with his lack of fuss about the gentleman, which makes Trollope seem a much less snobbish writer than Thackeray, although the latter's social analysis is a good deal more radical writer. The realism and the lack of fuss are of course related in Trollope, and derive from the fact that, unlike Dickens and Thackeray, he had an intimate understanding of the landed order in Victorian society." (Gilmour, 151)

The *gentlemen* in his works are mostly 'country gentlemen and squires'. He is quite strict in using the terms related to the landed gentry as a result of his family background and his thirty-three years spent as a postal surveyor in Ireland. He had an aristocrat background, his father Thomas Anthony finished New College at Oxford, became a lawyer and also tried to seek his fortune in farming but unfortunately failed in both jobs. As soon as young Anthony could hold the pen, his father "taught him the points to be aimed at in letter-writing – clearness, conciseness, abstinence from the repetition of words or ideas, and the non-introduction of any unnecessary or irrelevant matter" (Escott, 19-20). As for his mother, she was "a far more cultivated woman than might be supposed from her books. Proud, as well as fond, of all her boys, she taught them of an evening enough French, German, and Italian to speak and write these languages correctly, as well as understand them when spoken, without difficulty, and converse in them with ease." (Escott, 20)

Anthony Trollope had a difficult childhood due to his father's unsuccessful attempts in business. In his autobiography, he states that "My schoolfellows, of course, knew that it was so, and I became a pariah. It is the nature of boys to be cruel. I have sometimes doubted whether among each other they do usually suffer much, one from the other's cruelty; but I suffered horribly!" (Trollope, 11) Although he got his education at Harrow and Winchester among the other rich boys, the poverty the family suffered formed a different character of him. Unlike Thackeray, who had extravagant expenses in gambling, drinking and a lavish lifestyle in his youth, Trollope had to struggle financially in his early years of his youth. After his father's death, his mother traveled to America to look after her children in business, but she also failed. Returning to England she gained success with her book entitled *Domestic Manners of the Americans*. She was fifty-two at that time and she wrote until seventy-six to support her family through writing.

When Anthony Trollope was nineteen, he got a job as a clerk in the post office and seven years later he became a postal surveyor in Ireland spending thirty-three years in this job. He used this experience in many novels. Although he was criticized for his admitting that he had written for money, his Barsetshire novels, whose stories were set in the imaginary English country of Barsetshire, were the first serial fiction in English literature. He established his reputation as a writer with his fourth novel, *The Warden* (1855). Having read this work her mother said that "Of this, you owe nothing to me, and yet I have observed nothing like it in others of your period." (Escott, 32-33) In other words, she recognized her own teaching of *précis* writing, but also her son's obvious talent. With his own words, Trollope described his published works as a "series of novels of which Barchester, with its bishops, deans, and archdeacon, was the central side." (Trollope, 74-75) Although

Trollope never lived in any cathedral city, except London, he explained the reason why he had chosen the story of clergymen in these series as an effort of his moral consciousness. Being a clergyman was also considered a gentleman's profession at that time. Trollope reflects some of his thoughts about the idea of the gentleman in terms of his profession and his social status through Miss Marrable's thoughts in *The Vicar of Bullhampton* (1870) as follows:

Miss Marrable thought a good deal about blood. She was one of those ladies, – now few in number– who within their heart of hearts conceive that money gives no title to social distinction, let the amount of money be ever so great, and its source ever so stainless. Rank to her was a thing quite assured and ascertained... She had an idea that the son of a gentleman, if he intended to maintain his rank as a gentleman, should earn his income as a clergyman, or as a barrister, or as a soldier, or as a sailor. Those were the professions intended for gentlemen. (Trollope, ch.9)

The people, who had those professions mentioned above, were considered easily 'gentlemen' as their income was sufficient not only by Miss Marrable but also by some writers from Fielding and Richardson to Thackeray and Dickens. Being a civil servant himself, Trollope finds this approach out of date and more importantly unlike Thackeray and Dickens, Trollope thinks that money itself should not play a great role in someone's endeavor in becoming a gentleman.

The strongest point in her character was her contempt of money. Not that she had any objection to it, or would at all have turned up her nose at another hundred a year had anybody left to her such an accession of income; but that in real truth she never measured herself by what she possessed, or others by what they possessed. (Trollope, ch.9)

Gilmour points out the fact that "for Trollope this is the heart of matter. Whereas Dickens and Thackeray could not forget that the gentleman was made possible by money, Trollope saw the traditional system of rank as a defense against the encroachment of money-worship." (Gilmour, 152) Not only the *rank* and appropriate *manners*, but also the *feelings* of a gentleman are important values with Trollope. In *The Prime Minister*, for example, Trollope describes Lopez as follows:

In a sense he was what is called a gentleman. He knew how to speak, and how to look, how to use a knife and a fork, how to dress himself, and how to walk. But he had not the faintest notion of the feelings of a gentleman. (Trollope ch.58)

According to Gilmour "these include the feelings we should expect, such as chivalry, and unselfishness, and also 'manliness', which in Trollope means much what it means elsewhere in the Victorian novel, not hearty muscularity but a balance of masculinity, simplicity and directness of manners and tenderness." (Gilmour, 155) In another work, *The Vicar of Bullhampton*, Trollope portrays Captain Marrable as a *technical gentleman* who combines *heartlessness* with *lack of principle* and *selfishness*:

He was good-tempered, well-mannered, sprightly in conversation, and he had not a scruple in the world ... To lie, to steal, - not out of tills or pockets, because he knew the danger; to cheat – not at card-table, because he had never come in the way of learning the lesson; to indulge every passion, though the cost the other might be ruin for life; to know no gods but his bodily senses ... to eat all, and produce nothing; to love no one but himself; to have learned nothing but how to sit at table like a gentleman; to care not at all for his country, or even his profession; to have no creed, no party, no friend, no conscience, to be troubled with nothing that touched his heart; - such had been, was, and was to be life of Colonel Marrable. (Trollope, ch.33)

Captain Marrable has almost all the qualities of a 'fake gentleman' which Trollope believes that a 'true gentleman' should never possess. Gilmour points out that "Captain Marrable is the antithesis of almost everything Trollope believed a gentleman should be. He is heartless, selfish, dishonest, lacking in principle, incapable of loyalty and patriotism." (Gilmour, 156) Showing 'patriotism' to be the crowning quality of Trollope's ideal gentleman, Gilmour concludes his detailed analysis as follows:

To be a gentleman in Trollope it is necessary to show 'manliness' and 'heart', but also to possess the 'hard' quality of principle which his squires have. This is perhaps best summed up, as Ruth Roberts suggested, by the Latin *honestum*, which Trollope in his *Life of Cicero* defines as a blend of 'honour' and 'honesty'. Moreover, it is through the destiny of his landed gentleman that Trollope's vision of society is presented. It is not a static vision. What changes, however, is not as Dickens and Thackeray, his concept of the gentleman, but his sense of the world in which the gentleman has to live. (Gilmour, 160)

It takes over twenty years for Trollope to write the Barset novels and Palliser series. The Victorian reading public admired the series with the detailed realistic descriptions of social life and vivid psychological portraits of his characters.

## 1.5. Conclusions

The nineteenth century, particularly the Victorian England, saw the *rise* of the gentleman in two specific ways; first in *quantity* and then in *quality*. The increased opportunities in social status in terms of 'wealth' and 'high rank' for the lower and middle classes caused that a lot of *commoners* gained higher status in English society. Because with the expansion of the British Empire the upper class needed to share the *gentlemanly* status with more 'ruling class' gentleman. The 'wealthy' gentleman was never rejected but he was easily accepted and welcomed to the upper class. The education of the *new apprentice* gentleman was a must in two aspects; his *manners* and *intellectual capacity* had to be improved. The new 'educated' or 'leveled up' gentleman in his manners, morals and mind power had significant contributions for the English society in two aspects. The integration of the gentleman to his new environment had deep impacts on preventing bloody revolution in Great Britain – as appeared in France due to the huge gaps in life standards between the upper and lower classes –. The educated gentleman functioned like a seed in many fields of life from the rapid development in sciences, technology and industry to his engagement in political arena. His influence was felt even from the reduction of the crimes to the philosophical and sociological developments in Victorian England.

The historian Penelope J. Corfield's research, *The Rivals: Landed and Other Gentlemen* (1996), has made it obvious that the term 'gentleman' has both social and moral connotations throughout the ages. The important point that "the concept of the gentleman was not merely a social or class designation but there was also a moral component inherent in the concept" (Cody, 1) has also been emphasized by David Cody.

As a result of the development especially in social sciences with the incredible increase in the number of the readers who follow various newspapers, periodicals, and magazines regularly, there used to be hot discussions on defining the characteristics of the gentleman. Significantly in Victorian England, almost every intellectual approached to the idea of the gentleman from various perspectives and it was the high time that the *morality* of the gentleman gained much importance rather than his *wealth* or *high status* in the traditional hierarchy. There was a significant tendency to perceive and describe the gentleman with his 'gentility', 'courtesy' and gentle 'manners'.

Nevertheless, it became hard to distinguish the *true* gentleman with snobs and *devious* gentlemen. That's why we have tried to have a close look at his distinctive characteristics that made him a *true* or a *wicked/devious* gentleman particularly in Victorian novels. While the true gentleman, playing his role as a leader, a social reformist, a benevolent humanist, a real peacemaker, an activist and a hero, dedicates his own life for his people's pleasure, happiness, comfort and welfare, the wicked/devious gentleman is selfish, never cares the others, and extremely harmful to the people he lives with and the surroundings he lives in like an infectious disease. We have been frequently seeing these types not only fiction but also in the daily life. The importance of unofficial education acquired naturally at home and in the neighborhood and the official education taught at schools, colleges and universities as well as religious preaches at churches, books and means of media has been emphasized in forming the true gentleman.

Thus, first we have attempted to apprehend the Victorian England and Victorian novel in general and then we have tried to distinguish the images of the gentleman in the works of some significant Victorian writers, namely W. Thackeray, C. Dickens and A. Trollope.

## References

- Ciugureanu, Adina. *Victorian Selves (A Study in Literature of the Victorian age)*, Constanta: Ovidius University Press, 2008.
- Escott, T.H.S. *Anthony Trollope – His work, Associates and Literary Originals*, New York: John Lane Company, 1913.
- Gilmour, Robin. *The Idea of the Gentleman in the Victorian Novel*, London: Allen & Unwin, 1981.
- Jr. Payne, L. W. *Thackeray*, The Sewanee Review, The Johns Hopkins University Press, Vol.8 No.4. 1904.
- Mays, Kelly J. "The Publishing World", in Patrick Brantlinger and William B. Thesing (ed.), *A Companion to Victorian Literature*, Oxford: Blackwell, 2002.
- Ray, Gordon N. *Thackeray's "Book Of Snobs"*, University of California Press, Nineteenth-Century Fiction, Vol.10, No.1. 1955.
- Trollope, Anthony. *Autobiography of Anthony Trollope*, New York: George Munro Publisher, 1883.

*The Vicar of Bullhampton* The Project Gutenberg eBook, 2008.

*The Prime Minister* The Project Gutenberg eBook, 1999.

Schor, Hilar. "Fiction", in Herbert F. Tucker (ed.), *A Companion to Victorian Literature*, London: Blackwell, 1999.

### **Internet Resources**

George P. Landow, *Victorian and Victorianism*, [www.victorianweb.org/vn/victor4.html](http://www.victorianweb.org/vn/victor4.html)

George P. Landow, *Movements and Currents in Nineteenth-Century British Thought*,  
[www.victorianweb.org/philosophy/thought.html](http://www.victorianweb.org/philosophy/thought.html)

G.K. Chesterton, *Three main trends of Victorian thought: Utilitarianism, the Oxford Movement, and Romantic Protestantism*,  
[www.victorianweb.org/authours/chesterton/victorian2.html](http://www.victorianweb.org/authours/chesterton/victorian2.html)

David Cody, *The Gentleman*, <http://www.victorianweb.org/history/gentleman.html>

Robert Fletcher, *William Makepeace Thackeray: A Brief Biography* <http://www.victorianweb.org/authors/wmt/wmtbio.html>

W.E Henley *Thackeray* <http://www.victorianweb.org/authors/henley/thackeray.html>

W. M. Thackeray, *Catherina*, <http://www.victorianweb.org/history/gentleman.html>

Merriam Webster Online Dictionary <http://www.merriam-webster.com/dictionary/snob>

## Taxation and Government Expenditures in the Center of the Albanian Policy Debate

**Teuta Balliu, PhD Cand.**

Lecturer, Faculty of Economy in University of Elbasan "A.Xhuvani"

[teuta.balliu@uniel.edu.al](mailto:teuta.balliu@uniel.edu.al)

**Loreta Bebi, PhD Cand.**

Lecturer, Faculty of Economy in University of Elbasan "A.Xhuvani"

[loreta.bebi@yahoo.com](mailto:loreta.bebi@yahoo.com)

### **Abstract**

*There are only a very limited number of instruments at a government's disposal when it tries to stimulate long-run growth, and one of these instruments is fiscal policy. The last few years we have seen government spending, taxation, and deficit financing move to the forefront of policy debates worldwide. That is why it's very important to analyze the way in which taxation and government expenditures influence economic growth. This problem is especially vital for the countries suffering very low or negative rates of growth, as Albania is. The aim of this study is to have a clear view of the fiscal reform process and economic development in Albania starting from 1991 till to present and to analyze the impacts of tax revenue and government expenditures on economic growth and development. In general a tax policy aiming at reducing the number of taxes and tax rates, expanding tax incentives to encourage investment, boost exports, encourage the development of domestic production, transfer economic structure and stabilize finance and monetary policies in accordance with the requirements of a market economy to meet the requirements of international economic integration. Tax policy has contributed to encourage investment and promote business and production. Entrepreneurs and investors considered the tax reduction rate and the increase of government expenditures extremely positive and encourage business investment decisions and expansion. Government expenditures in sectors like education, health, infrastructure, and research and development have a positive impact on economic development of a country.*

**Keywords:** Fiscal policy, tax system, government expenditures, economic growth.

### **Introduction**

In the economic and political science, the fiscal policy is the use of government expenditures and revenue collection in order to influence the economy. The fiscal policy can be in contrast with other leading types of macroeconomic policy, such as the monetary policy, through which efforts are made to stabilize the economy by using interest rates and expenditure control. The two main instruments of fiscal policy are government expenditures and taxes. The changes in the level and composition of taxes and government expenditures can influence economic variables such as the aggregate demand, the level of economic activity, the model of source and income distribution (Assaf Razin and Sadka Efraim , 1991). The costs and state taxes directly affect the overall economic performance as they make up the largest part of the activity of the national economy. Fiscal and monetary policies are two basic components of state economic policy which are used for macroeconomic purposes such as the influencing of the total domestic product, the employment level, the incomes and the price level. The fiscal policy is related to the government actions in changing the composition of the revenues and the public expenditures to manage aggregate demanding order to maintain sustainable economic growth with relatively high employment, without causing inflation, without increasing the public debt and with a satisfactory payment balance. Instruments of the fiscal policy can be even applied for other purposes such as the field of education policy, education, demographic, and cultural purposes, as well as construction, health and commercial purposes. The state is presented as an employer in public enterprises, public administration and the law enforcement and security bodies. Thus, for example through customs policy, the state increases exports and reduces imports, and by doing this it reduces the deficit in the employment balance and improves the value of the national currency. Fiscal policy has also got an impact on regional development and the improvement of the economic structure (Crawford I, M. Keen and S. Smith, 2009). State intervention in the economic performance through fiscal policy is justified by the adjustments made in terms of eliminating the

phenomena which become an obstacle in maintaining the general welfare of the society. These phenomena are related to the imperfect actions of the market in: protecting the poor class of the society, creating jobs, eliminating monopolies and raising proper competition, and fairer redistributing of wealth, etc. Fiscal policy is one of the components of state economic policy which is used for macroeconomic purposes in order to influence the product, the employment and price level. Tightening fiscal policy is applied to close the gap of expansion in a way that affects the reduction of aggregate demand by cutting down public expenditures. While the recession gap is closed through the fiscal expansion by increasing public expenditures in order to influence the growth of aggregate demand. The issue of the budget deficit and its coverage are particular problems as they are directly linked with inflation as a phenomenon with negative effects on the economy, and the population saving level which is necessary for future investments.

### ***State budget***

The private sector in Albania is increasingly becoming a determining factor in distributing sources, by providing a continuous important contribution in creating GDP. However, as in all other countries with a developed market economy, a significant part of the monetary value is distributed and redistributed through the public sector. The government becomes a very important factor for the development and progress of the country if it has the appropriate legal and financial instruments to attract through a tax system, a considerable part of the private sector revenues (D.Myles, 2009). Government work analysis can be done in two plans. Firstly, we can analyze how much and when does the government provide incomes. Secondly, we can analyze the direction of the expenditures carried out by the government. The analysis of public expenditure carried out by the government is very important for several reasons (Koester B.Reinhard dhe Roger C.Kormendi, 1988). First, the economic activity of the public sector carried out by the government has a specific character and is not subject of the same rules as the economic activity of the private sector. The main principle which regulates the economic activity of the private sector is "voluntary exchange" which according to Adam Smith makes it possible for all the parts to win. Since the activity of the government is not based on voluntary exchange of the offered services, the analysis and the transparency of the expenses carried out by the government is not only a necessity but also the only way for the public to understand which are the activities and services offered and provided by the government. Secondly, it is important to do the analysis of government public expenditures in order to understand how these expenditures are financed. Theoretically public expenditures can be financed in three ways:

- a. by the taxes
- b. by issuing state debt titles in the form of treasure bills
- c. by new money.

All these three ways have different effects on the economy of a country, and this thing makes this analysis necessary. Third, the analysis of public expenditures is a necessity in order to identify the cost of service implementation provided by the government. The cost analysis or the efficiency of the government is necessary especially during the decentralization process, where given the principle of subsidiary; the efficiency of the two governing levels is a basis criterion to decide on the distribution of functions between the local and the central authority.

Fourth, the control of budget expenditures is an important process for controlling the bureaucracy. The public sector analysis in other countries has proved that in conditions of a lack of public control over public finances, public expenditures in the contents of the administration have arisen, by reducing at the same time the amount and quality of public services intended for the public.

### ***Fiscal policy attitudes and their impact on economic growth***

The three possible attitudes of fiscal policy are the neutral, the expansionist and the contractual one (Ramsey, 1927). A neutral attitude of fiscal policy implies a balanced economy. The government expenditures are fully funded by tax general revenues and budget outcomes have a neutral effect on the level of economic activity. An expansionist attitude in fiscal policy includes the fact that the government expenditures exceed tax revenues. We have an expansionist fiscal policy when government expenditures are lower than tax incomes, and a fiscal expansion means tax cuts or increased public spending in order to stimulate consumption growth, i.e. growth of the aggregate demand. This happens when the government notices

flounders, slow economic growth or when the unemployment is high. Thus, the growth of public spending and tax cuts leaves individuals a larger amount of money to use on consumption or investments. This thing has a direct impact on increasing employment and economic growth. While the tightening fiscal policy means cutting expenditures and increasing taxes. It is said that the government implements the tightening fiscal policy when it aims to reduce aggregate demand in order to slow economic growth or reduce inflation. Through the tightening fiscal policy money supplies decreases which further reduces costs and aggregate demand. Similarly, the reduction of money supply puts pressure or raising prices on the economy. When the government takes a decision on the fiscal policy it in advance does an evaluation of a large number of factors including the performance of variables and that of key financial and economic indicators, due to their impact on the amount of the revenues collected through taxes. These revenues are used to meet the needs of financing government programs (Szostak, 2009). Another important issue for the government is determining the budget deficit, so will the government increased or the uncovered costs covered by the loans or through money emission. The fiscal policy decisions depend largely on political considerations such as credibility and the role that government plays in the economy. It also depends on the public feedback over the direction and actions of the government. Such decisions may also be affected by external factors which means, that the government should consider the global trend of economic and fiscal policies of other countries, which may affect the reallocation of domestic companies through the benefits or the fiscal incentives. The fiscal policy measures can be directed towards facing short-term difficulties triggered by harmful flows in economy and their improvement, namely the elimination of the causes of those flows and setting the stability with the measurement of the stabilization policy (Tiebout, 1956). In addition to short-term flows, fiscal policy can even be oriented towards long-term growth of gross domestic product (GDP) respectively the incomes per resident. In this case it is about the rate of economic growth. Economic growth is measured primarily with the growth of GDP within a specified period. This increase means at the same time a rise in expenditures and public revenues, improved living conditions and raising living standards. The economic policy measures and the fiscal policy are intended to achieve an optimal rate of economic growth rather than the maximum rate. The maximum rate is achieved with full employment of all factors of production. But this would be impossible in practice. During the drafting and formulation of fiscal policy it should also be taken into account other factors such as the environmental preservation. Therefore, it is not full employment of all factors of production under ideal conditions. The optimal rate of economic growth means, use of production factors taking account other influential factors of social general interests. Since GDP grows with the increasing engagement of production factors and their best use, then among fiscal policy measures in terms of promoting economic growth can be counted those which affect the growth of labor productivity and better use of capital good, technological development and better use of production factors, such as investment incentives through tax facilitation, subsidies to various economic sectors, increased investment in infrastructure, encourage and increase investment in research, education and training , removal of excessive regulation that could hamper business expansion.

Public debates related to economic growth mainly focus on measures which encourage investments and the reduction of budget deficit in order to increase the savings of the country. They also encourage the increasing of public expenses on education, and the reformation of state regulations including regulations related to environmental protection because of the higher cost compared to the usefulness. State and other public-legal bodies possess a significant part of the national income. They appear on the demanding part in the market and they directly buy goods and pay for services they use, just like non-public entities (Broadway R., E. Chamberlain and C. Emmerson , 2009). The state uses its revenues to pay pensions, unemployment compensations, and other social assistances which are used to increase the purchasing power of those who use these payments. Thus, the state also indirectly affects to the increased demand in the market. However, demand growth is also affected by the reduction of the tax burden of taxpayers, facilities and tax exemptions. By reducing the tax burden, the purchasing power of taxpayers increases and as a result the aggregate demand increases. In terms of full employment, the growth of aggregate demand does not affect the growth of production and that of the number of employees. In this case, the increased demand would result in the increase of prices. To prevent the growth of price level the demand should decrease to the appropriate level of supply. The aggregate demand decreases with the reduction of public transfers, the reduction of public activities, the increase of tax burden and facilities' removing, and tax exemptions. All these measures taken to reduce public expenses and increase public revenues are recognized as policies' measures. If aggregate demand is less than the offer, it still comes up to the change of the price level, which means that the prices are reduced. In order to establish the balance, the state must orient fiscal policies towards the growth of aggregate demand by increasing expenses and reducing public revenues. Among expenditures the state increases social expenses, opens new jobs, increases investment activities and reduces the tax burden (Cremer H. and P. Pestieau, 2003). These measures affect the growth of the purchasing power of the citizens and thus also to the growth of aggregate demand and are recognized as policy measures. Whereas, in the case of neutral measures, as we mentioned above fiscal policy aims to

maintain full employment and the right price level. In this case, public expenses must be allocated in a way that demand remains unchanged.

### **Classifying budget expenditures**

The main methodological issues which are related to the analysis of budget expenditures deal with budget classification and the evaluation of budget expenditures indicators. Depending on the type and range of the analysis aimed to be realized in connection to the budgetary expenditures, these last mentioned can be classified in several ways. So budget expenditures can be classified into two groups: in expenses entirely consumed by the public administration and expenses which are reallocated by the state budget (James A. Richardson and W. Bartley James Hildreth, 1999). The first group of expenses includes expenses for staff salaries, or capital expenditures. Their nature is that they are totally consumed in the form of wages and investments by the public administration. While the second group includes expenditures such as expenses for unemployment payments or for social assistance. These expenses are not consumed by the public administration, but by certain groups of the population in need, who benefit from the reallocation of funds in their favor.

Budget expenditure can also be divided by:

- The economic classification
- The functional classification
- The institutional classification

The *economic classification* of budget expenditures serves to show the intended use of the revenues. As such they do not show where they are spent, but they show the economic direction of the budget expenditure, as:

- a. The consumption of the public sector (in the form of staff salaries and insurances)
- b. The expenditures of maintenance and subsidies
- c. The capital transfers
- d. The interest payments

According to the economic classification the analysis of expenditures reports serves to answer questions such as: How has the nature of public spending for the holding of public administration changed in relation to the capital investments? Are the maintenance expenditures stable? How much and how has the size of public debt affected it? What is the degree of state intervention in the economy through subsidies?

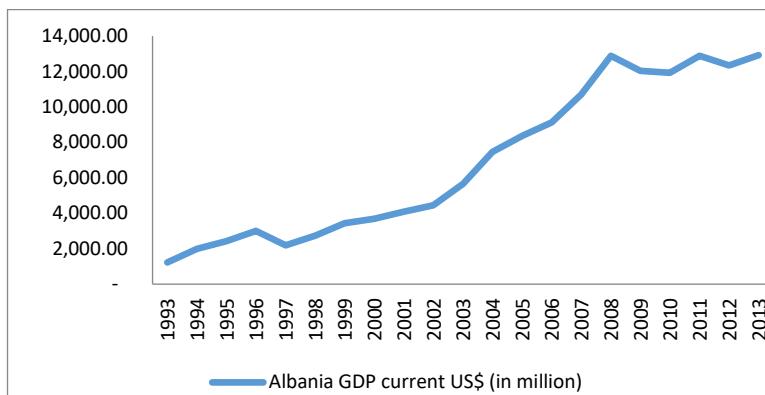
The *functional classification* of public expenditures aims to indicate the direction in which the public funds were spent. As such they indicate the area where public funds were spent, on:

- a. Maintaining central administration
- b. Protection
- c. Safety and security
- d. Education
- e. Health
- f. Housing and territorial regulation
- g. Art and culture
- h. Energy
- i. Agriculture and forestry
- j. Mines
- k. Transport and communication

The *institutional classification* of public expenditures groups expenditures according to their institutional destination. The budget plan sets operating costs and expenses for investments for every public institution which will be used for the realization of activities in the respective institutions.

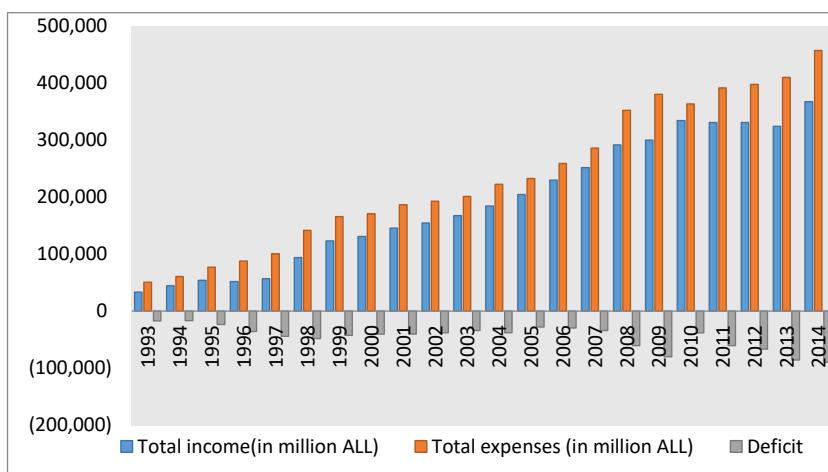
### **Public revenues**

The following chart reflects the Albanian GDP over the years. The Albanian rate of economic growth remains positive but it is in very low levels and far from the desired target.



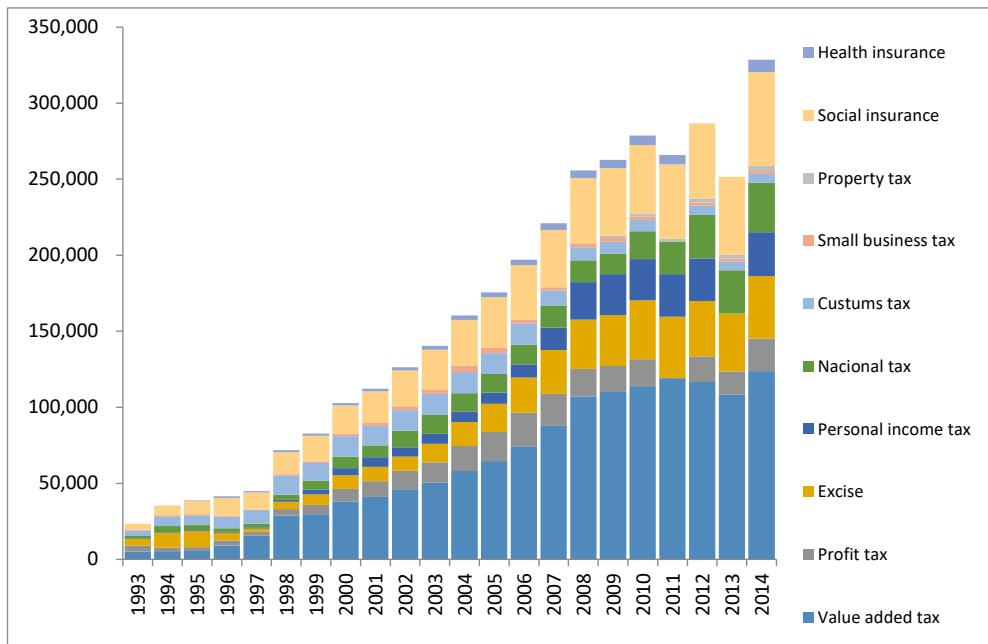
Graph 1. GDP performance

As we stated above the public debates regarding economic growth are mainly focused on measures that encourage investments, reduce the budget deficit in order to increase savings in the country, increase public spending on education, and the reformation of state regulation, including regulation regarding environmental protection due to the high cost compared to the usefulness. Graph 2 shows the data in relation to total public revenues, the total expenditures and the deficit from 1993 to 2014.



Graph 2. The performance of the total revenues, total expenditures and deficit over the years

From chart 2 and 3 appears that the level of tax revenues is almost several times higher than in 1993. The incomes obtained from tax and customs have increased until 2006, which is almost the same with growth in two other items of income tax, but this item was the main one, about 90 percent. Although the overall tax revenues have had a growing trend over time, their growth has been sluggish.



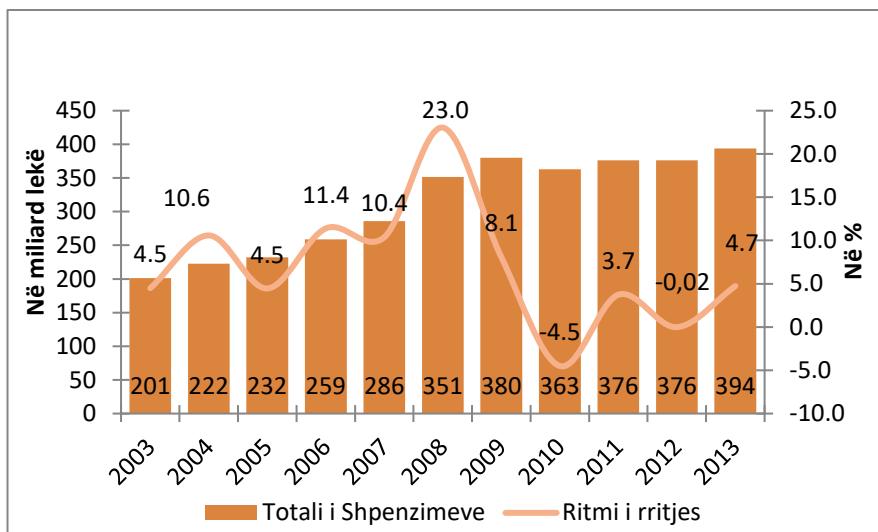
Graph 3. The performance of tax revenues (in million ALL)

An important factor of this increase may be in the tax system reforms, such as increasing the number of taxable entities, tax base increase, improvement of their management as well as the issuance of new laws and why the creation of new businesses private economic expansion is thought to be a determining factor. The structure of tax revenues in Albania is such that three major taxes provide approximately 65 percent of the total income tax to the central government. As seen in the graph 3 the main items are value added tax, excise tax and social security.

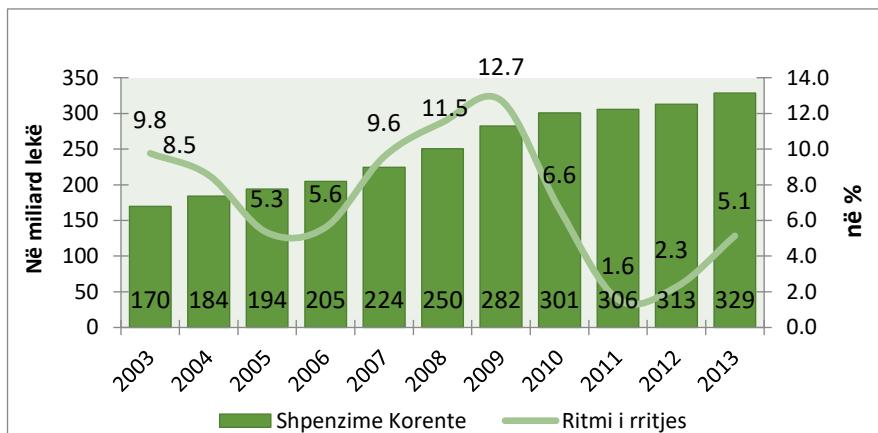
### **Public expenditures**

One of the challenges that the fiscal policy in transition has faced, is to contribute to stabilization, but without hindering the necessary fiscal restructuring since stabilization itself requires improved fiscal instruments. Fiscal consolidation through the establishment of a balance between reducing the deficit and public debt and the need to carry out necessary capital investments, has positively affected both in terms of stability and in terms of economic growth (Prammer, 2011). According to theoretical concepts a way to see the performance of public sector expenditure is through performance. General budget expenditures at the end of 2013, amounted to about 394 billion, from 409.4 billion projected in the budget approved for this year. In this context, at the end of 2013, the fiscal deficit reached at -63.9 billion, 19.6 billion less than planned while in 2014 the deficit reached the value of 89 billion. Since the high levels of the expenditures in 1992 their trend has been falling in relation to GDP. Some of the policies of the government that have contributed in reducing government expenditures, have been cuts in public administration, in order to improve public services, the liberalization of exchange rates and prices which affected the reduction of subsidies in the economy, lowering the cost of protection, reduction of interest rates for debt payments as well as a reduction rate of the treasury bonds to internal financing. This downward trend was broken after the crisis in 1997 and for the following two years, considering reforms to emerge from the crisis as well as the support that was given to the Kosovo war in 1999. Since 1999 the costs have had a stable decrease which reached the lowest level in 2003, about 28.4% of the GDP. Even in the following years the level of expenditure has remained at a constant value from 28 to 29% of GDP. In 2008, the expenditures increased by about 15 percent compared with a year ago, reaching the value of 33.4 percent, the highest value since 1999. In fact it is worth mentioning the fact that there is a right link between increased government expenditures and electoral periods. This explains the high levels of spending for 2009 by even adding the effects of the crisis.

The performance of budget expenditures in an absolute amount is shown in Graph 2, while slightly below (Graph 4) reflects the budgetary costs and the pace of their growth during January–December, in the past ten years.

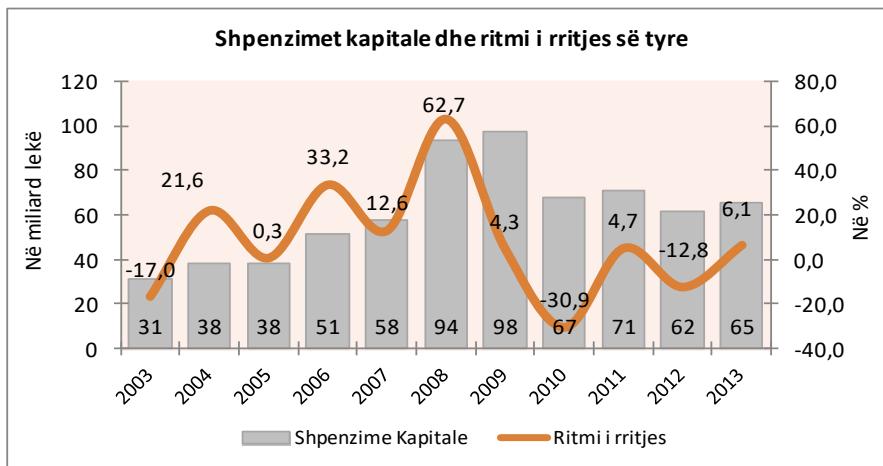


Graph 4. General expenditures and their growth rate (in Milliard ALL)

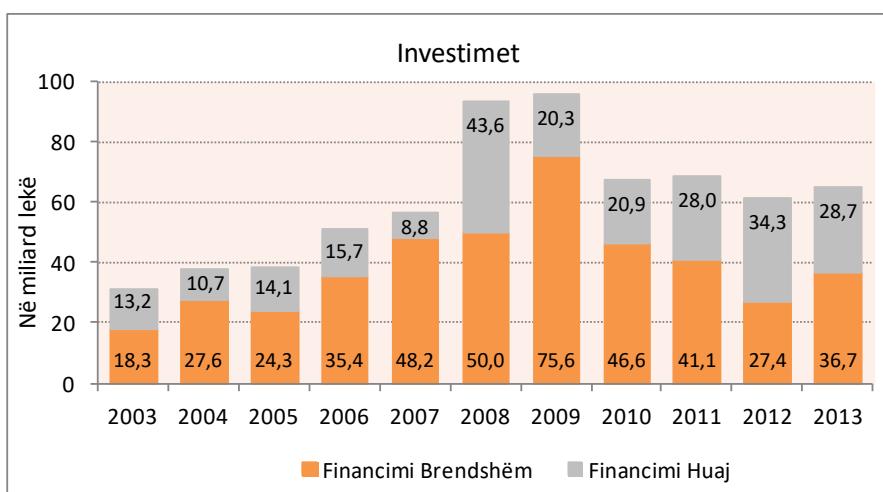


Graph 5. Current expenditures and their growth rate (in Milliard ALL)

Graphs 4, 5, 6 and 7 make a description of the performance of general, current, and capital expenditures and investments. The big difference of current and capital expenditure makes us think that the bulk of these costs go to investments which are not very productive. Nearly half of current expenditure goes to personnel costs such as wages and contributions of social and health security. If we refer to the fiscal indicators of the state budget over the years we have found a positive feature in favor of the expenditure performance. There is a downward trend of operating costs and capital expenditures versus personnel and especially towards investments. This means that the contribution of expenditure on economic growth has been improving. This has been the goal of the expenditure policy, which has been pronounced even more these past 5 years: to reduce current expenses by reducing the number of administration staff, reorganization of ministries, reducing operating costs, and subsidies. Even grants of the local government have been affected by this policy in order to leave more space to investments. So an improved cost structure and quality of their addressing.



Graph 6. Capital expenses and their growth rate.



Graph 7. Investments (internal and foreign funding).

### Conclusions and recommendations

Is the government able to increase investment capacity through expenditures, without negatively affecting the economy? This is one of the central questions which of the theory of public finance nowadays and political debate in Albania. A positive answer to that question is yet more difficult in the case of our country taking into account elements such as the prolonged transition, the problems in the functioning of market institutions, the fragility of macroeconomic variables, gaps in coordination of strategies, etc. However, according to theoretical views, empirical studies, and practical facts the position and role of the state in transition economies is considered very essential in accelerating the economy. In addition to other factors such as the initial conditions, the problems inherited from the past, the level of incomes per capita, the presence of the private sector, etc. the method of implementation of the political system, the construction method, monitoring of public institutions, and the continuity and political will to implement the reforms are elements that indicate that the government of a country in transition is functioning optimally to promote a sustainable economic development. Other elements which show

the same thing are the greater involvement of civil society in decision making, the increasing of public support, the strict controls of corruption, private interests capturing the state and the rigorous enforcement of the law.

One of the challenges which the fiscal policy in Albania has faced is its contribution in stabilization. Fiscal consolidation through the establishment of a balance between reducing the deficit, the public debt and the need to carry out necessary capital investments, had a positive impact in terms of stability and in terms of economic growth. The revenue policy has improved in terms of tax rates by adjusting them with tax advanced models. Reforms in revenue administration have also contributed positively, but collection levels still leave to be desired. Even expenses have their own problems in addition to sustainability, which has been periodic. Addressing expenditures against priority sectors is an important issue but not the only one. The way they are used and where they are addressed mostly towards capital investments or current expenditure is quite difficult to judge. The government should be able to limit the level of available expenditures in order to use them in the most efficient manner possible. It would be very appropriate for Albania to undertake fiscal reform in consultation with international organizations in order not to enter into a public finance crisis in conditions when even other circumstances are not favorable.

## BIBLIOGRAPHY

- Assaf Razin and Sadka Efraim . (1991). Efficient investment in the presence of capital flight. *Journal of International economics* Vol 31 Issues 1-2 , 171-181.
- Broadway R., E. Chamberlain and C. Emmerson . (2009). Taxation of Wealth and Wealth Transfers in The Mirrlees Review: Dimensions of Tax Design, S. Adam, T. Besley and R. Blundell. Oxford University Press .
- Crawford I, M. Keen and S. Smith. (2009). Value added tax and excises in The Mirrlees Review: Dimensions of Tax Design. The Mirrlees Review: Dimensions of Tax Design , 275.
- Cremer H. and P. Pestieau. (2003). Wealth Transfer Taxation: A Survey. CESifo Group Munich , 1061.
- D.Myles, G. (2009). Economic Growth and the Role of Taxation-Theory. OECD , 48.
- James A.Richardson and W.Bartley Hildreth. (1999). Handbook on Taxation. Basel: Marcel Dekker Inc.
- Koester B.Reinhard dhe Roger C.Kormendi. (1988). Taxation Aggregate Activity and Economic Growth; Cross Country Evidence on Some-Side Hypotheses". *Economic Inquiry* .
- Prammer, D. (2011). QUALITY OF TAXATION AND THE CRISIS: TAX SHIFTS FROM A GROWTH PERSPECTIVE. Luxembourg: European Union.
- Ramsey. (1927). A Contribution to the Theory of Taxation. *The economic Journal* , 47-61.
- Robert J.Barro and Xavier Sala-iMartin. (1999). Economic growth. New York: The MIT Press.
- Szostak, R. (2009). The Causes of Economic Growth. Interdisciplinary Perspectives. Berlin: Springer.
- Tiebout, C. M. (1956, October). A Pure Theory of Local Expenditures. *The Journal of Political Economy*, Vol. 64, No. 5 , p. 416-424.

## Rediscovering Nationalism

Venera Llunji

University "Hasan Prishtina" Prishtina

[venerallunji@hotmail.com](mailto:venerallunji@hotmail.com)

### Abstract

*Different events which happened in Europe made not only Europeans but people all over the world think that the efforts for creating a unified Europe, and a global village is threatening national identities and livelihoods. Although globalization is considered as a buzzword of modern era, nationalism, too, is very much alive in its own way. Nationalism is not only expected to persist but also increase and intensify in response to and in opposition to forces of globalization. Thus according to Anthony Giddens, "the revival of local nationalisms, and an accentuating of local identities, is directly bound up with globalizing influences, to which they stand in opposition." (Giddens, 1994:5). Therefore this paper will try to answer the question: Is there a link between nationalism and globalization? Can these two forces be complementary rather than contradictory? Is their existence a battle of winners and losers? The paper will shortly see the pros and cons and the implications of these forces in modern societies.*

**Keywords:** nationalism, Europe, globalization, force, implications, modern society

### Introduction

#### Political changes in the Balkans: countries in transition

Balkans remains one of the most unstable and diverse political areas in Europe with various national events. What we see today in the Balkan political stage is mainly a result of the way the transition that these countries experienced during the 1990s, the early years of political changes turning from one-party rule to multi-party political pluralist system. Indeed, the Balkan countries placed some common features in the first decade of transition: initially they maintained continuity with their communist past; then followed the illiberal domination of the elites and the top-down politics; and, finally, they underwent a collapse of their early illiberal competitive order. Many of the features of these early years are still visible today in how local elites reach their political "agreements", in how people react through elections or protests, and how the international community exercises its authority from abroad. It is very important to understand the early stages of the transition from post-communist politics after a long period of totalitarian and one-party rule, because at this stage the foundations for stability, longevity and quality of the democratic process are set out. The first years of transition in Eastern Europe from communism to democracy caused a variety of post-communist developments regionally as well as nationally, which helps explain why in some developed countries there has been a stable democratic process, whereas in some other countries this process was more fragile and turned into a new form of authoritarianism. There is a link between what Poland, for example, pursued during its political and economic consolidation and initial detachment from the communist past and successful policies that emerged in the economy of this state. There were similar situations with other countries of Central Europe and the Baltic. Some transitions have been more successful than others; some were more dramatic and contested. When comparing different cases of post-communist countries in the Balkans, where transition is described as a deviation from the expected routes or common routes of democratic transition and consolidation, these are often defined in derogatory ways as 'insufficient' transitions (Balfour and Stratulat, 2001: 66), "delayed" (White, Batt and Lewis, 2003), 'incomplete' (International Crisis Group, 2009) 'double' (Kosotovicova and Bojicic-Dzelilovic, 2006: 223), post-conflict transitions and post-communist transitions, or as backward transitions. The transition from political authoritarianism in other forms can have different meanings and therefore has been the subject of many discussions. From a simple chronological perspective, the transition is a historical sequence of political events that are usually associated with the final stages of totalitarian authoritarian regimes respectively through the introduction of a pluralistic liberal system. From a deterministic perspective, the transition is seen as a process that leads to the consolidation of democracy, while democracy becomes the only form of state policy. Transition can also be seen as a Western hegemonic discourse of parliamentary democracy and (neo) liberal reform propagated and imposed in the new democracies, which in most cases legitimizes somehow an external control and external interference. Consolidation of parliamentary election policy advances in many areas of

freedom and democracy and disrepute of authoritarian practices have their roots in the first period of change. Moreover, the sustainability of personal policy, the transitional nature of party ideologies, consolidation of ethnic politics, the impact of addiction from the outside and lack of trust from below are mainly a result of these crucial formative years of transition and post-communist changes. If we look back at the early stages of post-communist transition we can conclude that although the collapse of the communist system was chronological in the Balkan states, in many other countries communist regimes did not dismantle in the same way since it depended on the degree of communist ideology in a given country, depended on the extent of party control over the society, intensity of dissident politics or Soviet control over internal affairs of certain states. Communist Balkan history was a strange and difficult regional experience, as it includes various forms of communism within states. Indeed, the Balkan countries were not only political and ideological battleground between the capitalist West and communist East, but, more importantly, they became the battle field itself within the communist East. Each state in the Balkans had its own form of communism which differed on the issue of control and ideology of the party, for example, Albania, Romania, Bulgaria were totalitarian communist system, despite Yugoslavia where communist system was more liberal and more open to the west. Therefore, even the revolutionary moments of communist states which are known as the *Revolutions of 1989* and sometimes even as *Autumn of Nations* had different experiences in different environments; somewhere the fall of communism was the most violent, somewhere more anarchic, somewhere less dramatic and somewhere more peaceful than in others. This wave of revolutions to change regimes began in Poland to continue with Hungary, East Germany, Bulgaria, Czechoslovakia and Romania. A feature common to most of these developments was the widespread use of civil resistance campaigns that showed opposition of the people to one party ruling, seeking for a change (Roberts, 1991). Revolutionary changes that have occurred in each state affected the course of liberalism or better to say the course of non liberalism which dominated the early years of transition; it has affected the degree of continuity with the past and affected the role and impact of domestic elites during this crucial period. Political changes in all these countries overthrew the communist party monopoly, which caused the emergence of political parties and movements ready to compete in the electoral arena. All post-communist countries in the Balkans removed the communist ideology and provided constitutional guarantees for the introduction of new parties within the political process. Despite claims that no element of communist parties would appear in the new political culture, political formations that emerged in the years after the fall of communism were unreformed communist party or less reformed ones, which along with anti-communist electoral alliances revived parties of the past by new political groups. (Crampton, 2002: 236). Unlike the Central European countries where a final break with the past was made, where communist politicians were discredited and new opposition elites came to power, in all Balkan countries former political elites, who were better organized and more efficient in manipulation and domination of situations of transition from authoritarian politics to competitive politics, continued to dominate party politics and state apparatus. Although in post-communist states, political elite were mostly non-Communists who were organized in all possible forms and ways, still the presidential systems or semi-presidential in the Balkans allowed the development of personal policies and the emergence of leaders who with a strong power to control often abused the system. Because 'new' leaders and the 'old' ones were the same people: former-communists. A careful analysis of elite transformation in Croatia, Serbia, Bosnia-Herzegovina and Kosovo (while it was part of Serbia), will surely show how wars were used by nationalist leaders to extend their stay in power and to expand political machinery which limited inter-party electoral conflict. Thus the wars delayed political democratization and economic liberalization. (Baskin & Pickering: 13:22). Milosevic dominated politics through media manipulation, nationalist propaganda and effective control of the security forces and economic resources. Croatian leader Franjo Tudjman won power on the basis of anti-communist statements through manipulation of nationalism, and through constant remembrance that nationalism was protecting Croatia from Serbian aggression. Balkan politics of the 1990s was the politics of separate states, where ethnic politics and the parallel structures in the broken and divided territories dominated. Early transition in the Balkans has caused three different stages or scopes of an illiberal politics: competitive illiberal politics in Romania, Bulgaria and Albania, semi-authoritarian nationalist politics in Serbia and Croatia, and exclusionary ethnic politics in Bosnia and FYROM. They all share common features with respect to the polarization between the government and the opposition, popular mobilization and external pressure. All mismanagement caused international concern in public activities, economic liberalization policies and privatization, as well as ethnic and minority issues.

## European Union

The countries belonging to the European Union represent the forces able to determine the victory of reason and of what are right. The EU as the main protagonist of the transition in this part of the world and according to its 1993 Copenhagen policy, is supposed to help, prepare, and in some cases even punish states while offering EU membership as the prize at

the end of the hard road of transition where as it is believed and quite often emphasized by 'supervisor' of these developments, the democratic regime and economic development pay off. The reality is different. There are European Member states which imposed labor restrictions thus making impossible free circulation for citizens of other countries in Europe impossible and as such breaking the stand of equal European citizenship. Moreover, instead of people's circulation, we see free circulation of capital.

Europe and more specifically the Balkans has been considered to be the heart of nationalism. From the nationalism of the 19th century to that one which characterized the 20th century, peoples in this region have long defined themselves by a strong sentiment of national belonging, often linked to language, ethnicity and religion. But in Europe, nationalism has historically brought problems, challenges and very often wars, too.

There is a need for monitoring some of the Balkan's countries, that is without saying; however even some of the European countries, member states need monitoring as there are where citizens, although legally considered European citizens, are treated with complete disrespect, as third-class citizens, as was the case of Romanians (most of them Roma) expelled from France as illegal aliens. Obviously, economic wellbeing has not been achieved either while trying to create Europeanization of the peoples and nor has democracy flourished. Best examples are as a matter of fact all Balkan countries which have undergone the process of transition and seek for a safe road toward the integration with the exception of Slovenia and Croatia which have already reached the end of this road by becoming full-fledged EU members.

Europeans have tried and are still trying to weaken the nation-state and replace it with the European Union, which consists of supranational institutions that, over time, were meant to create a European identity. This idea might have worked theoretically speaking but when it comes to reality, it is more than obvious that there are limits to the fulfillment of this incredible project. But, what is impeding the process of Europeanization?

### **Economic crisis**

No doubt, economic crisis is the first and the biggest problem and as such one the main obstructors. The reason to this is that economic prosperity and development were considered to be the main prerequisite of holding the European Union together. When people have jobs and all are convinced that they will have an excellent life compared to the lives of their parents or grandparents, the idea of giving up national sovereignty to supranational institutions is easier to accept. But since economic blooming is no longer a certainty, many in Europe think about the so-called benefits of the European project. Numbers of citizens do not feel being represented by common and joint politics and institutions thus causing a crisis of representation. Let's just look at the case of Greece. Greece should decide on its position and redefine its place in Europe, and this will be done by its people's vote. Greeks have been asked to vote on whether they supported the terms offered by creditors. The last time Greeks voted by a referendum was about the kind of a government they preferred after the collapse of the military junta, when the voters decided on Republican type of government. It is 28 countries of the European Union that carry the decision-making power. And while saying decision-making powers, it is thought of politically important and sensitive issues like economy, immigration and most importantly tax-payers and voters. The year 1999 will be remembered as the year when euro was launched with 19 countries entering that zone and using it, but not only EU countries. Kosovo, too, has entered the euro zone although it is not an EU member state. Even though this complex engagement is controlled by the EU Central Bank, in order not to violate the sovereignty of the EU states, the budget and tax policy are left to be organized and planned and used by the countries themselves. And although the efforts to have everything under control and well-managed, there are countries that cannot fulfill all the expectations of the European money control. Let's mention here the case of Greece and the catastrophe it experienced as a result of mismanagement which has now caused the phenomenon called "Grexit". Now other EU member states are trying to keep the problem from spreading to their own countries but at the same time political leaders see a united Europe as an imperative of this era. Will the euro zone breathe easier without countries that cannot survive without constant help of other countries, should there be other ways out by helping Greece again, should there be other structures created for the preservation of the economic stability in the EU and the region, remains an intriguing question.

### **Immigration**

Immigration is a very important element to be tackled regarding its effect it has in the overall economy of Europe. No doubt, Europe has a long history of immigrants seeking refuge from different countries where lives and safety were brought into

questioning. The end of the Cold War caused a number of small wars and ethnic conflicts around the world where regular troops complimented by paramilitaries almost always targeted civilian populations. Many people applying for asylum flee such "ethnic cleansing", as was the case with Bosnia in the early 1990s and Kosovo in the late 1990s. Also, with the end of communist rule many eastern Europeans believe that their aspirations for a better life can only be offered in the west. Europe's economic crisis goes hand in hand with the instability in the Middle East and other Arab countries causing more immigrants to knock on the Europe's doors. Although the European Union has a good record in human rights, there are still some areas of concern for the EU. Alarming to EU leaders is the rise of racism and xenophobia in relation to the increase in numbers of foreigners seeking entry to the EU because in times of economic difficulties and hardship, people try to find easy solutions to deep problems and as such immigrants are the easiest target of discrimination. Western European governments are in a difficult situation and considerable stress. They have to deal with immigration from less-developed EU nations and assimilate the asylum seekers that arrive from the Mediterranean. They also face the emergence of anti-immigration parties such as: the National Front in France to the U.K. Independence Party and recurring terrorist attacks by nationals who received training in the Middle East. Simultaneously, they have to deal with stagnating economies and pervasively high unemployment. The combination of economic malaise and resistance to immigration is seriously challenging the cohesion of the European Union. But, if the EU is to be a true upholder of human rights principles, it must take steps to ensure that human rights are offered to all its inhabitants, citizen or non-citizen.

## Integration

Next issue that EU governments face is the issue of integration. Views differ across Europe on the goal of integration and appropriate strategies to achieve it. Shrinking and aging populations make the EU governments operate under the idea that immigration could help in easing the problem. One of the main responsibilities of the EU is ensuring integration at the local and national levels since immigration, economic growth and social cohesion require a special focus on integration. The EU has the capacity to address issues such as family reunification, laws on racial and religious discrimination, strategies on employment, social inclusion and cohesion, and health. The Amsterdam Treaty of 1999 requires that EU member states to address not only discrimination on grounds of race and religion but also to legislate on racial discrimination in employment and services, and to provide assistance to individual victims while banning religious discrimination. However, many foreigners find it hard to adapt to new environments especially when they have to agree to the very strict citizenship laws, and face extensive cultural barriers. And it's not only the immigrants that face problems; governments within EU are also being challenged by the phenomenon. According to EU norms asylum seekers are not to leave from one country to another if they have already reached one specific country. What happens is that quite often asylum seekers do exactly the opposite; they move from one EU country to seek for an asylum to the other EU country which is causing now a debate among governments questioning the Schengen agreement and border controls among EU member states. One such debate came up with the accusations of the government of the German state of Bavaria to the Italian government of allowing asylum seekers to leave Italy and request asylum somewhere else in the EU bloc. Nonetheless, Italian government requested for more empathy and solidarity among EU members in the reception of refugees. That is why the government of Bavaria suggested that EU member states should decide on suspending the Schengen agreement. Criticism of insufficient border control within EU countries is another debate as many groups argue that the lack of internal border control offers great opportunities for terrorists to move freely from one EU country to another one. This is very true nowadays but at the same time, this debate brings into questioning one of the main pillars of the European Union, that of the free movement of people. Although there is a great cooperation among EU governments, yet again it is impossible to follow and control every potential threat. Initiating such debates only shows that even after many years of supranationalism Europeans are discussing again their national identities. President of France, Sarkozy started a debate on 'what it means to be French' putting the Muslims of that country into an awkward and strange position, making them question their identity. Protests in Germany, in Pegida led to similar debates all over the Europe and controversies as well. Such debates then make Europeans to deal with difficult questions that have stagnated for many years. These problems put into question globalization which means the free movement of people, goods and services. But since for some proponents of globalization, such as Robert Reich, former US Secretary of Labor who considers it as "the end of geography, the end of distance, and the absence of borders", even many Europeans think that globalization is a threat to their way of life and though EU was built on the principles of globalization there are doubts that it will remain successful.

## Conclusion

Great changes that happened during the decades in Europe and the world in general proved that a system of cooperation and security based on the norms of international law is absolutely necessary. Therefore, the 21st century fights for a democratic international life, for the consolidation of peace, for the free and independent development of nations, as well as for the encouragement of economic and political order. In order to understand the current context of the community policies, it is necessary to see what the issues impacting Europe and the Balkans were and what the directions of the European states are. By its very structure, the current paper did nothing more than present the difficulties and problems of the European integration, This paper shows that the process of European integration still has many opponents, lacking the quality of an accomplished process; however, ensuring the active participation in the solving of all the issues in a transparent and democratic manner, is the responsibility of the states comprising a whole: the European Union.

## References

- Balfour,R. & Stratulat,C. "The Democratic Transformation of the Balkans", *EPC Issue Paper*, No. 66 (November 2011).
- Baskin, M. & Pickering, P. Democracy, the Market and Back to Europe :Chapter 13: Former Yugoslavia and Its Successors. Retrieved:  
<http://pmpick.people.wm.edu/research/FormerYugoslaviaBaskinPickering.pdf>
- Crampton, J.R. (2002). *The Balkans since the Second World War*. Pearson Education Limited. Great Britain.
- Giddens,A. (1994) *Beyond Left and Right: The Future of Radical Politics*, Cambridge: Polity Press.
- Kostovicova,D.& Bojicic-Dzelilovic,V.(2006) "Europeanizing the Balkans: Rethinking the Post-Communist and Post-Conflict Transition", *Ethnopolitics*, Vol. 5, No.3.
- Roberts,A. (1991). *Civil Resistance in the East European and Soviet Revolutions*, Albert Einstein Institution, 1991. [ISBN 1-880813-04-1](#). Available as pdf from:[aeinstein.org](http://aeinstein.org)
- White,S., Batt,J., and Lewis,P. (2003). *Developments in Central and East European Politics*, Durham, Duke University Press.

## Foreign Direct Investments in Albania, Structure and Dynamics

**Dr. Klaudeta Merollari**

Department of Finance-Accounting, Faculty of Economy,

Fan S. Noli University, Korçë, Albania

klaudetamerollari2010@hotmail.com

**Msc. Sorina Koti**

Department of Finance-Accounting, Faculty of Economy,

Fan S. Noli University, Korçë, Albania

sorinakoti@gmail.com

### **Abstract**

*After the fall of communism regime, Albania has become a host country to foreign direct investments (FDI) from many countries around the world. Albania represents four of the five types of FDI: those which gain access to specific factors of production; those which gain access to disposable production factors; those which gain access to Albanian consumer markets and those which organize joint ventures. Our country widely supports the FDI as there are no high taxation and commerce barriers to gain access to the new markets. Foreign direct investments are a very important segment of the economic activity of a country. In theory and also in practice, there are recognized the effects of FDI. They have brought significant positive effects on the economy. One of the advantages of FDI is that they help in the economic development of the country where is invested. FDI are usually applied in developing countries. During the 90s, they were one of the major external financial sources for most countries that had an economic growth perspective. FDI have been a significant support for some countries which faced economic difficulties. The main aim of this paper is to analyze the theoretical part and the relations of FDI in general. Another aim of this paper is to provide a general picture of FDI in Albania over the years, the main sectors where they are centralized, districts / cities where they are allocated, and so on. At the beginning it is given a theoretical framework, definitions and relations of FDI to various economic aspects. Then it is described the evolution in time and the development of FDI in different levels, for example in the countries of origin, currency in which it is mostly invested, main sectors, etc. There is also a comparison of FDI in Albania in relation to other countries in the region and beyond. We have mentioned here also the factors that affect FDI.*

**Keywords:** foreign direct investments, economic development, remittances

Foreign direct investments are considered to be one of the most important pillars of the economy of a country, especially of the economy of developing countries. Foreign direct investments provide the necessary capital for the economic growth and technological development of a country. In developing countries, emerging economies and countries in transition, foreign direct investments have become a very important source of economic development, modernization, employment and revenue growth. They are considered as an engine that gives power to the economy by helping in technology development, creation of new jobs and increase of productivity.

Foreign direct investments in Albania, as well as in other countries of Central and Eastern Europe are one of the new ways of Western capital penetration, especially during the transition toward a market economy.

Before the 90s Albania was the poorest country in Europe, because of the economic and social system. At that time the economy was based on state property, it was centralized and state controlled.

The main aim of this paper is to reflect the situation of FDI in Albania over the years, that is their geographical and sectional distribution as well as maximum and minimum values from 90s until now.

### 1. Foreign Direct Investments in Albania according to the State of Origin

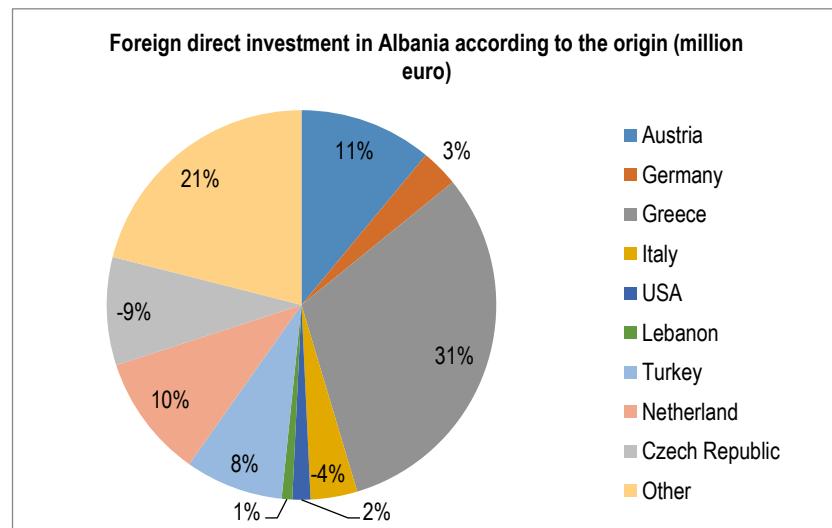
During 2013 the state of origin of most FDI in Albania is Greece with 1.1 billion euro or 31% of the total. Other important states with regard to FDI are Austria (11%), the Netherlands (10%) and Turkey (8%). An interesting fact to be mentioned is the value of FDI of Italy and the Czech Republic for 2013 which appear negative, this means that there are investors who had invested previously in Albania and who in 2013 have transferred their investments to the country of origin or other countries.

Table: 1 Foreign direct investment in Albania according to the origin (million euro)

Country	Austria	Germany	Greece	Italy	USA	Lebanon	Turkey	Netherlands	Czech Republic	Other
2013	377.94	106.86	1070.43	(132.82)	51.5	29.96	279.34	350.57	(307.53)	720.97

Source: Bank of Albania

Figure: 1 Foreign direct investment in Albania according to the origin



Source: Bank of Albania

Foreign Direct Investments are still predominated by Greek investitures. In the time frame of 2007-2013 FDI in Albania have mostly originated from Greece, and have increased continuously.

### Foreign Direct Investments in the Republic of Albania according to their origin 2007-2013

Table:2 Foreign direct investments in Albania according to the origin (2007-2013)

<b>Foreign Direct Investments in the Republic of Albania according to their origin 2007-2013</b>							
<b>Values in million euro</b>							
<b>Country</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Austria</b>	146.72	186.42	220.54	353.69	443.60	386.61	377.94
<b>Germany</b>	52.39	66.18	74.45	83.84	83.60	92.06	106.86
<b>Greece</b>	520.56	565.61	559.63	601.05	507.45	766.54	1,070.43
<b>Italy</b>	220.10	321.46	347.86	386.79	427.36	124.77	(132.82)
<b>USA</b>	72.44	74.91	24.10	(97.72)	(47.23)	35.89	51.50
<b>Lebanon</b>	29.72	40.45	36.07	28.05	29.36	39.27	29.96
<b>Turkey</b>	154.05	189.70	235.12	186.66	187.78	234.77	279.34
<b>Netherland</b>	273.88	187.90	207.33	222.67	253.05	297.38	350.01
<b>Czech Republic</b>	-	0.01	55.38	(11.56)	(15.22)	(220.21)	(307.53)
<b>Others</b>	359.72	428.52	556.34	670.94	1,514.93	1,284.24	720.97
<b>TOTAL</b>	<b>1,829.58</b>	<b>2,061.15</b>	<b>2,261.44</b>	<b>2,435.97</b>	<b>3,399.90</b>	<b>3,261.53</b>	<b>2,854.19</b>

Source: Bank of Albania

In total for 2013, the situation of FDI was 2.85 milliard EUR. This value seems to be lower than in previous years where the value of FDI was respectively 3.26 milliard euro in 2012 and 3.4 milliard euro in 2011.

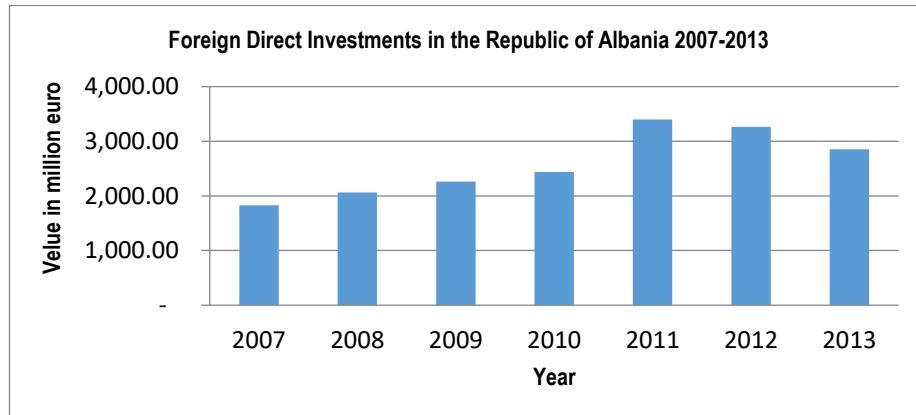
Table: 3 Foreign Direct Investments in Albania 2007-2013

*Values in million euro*

<b>Year</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>

TOTAL of FDI	1,829.58	2,061.15	2,261.44	2,435.97	3,399.90	3,261.53	2,854.19
--------------	----------	----------	----------	----------	----------	----------	----------

Figure: 2 Foreign Direct Investments in Albania 2007-2013



Source: Bank of Albania

## 2. Foreign Direct Investments according to economic activity

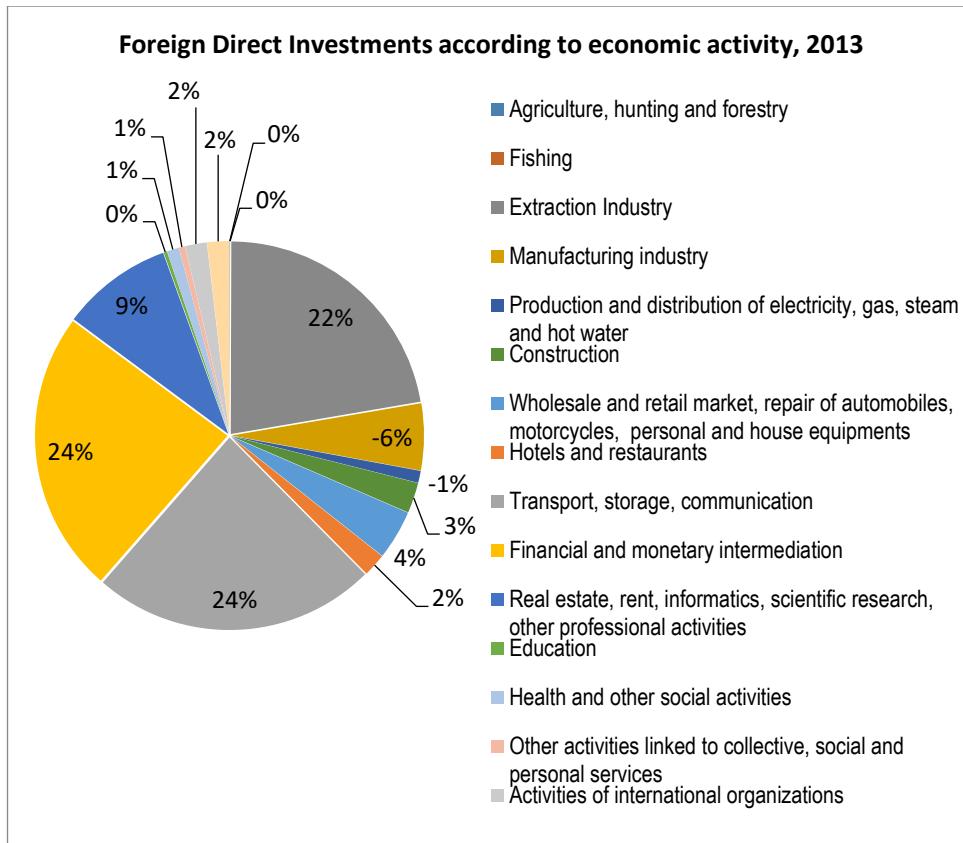
Table: 4 Foreign Direct Investments according to economic activity

<b>Foreign Direct Investments according to economic activity 2013</b>	
<i>Value in million euro</i>	
Sector	2013
Agriculture, hunting and forestry	1.57
Fishing	(0.08)
Extraction industry	732.10
Manufacturing industry	(184.23)
Production and distribution of electricity, gas, steam and hot water	(33.03)
Construction	84.33
Wholesale and retail market, repair of automobiles, motorcycles, personal and house equipments	136.76
Hotels and restaurants	63.59
Transport, storage, communication	784.83
Financial and monetary intermediation	780.12

<b>Real estate, rent, informatics, scientific research, other professional activities</b>	307.23
<b>Education</b>	9.51
<b>Health and other social activities</b>	33.34
<b>Other activities linked to collective, social and personal services</b>	17.33
<b>Activities of international organizations</b>	59.74
<b>Other industries</b>	61.10
<b>Total</b>	2,854.21

Source: Bank of Albania

Figure: 3



Most of FDI in the Republic of Albania for 2013 were in the sector of transport, storage and communication, followed by financial and monetary intermediation, extraction industry etc.

Over the years the situation of FDI in Albania has changed. During 2007-2011 the main FDI were in financial and monetary intermediation, while in 2012 in the sector of extraction industry and in 2013 in the sector of transport, storage and communication.

It is worth to be mentioned the situation in the sector of "Manufacturing Industry" and the "Production and distribution of electricity, gas, steam and hot water" where foreign direct investment in 2013, unlike previous years indicate negative values, which means the withdrawal of foreign investors from these sectors.

**Table: 5 Foreign Direct Investments according to Economic Activity during 2007-2013**

Sector	2007	2008	2009	2010	2011	2012	2013
Agriculture, hunting and forestry	5.85	18.90	6.38	7.33	3.94	1.56	1.57
Fishing	-	2.08	3.19	1.68	3.77	0.10	(0.08)
Extraction industry	10.47	29.31	146.63	311.42	611.79	809.98	732.10
Manufacturing industry	217.81	363.17	352.01	378.04	431.21	387.83	(184.23)
Production and distribution of electricity, gas, steam and hot water	10.37	17.64	95.18	117.75	246.54	8.66	(33.03)
Construction	132.08	196.38	188.78	(0.91)	10.78	77.84	84.33
Wholesale and retail market, repair of automobiles, motorcycles, personal and house equipments	99.47	270.95	252.74	240.06	216.69	153.07	136.76
Hotels and restaurants	94.11	93.91	78.50	76.18	69.85	63.69	63.59
Transport, storage and communication	590.44	383.20	356.70	399.54	388.75	437.25	784.83
Financial and monetary intermediation	587.57	547.56	613.85	699.61	715.28	753.45	780.12
Real estate, rent, informatics, scientific research, other professional activities	57.38	25.29	42.31	62.58	82.93	84.68	307.23
Education	1.63	2.80	2.72	4.41	5.93	8.28	9.51
Health and other social activities	0.08	25.69	47.51	63.94	46.85	37.47	33.34
Other activities linked to collective, social and personal services	12.69	8.33	8.91	11.97	8.82	18.32	17.33
Activities of international organizations	-	-	10.29	24.44	36.18	45.67	59.74
Other industries	9.63	75.95	55.75	37.92	520.58	373.68	61.10

Total FDI	1,829.5	2,061.1	2,261.4	2,435.9	3,399.8	3,261.5	2,854.21
	8	6	5	6	9	3	

Foreign Direct Investments are an important indicator of the confidence that foreign investors have in a country. They decrease in terms of economic and political crises and increase in cases of improvement of economic and political environment. In the time frame of 2007 - 2013 Foreign Direct Investments in Albania have increased and then have declined in the last two years.

### 3. Business climate and foreign investments in Albania

Why investing in Albania?

- Strategic Position
- Free access to the markets – Free trade agreements (CEFTA , EFTA with other countries) create opportunities for access to a wider market;
- Member of the IMF since 1991, the WTO since 2000, and NATO since 2009;
- In 2006, Albania signed the Stabilization and Association Agreement (SAA) with the European Union.
- In 2014, Albania received the candidate status of the European Union
- Albania has a liberalized economic framework and conditions for doing business as well as attracting FDI are improving constantly.

Table: 6 Macroeconomic Indicators

	2006	2007	2008	2009	2010	2011	2012	2013
Real GDP Growth (%)	5.4	5.9	7.5	3.32	3.8	3.1	1.6	0.7
GDP (current account price, euro billion)	6.3	6.9	8.9	8.7	8.9	9.2	9.7	9.73
Unemployment % of population	13.8	13.2	12.7	13.8	13.5	13.3	13.4	12.9
Inflation rate	2.5	3.1	3.4	2.3	3.6	3.5	2.0	1.9
Public Debt (as % of GDP)	56.2	53.5	54.7	59.4	58.5	59.5	61.9	62

The government is engaged in identifying and finding new sources that will ensure sustainable development of Albanian economy. Ongoing reforms aim to increase the efficiency of administration, tax collection and to fight corruption.

Some of the incentives for the promotion of foreign investments are:

- Honest taxation constitutes the backbone of fiscal policy; who earns more, will contribute more.
- In Albanian tax system there is not any distinction between foreign and domestic investors;
- Albania has signed an agreement with many countries in order to eliminate double taxation.
- Dynamic, educated and competitive workforce;
- Over 1 million well educated young professionals;

- More than 57% of the population is under 35 years old;
- 116,292 students in higher education;
- English and Italian languages are widely spoken. French and German languages are included in the education system. Other languages of the region are widely spoken;
- The minimum salary in Albania is 22,000 ALL (157 EUR);
- The average salary (in the public and private sector) is 36,075 ALL (266 EUR).

Attracting foreign investments, especially in sectors where Albania has a real potential, will remain a priority for the future development of the economy.

Energy, tourism, agribusiness, mining industry, and ICT are sectors with great priority for investments in Albania.

## ALBANIAN ECONOMIC COMPETITIVENESS

Albania has made significant progress in recent years. An indication for this is "The Global Competitiveness Report 2011-2012" of the World Economic Forum, which ranks Albania in 78th place among 142 economies, while during 2010-2011 Albania was ranked in 88th place and in 2009-2010 in 96th place.

According to the World Bank report "Doing Business 2012", in the "Ease of doing business", Albania was ranked in the 82th place out of 183 economies. In "Getting Credit" and "Protection of investors", Albania was ranked respectively in the 24th and in 16th place, being among the best reformers.

Current Progress is evident by another significant indicator that is "Index of Economic Freedom" which was published by "The Heritage Foundation" and "Wall Street Journal". According to the Index of 2012, the economic freedom in Albania is 65,1 which ranks it in the 57<sup>th</sup> place among 164 countries / economies in the world. The level of economic freedom is increased by 1.1 points compared to the end of the year report, where Albania was ranked in the 70<sup>th</sup> place with 64 points.

**Table: 7 REGIONAL CORE INDICATORS**

Countries	Change of GDP	Annual inflation	Unemployment rate
	2013/2012	2013	2013
Italy	-1,9	0,7	12,7
Greece	-3,0	-1,8	27,82
Macedonia	3,3	1,4	28,71
Serbia	3,7	2,2	20,12
Croatia	-0,6	0,3	17,41
Turkey	4,4	7,4	9,72
Kosovo	2,53	0,5	30,93
Albania	-2,3	1,9	12,81

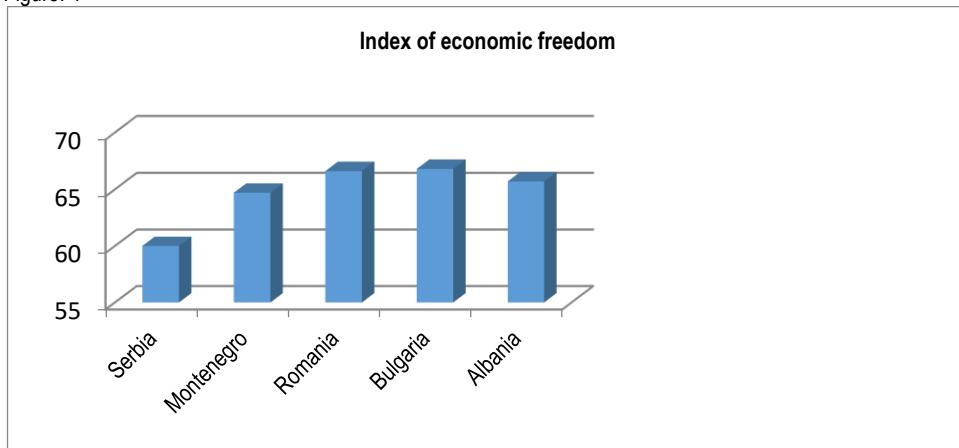
Source: [www.aida.gov.al](http://www.aida.gov.al)

## THE INDEX OF ECONOMIC FREEDOM

Economic Freedom Index 2014 ranks Albania in the 54<sup>th</sup> place with an improvement of four places in the world classification. Its overall index is increased by 1.7 points, with notable progress in freedom of investment and trade. Albania is ranked in the 25<sup>th</sup> place among 43 countries in Europe, and its overall score is above the world average.

According to the Index of Economic Freedom 2015 Albania is ranked in the 29<sup>th</sup> place among 43 countries in Europe, and its overall score is above the world average.

Figure: 4



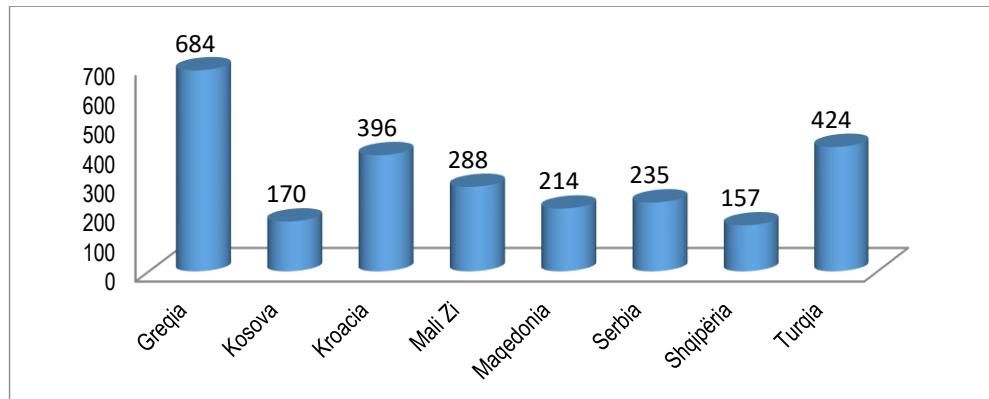
Source: Index of Economic Freedom 2015  
[www.heritage.org/index/country/albania](http://www.heritage.org/index/country/albania)

## 1. Labour Force

Albania offers not only a highly skilled labour force, but also with the lowest cost in the Region. The relations between employers and employees are regulated by individual employment contracts, according to the Labour Code of the Republic of Albania and Law no. 8549, dated 11.11.1999 "The status of civil servants".

The minimum salary in Albania is 22,000 ALL (starting from 01.07.2011), about 157 EUR. Basic minimum salary is monthly paid for 8 hours per day.

Figure: 5 Basic minimum salary in EUR (January 2015) - Compared to the region



Source: Eurostat; International Federation of Employment

According to INSTAT data, the average salary (public and private sector) is 36,075 ALL (about 266 EUR).

Figure:6 Average gross salary in EUR - Compared to the region



Source: Federation of European Employers, SIEPA, INSTAT

## Conclusions

- Foreign direct investments are very important for the development and economic growth of a country. For countries like Albania with a centralized economy run by the state until the 90s, FDI are one of the best ways to penetrate foreign capital and to fundamentally change the economic structure of the country.
- Foreign Direct Investments bring different impacts on the economy of the host country, so in addition to strengths, they have also their disadvantages. It should be stressed that in Albania the inflow of foreign direct investments has generally had positive effects.
- Foreign Direct Investments in Albania have different origin, but they are not very variable over the years. The majority of investments are coming from the neighbouring countries part of the European Union that is Greece and Italy. Meanwhile, another significant part of FDI, especially in recent years comes from Turkey, which investments trend grow year after year. While very small percentage (compared to the total) occupies the United States of America and Germany.
- Foreign direct investments are oriented toward commerce, and are followed by industry, mainly processing industry and then construction and transport. FDI in commerce are generally import-export, and the rest are in industry and industrial capital investments. The sector with the smallest influence, in terms of distribution of FDI is agriculture, mainly because of the problems that this sector has, that is the ownership issues and transformation and rehabilitation of desolate land.
- Regarding the territorial distribution of FDI, they are concentrated in two main cities, Tirana and Durres, because Tirana is the capital of Albania and Durres has the largest port in the country.
- The level of FDI in the last two decades has had its variations, but in general there is an increasing tendency for these kinds of activities, due to the business climate that Albania provides and the policies that favour foreign investors.
- Foreign investments in Albania have brought their generally positive effects that are: added value, employment, increase of productivity and economic development.

## References

- Estrin S, Uvalic M. (2013) "Foreign direct investment into transition economies: Are the Balkans different" LSE Europe in Question Discussion paper series
- Ganic M. (2013) "The effects of Foreign Direct Investment flows in developing process of countries of Western Balkan"
- Lall S. (2002) FDI and development: research issues in the emerging context. Edited by Bora B. (2002) Foreign Direct Investment Research Issues. Routledge London, New York.
- Lee B. (2002) FDI from Developing Countries – A Vector for Trade and Development, OECD, MA 01923 USA.

Nakuçi V., Zizo K, (2005) "Foreign direct investment the promoter of growth in the Albanian economy"; SouthEast Europe Review 1/2006

Zakarov V.(2004) "The Role of FDI in the EU Accession Process: The Case of the Western Balkans"

World Bank (2006) "Investment Horizons: Western Balkans"

[www.bankofalbania.org](http://www.bankofalbania.org)

[www.aida.gov.al](http://www.aida.gov.al)

[ec.europa.eu/eurostat](http://ec.europa.eu/eurostat)

[www.financa.gov.al](http://www.financa.gov.al)

## The Religious Cults of the Albanian Faith during the Early 20<sup>th</sup> Century

**Dr. Benita Stavre**

[b.stavre@gmail.com](mailto:b.stavre@gmail.com)

**Dr. Erinda Papa**

[erindapapa@yahoo.com](mailto:erindapapa@yahoo.com)

Department of Foreign Languages

Faculty of Education and Philology

"FAN S. NOLI" UNIVERSITY

KORÇË, ALBANIA

### **Abstract**

*During the early twentieth century, Albania was visited by various British and American people who were eager to know about the curious features of this little country's particular life. They had heard of it in their homeland and chose to trace a reality that was much different from the one they were used to. The materials they wrote and published, constitute a reliable source of information, whose analysis from the modern perception draws a picture of the life almost a century ago. This paper aims to describe the particular context of the relation that Albanian people had created with God and the way the religious life was shaped through the traditional rituals of the country. A few of the arguments that will be analyzed are: the way the religious faith was integrated in the daily activities, the religious tolerance in the state policies and the way it was reflected in the life context, religious attitudes due to the historical development of the past centuries, the influence of the new entries of the '30s, the restricted intercourse of the northern Albanians due to their geographical isolation and the pagan rituals and symbols of the traditional ceremonies. The Albanian way of worshiping seems to have been shaped by life pragmatism, social equilibrium and personal honesty. Nothing can describe it better than the people who lived with it for some time and were able to define it from a different mental perception. The description may supply modern insight of the particular attitude that this country reflected in early in the past century.*

**Keywords:** religious faith, pagan symbols, traditional traits, bloodfeud, religious conversion and tolerance.

The early 20<sup>th</sup> century was a period in which Albania became a country of concern for the international dialogue. It was a small isolated piece of land lagging behind the development rates of other European nations and trying to survive after centuries of voiceless history. Its name was increasingly being mentioned in European newspaper articles, which struggled to judge the decisions of the Six Powers on its territorial integrity. When finally, its international position was established, in the end of the year 1920, philanthropic organizations were the first ones that entered its territories. Their reports back to their motherland rose the interest of the journalists, who started to publish newspaper articles about the unusual character and lifestyle of the Albanians. During the 20s and the 30s of the last century there were many sociologists, anthropologists, economists, journalists, tourists, historians and politicians who chose to visit this country. Research on the British and American corpus of literature written about it during this period reveals an interesting perspective of the main historical issues, human values and social relations in this country. Visiting its territories at the time is described as entering a middle ages reality and witnessing human traits of life that the modern conception had already forgotten long ago.

Furthermore, during this period Albania was experiencing a new governmental form, the Royalty, which in fact deepened the contrast between the social strata and affected the way social relationships were managed in the country. One of these, the Albanian religious context, is largely described in the British and American writings of the period, as a strange interweaving of the religious communities that during the centuries had shaped their own profile in the same motherland context. The Albanian had inherited a distinct attitude to the religious faith and, even though in different periods had considered it a means of political, social and economic power, in the daily life he had not given up the way his ancestors had worship God in their particular ancient way. Due to the fact that signs of these particular features were still evident during the three first decades of the 20<sup>th</sup> century, made the British and American visitors, meditate about the reasons why

the daily practices of the Albanian spiritual life were much different from the formal practices of the respective religious bodies in the country. In order to understand that, it is necessary to review the way these writers describe the actual state of affairs of religious faiths in Albania at the time and the way they relate it to the historical developments of this country.

- *Albanian religious faiths of the early 20<sup>th</sup> century*

One of the main features of the religious division in this country was the shape of the very different geographical features of its northern, central and southern territories. The sharp relief of the northern regions had always been hard to penetrate and it was regarded as a hindrance to physical and psychological communication; neither of the numerous weaves of the invaders had been able to control the entire region. Therefore the most remote areas had managed to preserve life features of a long past and had been left undisturbed in their daily practices. In terms of religion they remained Catholic, while the regions the main cities, their surroundings and the villages that were along the main roads, had converted into the Islamism during the Turkish invasion. Most writers believed that the religious conversion in southern and central Albania was not simply a matter of faith principles; it was regarded as a means of official survival for the Albanian authorities, who, otherwise, would have lost their position and wealth.

The period of the 1921-1939 had inherited the unusual features of the above historical developments; the religious areas of influence are reported to have been well defined one from the other. In 1930 the Albanian government undertook a formal registration of the population within the territories. Its relevance was undisputable, especially because of the data it introduced on the religious belonging of the population. According to the numbers that Edwin Jacques (an American educator who lived in Albania for some years in the 30s), there were 696 000 Moslems, 200 000 Orthodox and 105 000 Catholics; only 85 people were classified under the definition "others" and this number included even 24 atheists. In the view of a historian, Jacques concluded that "the presence of 71% Moslems, 10% Catholics and 19% Orthodox, mainly in the south, made Albania the country in which the religion and nationality were not virtual synonyms of one-another". (Jacques, 1995, 437). Furthermore, Albania at the time had opened its doors to the Jewish community, who was escaping the German discrimination. In spite of its shortage of national wealth and legal security, this small nation showed that it could also be distinguishedly described as an anti-Semitic country. (Roucek, 1939, 85)

Vandeleur Robinson (1941), who visited Albania in the late 30s, wrote about another religious sect. In Elbasan he came across group of *Uniates*, who represented a particular profile of the orthodox faith in Albania. According to his explanation, the Uniates used either the Greek, the Old Slavic or even the Albanian language in their liturgical ceremonies. The Uniates priests could marry (a feature of the orthodox religion); however, they recognized the authority of the Pope of Rome as well. In general, at the time, the Uniate community in Europe aimed to settle a compromise between the orthodox faith and the political position of the people who practiced the Latin rites. The author, also claims that the foundation of this community, was itself an act of compromise. When the Austrians and the Hungarians invaded orthodox communities, they tried to denationalize them by converting the population into the catholic faith. The orthodoxy reacted with great dissatisfaction and the Uniate sect offered a satisfying solution for both parts. "In the political point of view", explains Robinson, "the Uniates are the Pope's "Fifth Column" in the Orthodox Church, in his perpetual struggle for souls; they are the means by which obstinately Orthodox communities in Catholic countries can be pulled half way over the border. The Vatican sometimes finds it worthwhile to expand money upon Uniate communities; and the Uniate Church at Elbasan is a case in point. Even though religious proselytism was forbidden by law in Albania, the religious sects tolerated each other sufficiently and the worst negative reaction to the Uniates, would be that of being far too much aware of the "value" of their souls". (94)

In the writings of this period, one can frequently come across the description of another religious group, the *Bektashi*, which is described as a mediation bridge over the gap that divided the three main religions. According to Carleton Coon, an American anthropologist that carried out research about the inheriting brachycephal characteristics of the northern Geghs (inhabitants of the northern Albanian), the duality feature of this sect was due to the fact that the Albanians had managed to preserve some pagan features of the way their ancestors had worshiped their Christian God. (1950, 35) At the time, the Bektashi community was enjoying a safe position in the Albanian religious setting; some privileges had been given to it since the time of Ali Pashe Tepelena, who had encouraged its expansion as a way to detach the Albanian Moslems, in the territories in which he was imposing his rule, from the Turkish influence. Since then, they tekkes, had served as shelters of the national movements. According to Bernd Fischer (2004, 170) during the thirties, the expansion of this sect had also been encouraged by the government of King Zog I. New tekkes, were reconstructed in the southern territories; they welcomed visitors very warmly guided by the principle of the general truth and the fact that all nations were to be given the right to exist and develop freely, in spite of their religious faith. This explains the touch of tolerance that is witnessed in all

of the writings about the Albanian Bektashi during this period; it is described as a religion whose main principle was fraternity and love for the humankind. It believed in the fact that religions should collaborate and inspire harmony among each other for the sake of the national interest safety. (Swire, 1937, 254)

A relatively new religious faith that is reported to create a sustainable community in Albania in the early thirties, is *Protestantism*. It is not frequently mentioned, and it seems like not frequently witnessed by the foreign visitor. This may be due to the fact that the above five God worshiping forms had left very little space for the Albanian to involve himself in an international spiritual communication. The Albanian reading of the Bible and Koran had long cling to the national tradition and was used as a means that inspired power and safety in their motherland context. Yet, when the first American missionaries introduced the idea that God can listen to you, especially if you talk to him in schools of your mother tongue, Protestantism was embraced by the education lovers in Albania, who thought it could contribute to the spread of education in the Albanian tongue. Edwin Jacques was one of these American missionaries who arrived in Albania with the aim that some direct solution should be introduced to the many problems of the daily life in this country. The Evangelic Mission headquarters were set in Korçë after the year 1936, where it offered a Saturday School, in which 400 children were regularly enrolled. One year later, the Mission opened a reading room, of mainly biblical literature, which opened its doors to the young boys. Even though, their discussions were not reported to be always about religion, at least, according to Jacques, this leisure activity kept them away from the street and club influence. (<http://reformation.edu/albania/pages/protestantism-albania.htm>) In spite of the efforts of the missionaries to enlarge their religious influence in other regions, social strata and directions, it became more and more difficult for them to face the pressure of the Albanian government. At the beginning of the year 1937, the later approved a decree of law which controlled strictly the publications that "threatened the national unity, or that were against the principles of the moral, the customs and the national regime in Albania". (Ibid.) Even though the decree was launched to restrict the communist writings that had started to circulate frequently in the country, it affected somehow the position of the Mission. The fact that the government arrested four Albanian young boys who wanted to be baptized according to the protestant rites, showed that this faith had not yet earned the trust of the government, who was too busy trying to provide enough space to the other five religions in its small territory.

#### *- The social and political state of the religious groups*

If taken into consideration the above description, it is quite difficult to escape the thought that there was full tolerance in Albania between the various religion sects. Even though this is the general view of the people who had visited it, the description of various situations in their writings reveals a particular attitude with the way the formal bodies of the religion in this small country managed to worship God in the way their religious principles inspired, and still bring it close to the very particular way that the Albanian were used to worship God.

The late twenties and the early thirties are described as years in which the government of King Zog I, tried to establish the formal bodies of the three main religions, in order to make them recognizable from their counterparts in the neighboring countries. It was not an easy issue to handle, due to the fact that religion had long been considered by them a means for territorial expansion. The King helped the Albanian Orthodox community to get the autocephalous tomos from the Patriarch in Istanbul. (Vickers, 2001, 135) He also encouraged the organization of a congress of the Moslem representatives in Tirana, which concluded that the Albanian community was independent form the Caliphate of Istanbul and declared that "the Albanian Moslem owned their faithfulness primarily to their motherland." (Swire, 2005, 329)

On the other hand, in order to flag impartiality and to diminish the chance of religious interference in the governmental issues (a common practice at the time), the Parliament passed a law in 1930 which declared that Albania was a nonsectarian country; this "gave the right to the State to control all of the religion communities and (...) to require the religious leaders of the formal bodies to be of the Albanian origin and to be able to speak Albanian language." (Fisher, 2004, 169) The aim of these measures was to settle the contradictions between the religious faiths, contradictions that were becoming more and more evident in the middle and upper classes of the Albanian society during the twenties. The reasons for these went beyond religious principles themselves and were mainly economic; willingly or unwillingly the government could not escape the partiality. Back in the early twenties, Harry Eyres (the British government representative in Albania) wrote to the Foreign Office in Britain a declaration in which the following paragraph appeared: "I have been talking to ministers and they insist on the fact that there should not be any difference between the two main religions. (...) "Yet" they say, "we Moslems constitute the majority, and as a result, we should have the power". The Christians of the other hand (...) claim that they would submit to a government which represents the majority, not the superposition". (Cited in Vickers, 2001, 108)

This attitude was gradually reflected in the political treatment that was being done to the Christian population of the south. There was an economic approach of the way the government was building its relations with each of the religious sects. The government was aware of the fact that most of its income was generated out of the fertility and the economic activity of the south-eastern Albania. The economic relevance of Korça and Gjirokastra was undisputable and that's where most of the state income was generated in the form of taxes. Yet very few investments were done in these areas on the behalf of the government. Being mostly orthodox, the inhabitants of these areas were time after time revolting against "the privileges and the benefits that the Moslem landowners of the central Albania were receiving by the government. They were also dissatisfied with the employment of many clerks of mainly Turkish education, who most of the time made personal profits from the administrative functions they had. (Swire, 2005, 324) The Christians were increasingly hoping that their political power would increase in proportion to the civilization trends, their European education or their increasing economic power; however, this was still a utopic dream for the situation that ruled in Albania at the time.

- *The religious cults and rites*

The above political and economic description of the discrepancy between the religious sects in Albania is part of the analysis of most authors whose focus was on the economic and historical perspectives of this small country at the time. Yet, other people who visited Albania during the first half of the last century, and especially those who chose to travel across its territories, introduce another point of reference for what is generally described as "the Albanian religious tolerance". R. W. Lane visited the northern territories and she entered a lot of Albanian houses of the three religions. In her diary that was later published in the book "Peaks of Shala", she writes about a much softer inter-religious communication. The reality she visited was much different from the one she had been used to see in other countries, or had earlier read about Albania. She came to know that what mattered in an Albanian house was honor and hospitality and that "as long as you believed in God, it did not matter through which religion you did it." (Lane, 2004, 59) This is why religion in those territories was mostly concerned with the daily problems of the Ghegs. It had understood that when the Ghegs referred to God and to the Cross their veneration went first to Sun. (Swire, 2005, 39) The Church did not even try to change much of the ancient traditions of the Albanians; even when it did, it had resulted useless. The Ghegs were ardent Catholics and they attended the Mass regularly; however, they still buried their people without putting them in a coffin, taking care to put three apples on their chest and carving on the gravestone a cross on a symbol related with the Sun background.

The above practical approach of the way the Albanians believed in God, was the reason why most of the reflections of the writers who dealt with this life issue traced it back to the symbolism of the pagan origin of their ancestors. They claim that due to the fact that the northern territories were remote places, isolated by the communication not only with the outside world, but also with the rest of their country, their inhabitants were gifted the right to preserve customs which the global communication had changed entirely in the rest of the Balkans. Maybe this was the only advantage of their natural and social isolation. Since there had been little invasions of these territories, they had not intersected their race with others so as to change the genetic characteristics. According to Carleton Coon, the Albanian Ghegs preserved physical characteristics of the Aryan race, thanks to the lack of the intercourse with other races for a significantly long period of time in their life for centuries. This was the main reason why the pagan elements that accompanied most of the religious symbols were obvious in many of the daily practices of the Ghegs. Rosita Forbes wrote in 1929: "Both Christians and Moslems worship a particular catholic faith; this is due to the fact that they relied on their ancestors' gods and involve themselves in the interspiritual migration without much effort. (...) They put a coin to the mouth of a dead body to help him cross Sty (the river of the afterlife) (...) The new Moon and the Sun are part of the prayer rituals as symbols of the light and darkness, and in some regions the Stone is even holier than the Cross." (Forbes, R. "Ne token e Ligjit te Pashkruar" The Sphere, 16 nentor 1929). This point of view was earlier supported even by Edith Durham who noticed that in the tattoos of the males of the northern families the cross was accompanied by a half-moon on top or sometimes below; the side wings of the cross might also end in small circles, or the cross itself had the form of circle of the Sun. The author concluded that the cross was there to reveal their Christianity, while the other elements represented the sun, the light, and the goodness. When the men were Moslem, their tattoos had the form of a star shaped by triangles, which she claims stood for the sun rays. In the Moslem graveyards, it was common to come across a circle (which stood for the sun) and a sickle (which stood for the moon). Durham concludes: "The Albanian Moslem has never fully detached itself from the Christianity, he has rejected the cross, but has kept the ancient pre-Christian symbols: the Moon and the Son". (Durham, 1990, 474). The author traces the above veneration back to the Illyrians' cult of the Sun; they worshiped it as the God of health, of fertility and the source of life.

Another pagan common practice in Albania, used by both religions, was "the blood brotherhood"; this is described as a ceremony when two members of different families without blood relations, become brothers after the ritual of drinking each-

other's blood. After that their heirs could not engage in marriage relationships with one another and could take respective responsibility in case of honor and bloodfeud. The Albanians of the '20s and '30s did still believe in prodigy and divinity. They also practiced the rites of "the godfather of hair" and "family welfare foretelling" out of home farm animal bones.

From the point of view of the social anthropology these rituals were explained as a means to preserve the social equilibrium of the Ghegs. It should be understood that the modern tools of the birth and death control were an unthinkable perception for the time. Mothers had to give birth to many children, preferably sons, since very few of them survived childhood due to very bad sanitary life conditions or due to high rates of the bloodfeud. The rites were psychological tools of strengthening the ties between families and tribes that had no other way but the Law of Lek to feel part of a community. They engrained the old customs and adapted the Gheg attitude to the geographical and social feature of their living context. Since they satisfied the particular social needs of the Ghegs, they are reported to be more powerful than the church or the mosque sermons and to be worshiped by both religions indiscriminately. This is why most authors conclude their explanation of the above phenomenon with statements like the following one, which has been removed from J. Roucek's analysis: "The Albanian does not cling tenaciously to the religion and the religion is not an inhibition to the social brotherhood between the Moslems and the Catholics in this small country". (Roucek, 1939, 86)

#### - Conclusion

The above idea seems to have been forged during the centuries due to the need that the Albanians had had to feel part of the same nationality in order to survive the territorial greed of frequent foreign invasions. While the invaders used the formal religion bodies and policies as a means of denationalization, the basic principles of the religion used by the population did not aim to deepen the national geographic divisions and neither to retrograde the principle of individual distinction due to religious faith in a national rank. In 1939 J. Roucek wrote: "Albania is the only country in the Balkans where the religion and the nationality cannot be perceived as synonymous". (86) In a very particular observation in a monastic house in Delvine, the orthodoxies of the south had taken care to hang in the wall, above the fireplace, the picture of the Skenderbeg (the national hero), that of King Zog I and some others of the orthodox personalities. Coon noticed that sayings of the kind "Albanians are not religious people" were commonly heard in daily discussions. It was a proud statement since an otherwise management of three religious faiths in such small territories would definitely threaten the political unity of the country. To a certain extend that was a true reflection because the Albanians of the time were not religious devotees. The Sunni Moslems practiced the full rites of their prayers only in the Mosques and you could rarely see them pray at home, in the street or in the workplace. Most of the British and American writers reported that few of the Albanians were concerned about their spiritual salvation through religion. The very well-established inherited customs were shaped so as to directly contribute to the spiritual chastity and this diminished the role of the religious preaching in this aspect. Coon (1950) wrote: "The Albanian is a devout of his "blood" and his family, whose safety he fights to preserve at all costs". (37) The uniqueness of this particular worship moved the Albanian faith away from the foundation principles of his religion. His approach was more practical, more focused, more earthly. He inclined his faithfulness to a more national God, who spoke Albanian and who had made himself usefully available to his ancestors. Therefore, even though he swore by putting his hand on the Cross, he knew that his oath would only be available if it was done over a stone, his sacrament symbol. In a word, the Albanian way of worshiping God seems to have been shaped by life pragmatism, social equilibrium and personal honesty. The modern perception can find in it useful particularities that may enable a better understanding of the way its attitude has been shaped throughout the centuries.

## Bibliography

- Coon, Carleton S. 1950. *The Mountains of Giants: A Racial and Cultural Study of the North Albanian Ghegs*, Massachusetts: Cambridge.
- Durham, Edith. 1990. *Brenga e Ballkanit dhe Vepra të Tjera për Shqipërinë dhe Shqiptarët*, Tirana: "8 Nëntori".
- Fischer, Bernd J. 2004. *Mbreti Zog dhe Perpjekja për Stabilitet në Shqipëri*, Tirana: Çabej.
- Forbes Rosita. 16 nëntor 1929. "Në tokën e Ligjit të Pashkruar". *The Sphere*. Albanian National Archive. Fondi 151, Kutia 8, Dosja 289.
- Jacques, Edwin E. 1995. *Shqiptarët: Historia e Popullit Shqiptar nga Lashtësia deri në Ditët e Sotme*, Tirana: Kartë e Pendë.

Jacques, Edwin. "The Furtherance and Afflictions of the Gospel Evangelism, Blessing and Intolerance in Albania, 1935 -1940". First published in The Albanian Evangelical Trust, PO BOX 388, WREXHAM, Clwyd, LL112TW UK. Used with the author's permission in <http://reformation.edu/albania/pages/furtherance-afflictions.htm>. Retrieved in June 2013.

Lane, Rose W. 2004. Majat e Shalës, Tiranë: Argeta.

Robinson, Vandeleur. 1941. Albania's Road to Freedom, London: George Allen & Unwin Ltd.

Roucek, Joseph S. 1939. The Politics of the Balkans, London-New York: Mc.Graw-Hill Book Company.

Swire, Joseph. 1937. King Zog's Albania, New York: Liveright Publishing Corporation.

Swire, Joseph. 2005. Shqipëria; Ngritja e një Mbretërie, Tiranë: "Dituria".

Vickers, Miranda. 2001. The Albanians: A Modern History, London-New York: I.B. Tauris Publishers.

## Ethical Decision Making Process of Albanian Accountants: the Impact of Organizational Factors.

Loreta Bebi, PhD Cand.

Brunilda Llaftiu

Lecturer, Faculty of Economy in University of Elbasan "A.Xhuvani"

loreta.bebi@yahoo.com

### **Abstract**

*Taking into consideration the fact that nowadays ethics regarding the accounting profession constitutes one of the most discussed issues all over the world this paper aims to study the impact of organizational variables in the ethical decision-making process of Albanian accountants. Based on the previous researches made mainly in developed countries and as in Albania researches regarding this discipline are extremely rare in this study four organizational variables will be considered:Code of Ethics, industry type, organization size and ethical climate.A sample of about one hundred management accountants who work in Albanian organizations was chosen and they were asked to fill a questionarie regarding these variables and their impact in the ethical decision-making process. Data were entered and processed in SPSS and concluded that these factors have no significant in the ethical decision-making process of the accountants. This study represents a simple contribution for our country as we have an emerging economy for which understanding the factors that influence the ethical decision-making process is crucial.*

**Keywords:** ethical decision-making process, organizational variables, management accountants, Albania

### **Introduction**

During the recent decades, each of us has been witnessing a great number of scandals of popular companies across the globe. Prestigious companies like Enron, Arthur Andersen, WorldCom in USA or that of Parmalat in Italy, OneTel in Australia etc, went into bankruptcy as a result of financial frauds and unethical decisions based on which they built the future of their activity. Normally, all these events contributed to the loss of public confidence in the accounting professionals who were previously regarded as people who exercised their occupation according to the ethical principles of their profession. Facing such a climate, scientific researchers in the ethic, accounting and business field were obliged to take measures in order to normalize such a situation and bring back the faith and the deserved dignity to this profession from the whole society.

Immediately after the scandals, it was noticed a boom in the scientific, qualitative as well as quantitative researches in relation to this issue. An evident aspect is that it was paid a special attention to the ethical issue of business in general and particularly to the ethic of accounting, trying to improve the accounting students' education and meanwhile the arrangement of accountant's profession.

The future of a business unit depends on the accounting professionals just because of the simple fact that these individuals have the duty to provide the financial information in relation with the economic activity of the business unit. On the other hand, it should be emphasized that even the financial information is a useful mean in the process of decision-making regarding the different issues which have to do with the economic activity of a business unit. The power of taking economic decisions based on the financial information prepared by the financial accountants belongs to the management accountants where the success and the performance of business unit directed by them is trusted in. There is a fair connection between the performance of a business unit and the decision-making process. The existence of an ethical decision-making process which is in accordance with all rules and economic objectives that a business unit has ensures the realization of a better performance and normally positive financial results. For this reason, understanding the process of ethical decision-making of management accountants makes it a very important element for the accounting profession.

There are many ethical decision-making models but the earliest of them is the model proposed by Rest in 1986, which constitutes the theoretical foundation regarding this issue and is used by several researchers not only in the field of accounting but also in management, marketing etc. Other researchers in the following years mastered this model adding and integrating in it also the factors that affect each stage of the ethical decision-making process.

There are three most important studied groups for the factors that affect an individual, who is facing the obligation to make a decision upon a certain issue: the individual factors, the planning factors and the characteristics of ethical issue in relation with the decision should be taken. The three groups introduce a special importance but the main purpose of this paper is to provide the management factors and their influence in the ethical decision-making process as it aims to see the organization role in the process of ethical decision-making for the management accountants.

## Literature review

### *The process of ethical decision-making*

The process of ethical decision-making is defined "as a process through which individuals use their moral base to determine whether a certain issue is right or wrong" (Carlson et al. 2002, p 16). On top of theoretical models related to this process, there is the theoretical framework compiled by Rest (1986) which has widely been used in many researches over the process of ethical decision-making within organizations. According to this model, the process of ethical decision-making goes through four stages or phases which are ethical recognition, ethical judgment, ethical purpose and ethical behavior. According to Rest, each of these stages is conceptually different and the success in one of them doesn't necessarily provide success even in the following stage. This model was mastered even more from other researchers in the following years, starting from Trevino (1986) to John (1991).

Trevino (1986) offered an interacting model of ethical decision-making, influenced by the Theory of Kohlberg (1969), which went through three phases and was affected from the individual factors as well as the organizational ones. According to it, the process of ethical decision-making is a result of an interaction between individual and organizational factors in relation with the way of thinking for the individual who makes this decision to solve the ethic dilemma.

Based on the Rest's model (1986), Jones (1996) proposed a model directed by the characteristics of the ethical issue itself. He claimed that the features of ethical issue are the main determinants of the process of ethical decision-making and according to him; this makes a good reason to integrate them in the process of ethical decision-making.

Based on the current literature regarding the process of ethical decision-making, it is firstly noticed that the majority of researching related to this issue is made in the developed countries and in developing ones and this field is unexplored. Secondly, almost all the current studies support and use the theoretical frame compiled by Rest (1986) and they have explored one or two stages of Rest's model as depending variables whereas the factors that influence on them as depending variables.

The organizational factors will be the focus of this paper as well as their impact in the process of ethical decision-making. The majority of researchers support the fact that organizational factors influence the decision-making of employees in relation to specific ethical issues. The organizational factors' group constitutes all those elements that are not related to decision-maker as an individual and at the same time are not related to the decision's alternatives (Ross & Robertson, 2003). The Code of Ethics, the ethic climate, the organization size, the managing structure, the organization culture and also the reward and punishment systems are part of this group of factors. A considerable number of studies are focused on the impact of ethic climate and Ethics Code of a company which is in the process of ethic decision-making for its employees. These studies concluded that there is a considerable impact of these elements in the ethical decision-making process in different areas like marketing, accounting and management, especially in the developed countries.

However, a limited number of studies have been made in relation to management accounting in general and moreover in relation to the impact of these elements in these individuals during the decision-making.

### *Code of ethics*

The Code of ethics is considered as one of the most important elements in the group of managing factors. It is said that it could have a considerable impact to individuals during the ethical decision-making process.

Stevens (1994, p.64) defines Code of ethics as "written documents through which corporations hope to shape employee's behavior and produce change by making explicit statements as to desired behavior". Another interesting definition for the Code of ethics is given by Langlois and Schlegelmilch (1990), wherein Code of ethics is a document which defines corporate principles, ethics, behavioral rules, practical code or company's philosophy, by taking into consideration the responsibility of employees, shareholders, consumers and as well as the background and society.

According to Singh, Carasco, Svensson, Wood & Callagan (2005), the Code of ethics improves the reputation of the company and its trademark image. By stressing the fact that there is not a certain model in relation to the content of the Code of ethics is a mean that changes from one corporation to another, since it is compiled in accordance with objectives and philosophy of each organization and this is achieved by stressing the fact that there is not a certain model in relation to its content.

A considerable number of studies (Singh et al., 2005; Woturba, Chonko, Loe, 2001) concluded that Code of ethics influences positively in the ethical behavior within organization. On the other hand, there are some other researchers who claim that Code of ethics itself is not enough to ensure that employees in corporate would make ethic decisions when they face ethic situations.

### *Ethical climate*

Ethical climate has been considered as an important and influencing factor in the ethical decision-making process of individuals within the organization from a large number of studies. We should not forget to mention the fact that theoretical basis regarding this factor date back to 1987 in the studies conducted by Victor and Cullen. According to them the ethical climate is defined as "the prevailing perceptions of typical organizational practice and procedures that have ethical content".

Inside the organization based on the theories of moral philosophy and the moral of psychology Victor and Cullen (1987) composed the Ethical Climate Questionnaire (ECQ) in order to identify the ethical climate of a specific organization or group. This questionnaire starts from the perceptions of individuals from the same organization in relation to the acting manner of individuals in cases when they face up ethical dilemmas.

Victor and Cullen (1988) concluded that ethical climate inside the organizations changes on the basis of two dimensions, which are three classes of the ethical theory and three loci of analysis. Based on what is said above, they concluded that an organization may have nine types of ethical climates.

Only four of them will be the focus of this paper: the interest of the organization, the personal morality, law and fiscal code and social responsibility. This is because these types have been the most studied and they are supposed to be found in the Albanian companies. An additional reason for the involvement of these factors in my study is that the literature regarding their impact on the process of ethical decision-making is very poor, and the empirical data that will be received will provide a modest contribution in this area.

### *Industry type*

there are some studies that support the fact, that the type of industry in which a certain organization operates has an important impact on the individuals' ethical behavior (Oz, 2001).

It should be noted that ethics literature of business continues to produce mixed and inconsistent results regarding the influence of the industry type and ethical decision. Meanwhile, regarding the type of industry, most studies conclude that this factor has an important impact on ethical decision.

## Hypothesis

Since the current searches reach almost to the same result, so they support the fact that the presence of the Ethics Code is positively related to ethical decision-making (Loe et al.,2000: O'Fallon and Butterfield,2005: Kaptein,2011: McKinney et al.2010), the first hypothesis of this paper will be :

**H1:** The presence of the Code of ethics is positively related to the ethical recognition, judgement and intention.

As regarding the ethical climate of the organization which is also the second factor the recent researches (Beeri et al. 2013: Elango et al., 2010: Lu and Lin,2013) support the positive relationship that exists between the ethical climate and the stages of the ethical decision-making process. Taking into consideration these results the second hypothesis of this paper would be:

**H2:** The ethical climate types have got an important impact on the ethical recognition, judgement and intention.

Following the same line of reasoning the third hypothesis is as follows:

**H3:** The ethical recognition, judgement and intention vary depending on the type of industry.

## Methodology

As it is mentioned earlier the focus of this paper is to determine the influence of organizational factors in the first three stages of the ethical decision-making process. Give that Albania is part of the developing countries; the number of the companies operating in our country is not very large. Moreover the function of ethical decision-making is a function which should be exercised by the management accountants but in our country in the majority of cases it is delegated to the financial accounts or to the financiers of the company. These conditions allow us to include only big companies in our study. These companies in our contry should have no less than 50 employees. There were randomly selected 150 of such companies and their accountants were asked to answer a questionnaire. It was sent by e-mail and 120 of them answered it.

The questionnaire consisted of two parts. The first part had three questions through which we collected information for the organizational variables. The categories were determined according to the type of industry. This last one based on the Register of Enterprises for 2014 published by INSTAT. In order to collect information regarding the ethical organization climate we used the Ethical Climate Questionnaire developed by Victor and Cullen in 1987. It was understandably a reduced version because in the focus of this paper are four types of ethical climate out of nine that exist.

The second part has to do with collecting the information connected to the first three stages of the ethical decision-making process. In this part the interviewees were given four scenarios related to the cases of ethical dilemas that the accounts are facing. For each of the cases there were three questions for the three stages of the ethical decision-making process.

In order to measure the ethical recognition of the individuals they were asked if the situation presented in each of the scenarios involved or not an ethical issue. The ethical judgement is measured by the answers that the interviewees give when they are sked if they agree with the decisions that the individuals take in each scenario. As for the ethical purpose it is measured by the answers given to the question whether they agree or disagree with the stakeholders' actions in each scenario.

The collected information was processed in SPSS by using independent samples tests and one-way independent samples ANOVA tests for the categoric variables : the size of the organization, the industry type and the ethic code as well as for the continuing variables such as the ethical purpose and the ethical climate of the organization for which were used a hierarchical multiple regression.

## Results

The results of the SPSS processed data show that in terms of the first hypothesis which assumes that the code of ethics affects the first three stages of the ethical decision-making process is not verified. It is noticed, that even though individuals recognize the ethical issues in each scenario, they judge them as unethical and do not intend to behave unethically regardless whether they work in companies that have or not an ethical code. There are significant differences between

management accountants and their decision-making process and this as a result of the presence or not of the Code of Ethics.

As mentioned before to examine the impact of ethical climate types on the ethical decision making process it was used hierachial linear multiple regression. The second hypothesis regarding the results of the analysis found limited support. The values of the standardized regression coefficient  $\beta$  of the four types of ethical climate within Albanian companies revealed very limted support for their impact in the ethical recognition stage. There were found only two significant results, one of them related with law and code in scenario 4 [ $\beta = .135$ ,  $p < .05$ ] and the other was related with personal morality in scenario 1 [ $\beta = .32$ ,  $p < .05$ ].

In the stage of ethical judgement the situation seems to be the same. It must be mentioned that there were only a few significant results. Law and professional codes had only one positive significant relationship in scenario 3 [ $\beta = .31$ ,  $p < .05$ ], social responsibility had similar results in scenario 1 [ $\beta = .26$ ,  $p < .05$ ], and personal morality had negative result in scenario 1 [ $\beta = -.19$ ,  $p < .05$ ].

The same situation was for the stage of ethical intention. It was found only one negative significant result related to personal morality in scenario 1 [ $\beta = -.17$ ,  $p < .05$ ]. Thus in total the second hypothesis regarding the positive influence of ethical climate in the ethical decision making process was rejected.

The third hypothesis is also rejected because means scores regarding this issue revealed that on average all participants recognize the ethical issues in each of four scenarios as the mean scores of them are 3.4 or above. They also judged them as unethical issues as the mean scores of them are 3.2 or above and in the same time they have no intention to behave unethically as the mean scores of them are 3.1 or above. Thus the results show no significant results in the mean scores of the three stages of ethical decision making process based on the type of the industry in which operate the company they work for.

Table 1. Hypothesis summary

<i>Organizational variables &amp; EDM stages</i>	<i>Ethical recognition</i>	<i>Ethical judgment</i>	<i>Ethical intention</i>
<i>Code of ethics</i>	No support	No support	No support
<i>Ethical Climate</i>	Low support	Low support	No support
<i>Type of industry</i>	No support	No support	No support

In summary it can be said that there were no significant differences in ethical decision making based on code of ethics and industry type. Knowledge of the existence of a code is a necessary prerequisite for its effectiveness, but the results here suggest that those management accountants who perceive that their company has a code are not significantly different from those who do not (whether the company has a code or not). This might be a particular concern in Albania and other developing countries that have not yet made much progress in developing an accounting profession with a strong code of ethics. There are many possible reasons for this result. One is that the content of the code is limited or, in this case, is not particularly relevant to the work of the management accountants.

Laczniak and Inderrieden (1987) claim that a code of ethics may be associated with the process of ethical decision making only when combined with sanctions. Rottig and Heischmidt (2007) suggest that a code of ethics should be systematically and empirically examined in conjunction with additional determinants of ethical decision making such as ethical training. The results of this study suggest that managers of Albanian companies should

check that the content of their code of ethics is up to date and relevant, communicated to staff and supported appropriately.

Also four types of ethical climate were examined, and limited significant results were found.

Only personal morality was found to have a significant relationship with the ethical decision-making stages in only one scenario and law and professional codes only had one significant relationship with ethical recognition and one with ethical judgment, each in a different scenario. Empirical research has shown similar results, with ethical climate having limited or

no significant relationship with ethical decision-making stages (e.g. Buchan 2005; De- Coninck and Lewis 1997; Shafer 2008). Briefly, the environment surrounding Libyan companies (i.e. public sector) or the other types of ethical climate may be better predictors of ethical decision-making scores.

## Conclusions

This study investigated the role of organizational variables in the ethical decision making of management accountants in an Albania , an emerging country.

The results revealed few significant results in relation to the organizational variables and the three ethical decision-making stages. The apparent lack of impact of company codes of ethics suggests that companies should pay more attention to their content and to how they are supported, especially in the case of management accountants.

## References

- Beeri, I., Dayan, R., Vigoda-Gadot, E., & Werner, S. (2013). Advancing ethics in public organizations: The impact of an ethics program on employees' perceptions and behaviors in a regional council. *Journal of Business Ethics*, 112(1), 59–78.
- Buchan, H. F. (2005). Ethical decision making in the public accounting profession: An extension of Ajzen's theory of planned behavior. *Journal of Business Ethics*, 61(2), 165–181.
- Carlson, D. S., Kacmar, K. M., & Wadsworth, L. L. (2002). The impact of moral intensity dimensions on ethical decision making: Assessing the relevance of orientation. *Journal of Managerial Issues*, 14(1), 15–30.
- DeConinck, J. B., & Lewis, W. F. (1997). The influence of deontological and teleological considerations and ethical climate on sales managers' intentions to reward or punish sales force behavior. *Journal of Business Ethics*, 16(5), 497–506.
- Elango, B., Paul, K., Kundu, S., & Paudel, S. (2010). Organizational ethics, individual ethics, and ethical intentions in international decision-making. *Journal of Business Ethics*, 97(4), 543–56
- Jones, T. M. (1991). Ethical decision making by individuals in organization: An issue-contingent model. *Academy of Management Review*, 16(2), 366–395.
- Kaptein, M. (2011). Toward effective codes: Testing the relationship with unethical behavior. *Journal of Business Ethics*, 99(2), 233–251.
- Kohlberg, L. (1981). The philosophy of moral development: Moral stages and the idea of justice. San Francisco, CA: Harper & Row.
- Laczniak, G. R., & Inderrieden, E. J. (1987). The influence of stated organizational concern upon ethical decision making. *Journal of Business Ethics*, 6(4), 297–307.
- Loe, T. W., Ferrell, L., & Mansfield, P. (2000). A review of empirical studies assessing ethical decision making in business. *Journal of Business Ethics*, 25(3), 185–204.
- Lu, & Lin, C.-C. (2013). The effects of ethical leadership and ethical climate on employee ethical behavior in the international port context. *Journal of Business Ethics*, 1, 1–15.
- McKinney, J., Emerson, T., & Neubert, M. (2010). The effects of ethical codes on ethical perceptions of actions toward stakeholders. *Journal of Business Ethics*, 97(4), 505–516.
- O'Fallon, M. J., & Butterfield, K. D. (2005). A review of the empirical ethical decision-making literature: 1996–2003. *Journal of Business Ethics*, 59(4), 375–413.
- Rest, J. (1986). Moral development: Advances in research and theory. New York: Praeger.
- Ross, W. T., & Robertson, D. C. (2003). A typology of situational factors: Impact on salesperson decision-making about ethical issues. *Journal of Business Ethics*, 46(3), 213–234.
- Rottig, D., & Heischmidt, K. A. (2007). The importance of ethical training for the improvement of ethical decision-making: Evidence from Germany and the United States. *Journal of Teaching in International Business*, 18(4), 5–35.
- Shafer, W. E. (2008). Ethical climate in Chinese CPA firms. *Accounting, Organizations and Society*, 33(7–8), 825–835.
- Stevens, B. (1994). An analysis of corporate ethical code studies: "Where do we go from here?". *Journal of Business Ethics*, 13(1), 63–69.
- Trevino, L. K. (1986). Ethical decision making in organizations: A person-situation interactionist model. *Academy of Management Review*, 11(3), 601–617.
- Victor, B., & Cullen, J. B. (1987). A theory and measure of ethical climate in organizations. *Research in Corporate Social Performance and Policy*, 9, 51–71.

## How can We Measure the VAT Fraud and Evasion? Case of Albania

**PhD. Ledjon SHAHINI**

Lecturer in the Faculty of Economics, University of Tirana, Albania,

[ledjonsahini@feut.edu.al](mailto:ledjonsahini@feut.edu.al), Cel:+355 67 20 555 42

**Prof Asoc. Arben MALAJ**

Lecturer in the Faculty of Economics, University of Tirana, Albania,

[arben.malaj@gmail.com](mailto:arben.malaj@gmail.com), Cel:+355 69 40 966 20

**Abstract:**

*Taxation is one of the most important fiscal instruments which in many case is used to recover the economy performance of a country. It is the main budget revenue and its role in decreasing budget deficit is undisputed. The intensity of the instrument efficiency is depended although by the level of tax evasion in the country. At this point, knowing the level of tax evasion from one side is one of the most important topics that fiscal policy could work and from the other side improving the tax administration system is a purpose for public financial stability. The focus of the paper will be only on the value added tax (VAT) as the main tax revenue component in Albania with about 37 % of total tax revenue. In the absence of a comprehensive analysis between VAT that should have been paid by all taxpayers and real VAT collected, the divergence between them could be considered as VAT evasion, or known as VAT gap, which will be our objective measurement. Calculations will be based on the data from the national accounts (Supply-Use Tables), more concretely on the use side of the economy. All the variables of final demand are treated at a very detailed level specifying the VAT ratio by product and the threshold level for each component of final use. Estimations are done for year 2011 as the latest year where the Supply Use Tables are available for Albania.*

**Keywords:** VAT fraud, Supply-Use tables, Tax gap

### 1. Introduction

The tax system is one of the most important fiscal policies of a country. Its primary objective is to ensure the collection of tax revenues based on administrative regulations and to improve based on legislative system. It is especially important to make coordination between administrative and legislative systems because very good tax legislation, if not accompanied by proper applicability of the administrative system is intended to lead to an unsatisfactory efficiency. Likewise if legislation leaves room for the possibility of abuse by administrative system it would have an unsatisfactory efficiency too. At this point it can be referred to Oliver Wendell Holmes who wrote:

"When the law draws a line, a case is on one side of it or the other, and if on the safe side is none the worse legally that a party has availed himself to the full of what the law permits. When an act is condemned as evasion, what is meant is that it is on the wrong side of the line ..." Bullen v. Wisconsin (1916), 240. US. 625 at p. 630.

Consistent coordination of tax policy and tax administration can lead to the achievement of the objectives required. But the level of tax collection as a ratio of total taxes to be collected in the literature is known as the tax gap<sup>1</sup>. The tax gap could come because of the possibilities that leave the legislative part to taxpayers to avoid taxes that lead to tax evasion. Tax evasion and avoidance distort the economic system because some economic units could benefit from this situation and make no fair competition in the market. This situation in the long run could lead to similar behavior by other economic units operating in the same market or otherwise in their bankruptcy. Also tax evasion and avoidance of tax liabilities reflect the effectiveness of the tax system. Good knowledge of the phenomena can help to improve the country tax system from both sides, legislative and administrative one. Although there are controversies existing about the

<sup>1</sup> Definition: The tax gap is the difference between tax liability in any year and the amount of tax that is paid voluntary and on time.

definition of tax evasion, the complexity of the entire tax system as well as the intensity of government regulation have been empirically identified as the major causes of encouraging such illegal activities.

Also the tax gap has a direct impact on the economy. Low level of tax collection leads to the inability to reduce the state deficit in the current period and debt in the long run. Also low level of tax collection mean less public investment, less contractions to private businesses, less employment and therefore less economic growth. All these multiplicative effects become more and more significant as longer will be the decrease in the overall tax burden. It means that fiscal consolidation requires the approval for strong consolidation measures on the expenditure side of the government. The tax system consists of a set of taxes, but in all countries the value added tax is the main item. The first idea for VAT can be found back in time to Von Siemens, a German businessman, in the 1920s. But for the first time this tax has been applied in France in 1948.

Empirical studies have shown interlinks between the VAT performance of a country and its level of development. The revenue gains from VAT are likely to be higher in an economy with higher level of per capita income, lower share of agriculture, and higher level of literacy (Ebrill et al. 2001). VAT proves to be an efficient tool for revenue collection. Its performance has direct impact on fiscal mobilization, macroeconomic stability, and economic development. VAT generates significant revenue more than one fifth of world total tax revenue, and has been introduced in about 140 countries. It is the main source of revenue in many countries and plays an important role in ensuring public finance stability. In this context, its treatment as a separate situation has a particular interest. In this paper, the focus will be specifically in the VAT gap assessment.

## 2. Estimation of VAT fraud

Why is so important to measure the VAT fraud? The VAT system in the last decades has been under different attacks by fraudsters, whom have posed the most serious threat to the functioning of the entire system (Šemeta, 2011). The typical mechanism of deduction has itself become a source of sophisticated international frauds (Keen and Smith, 2007). Although tax authorities have fought hard to stop the phenomenon, it still contend a high part which various from country to country. The fight against VAT fraud is supported by many legislative directives and in general consistent with the long-run objectives of the economy. Tax gap includes a large number of transactions and activities that should be taxed, but for various reasons, have not been taxed.

To estimate the tax gap is not a proper way on which can rely. In these conditions there are developed several methods to estimate it, which range from direct estimations based on surveys to sophisticated dynamic econometric models. All these methods have advantages and disadvantages (Schneider, 2000a and 2000b; Schneider and Enste, 2000; Lippert and Walker, 1997; Feige, 1989). According to Schneider (2000a) and Thomas (1992), these approaches can be groups:

- Macroeconomic approaches where are many sub-methods used. These methods can be based on the discrepancies between income and expenditure statistics (MacAfee, 1980; Del Boca, 1981); the official and actual labour force (Contini, 1981); the monetary approach based on the Fisher quantity equation (Feige, 1979; 1996); the popular currency demand method measuring the correlation between the currency demand and the tax pressure (Tanzi, 1982); the physical input method observing relations between (official and unofficial) GDP and electricity consumption (Kaufmann and Kaliberda, 1996; Johnson, Kaufmann and Schleifer, 1997; Lacko, 1998),
- Dynamic models which consider various macroeconomic determinants for creating a shadow economy and attempt to explain their effects in the development of production, labour and money markets simultaneously (Aigner, Schneider and Ghosh, 1988; Schneider, 2000a; Frey and Weck-Hannemann, 1984).
- Micro approaches based on data collected from surveys among taxpayers and tax auditing (Isachsen, Klovland and Strom, 1982; Mogensen, Kvist, Körnendi and Pedersen, 1995), which in many literatures are known as bottom-up methods.

All methods have advantages and disadvantages, but in all cases the method applied depends on the possibilities and availability of the data. In case of VAT fraud all of methods can be applied but in many cases the estimation from different approaches has the advantage of comparisons as it is difficult to point out which of them is the best one.

In order to estimate VAT gap it is important to know where and how is created VAT fraud. The essential element of the fraud is the purchase of goods, which enables the fraudster to buy without paying VAT to the supplier and, at the next step, to keep the entire amount of VAT debited to its counterparty. Other forms of fraud are schemes like carousels on imports under customs transit, the fraudulent use of VAT warehouses and under-invoicing of imports. These schemes are much more risky because they involve huge volumes of international trade; they are fast, agile and difficult to detect using standard tools.

## 2.1. Top down approach

Top-down methods in many cases are referred as indirect approaches since for the estimation of tax gap are used data not necessarily related directly with tax process. Based on these information's is estimated theoretical tax which then is compared with the actual tax revenue. These estimations could be done for all tips of taxes separately to provide a better summed up value. The estimation of VAT fraud in the top down approach base on national accounts data is more used because of the information that can be found in the supply-use tables (SUT) of National Accounts. For this calculation relevant statistics are adopted at the VAT base. That tables have two main components; all suppliers of a country whom can be domestic producers or foreign producers entering in the country in form of imports and the users of a country which can be household, government, or in form of investments, exports or changes in the inventory. More concretely the SUT consists on the components as shown in table 1.

**Table 1:** Supply Use Tables

Source: authors work

SUT offer the most detailed portrait of an economy at product levels so knowing all tax regime of the country and the products where the tax has been applied it is possible to estimate the tax fraud based on those tables. In particular, the statistics and data on private consumption, intermediate consumption and investment of central and local governments apparently play the most important role for the assessment for VAT gap estimation.

As can be seen from the matrixes the possibilities for estimating the size of the tax gap are directly dependent on the availability of detailed data. In case of VAT, it is important that tax vector to be treated by product and by categories (mostly as a matrix). At those conditions the corresponding VAT rate can be correctly assigned to the respective product, where it has been applied. This is particularly important if there are several VAT rates in the system of the country, or different exceptions are done from the general rules. The problem with this approach is related mostly with National Accounts data. If the estimations of different components of the use side are not correct, automatically it will affect the VAT value. In the same time as one part of the economy is non observed economy, it means that estimation of this part

in National Accounts will have a direct statistical discrepancy in VAT fraud. As higher is the non-observed economy and the assumptions done in National Accounts as higher are even doubts for VAT fraud estimated.

## 2.2. Bottom up approach

The bottom-up approach is based on the uses of micro data for individuals and enterprises. The estimations are done firstly at elementary level and then are summed up for the hull economy and population. Of course on all steps are stored on the statistical concepts by groups of taxpayers with the same characteristics. In other words this method is based on a survey which includes a random sample of taxpayers for all categories which are analyzed and then extrapolated to the entire population. At this point is clear that the quality of results will be highly related with the sample size, the statistical criteria's applied, and knowledge's of the system from the respondent elements. The results of such analysis cannot be fully extrapolated to all taxpayers or to the economy as a whole because their impact would be overestimated. While a random sample can be considered representative, in this particular case the sample is not representative because it focuses on a selected group of taxpayers.

This method compared with the previous one has the advantage that is based on more accurate information but from the other side it has much statistical estimation which of course has their error margins. In general can be said that indirect method based on the expenditure side of GDP calculation usually are taken to indicate the trend in tax evasion rather than its level (Keen and Smith, 2007). Direct methods are used mainly to get an idea of the level of tax evasion and to check top-down estimates. Despite the method used, availability and completeness of data are a major issue in estimating VAT frauds. Another problem in the estimation is linked to the inconsistent nature of frauds. Tips of frauds change over time because of legislation and auditing targets, so bottom-up methods inevitably soon become outdated. Moreover, since data are not taken "randomly" and come from tax audits that are planned on the basis of tax risk indicators, any statistical inference can easily end up in an overestimated of VAT frauds. A proper estimate is even more difficult in the case of acquisition frauds. In this case the fraudster reduces the prices for final consumers in order to crowd out competitors.

## 3. Case of Albania

At this part of the paper the focus will be given in the estimation of VAT gap in case of Albania for year 2011. The estimations are based only on the top down approach, more concretely on the methods based on national accounts data. The restrictions only in one method becomes because there are no available micro data from taxpayers. Also it is important to mention that estimations are done only for the year 2011 as the latest supply-use table publication for Albania.

SUT in Albania have a short history even that analysis at a detailed level of commodity flows have been developed since the late 1930's (Wassily Leontief estimated the first Input-Output Tables (IOT) for USA for the period 1919-1929). IOT are the consequence of SUT but needs as condition that SUT to be balanced. Anyway SUT tables are still a challenge for many developing economies. In Albania SUT are published for the first time in February 2015<sup>1</sup> and consist of three years (2009-2011) of estimations. As those tables are a new product of National Accounts of Albania and furthermore VAT gap estimation is a new theoretical phenomenon for Albania too, it has a significant interest for policymakers and economics to be analyzed and evaluated. The contribution of the paper consists on the fact that this is the first study based on the SUT data for the estimation of VAT gap in Albania. Even more the importance becomes more significant taking in consideration the level of high non observed economy that exists in Albania. Referring the latest data found for the year 2007, it was at around 32.9 %<sup>2</sup> of GDP, which was much higher than OECD weighted average value of 17.2 %<sup>3</sup> of official GDP over 162 countries between years 1999 and 2006/2007. If the analyze will be expand a bit more with foreign trade statistics other conclusions comes out. The biggest imported countries for Albania are Italy, Greece and

<sup>1</sup> Institute of Statistics, (2015): "Supply Use and Input-Output Tables in Albania: 2009-2011";

<sup>2</sup> F. Schneider, A. Buehn, C. E. Montenegro (2010): " Shadow Economies All over the World, New Estimates for 162 Countries from 1999 to 2007", Policy Research Working Paper 5356, pg 23, Table 3.3.3;

<sup>3</sup> F. Schneider, A. Buehn, C. E. Montenegro (2010): " Shadow Economies All over the World, New Estimates for 162 Countries from 1999 to 2007", Policy Research Working Paper 5356, pg 4, par 2;

Turkey, which do at around 47%<sup>1</sup> of total imports of Albania. Those three countries have a level on non observed economy at around of 26-30%<sup>2</sup> of GDP. At this situation Albania is opened to the risk of exported informality and VAT fraud.

As our focus will be on VAT fraud estimation, the first step has to do with the legislation specifications in Albania for economic subjects that are under VAT regime and the ratios of VAT by products. In the same time it is important to identify all the transactions which are subject to non-deductible VAT. Based on the low of taxation in Albania for VAT regime in 2011 there are four main categories as are shown in table two.

**Table 2:** VAT system in 2011 in Albania

VAT ratio	Category
20 %	Standard ratio
10 %	Medicines
0 %	Exports
Exemptions	Medical services Financial services Education Books, newspapers, etc Casinos, Gambling

Source: Law No.7928 date 27.4.1995, "For value added Taxes", changed (last change date 16.12.2010)

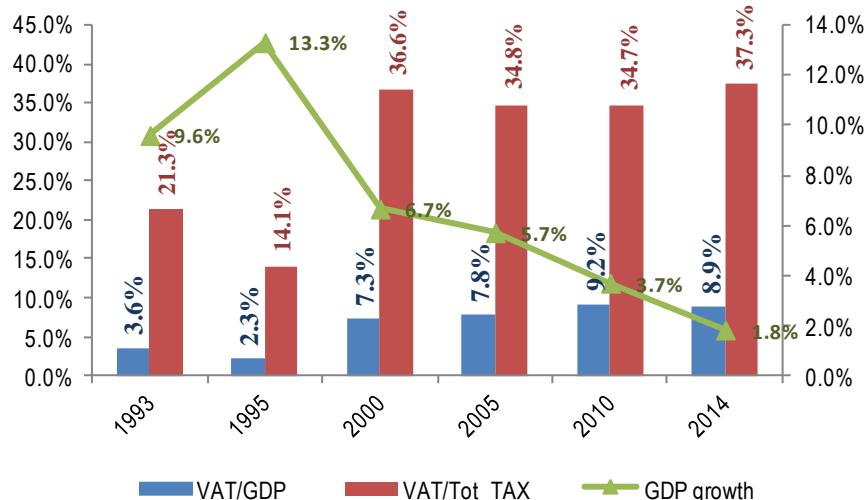
Most of the products are under 20 % regime, a very small group is under 10 % and there are some categories which are exempt from VAT as are shown in the table 2. As it can be seen large areas of economic activity are exempt or outside the scope of VAT. The effective exemption of much of the public sector and of services in the public interest is a clear weakness of the VAT regime. The last group is related with exports which, as in many countries, are at ratio of 0 %.

Before explaining the estimations done, it is important to make a general description about the history of VAT implementation in Albania and some descriptive statistics related with VAT level in report with GDP and total tax revenue. VAT has been implemented for the first time in fourth quarter of 1995, replacing turnover tax that was before<sup>3</sup>. In graph 1 are shown some comparisons from where we can see that VAT has been for more than 10 years at interval 7% to 10% of total GDP. Related with the latest progress it can be seen that the trend is negative compared with GDP for period 2010-2014 and positive compared with total tax revenue.

<sup>1</sup> [http://www.instat.gov.al/media/194299/tab\\_4\\_.xlsx](http://www.instat.gov.al/media/194299/tab_4_.xlsx);

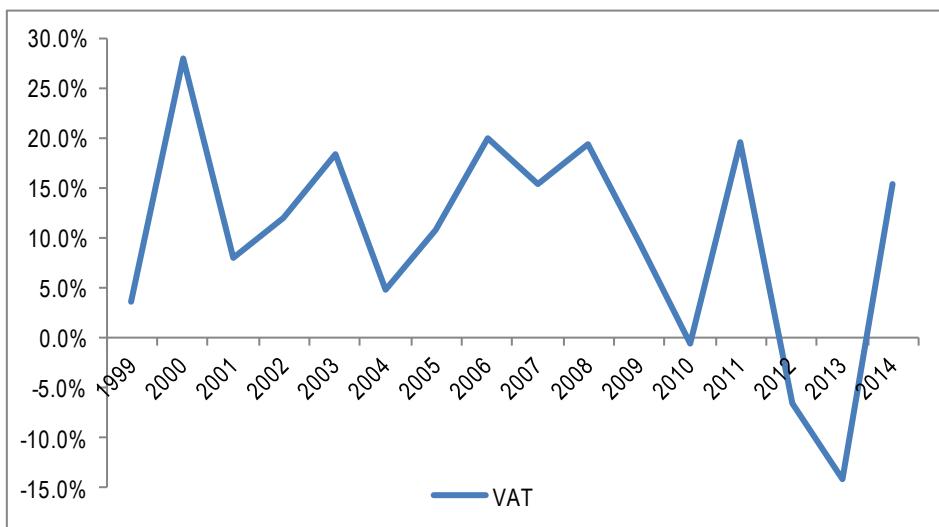
<sup>2</sup> F. Schneider, A. Buehn, C. E. Montenegro (2010): " Shadow Economies All over the World, New Estimates for 162 Countries from 1999 to 2007", Policy Research Working Paper 5356, pg 27, Table 3.3.6.

<sup>3</sup> Source: Law No.7928 date 27.4.1995, "For value added Taxes", changed, Neni 60;

**Graph 1:** VAT, Total Tax revenue and GDP growth

Source: Institute of Statistics and Ministry of Finance

If we refer to annual VAT changes analyzes from graph 2 can be seen that the biggest changes are 2012 and 2013 where the trend is negative even that the GDP growth has been positive. In 2014 it can be seen that value has started to increase again but even that the trend is positive the absolute value is still lower than 2011.

**Graph 2:** VAT values (annual % changes)

Source: Institute of Statistics and Ministry of Finance

As was mentioned above the estimation of VAT gap will be focused only in the top-down approach based on national accounts data. Based on top-down approach all components of use side are treated in individual level using the most detailed information possible. Final household consumption is treated as wholly subject to non-deductible VAT, whereas other categories of uses are broken down in order to determine a rate of non-deductibility. The VAT is calculated in the light of all current legislation and rules governing VAT for the period of study. In case of Albania the estimations are a bit easier as there are only four categories and at most of the product is applied 20 % ratio of taxation. It is important to mention that VAT on medicines has been decided to be 10 % in 2010 but in 2013 this category again has been exempted from VAT system as it was before 2010 year. As we are referred to the year 2011 it is important to take in consideration even that category. To estimate VAT fraud firstly for each CPA2-digit<sup>1</sup> is taken household and government consumption and is specified the category if is exempt or not. In the second case for each product is specified the VAT ratio and in the same time has been calculated the ratio of threshold. The threshold ratio has been estimated as shown in equation 1.

$$th_i = 1 - \frac{VAT_{T_i}}{Tot_{T_i}} \quad (\text{eq.1})$$

Where:

$i$  – is respective Nace<sup>2</sup> activity at two digit level

$th_r$  – threshold ratio for  $i$  Nace activity at two digit code

$VAT_T$  – turnover for enterprises on VAT system on each Nace activity at two digit code

$Tot_T$  – turnover for total enterprises on each Nace activity at two digit code

This estimation is very important to be done in Albania because by law, all subjects that have an annual turnover less than 5 million lekë are not on VAT system referring year 2011. The VAT registration threshold is applied to small businesses. Despite the disadvantages of exemption, substantial registration thresholds are probably a price worth paying for avoiding disproportionate administrative and compliance costs for small businesses. There may also be a case for applying simplified flat-rate schemes to small businesses. However, the case for some other small business regimes currently in operation seems less compelling. Optional schemes invite traders to see which option is better for them by calculating their liabilities under both scenarios, potentially combining maximum effort by the trader as they make the calculations and maximum revenue loss for government.

In the next step is estimated GFCF and inventory in exempted sectors. First of all is necessary to mention that the biggest part of GFCF, except construction, consists on machinery and equipment which are mostly imported in Albania. For these purpose from total GFCF imported are linked those that are done from enterprises which are under VAT system and the difference has been considered as GFCF for the other group of enterprises. For construction has been used the information from SBS<sup>3</sup>, from which has been taken the part of new buildings for apartments or houses. For these category is paid VAT so it has been taken in consideration the other part of construction like roads or engineering works are excluded from the estimation. The next category of the use side has to do with estimation of imputed taxes in exempt categories. For these purpose are taken only small enterprises which are supposed not to be on VAT system and has been estimated Intermediate Consumption over Output ratio at each Nace 2 digit level. The aggregated values are shown in table three. In the first row is the total consumption of household and government taken from the use table of National Accounts data and in the second one is the value for exempt part from household and government consumption. In the third row are estimations for Gross Fix Capital Formation and the last group have to do with Final Consumption Expenditure included in VAT system.

<sup>1</sup> CPA is the European Classification of Products by Activity

<sup>2</sup> Is the nomenclature of economic activities in the European Union (EU) used even in Albania

<sup>3</sup> Structural Business Survey

As was mentioned before there are two categories to be estimated, with 20 % and with 10 %, each of them has been treated separately and the results is about 145,424 million lekë. For year 2011 the total value of VAT decelerated from Ministry of Finance was 136,242 million lekë, so the difference can be considered as VAT gap.

**Table 3:** Main components of VAT gap estimations for year 2011

	(million lekë)	(million euro)	(million dollar)
Total Household and Government Consumption	1,166,834	8,315	11,562
Exempted Consumption	-527,780	-3,761	-5,230
GFCF in exempted sectors	93,242	664	924
Inputs used in exempted sectors	141,624	1,009	1,403
Final Consumption and Expenditure included in VAT	873,918	6,227	8,660
20% VAT	145,194	1,035	1,439
10% VAT	230	1.6	2.3
Theoretical VAT	145,424	1,036	1,441
Total excluded VAT	728,495	5,191	7,219
VAT collected	136,242	971	1,350
VAT gap	9,182	65	91
VAT gap as % of Theoretical VAT	6.31%	6.31%	6.31%
VAT gap as % of VAT collected	6.74%	6.74%	6.74%

Source: authors work

Based on those results the VAT gap can be expressed as:

$$VAT_{gap} = VAT_{es} - VAT_{co} = 145,424 - 136,242 = 9,182 \quad (\text{eq.2})$$

Where:

$VAT_{es}$  – VAT estimated

$VAT_{co}$  – VAT collected

At the same time could be estimated VAT gap in percentage of total VAT collected or Theoretical VAT as shown in equation 3:

$$VAT_{gap(\% - co)} = \frac{VAT_{gap}}{VAT_{co}} = \frac{9,182}{136,242} = 6.7\% \quad (\text{eq.3})$$

$$VAT_{gap(\% - th)} = \frac{VAT_{gap}}{VAT_{th}} = \frac{9,182}{145,424} = 6.3\% \quad (\text{eq.4})$$

From the results the uncollected VAT was around 6.7 %. This estimation of course has its limitations. First of all it has been done only for one year and is used only one method for estimation. These boundaries become from data restrictions but it will be with interest to be compared in the future with other years and methods. With interest are even comparisons with other macroeconomic indicators like GDP, Tax Revenue and Tax offices and customs which give a more specific view of the VAT gap with different components of state budget incomes.

**Table 4:** Comparisons of VAT gap with some of the main aggregates for year 2011

	(million lekë)	(million euro)	(million dollar)
GDP at current Prices	1,300,624	9,268	12,888
Tax Revenue	315,397	2,247	3,125
Tax offices and customs	242,077	1,725	2,399
Theoretical VAT	145,424	1,036	1,441
VAT collected	136,242	971	1,350
VAT gap	9,182	65	91
VAT gap as % of GDP	0.71%	0.71%	0.71%
VAT gap as % of Tax Revenue	2.76%	2.76%	2.76%
VAT gap as % of Tax offices and customs	3.79%	3.79%	3.79%

Source: authors work

From the table can be seen that VAT gap as % of GDP at current prices is at around 0.7% for year 2011. If this value will be compared with EU countries, it stays inside the interval of the countries. Referring the estimations for 2011 the lowest VAT gap country in EU was Sweden with 0.2% of GDP followed by Malta with 0.3 % of GDP and the highest was Romania with 7.9% of GDP<sup>1</sup>. The interval of EU countries is very wide and it is a bit difficult to make more deeply comparisons without knowing the VAT system of each country.

## Conclusions

Taxation is one of the most important fiscal instruments and in many countries it is the main budget revenue item. It generates significant revenue, more than one fifth of world total tax revenue, and has been introduced in about 140 countries. In Albania VAT has been implemented for the first time in fourth quarter of 1995, replacing turnover tax that was before. It has been for the last 10 years at interval of 7 to 10 % of total GDP.

The estimation of VAT gap was based only on the top-down approach based on national accounts data, more specifically on supply use tables. Based on top-down approach all components of use side are treated in individual level using the most detailed information possible. From the results the uncollected VAT in Albania, or VAT gap, was around 6.7 % of total VAT collected for year 2011. Comparing this estimation with total GDP at current prices the VAT gap as % of GDP is at around 0.7%. This value compared with EU countries, stays inside the interval which lies from 0.2% of GDP in Sweden to 7.9 % of GDP in Romania referring year 2011.

<sup>1</sup> TAXUD/2012/DE/316, Final Report: "Study to quantify and analyze the VAT Gap in the EU-27 Member States", FWC No. TAXUD/2010/CC/104, Table C.10 – VAT Gap as a share of GDP, 2000–2011 (%);

## References

- Ainsworth, R. T. (2010). "VAT fraud: MTIC & MTEC - The tradable services problem", Boston University School of Law, Working Paper No. 10-39;
- Borselli, F. (2011). "Organized VAT fraud: features, magnitude, policy perspectives", Banca di Italia, Number 106 – October 2011;
- Breuer, Ch., & Nam, Ch. W. (2011). "VAT on Intra-Community Trade and Bilateral Micro Revenue Clearing in the EU", eJournal of Tax Research (2011) vol. 9, no. 1, pp. 59 – 70;
- European Commission. (2010). "A retrospective evaluation of elements of the EU VAT system", Final report, TAXUD/2010/DE/328, FWC No. TAXUD/2010/CC/104/;
- European Commission. (2012). "An Action Plan to Strengthen the Fight against Tax Fraud and Tax Evasion";
- Gebauer, A., & Parsche R. (2003). "Evasion of value-added taxes in Europe: IFO approach to estimating the evasion of value-added taxes on the basis of national accounts data (NAD)", CESifo DICE report 2/2003;
- Gebauer, A., Nam, Ch. W., Parsche R. (2002). "lessons of the 1999 abolition of intra-EU duty free sales for eastern European EU candidates", CESIFO Working paper no. 828;
- Gradeva, K. (2014). "VAT Fraud in Intra-EU Trade";
- H. W. Sinn, A. Gebauer, R. Parsche (2004): "The IFO institute's model for reducing VAT fraud: Payment first, refund later", CESifo DICE report 2/2004;
- Harrison, G., & Krelove, R. (2005). "VAT Refunds: A Review of Country Experience", IMF Working Paper, WP/05/218;
- HM Customs and Excise (2002): "Measuring indirect tax losses";
- Institute of Statistics, (2015): "Supply Use and Input-Output Tables in Albania: 2009-2011", [http://www.instat.gov.al/media/284191/supply\\_use\\_and\\_input-output\\_tables\\_2009-2011.pdf](http://www.instat.gov.al/media/284191/supply_use_and_input-output_tables_2009-2011.pdf)
- Keen, M., & Smith, S. (2007). "VAT Fraud and Evasion: What Do We Know, and What Can be Done? ", IMF Working Paper WP/07/31, February 2007;
- Legeida, N., & Sologoub, D. (2003). "Modeling Value Added Tax (VAT) Revenues in a Transition Economy: Case of Ukraine", Institute for Economic Research and Policy Consulting, Working Paper No. 22;
- Mihalache, R. A. (2013). "Fraud and Tax Evasion in Romania VAT", Revista Română de Statistică Trim. 128 IV/2013 – Supliment;
- Nam, Ch. W., Gebauer, A., Parsche R. (2003). "Is the completion of EU single market hindered by VAT evasion?", CESifo working paper no. 974;
- Nam, Ch. W., Gebauer, A., Schaden, B. (2001). "Measurement of value added tax evasion in selected EU countries on the basis of national accounts data", CESifo Working Paper No. 431;
- Novyseidlák, V., & Palkovičová, J. (2012). "The estimate of the value added tax revenue loss, Institute for Financial Policy", The Ministry of Finance of the Slovak Republic, March 2012;
- Pashev, K. (2006). "Fighting VAT Fraud: The Bulgarian Experience", MPRA Paper No. 998;
- Roaf, J., Atoyan, R., Joshi, B., Krogulski, K., and an IMF staff team (2014). "25 years of transition: Post-communist Europe and the IMF"; International Monetary Fund, Regional Economic Issues, Special Report;
- Schneider, F., Buehn, A., Montenegro, C. E. (2010). "Shadow Economies All over the World New Estimates for 162 Countries from 1999 to 2007", Policy Research Working Paper 5356;

## Advantages of Using Technology to Teach English Language in Multicultural Classrooms. (Albanian Case).

PhD. Cand. Arti Omeri

Department of English Language and Literature,

Faculty of Philology and Education

Bedër University, Tirana, Albania

[artomeri@hotmail.com](mailto:artomeri@hotmail.com)

[aomeri@beder.edu.al](mailto:aomeri@beder.edu.al)

### Abstract

*In recent years technology has had a huge impact on all aspects of life. As such the education would not be an exception. Albania like the rest of European countries has tried to keep in touch with the introduction of new technologies in education. The Albanian government has been very ambitious to implement the new technologies in all its public schools and universities across the country. The intended success was not a simple task to be achieved due to several factors. As a result in some public educational institutions there is still a lack of technology. In many others, especially in private institutions lecturers and teachers make full use of technology. This research is focused on the advantages that such technology has brought in teaching English language in multicultural classrooms in Albania. Results from different point of views will be discussed in the study. There was also conducted a survey in some Albanian universities to measure the impact and the role that the new technology has played since its introduction. There were 15 questions in the questionnaire that was conducted in private and public universities. The answers will be evaluated and analyzed accordingly in order to consider the advantages that this process has brought in our country. The study is important as it will try to find out not only the level of success but also the difficulties that must be very carefully dealt and analyzed in order to find the better ways to improve the situation.*

**Keywords:** Internet, Computer, Technology, E-mail, Multicultural classroom, English teaching, Education.

### Introduction

Teaching and learning English language is becoming a worldwide trend and necessity. According to Cook, G. (2003, P. 25) in addition to its four hundred millions of first language speaker, and over a billion people who live in a country where it is an official language, English is now taught as the main foreign language in almost every country, and used for business, education, and access to information by the majority of the world's population. Albania is one of the countries where English is the main foreign language. Children start to take English courses at school since the third class. In order to graduate from high school, students should pass an English test which is one of the three obligatory state Matura exams. The other two are math and literature. Furthermore master and PhD students should take one of the internationally recognized English tests in order to get their diploma.

So English is on the focus of the Albanian education system starting from primary school until PhD level. In this study there are considered techniques and devices being used to achieve good results and meet the required criteria for the language requirement at university level. The technology being used to support it is also taken into consideration. Along with English language there are serious attempts to introduce a modern technology in universities. In her visit in a public university, published on the ministry of education website (4<sup>th</sup> April, 2014), the Albanian minister of Education Lindita Nikolla declared that "*In order for us to become part of global market and in order to compete with their requirement, we should move fast forward and should invest a lot in technology of information and communication, not only in infrastructure but also in human resources.*"

Furthermore prime minister of Albania, Edi Rama introduced a new project which will be first implemented in high school (Shqiptarja.com 7<sup>th</sup> April, 2015). Through this project in 60 high schools the education process will be facilitated with the help of tablets.

Technology and English language education are related to each other (Singhal, 1997). A few decades ago language had only a human aspect. Nowadays things are changing and computers are being used to process language. There is a subfield of linguistics called Computational linguistics that is concerned with the interactions of human language and computers and includes the analysis of written texts and spoken discourse, the translation of text and speech from one language into another, the use of human (not computer) languages for communication between computers and people, and the modeling and testing of linguistic theories. (Fromkin, V., Hyams, N., Rodman R. 2011, P 391).

Zekaj (2011, P. 14) underlines that for an effective learning we should understand clearly and in depth the environment that we are in but also the outside environment, including the whole world. Actually by using technology in teaching someone reduce to a minimum level the cultural and ethnic differences in class. The only means to communicate in real time with the rest of the world is undoubtedly the technology. Through communication we can better understand other cultures and ethnicities. So by using technology in teaching someone reduces the cultural and ethnic differences not only in class but also outside it. Furthermore Zekaj (2011 P. 43) suggests that nowadays teaching is based on students characteristics and that influences the learning process. So, in order to have an effective teaching those differences should be analyzed and taken into consideration. As Kuri & Zekaj advise in order draw or improve new programs one should know his audience (2011, P. 108). The same opinion is supported by Capella-Santana (2003, P. 188) claiming that multicultural attitudes and knowledge can be changed positively during a teacher preparation program

There are several factors that emphasize the importance of multicultural communication between students in education. Some of these factors include;

1. The open nature of communication
2. The increasing trend of emigration
3. Protecting other cultures diaspora
4. Taking into consideration the specific of children coming from ethnically mixed families.
5. The facts of the existence of cultural and linguistic discrimination

(Zekaj, Xh. Hodaj, M. Vrapi, E, 2014, P. 158).

## Method

This research was conducted in two universities, in a public and a private university. The reason for that was to see this issue from two different points of view. Having the opportunity to teach in both "BEDER" (private) and "Aleksander Xhuvani" (public) universities gave me the possibility to conduct such a survey. A questionnaire composed of 15 questions was prepared and distributed to the first and second year students of the English language and literature and education department. There were asked similar questions in both universities including open ended and closed ended questions. They varied from question requiring information about the sort of technology in the class, whether this technology is being used and the opinions and suggestions of the students in order to improve the teaching and learning process. The ethnic and language background of the students was also required even though the questionnaire was anonymous. Also there were asked questions about the advantages of using technology in multicultural classrooms. First there are analyzed the specifics of both universities where the research was conducted.

Beder is a heterogeneous university located in Tirana. There are students coming from at least 16 different countries. Furthermore its academic staff comes from eight different countries giving the university a clear international aspect. It is almost impossible to find a homogenous class at Beder. This means that teaching English in such an environment is a real challenge. It is a new university and compared to Albanian standards it is considered a modern university.

On the other hand "Aleksander Xhuvani" is almost entirely a homogeneous university. English language and literature is an exception there as it sometimes attracts foreign students who mainly work or live in Albania. It is one of those universities where Albanian government has invested a lot in recent years to improve the infrastructure and technology. All the faculties have reconstructed their premises and the university is supported with new technology.

So comparison of two universities with different characteristics would be very interesting to analyze. It gives us the possibility to contrast the technology used in public and private universities and the effects of technology in teaching English in multicultural classrooms.

## Results

When asked about the sort of technology present in the class 80% of students at Beder were satisfied and all of them mentioned many devices such as smart board, projectors, tablets, computers, mobile phones, internet, emails etc. Students at "Aleksander Xhuvani" university also mentioned some devices such as computers and projectors even though their level of satisfaction was lower, around 60%. Another difference is the quantity, location and access to devices. In private university they can find and use them in each single class whereas in public university they are very limited and access to them is also very limited.

An interesting finding was the frequency of using the technological devices while teaching English. Nearly 90% of students at Beder answered always or very often to that question whereas students at the public university did the opposite. The vast majority of them, 80% said that either they never use them or use them very rarely.

There were no surprises about the ethnic and language background of the students. Nearly 40% of Students at Beder who filled the questionnaires were foreigners coming from seven different countries. At "Aleksander Xhuvani" only a couple of students were of different ethnic origin.

When asked about the advantages of using technology in multicultural classes many students from both universities considered it as a tool for equality in the class. It erases possible cultural and ethnic differences and helps students who are not part of the dominant culture. So all students can see the same visuals or listen to the same accent of English language. The foreign students at private university were the ones who were asking for a greater use of technology in the class. Some of them claim that technology can easily integrate them with the rest of the class. Albanian students of public university also required a greater access to technology. They regard English as the language of technology so they should use technology to learn English and vice versa. By so doing they can close the cultural gap within the class or anywhere else in this globalized world.

## Discussion

As we saw from the results of the questionnaire students value as important the use of technology in teaching English in multicultural classes. They see it as a tool that gives equal access to English studying despite the ethnic and language background of the students. Albania has made a great progress in installing a new technology and especially computers and internet in all its universities. This can make students of different ethnic background feel equal and secured in the class. It guarantees that Albanian language does not influence the English language teaching classes. Private universities seem to be a step ahead in this regard as their technological infrastructure is developing at the same pace as other European universities. That is seen as an advantage by foreign students who are now choosing to study in several private universities in Albania.

Public universities also have access to technology but they still have various difficulties. The number of computers and other technological devices are limited and are difficult to access. Usually they are kept in a room or two that most of the time are inaccessible by students or academic staff. Such devices should be distributed in a way that everyone can access them. Even in classes where there found computers they are very rarely used. They are either neglected or the staff is not properly trained how to use them. Students in the public university consider English as the language of technology. In this regard learning English through technology is an advantageous situation as they can better learn the language and at the same time improve their computer skills. Even though they might have few students of different ethnic origin in the class they see technology as the best means to eradicate those differences. Moreover they do not see the class as a concept of a room. In a larger globalized world the technology can help them to communicate in English with the rest of the world.

## Conclusion

Technology development has brought significant innovations in English language teaching. Albania has tried to keep in touch with such a trend. The increasing number of foreign students studying in Albanian universities is demanding more technological devices. There have been large investments on public universities to improve the situation. On the other hand private universities have already built a comfortable ad modern infrastructure. It has had a positive impact in English teaching and students' satisfaction. In multicultural classrooms the teaching and learning process is greatly influenced by

digitalization of universities and the introduction of a modern technology. Even though there are still many difficulties encountered mainly at public universities. The number of technological devices should keep increasing and they should be accessible to anyone seeking to use them.

Since those technologies have only recently been introduced in Albanian universities there is a lack of knowledge how to operate and use them. The Albanian government simultaneously with the process of digitalization should also introduce and encourage training programs for lecturers and students. The universities should stay up to date with recent developments in technology and multicultural classes. Multicultural programs should be designed and they should be implemented in the class through the new technology.

## Bibliography

- Fromkin, V., Hyams. N, Rodman R. (2011). An Introduction to Language. Wadsworth Cengage Learning.
- Cook, G. (2003). Applied Linguistics. Oxford University Press
- Zekaj, Xh. (2011). Bazat e procesit mesimor. Shtepia Botuese "Kristal".
- Zekaj, Xh. Hodaj, M. Vrapi, E, (2014). Komunikimi Pedagogjik. Shtypur ne "Julvin 2".
- Kuri, V. & Zzekaj, Xh (2011), Sjellja Organizacionale e Liderit " Formimi i menaxherit dhe Drejtimi i Shkolles".
- Capella-Santana, N, (2003) Voices of Teacher Candidates: Positive changes in Multicultural Attitudes and Knowledge, The Journal of Educational Research, Vol. 96, No. 3.
- Singhal, M. (1997). The internet and foreign language education: Benefits and challenges. The Internet TESL Journal, 3(6). Retrieved from <http://iteslj.org/Articles/Singhal-Internet.html>
- <http://www.arsimi.gov.al/al/newsroom/ajme/investimi-ne-inovacion-nje-investim-per-te-ardhmen&page=20> Ministria e Arsimit dhe Sportit, 4 prill, 2014.
- <http://shqiptarja.com/m/home/-39-shkollat-dixhitale--39--nga-shtatori--60-gjimnaze-m-sim-me-tableta-283771.html>, 7th April, 2015.

## The Perception of the Representatives of Public Sector towards the Improvement of Social Services for Families at Local Level - North Albania Case

PhD. Brilanda Lumanaj

University "Luigj Gurakuqi" of Shkodër

Faculty of Education Sciences

Department of Psychology and Social Work

landa\_z@yahoo.com, blumanaj@gmail.com, Shkodër, Albania

### Abstract

*Family support with social services is an obligation for local government structures. The process of decentralization has increased the responsibility of local governance structures to support families with social services. The paper aims to explore and identify the suggestions of the representatives of public sector toward the improvement of social services for families at local level. The suggestions and recommendations are analyzed through the perceptions of representatives of local, regional and central government's institutions. The study was done in the northern region of Albania, including these districts: Shkodër, Lezhë, Kukës, Dibër, specifically in their main cities: Shkodër, Lezhë, Kukës and Peshkopi. A qualitative research method has been used. The instrument used for data gathering is the semi-structured interview. In this study participated 23 representatives of local, regional and central that operate in the field study. Based on the empirical findings, it is recommended by the representatives of local governance the improvement of social services for family, to increase the financial capacity of local government. An important element associated with family social services, especially for some of the area municipalities in northern Albania, it is recommended the improvement of the infrastructure, the creation of the possibility for more daycare centers for various services associated with the family. Representatives of these institutions recommend strengthening of the administrative capacity of local governments, as well as improving the logistics of social services through social reforms.*

**Keywords:** Social services for families, northern regions, local level, public sector

### 1. Introduction

"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." Universal Declaration of Human Rights, Art. 16 (3). The family is considered as a major welfare state intervention policies and services that require combat social exclusion (Hughes, N., 2010).

Branco, F. (2009) states that the role of the state is essential to guarantee the right to social care and protection of families from social problems. The commitment of the welfare state to support families with low economic level, with different social problems and psychological, is an obligation to guarantee the right of the family to social.

Decentralization in Albania is based on national and international documents related to local and regional democracy (European Charter of Local Self Conventions structures for cross-border corporations, the Constitution of the Republic of Albania and the whole legal framework for local government). Effective decentralization can make a big difference by providing local social and economic productive and impartial, sustainable and cost more convenient. Through community participation in decision making in the planning, implementation and monitoring and support from institutions and adequate resources, can quickly improve the quality of life, especially the poor and marginalized sectors of the population, thereby alleviating poverty (UNICEF, 2011).

Farrow, F., Grant, T., Meltzer, J., (1990) explain that family support is very important to strengthen the family and helps them to better face the stresses of contemporary life.

Munday, B. (2007) states that in Albania areas of social services is a new experience and developing. There are lacking structural mechanisms and tools to ensure the full participation of users in the design of new policies, monitoring and evaluation of social services.

Feely & Gottlieb et al., (2000) and McCubbin (1993) explain that the support of family from the society and community can provide a higher sense of belonging and cohesion (cited by Black, K. & Lobo, M., 2008). Wax (2003) in his studies determines not only the government but also all members of society are responsible for the protection of human rights. He argues the fact that one should not take all the credit for what it does and achieves, as everything happens in a context that is closely related to society and its institutions.

The process of decentralization increases the responsibility of local governance structures to support families with social services. Albania's northern region has many economic and social problems. Family support with social services is an obligation for local governance structures

Based on these arguments it is important to explore and identify the suggestions of the representatives of public sector toward the improvement of social services for families at local level offered in the northern region of Albania.

## 2. Methodology

The paper aims to explore and identify the suggestions of the representatives of public sector toward the improvement of social services for families at local level. The suggestions and recommendations are analyzed through the perceptions of representatives of local, regional and central government's institutions. The study is conducted in the northern region of Albania, including her four Districts, in its main cities: Shkodër, Lezhë, Kukës and Peshkopi. In this study participated representatives of local, regional and central institutions that operate with social services for families in the field study. This study was based on a qualitative research method. The instrument used for data gathering is the semi-structured interview. In order to achieve the goal, the study is focused on two research questions, which are:

**Research Question 1.** Which is the perception of the representatives of local, regional and central government's institutions toward the social services for families in the northern regions (respective Municipalities) of Albania from the public sector?

**Research Question 2.** Which are the suggestions and recommendations of local, regional and central government's institutions toward the improvement of social services for families offered in the northern regions of Albania from the public sector?

**2.1. Sampling.** In the study participated the representatives of local, regional and central governance institutions which operate in the northern regions of Albania. Specifically, participated the state institutions that operate in these districts: Shkodër, Lezhë, Kukës and Peshkopi. A total of 23 semi structured interviews were completed. 16 participants are representatives of public sector of social services (representatives of four Municipalities, the respective Directories of Social Services, specifically 4 responsible social service sector, 2 social service specialists, 1 director of economic aid sector, 1 specialist on gender equality and domestic violence, 1 specialist profiled on children's issues, 1 specialist for the protection of young people and elderly people, 1 social worker and 5 social administrators.) and 7 participants are representatives of regional and central institutions (the representatives from Regional Directorates of State Social Service, representatives from MPCSSH, now the Ministry of Social Welfare and the Youth).

**2.2. General data for the respondents.** In this study participated 23 representatives of local, regional and central governance institutions that operate in the field study. From 23 participants, 16 participants were female and 7 of them are men. The participants are of different ages. 1 participant is aged 26-35 years, 7 participants are aged until 25 years, 8 participants are aged 36-45 years, 3 participants are aged 46-55 years and 4 of them are aged 56-65 years. Regarding the level of education, 17 respondents have higher education, 2 respondents have master degree level and 4 of them have secondary education. Participants, who filled the semi-structured interview, belong to different professions. 8 of the respondents are social workers, 2 of them are psychologists, 2 of the respondents are lawyers, 3 of them are teachers, 5 of them are economists, 1 respondent is sociologist, 1 of them is agronomist and also 1 respondent is representatives of political science. The representatives who filled semi-structured interviews had different years of work experience in respective institutions. 8 respondents have 1-5 years work experience and also 9 of them have 6-10 years work, 6

participants have more than 10 years work. Representatives of local, regional and central institutions have an average of 6.9 years work experience in respective institution and 8.1 years work in the field of social services.

**2.3. Instrument.** The interview's questions have been organized in order to achieve the study objectives and to address research questions. Data collection was achieved through the instrument of the semi-structured interviews. The semi-structured interviews include thirteen questions, where six of them provide socio demographic data. Some of the topics included in the interview were part of the dissertation theme, which is related to the evaluation of social services for family offered by public sectors and non-profit organizations. In this article are treated only topics related to perception of local, regional and central institutions representatives concerning their suggestions and recommendations toward the improvement of social services for families offered from the public sector in the northern regions of Albania.

**2.4. Procedure.** The data were gathered via email. The semi-structured interview provided for the participants information about the aim and the main objectives of the study. The participants were presented with the confidentiality policy and anonymity was insured not using their real names and presenting the data in an aggregate form (there are used codes). The instrument have been filled out by the local, regional and central institutions representative and they were sent via email (the participants felt more comfortable in this way and manage the time of completion of the instrument according to their agenda), in order to respect their agenda and necessary time to complete them.

**2.5. Method of analysis.** Each interview is dumped into a database in Microsoft Excel program, and then are defined the codes for every participant. Determination of the main themes and creation of categories was conducted manually. Creating categories was conducted in two phases. Terminology used by subjects may be helpful for analysis and data transcripts (I. Meho, L., 2006). Specifically the process of transcription was a strong point of data analysis in this study, given that semi-structured interviews emailed and the respondents had enough time for completion of the interview. Another helpful element in this process was the considerable professional experience of subjects in social services field.

## 1. Findings of the study

### 1.1. *The perception of the representatives of local, regional and central government's institutions toward the social services for families in the northern regions (respective Municipalities) of Albania from the public sector.*

A considerable part of respondents assess family social services provided by local government as improved services at satisfactory levels, effective, and ever increasing. They estimate that efforts were made to consolidate them.

*"The service is good but as a new responsibility added local government units need for consolidation and improvement." (Social Worker)*

*"In the context of decentralization of social services, the Municipality has more duties and responsibilities for the operation and delivery of social services toward all categories in need. Based on this fact, but also by the positive vision and sensitivity of social services, it has been working hard in order to build clear policies to these services by partnering with all public and private actors operating in the area, and since 2008 the social services offered to families, are always growing, more specialized and more comprehensive." (Psychologist)*

*"Family Services have been consolidated and can be considered as good, despite the problems encountered, especially financial ones, this service has been operating." (Psychologist)*

*"I would appreciate the services as improved and satisfactory." (Social Worker)*

However, it is emphasized by a large number of respondents that these services need further improvements. Considerations appear not very positive about family social services provided by the municipalities of the study area. Specifically, it is noted that these services do not meet the diverse needs of vulnerable families, mainly related more to the individual and not the family system. It is emphasized that these services are limited and it is necessary the extension of them in all local government units.

*"I appreciate them as services that need to be strengthened, to be more realistic and closer to family. Actually in my opinion they are not in e high level or as services that require standards, as long as they do not constitute a specific item in the budget of the Municipality, as long as there are numerous needs of all natures that have families. "(Social Worker)*

"Local governments should open more community centres for people in need and their families." (Social Worker)

"There are more needs, and I believe it should be extended activity in the field of social services, shelters have special cases of violence. In terms of persons with disabilities should have more services and not confined to the payment framework that provides state. All public and private social welfare institutions should begin to apply new typologies of services as family home, home care, etc. There need to be created structures on the protection and solving customers' problems needing emergency services." (Economist)

"Northern Areas, have a positive tentative in providing these services, but has done very little to strengthen the family. Currently programs offer more services to the individual and not look closely connected with the family." (Sociologist)

Representatives of central state institutions, evaluate on a medium level the process of standards implementation of social services at the local level, referred to the municipalities of the study area. They explain that in these municipalities are making efforts to meet these standards, but their implementation is more related to the physical aspects and not with those psycho-social and family needs. Observed problems and deficiencies in the professional capacity of staff delivering social services, lack of infrastructure, and lack of evidence, drafting and adoption of standards, as key indicators for their implementation.

"The institutions are still focused on the implementation of standards related to physical aspects (food, clothing, accommodation,) and have difficulty in implementing the standards related to psychosocial aspects of clients, social inclusion, reintegration, participation of parents / relatives in the process of developing individual plans, community ties, etc." (Economist)

## **1.2. The suggestions and recommendations of local, regional and central government's institutions toward the improvement of social services for families offered in the northern regions of Albania from the public sector?**

The main change that suggests a large part of respondents, in terms of improved social services for family, is to strengthen and increase the financial capacity of local governments. They argue that it is necessary to have more funds from the central and local social services related to family, too, should be included in the budget of the local unit a special voice for the needs of families as well as provide detailed funds for family services.

"Social services can be improved when the funds allocated by the center as well as local governments." (Director)

"I suggest creating a separate item in the budget of each local unit to respond exclusively to the needs of the family. Is needed more financial support for the boroughs of projects by the Ministry of Labor, Social Affairs and Equal Opportunities." (Social Worker)

"Strengthening local government financially." (Psychologist)

"Determination of funds for services such detailed both the government and the local government." (Director)

"Decentralized institutions which have passed the dependency of local government and administration, should be supported and funded better and more responsibly by the local government." (Social Worker)

An important element, connected with family social services, especially for some of the northern area municipalities of Albania, is also improving infrastructure, creating the possibility for more daycare centers for various services related to family.

"We suggest opening residential centers for families in need." (Social Administrator)

"Establishment of Emergency Centers Day for possible cases for example street children, children and women trafficked or abused deported cases from abroad, etc..." (Director)

Representatives of these institutions recommend strengthening the administrative capacity of local governments, as well as improving the logistics of social services social reforms. These two elements are recommended by a large number of respondents. Elements that affect the improvement of these services are also improving the performance of public sector staff at local social services and providing professional qualifications related to family social services. A significant number

of respondents suggest implementing services procurement practices, expansion of social services for families, increased cooperation between local stakeholders and increase human resources.

*"Increasing the capacities of social administrators in early identification of risk for children." (Social Worker)*

*"Presence of a qualified specialist in the field of social services for the family." (Social Worker)*

*"Build the capacity and human resources in the field of social services, especially social administrators that work at the local government units." (Director)*

*"The need for mental health experts, psychologists who can handle special cases for children and divorced women." (Director)*

*"Reforming social services, the establishment of a national electronic registry, strengthening of regional structures of economic aid in decision-making level, the county level, review the map of social services." (Sociologist)*

*"Strengthening the role and function of local government in relation to social services, strengthening the role of county through planning committees at district level needs." (Social Worker)*

*"Cooperation among various public and private actors." (Psychologist)*

*"We expect improvements to the services we provide locally, always in collaboration with line ministries, NGOs and local governments." (Lawyer)*

Improving the legal framework, referring to facilitating administrative procedures, legal facilities, as well as change the law on NGOs, are considered as elements that would improve social services at the local level.

*"Facilitate bureaucratic procedures to ensure alternative care for children who are in an urgent situation and need protection." (Social Worker)*

*"Changing the law on NGOs, the precise definition of correct various obligations of the parties in this process." (Director)*

*"Improvement of legal acts and subordinate legislation pursuant to the base." (Social Worker)*

Representatives also suggest improvement of the social assistance scheme and associate them with other psychosocial services for families in need.

*"The greater involvement of families in the scheme of social assistance. Economic assistance scheme is a passive and alteration services would be its future." (Sociologist)*

*"Providing economic assistance should be accompanied by public works provided by the local government, as well as contributing to these families, their members are provided with vocational training courses." (Social Worker)*

## 2. Conclusions

Representatives of the public sector, provide some suggestions related to the improvement of social services at the local level. Specifically, they recommend improving the legal framework, taking into account the opinions of representatives of organizations, increasing the financial capacity in terms of proper budgeting for social services for the family. They suggest that it is important to have new social services for family, taking into account the extent of these services. A significant part of respondents suggest offering professional qualifications for municipal units' staff about the organization of social services for family. An important element associated with family social services, especially for some of the area municipalities in northern Albania, it is recommended the improvement of the infrastructure, the creation of the possibility for more daycare centers for various services associated with the family. Representatives of these institutions recommend strengthening of the administrative capacity of local governments, as well as improving the logistics of social services through social reforms.

This study provides the opportunity for institutional representatives of central and local government to get acquainted with the views of representatives of local, regional and central government's institutions regarding the improvement of social services offered for families. Results of the study may influence the reorganization and improvement of social services for families at the local level. The recommendations of the study are a contribution to the field of social services, and in particular to improve social services for families at the local level.

**References:**

- Black, K. & Lobo, M., (2008). A Conceptual Review of Family Resilience Factors. *Journal of Family Nursing*. Volume 14 Number 1. February 2008, pp. 33-55.
- Branco, F., (2009). The future of the welfare state: paths of social policy innovation between constraints and opportunity). pg.9.
- Farrow, F., Grant, T., Meltzer, J., (1990). Challenges and Opportunities for Public Policies on Family Support and Education. pg.9.
- Hughe s, N., (2010). Models and Approaches in Family-Focused Policy and Practice. *Social Policy & Society* 9:4. pg. 545.
- Munday, B. (2007). Report on user involvement in personal social services. Council of Europe. pp. 27, 34, 37.
- UNICEF, (2011). Politikat e përfshirjes sociale për fëmijët dhe financimi i tyre në Shqipëri. pg.45.
- Universal Declaration of Human Rights, Art 16 (3). Online Available:  
[http://www.un.org/events/humanrights/2007/hrphotos/declaration%20\\_eng.pdf](http://www.un.org/events/humanrights/2007/hrphotos/declaration%20_eng.pdf)

## The Process of Liberalization of Electricity Market in Albania

**Helga Zogollı**

University European of Tirana , Albania

Economic , Management

### **Abstract**

*The motivation for electricity liberalization differs slightly between countries; however most of the countries share common ideological and political reasons regarding disaffection with the vertically integrated monopoly model of the past and a strong belief that the success of liberalization in other industries can be repeated for the electricity industry. The introduction of competition in the electricity industry has been justified by the perceived benefits of introducing market forces in an industry previously viewed as a natural monopoly with substantial vertical economies. Therefore the motivation behind electricity liberalization is to promote in the long run efficiency gains, to stimulate technical innovation and to lead to efficient investment. First the project is reviewing from the literature, the available information on market power monitoring in electricity markets. There are briefly explained definitions, strategies, indices and methods of mitigating market power as well as the several methods of detecting market power used from market monitors/regulators. After, the general features of the electricity industry are presented briefly as background for the analysis. The main aspects of the liberalization process of this industry and the role it has played in the creation of PX-s is described.*

**Keywords :**Market, Marketplace or organized market, Bilateral markets or Over The Counter (OTC), Spot market.

### **2. 1. Electricity market liberalisation**

#### 1-1 Objective and questions

In Europe, very little attention has been paid to the role of these new marketplaces and to the issue of market design in general. Hence the main purpose of this work is to analyze how these marketplaces facilitate the trading of electricity and the role they can play in the construction of a pan-European competitive electricity market. Since the development of these marketplaces is a very recent phenomenon almost no academic work has been done on this topic in Europe. However, countries like the US, the UK and the Nordic Countries, which started the liberalization of their electricity industry at the beginning of the nineteen nineties, have greater experience with market organization.

An analysis of PX requires taking into account the “double-duality” of such institutions. First, PX-s are both a market and an institution. As a market they facilitate the trading of electricity and determine an equilibrium price. As an institution PX-s have their own objectives and constraints, and play a role in the market design of the overall electricity market. Second, the relationship between electricity PX-s and liberalization is not linear or one way: liberalization encourages the birth of such marketplaces but marketplaces are not only the results of, they are also a driving force of the liberalization process.

In spite of the clear objective and reasons for liberalizing electricity markets, many fundamental problems remain. The first results of liberalization have shown the difficulty of implementing competition in an industry previously organized as a monopoly. In the US, the meltdown of the electricity market in California has showed the risk of restructuring markets. The UK pool which was long cited as an example of restructuring was declared a failure and all of its market rules have recently been replaced. These initial problems do not prove that liberalization is doomed but show that accurate design of the market is a fundamental issue.

The study of electricity PX-s is at the heart of economics theory and especially of industrial economics and the main purpose is: What is the most efficient industrial organization? This is divided in two categories. The first deals with theoretical aspects of market functioning and market design with respect to the liberalization of the electricity industry and the emergence of PX-s. The second category of questions looks at PX-s as organized markets where supply and demand meet.

The focus of this project will be in the economic theory models of market functioning and their application to electricity markets. Another focus will be the electricity Market Monitoring and Practice. It was not the aim of the project to examine

or to evaluate the various remedies for reducing market power. However, it is useful to have some idea of the types of market mitigation methods that may be implemented by a market monitoring or regulatory authority in order to determine what the market detection techniques are more likely to be useful for this purpose.

Establishment of a PX will create new possibilities for increased trade. Therefore, in our project, we have studied and analyzed, as an example, the development of the regional electricity trading market in South East Europe (SEE). Here we have been concentrated within the following 3 objectives:

1. Determination of level of interest for regional trade platform

The first objective is to determine the level of interest among stakeholders (TSOs, Ministries, Regulators, and Traders) in participating in regional trading platforms in SEE.

2. Benchmarking of trade platform initiatives

The second objective is to identify the most appropriate and effective platform with which to establish confidence in the regional marketplace and to accomplish the goal of increasing trade in the region through a uniform and transparent process. In doing so, we have reviewed and benchmarked the current initiatives for regional trading platforms. Currently, there are proposals from Borzen in Slovenia and OPCOM in Romania to take on the task of setting up regional trading platforms.

3. Bank's potential role

The third objective is to provide recommendations on what role the Banks may have in this regional trading process, and also to look at what level of capital may be required.

## 2. Methodology

The methodology, used in this project, is the description of the background theories and how they have been applied to electricity markets, as well as their strengths and limitations when used as a basis for analyzing power exchanges.

An overview of the alternative market models in economic theory is given. Reference models of perfect competition and monopoly will be analyzed, and then oligopoly models will be examined. It will be defined the fundamentals of electricity markets, i.e. supply and demand, followed by the discussion of how models can be used economic models to analyze electricity power exchanges.

Market power assessment monitoring can be performed ex-ante and ex-post, and it is based on empirical data and numerical simulations, and the purpose of the assessment can involve any of the following:

- To detect and prevent excessive deviations of prices from competitive levels.
- To impose constraints on dominant companies,
- To support decisions on mergers and possibly to devise behavioral remedies.
- To guide market design choices.
- It is easiest to obtain information on market monitoring where a formal unit has been established. While the details vary from market to market, the 3 key activities of a market monitoring unit are to:
  - Analyse the market on a continuous basis to identify potential problems that need more study, and to screen out undesirable behavior.
  - Investigate any problems identified by its own screening, or by complaints from other stakeholders.
  - Report on the results of its analysis and investigations on a regular basis.

We will analyze the Indices and Models of detecting Market power. The techniques review includes structural and behavioural indices and analysis as well as various simulation approaches. The applications of these tools range from spot market mitigation and congestion management through to long-term market design assessment and merger decisions.

Easily accessible and comprehensive data supports effective market power monitoring and facilitates market design evaluation. The discretion required for effective market monitoring is facilitated by institutional independence.

However, there is no universally accepted set of market monitoring statistics and indices. In practice there are a large set of data and indices that are monitored on varying time scales. The common themes: **First**, the level of market prices is perhaps the most obvious thing there is to monitor. However, a moderate market price can be a sign of market abuse if it comes at a time when demand is low. This means that prices must be related to system conditions; most importantly, the level of demand, but also the level of available capacity, and indicators of transmission congestion. Although not all these measurements are directly tied to a particular index of market power, they can sometimes indicate irregularities in the market that may be symptomatic of market power problems. Furthermore, such data may also facilitate the development of other standard metrics of market power. These statistics are typically reported on a monthly, seasonal, and an annual basis, but should be collected for every period in which the market is operating. **A second** set of indicators relate to the market structure, underlying features of the market that will change only gradually. This means that some of the data need only be collected periodically, rather than on a continuous basis. The raw data in this area consist of information on generator market shares and on the price responsiveness of demand. **A third** kind of analysis assesses the behavior of individual suppliers, which might have market power. In this area, the raw data consist of bid and outage information. The first transformation may be to produce reference bids, which indicate how each unit behaves in normal conditions. Further analysis can then focus on identifying the circumstances that might make such a change in behavior profitable, and checking whether the generator's behavior does indeed change in response. Similar analyses can relate unit outages to market conditions. **The fourth** type of analysis involves indicators of market performance. Liquidity measures are related to the number of suppliers in short term and long term markets and the volume of trade. The level of output that market participants have covered with long-term contracts is therefore crucial for the analysis of the incentive to exercise market power.

Some interpretation of data can be automated, but more complex patterns of exercise of market power can only be identified with more detailed and tailored analysis. Only an independent market monitor has the capability, incentive and market trust to allow it to detect the exercise of market power.

### 3. Literature Review

#### 3-1 Terminology

Markets exist wherever buyers and sellers interact to buy or sell a product at a mutually agreed price. The Oxford dictionary of economics defines a market is defined "*A place or institution in which buyers and sellers of a good or asset meet*". However, the everyday sense of the word "market" also tends to include market participants, market conditions, legal framework, geographical area etc. Secondly, in practice, electricity markets comprise a sequence of overlapping markets (Stoft, 2002). Hence, a necessary step for the analysis is to define the meaning of the word "market" and other related terms with respect to their use in European electricity markets.

First, from the definition of the "market" are excluded generators, traders, distribution companies, and regulators, which can be played as "markets participants" while regulators, and laws and legal aspects constitute, the "market's legal framework". Second, since PX-s are markets for wholesale electricity, the retail market is excluded from the definition of a market. Hence, the word market will refer to all places or institutions in which buyers and sellers of wholesale electricity contracts meet to ratify. This includes both financial and physical contracts. Moreover these contracts can be traded on over-the-counter markets (hereafter OTC or bilateral contracts) and organized markets such as PX-s or power pools.

Market terminology (*Oxford Dictionary definition in Italic*):

**Market:** "*A place or institution in which buyers and sellers of a good or asset meet*". All places or institutions in which buyers and sellers of wholesale electricity contracts meet. The market includes all organized markets, i.e. PX-s, power pool, balancing markets and OTC markets, i.e. all type of bilateral transaction, where contracts for wholesale electricity are traded.

**Marketplace or organized market:** A third party, which facilitate the transaction between a seller and a buyer. Marketplaces have trading rules, which cover price setting, delivery, clearing, type of product, timing etc. For instance PX-s and power pools.

**Bilateral markets or Over The Counter (OTC):** "A market in securities not regulated by a stock exchange". Markets, which are not regulated by an organized market authority. These markets involve a direct transaction between a buyer and a seller.

**Spot market:** "A market for goods, securities, or currencies for immediate delivery or in some case a short time is allowed for delivery." These transactions can be realized through a marketplace and/or bilaterally.

$$\text{Market} = \text{Wholesale market} = \text{Marketplace} + \text{OTC}$$

Power exchanges (PX-s) are one type of marketplace

### 3-2 References models: perfect competition/monopoly

The objective is to describe briefly the concepts of these two polar extreme models between which all other market models are ranged.

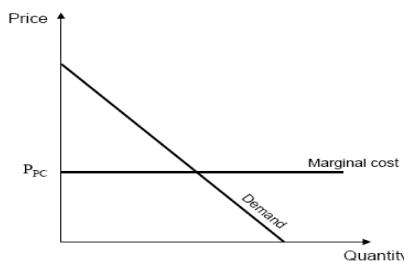
#### 3-2-1 Perfect competition

According to the theory of perfect competition, and assuming a market for a homogeneous product with many buyers and sellers, the most efficient outcome is achieved if firms price at marginal cost. The model of perfect competition is based on four central assumptions.

- Atomicity: there are so many buyer and sellers that no single buyer and no single seller can affect the price.
- Product homogeneity: the product provided by the different competitors is exactly the same.
- Free entry/exit: any firm can enter or exit the market freely.
- Perfect information: all the players know the prices set by all the firms.

Each firm sets its price at the level of its marginal costs to maximize its profits. Hence, if a firm sets a price above the price of other firms it sells nothing. If a firm sets a price below the other firms', it will have to supply all of the market demand for the product. If a firm charges less than marginal costs, it will fail to break even for that unit of output. Results: in the perfect competition model marginal revenue equals price and each firm is price taker.

Figure 1: Perfect competition equilibrium



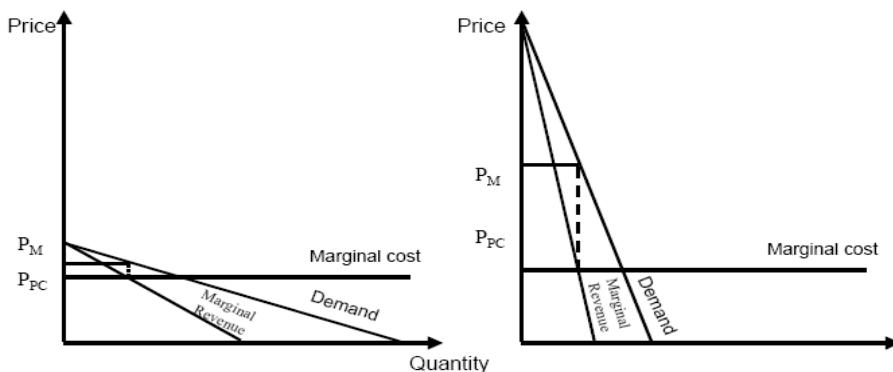
There are generally two types of equilibrium in perfect competition: short run and long run equilibrium. In the short run there is too little time for new firms to enter the industry while in the long run new firms can enter.

#### 3-2-2 Monopoly

The monopoly model assumes that there is one single firm, which supplies a well-defined market and that entry in the industry is blocked. The firm, called the monopolist, sets price  $p$  or a quantity  $q$  at a value that maximizes its profit. Since price and quantity are related to demand  $D(p)$  it does not matter if the monopolist chooses the optimal price or the optimal quantity. The level of supra profit depends on the elasticity of demand. The monopolist is therefore price maker, figure 5 shows that the difference between the monopoly equilibrium price and the perfect competition price depends on the

elasticity of demand, represented by the slope of the demand curve. When demand is inelastic the marginal revenue of selling an extra unit is low because a small increase in the quantity leads to a large drop in price.

Figure 2: Monopoly equilibrium



A monopolist can increase the price of a good by restricting its level of output. The ability to increase prices is limited by the elasticity of demand.

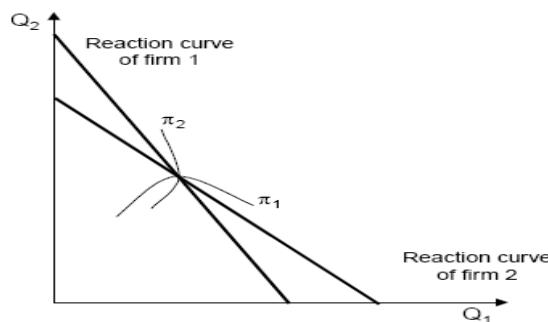
### 3-3 Oligopoly competition

Since both perfect competition and pure monopoly are extreme cases, rarely seen in practice, to analyze real markets, are developed alternatives models. The objective of these models is to cover the broad range of oligopolistic competition between perfect competition and monopoly. Oligopoly competition refers to a market structure where a few players coexist. Each firm believes its profits are affected by the actions of other firms, and that these actions also influence the profits of other firms. Taking perfect competition and monopoly models as the end points, there is an infinite number of theoretical possibilities for oligopoly models, all of which differ mainly in the assumptions used to characterize market structure and firm interdependencies.

#### 3-3-1 The Cournot Model

Cournot developed the first model of oligopoly competition in 1838 (Cournot, 1838), this model takes into account the interdependencies between firms. Cournot's assumption is that each firm will choose a level of output with respect to the rival's production decisions. Thus, in such a model players compete on quantity. The basic model is a duopoly model ( $n=2$ ) where each firm has identical constant marginal production costs and faces linear demand.

Figure 3: Cournot equilibrium



The two axes define the output of the firms, so that any point represents their respective production volumes. In this model the reaction curve represents how much each firm would produce given an output decision from the other firm. The intersection of the two curves defines the equilibrium where each firm has maximized profit, given the output of the other. This equilibrium is a Nash equilibrium (which is a situation where each player's predicted strategy must be that player's best response to the predicted strategies of the others players) since each firm is following its best course of action, given its expectations about its rival's actions and that the expectation are fulfilled.

Under the Cournot model the price depends of the level of output:

$$P(Q) = a - bQ \quad (1)$$

Where P is the market price and Q the total volume of output.

The total level of output is the sum of the production of each firm:

$$Q = \sum q_n = q_1 + q_2 \quad (2)$$

Where  $q_1$  is the volume produced by firm 1 and  $q_2$  the volume produced by firm 2

The profit of each firm n is defined by the difference between its revenues and total cost:

$$\pi_n = P(Q) q_n - c q_n \quad (3)$$

$$\pi_n = (a - bQ) q_n - c q_n \quad (3.1)$$

$$\pi_n = (a - bQ - c) q_n \quad (3.2)$$

Where c is the unit cost.

In the Cournot model each firm assumes that the other will keep its level of production. Hence, firm n maximizes its profit by differentiating  $\pi_n$  with respect to  $q_n$ . The maximum level of output is found by calculating the first order conditions:

$$d\pi_n / dq_n = 0 \quad (4)$$

For firm 1 the maximum level output is then defined by:

$$d\pi_1 / dq_1 = P(Q) + (dP / dQ) q_1 - c = 0 \quad (5)$$

$$d\pi_1 / dq_1 = a - 2bq_1 - bq_2 - c = 0 \quad (5.1)$$

Hence, the level of production of firm 1 is express using the level of production of firm 2:

$$q_1 = (a - c) / 2b - 0.5 q_2 \quad (6)$$

This equation defines the reaction function of firm 1 to the level of output of firm 2. Similarly the reaction function of firm 2 is:

$$q_2 = (a - c) / 2b - 0.5 q_1 \quad (7)$$

The equilibrium solution is defined by the intersection of the two curves

$$q_1 = (a - c) / 2b - 0.5 [(a - c) / 2b - 0.5 q_1] \quad \text{so } q_1 = (a - c) / 3b \quad (8)$$

### 3-3-2 The Bertrand Model

Bertrand (1883) extended Cournot's model of by changing the rivalry notions using prices rather than quantity. In the simplest version of the model, two firms set their prices simultaneously. Since the two products are perfect substitutes the firm which sets the lower price will attract all the demand for the product in question. Again, we can use a reaction curve, only this time for prices rather than quantities. It is critical for the model that each firm has identical cost curves; otherwise the one which has lower marginal costs will always supply the entire demand. The Bertrand equilibrium is achieved when each firm's expectations about the price behavior of its rival are realized. The fundamental result of the Bertrand's model is that industry has price and output level similar as under perfect competition. The reasoning is the following: when firm 1

has selected its price to maximize its profit, the best strategy for firm 2 is to undercut firm 1 by a small margin and take all the market. Hence, the best response of firm 1 is to undercut firm 2. This process ends when neither of the two firms can go any lower, i.e. when price equals marginal costs. For any price of a rival, a firm will opt for a price that is just lower. Equilibrium is obtained when price equals marginal costs.

#### **4. Albania energy market structure**

The approval of the Albanian Market Model is an important step towards the consolidation and steady development of the Albanian Electricity Market. This approval is part of the reform that the Government of Albania (GoA) has undertaken for the reconstruction of the Electric Power sector, pursuant to the Law on the Power Sector and the policies of the Government for the development of this sector. Moreover, the AMM has been developed according to the EU Directives on Electricity and the requirements of Energy Community Treaty of South Eastern Europe for the creation of the Regional Market of Electrical Power, as ratified by the Parliament of Albanian in 2006.

##### *3. 4.1 Participants of the Market*

The description of the Market Model set forth below outlines the responsibilities of, and relationships among, the market participants and the Energy Regulatory Entity ("ERE"). ERE has the responsibility for regulating performance by Market Participants of their regulated activities, under appropriate rules and regulations and in accordance with transparent procedures.

Law No. 9072 On Power Sector (effective August of 2003, and as amended) provides a legal basis for the exercise of those responsibilities by the ERE.

The Market Model also outlines the responsibilities of, and relationships among, the market participants and the Electricity Regulatory Entity (ERE). In broad terms, the Albanian Market Model is characterized by bilateral contracts for electricity between and among market participants. The Ancillary Services for the Transmission System are purchased by OST. The regulation of price and other terms and conditions under the Albanian Market Model is wide-ranging. It reflects the current near monopoly situation of KESH Gen, DSO, Wholesale Public Supplier, Retail Public Supplier and OST. All contracts and tariffs between the various market participants will be regulated at the inception of the market except for:

- a. contracts between Traders, and Qualified Suppliers on one hand, and the Wholesale Public Supplier and Eligible customers, on the other;
- b. contracts between SPPs and IPPs, on one hand, and Eligible Customers on the other;
- c. contracts between KESH Gen, on one hand, and Qualified Suppliers and Traders on the other, to the extent permitted under the present or subject to other restrictions on KESH Gen sales; and
- d. contracts between SPPs and IPPs, on one side, and Traders on the other.

Market Participants of the Albanian Market Model are as follows:

- a. Transmission System Operator ("OST").
- b. KESH Generation ("KESH Gen").
- c. Small Power Producers ("SPPs").
- d. Independent Power Producers ("IPPs").
- e. External Suppliers.
- f. Distribution Company ("Disco").
- g. Tariff Customers.
- h. Eligible Customers.
- i. Independent Regulator ("ERE").

##### **4-1-1 The Market Model's Essential Characteristics.**

Shortly, the Market Model's Essential Characteristics and tools of Albanian Market are as follows:

- a. Long Term Forecasting
- b. Year Ahead Supply Contracts
- c. Week Ahead

## d. Day Ahead and In-Day Adjustments

Figure 4: Electricity Flow

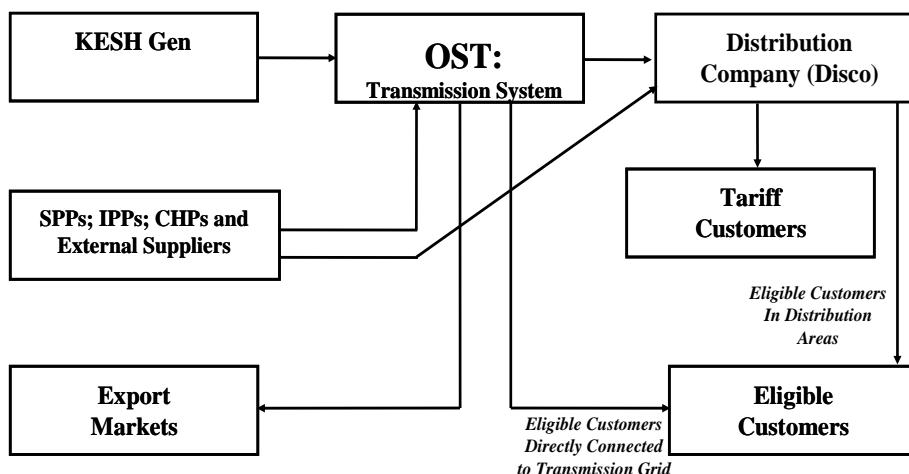
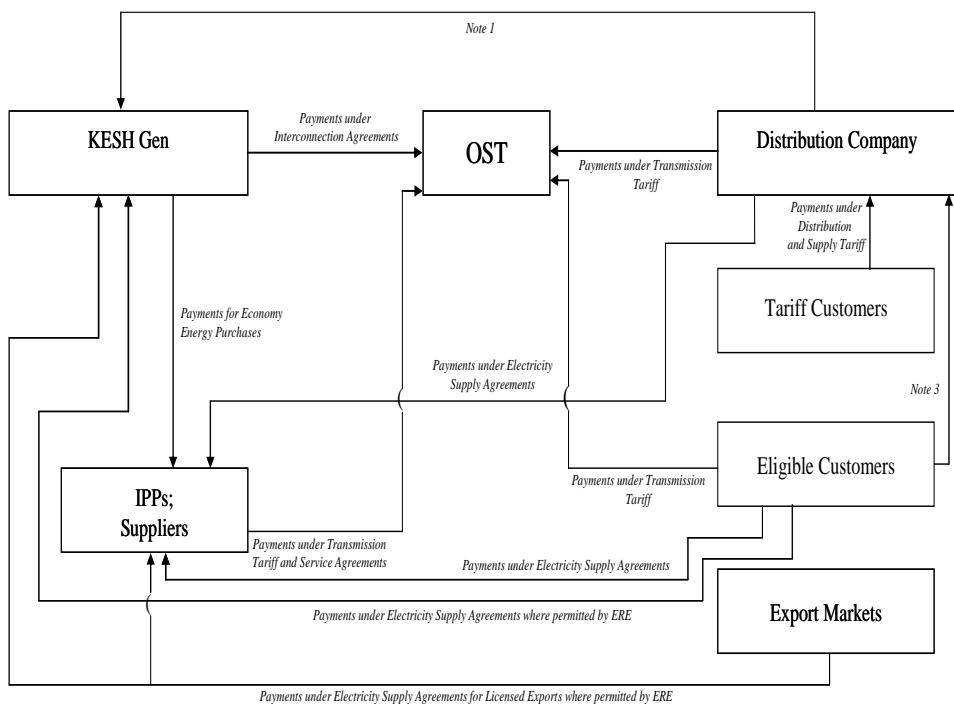


Figure 5 : Flow of funds



**5. The major conclusions from the analyses are:**

The Albanian Market Model need to take into consideration:

1. Provide a framework for privatization of the electricity sector, including the privatization of the distribution functions in the near term (i.e. by the end of 2007). The framework will provide a sound basis for privatization of further segments of the sector, such as generation, as conditions warrant;
2. Move toward consistency with EU Directives and the Energy Community Treaty;
3. Minimize opportunities for informal economic activity. The Market Model thus limits the role of the OST in economic transactions to improve transparency;
4. Capture the full value of the Albanian hydro resource for the benefit of Albanian tariff customers;
5. Enhance the financial viability of the sector by clarifying responsibilities and obligations and ensuring sufficient flows of information about the operation of the market and creating a clear structure for financial transactions;
6. Ensure that tariff customers have priority in the use of the transmission system; and
7. Provide Consumer Benefit.
8. Increasing of the institutional responsibilities + (cooperation between local and governmental institutions)
9. Legal framework harmonised with EU directives and strictly implementation;
10. Financing sources attracting; (EE and RES Funds)
11. ESCO-s to be introduced;
12. Energy Database improvement;
13. Awareness campaign increasing;

**Bibliography**

- Bunn, D.W., Modelling Prices in Competitive Electricity Markets (The Wiley Finance Series)
- Eydeland, A., Energy and Power Risk Management: New Developments in Modeling, pricing and Hedging
- Errera, S., Fundamentals of Trading Energy Futures and Options.
- Harris, C., Electricity Markets: Pricing, Structures and Economics
- Kirschen, D.S., Fundamentals of Power System Economics
- Lambert, J., Energy Companies and Market Reform.
- Pilipovic, D., Energy Risk: Valuing and Managing Energy Derivatives.
- Rothwell, G., Electricity Economics; Regulation and Deregulation (IEEE Press Series on Power Engineering)
- Sioshansi, F.P., Electricity Market reform: An International Perspective (Elsevier Global Energy Policy and Economics).
- Shively, B., Understanding Today's Electricity Business.
- Wengler, J., Managing Energy Risk: A Non-technical Guide to Markets and Trading

**Albania, a Wonderful Example of Coexistence and Religious Tolerance****Evalda Jera**

phd candidate at European University of Tirana,

evaldajera@yahoo.com

**Abstract**

*If we refeare to the history of humanity we note that the tolerance of human society is too early, it was born togather with the man. It should be noted that religious beliefs in Albania are and has always been characterized by a strong feeling and a sincere harmony which is reflected in the relations between people with different religious beliefs, as well as between religious people and atheists. Albanians are both Christian and Muslim, Catholic, Orthodox, and Bektashi. For centuries territories populated by Albanians has been remarkable for a unique interfaith tolerance. Religion has never been in the past and is not now a source of conflict in society. In the history of the Albanian religious, communities have always succeeded with a peacefully cooperation. This tolerance stems from the awareness of the Albanians that they belong to the same nation having a strong ethnic identity regardless of external factors affecting the determination of Albanians from other religions. In the Albanian national tradition, religious tolerance is one of the main characteristics of Albanian people morality . The interest of the nation has always been primary in relation to religious matters, it is first of all beeing Albanian. Albanian as well said Pasko Vasa in the nineteenth century "never churches and mosques can separate usbecause the religion of Albanians is Albanianhood" and so, because of this we create a big example, a wonderful cooperation, a peaceful atmosphere and open the way for peace and friendship between people not only in Albani but worldwide.*

**Keywords:** religion, tolerance, cooperation, people

**Introduction**

Tolerance a term that we use occasionally instead of words respect, compassion, generosity or forbearance is the most essential element of moral systems, the most important source of spiritual discipline and a very valuable virtue for perfect people<sup>1</sup>. So tolerance is a positive term that shows mutual respect for all beliefs and opinions, so toleration means to tolerate the attitudes and opinions that are different from yours<sup>2</sup>. Referring to the history of humanity we note that tolerance to human society is devolped too early. She was born with man. God gave the humans tolerance which created the miracle of human coexistence on the planet. It should be noted that religious beliefs in Albania has always characterized a strong feeling and a sincere harmony which is reflected in the relations between people with different religious beliefs, as well as between religious people and atheists. Albanians are both Christian and Muslim, they are Catholic and Orthodox, Sunni and Bektashi<sup>3</sup>. Albanians are distinguished people for centuries for a unique interfaith tolerance which links with the history of the presence and coexistence of different religious faiths in the territories populated by Albanians. In Albania has a remarkable religious pluralism. Religions have not been and are not a source of conflict in society. In the history of the Albanian religious communities have always succeeded to coexist peacefully. This tolerance stems from the awareness of the Albanians that they belong to the same nation having a strong ethnic identity regardless of external factors affecting the determination of the various religious. Albanians are aware that these changes are unavoidable external factors causing religious differences Albanians have always been aware that they belong to the same nation and despite often are found in wars they have never had conflict between their religious nature. Also another factor that contributed to the consolidation of tolerance and intelligence cooperation between religious communities is the atheist policy was followed by Enver Hoxha. The spirit of good will and the harmony that characterizes traditional religious communities are affected by common difficulties they have encountered in the communist past. So today on the basis of freedom of conscience and religious belief in Albania, along with four main religious communities also operating nearly 62 Christian, Protestant, Evangelical, Adventist, Baha'i, Mormon, coming mostly from Western Europe and the US, as well as the Islamic religious charities. So

<sup>1</sup> Kruja G;(2008) Shqiptar përballë sfidave të Mirëkuptimit Ndërfetar; Arbëria; fq28

<sup>2</sup> Magris C.(2001), Panairi I Toletancës, Instituti Shqiptar i Medias, fq12

<sup>3</sup> Morozzo della Rocca R;(2003); Fetë dhe Civilizimet në mijëvjeçarin e ri;; Botim i Qëndra shqiptare për të Drejtat e Njeriut; fq 142

despite diversity by religion the unity exist always among Albanians. Religious tolerance has always been present in the Albanian lands. Religious holidays not only respected by believers of different religions, but they often also a cause for celebration regardless of which religion belongs concrete holidays. Specifically Shkodra is a concrete example of tolerance and coexistence that characterizes also the whole Albanians. Muslim population is mixed with Catholics and Orthodox Christians. But in Shkodra were generous Muslim families who defended the Catholic church building when some fanatics began destroying them at night. We can say that in Albania can often find two different religions within the same family or a tribe or does no wonder that even one person practices follow the rites of religious holidays of both religions whether or Muslim or Catholic. Between communities exist a full tolerance and the good understanding by making proud Albanians. That religious tolerance in the Albanian national tradition is one of the main characteristics of the morality of the Albanian people. The vast majority of the Albanian people of Islamic faith but everyone knows that their fathers were Christian and one of them does not deny this historical fact. On the other hand family and tribal ties have made the Albanian national has always been first and foremost remained Albanian, while religion has been and is conviction, determination and a private problem. Since Albanians belong mainly three religions, has made that they do not dominate social life, in any period of time, in any system and state government in Albania, religion was not a state component. They have been separated from the state who respect them, except dark period of dictatorship, the communist regime of Enver Hoxha (1945-1991) when religious tolerance was heavy tread, when Albania necessarily turned atheist. It seems that the Albanians throughout their history have been and are oriented towards Western Europe, towards its Christian culture, democracy, politics, economy and their national interest. The interest of the nation has always been primary in relation to religious matters, it is first of all Albanian, as well said by Pasko Vasa in the nineteenth century "do not let churches and mosques to separate us that the religion of Albanians is Albanianhood"<sup>1</sup> In the modern world many common goals and high ideals can be achieved not through assimilation but through integration, not through violence but through dialogue. For this reason, dialogue remains the only way forward humanity, who wants to build a better future<sup>2</sup>. Cooperation between religious communities is an important element that can serve as a tool to prevent possible conflicts in the world, being prone to respect, tolerance of other religious beliefs. A key role is also for the government which should always protect the right to freedom of religion as a fundamental right, without forgotten that religion is one of the most influential forces that makes the legitimization of power and moral order at a global level. Religion and tolerance constitute one of the most powerful forces, with great impact on human society. Religion and faith are based on the norms, rules well-defined behavior. Religious norms are a set of rules built behavior based on tolerance, implementation and practice which can bring order and harmony in society. Religion is a tool, religion and belief educate the people with high ideals. It affects the formation of the unity of the members of society through control and enforcement through preaching unique values and norms. Likewise Vacanta protection of the rights of freedom and faith finds in Article 24 of the Constitution of the Republic of Albania, as one of the fundamental rights of the individual. Thus becoming proof that freedom of religion is accepted and recognized in international legal and political thought from the community of civilized nations, as one of the fundamental rights of individit. Every citizen may freely choose his faith and to manifest religious beliefs freely. The individual in every istitucion and public space has the right declare their religious faith without fear of discrimination. Article 10 establishes the Albanian state neutrality in relation with religious communities and to report on matters of faith and conscience in general. Also is known state secularism. The relationship between the state and religious communities are regulated on the basis of agreements signed between their representatives and the Council of Ministers. The state can not interfere in the affairs of religious communities, but only through agreements mentioned above. The way of continuous improvement and development, bringing together people between them, elevates the sense of protecting each other, develop the personal freedom and strengthens society. So independence of religious communities, implying that they are regarded as foreign troops to the state. Regarding the scope of these agreements can say that they guarantee the exercise of rights guaranteed by the Constitution and laws relating to freedom of conscience and religion, to recognize and guarantee respect for the rights of the religious community, institutions and its structures, as well as legal persons established by them, to freely develop their mission religious, educational and charitable, to recognize and guarantee the integrity of the institutions of worship, to the extent that their activity does not clash with exercise of freedom of conscience and religion, as well as with the Constitution and the laws in force and the sacred canons and traditions of the religious community that operates within the bounds of the state. To guarantee freedom of the individual to choose or change religion, to manifest it individually or collectively religious institutions, or outside them, through worship, education, practices or the performance of religious rites; ensure freedom of the individual to not stop and neither compelled to join a religious community or participate in practices, rituals and its management structures. Regarding the rule of faith and religion Albanians have always been characterized by feelings of tolerance and understanding. Since ancient times

---

<sup>1</sup> Krasniqi M; Toleranca në traditën shqiptare; Botime te Shkencave; Prishtine; fq 184<sup>2</sup> Simpozium;(2008); Domosdoshmëria e Dialogut Ndërfetar për Paqen në Botë; Prizmi; Buletini nr 2;; fq 9

George Kastrioti Skanderbeg became a symbol of civilization and tolerance kristjano-Islamic by many treasured unity of the nation and the unity of the Albanians. Even in the years ahead would be institutionalized religion more and more in the service of faith and nation. In 1967 the religious communities had a crisis as a result of a totalitarian regime who took legal recognition of religious communities unable to conduct any religious activities. Through the period of communist regime during his 50 years has been destroyed indiscriminately facilities such as Muslim, Catholic or Orthodox being justified as atheist youth movement. But faith and religion has been never faded in the hearts of Albanians. End of atheist rule in Albania was closed with the advent of democracy in the November 4, 1990 the date on which after so many years of censorship first. While it should be noted that religious beliefs in Albania has always characterized a feeling strong and sincere harmony which is reflected in the relations between people with different religions and between religious people and atheists. This tolerance stems from the awareness of the Albanians that they belong to the same nation having a strong ethnic identity regardless of external factors affecting the determination of the various religious Albanians. The spirit of good will and harmony that characterizes traditional religious communities are affected by common difficulties they have encountered in the communist past. Civil religion is a set of beliefs and rituals that intersect with the past, present and future of a nation, we can say that civil religion is itself the expression of the cohesion of a nation. Can therefore also say that civil religion is similar to nationalism, which is reflected strong identification with the nation through national interest rises. While many important religious affiliation and nation is the degree of religious homogeneity within the nation. Tolerance is in the interest of every individual, every families every collective and every state. It creates atmosphere humanities and opens the way for peace and friendship between people worldwide. Albania is the best example of coexistence and religious tolerance, has been and will always be. Today, more and more human rights and fundamental freedoms are in the spotlight because they constitute the essence of human existence, the foundation of freedom, justice and peace throughout the world. Fundamental human rights, each specifically are very important and constitute the basis for the consolidation of the rule of law. Freedom of religion and conscience in particular as well as all other rights are universal fundamental human rights, they have the same origin and are strongly interrelated. A great attention and interest is spread worldwide about human rights and fundamental freedoms because they lie at the basis of the internal legal order in any democratic state. Religious freedom is a right guaranteed by international and national acts. Constitution of the Albanian Republic as the fundamental law of the state, makes clear that in a social democratic state based in the rule of law. Freedom of religion is an universal right as well as other fundamental rights of the human being based on spirit of tolerance and coexistence. So albanian society appears tolerant of different religions. Therefore it is very important to argue that the practiced of freedom of religion must be made through peaceful means respecting the laws, ethical standards and norms of religious tolerance for not reaching extreme expressions of religious which bring chaos in the modern world. Religion is an important factor of social integration, it ought to have the purpose to become a factor of stability in society. So it feeds its members with the values and norms as well as helping their consensus for moral issues<sup>1</sup>. With all religion definitions the social role of religion and its institutions is an integral part of society, as one of the fundamental rights of the individual. So one of the essential purposes of religion is man's return to the "citizen". The essence of religious institutions is that they are addressed human, to revive confidence, to meet and meet their own spiritual needs. People in life are often faced with cases with violation of law and abuse of power, position and profession, realizing their different interests at the expense of others. In all such cases the human morality is crucial. God judges on all the works of men, the true goals, our desires and feelings. Belief in this form of justice encourages the man for every good work that he has done and does, believing that any criminal and illegal work, however somewhere and will become known, and hypocrisy and autocracy will be punished. Society today despite numerous attempts appears increasingly chaotic. Thus emerges the primary role of the religion as a major social factor, of hope, faith, courage positive social and source, in which the individual finds support, fulfilling one of his natural rights, thus establishing a fair balance between the elements religious and social. Religious feelings are feeling social, community feeling, realized not only individually, but also as a social group together in associations, religious organizations and institutions. Religion elevates man with high human virtues and moral, to strengthen, enrich and exalt the soul. It is a tool or way of continuous improvement and development, bringing together people between them, elevates the sense of protecting each other, developing the personal freedom and strengthens the society. Religion and belief also educate the people with high ideals. It affects the formation of the unity of the members of society through control and enforcement preaching the unique values and the norms. Also it promotes group solidarity, helps in the normal function of the society to stabilize its main institutions. Has great influence on the whole life of man in particular in his bodily integrity and spiritual. So by faithit is preserved the identity of the national religious community, spiritual and moral history. Today's conflicts in fact are not religious wars or conflicts but unfortunately they use religious justifications. However it should be noted that religion itself is not cause for conflict, but can be used as a factor and as a symbol in the conflict. We are realistic that

---

<sup>1</sup> B. MC GURE M;(2007); Religioni konteksti shoqëror; Qëndra për hulumtime të administratës publike Logos-A, fq 308

religious differences often lead to conflict. There in the world as bigotry and intolerance that a small spark could lead to war when the social, economic, military, are not on track. Moreover religious intolerance and oppression may be favored by the inequality in material terms. The development of policy and human rights must go together <sup>1</sup>. The role of religion in maintaining peace and strengthening policy dialogue can not be limited to the level of international geopolitics. Another important aspect of the problem relates to the impact of religion on relationships between groups with different religious affiliations in multifunctional societies. Even in this regard, today's world is like a contradictory in its historical reality. Religion tends towards establishing understanding between individuals in society, towards on establishing tolerance among people with different religious beliefs, to strengthen relations and for understanding solidarity between different social groups.

**Bibliography:**

- Claudio Magris; Fair of toleration, the Albanian Media Institute 2001
- Genti Kruja; Albanian facing the challenges of Interfaith Understanding; Arbëria 2008
- Gjergj Sinani; Contribution of Religion to World Peace; Prizmi; Buletini nr 2; 2008
- Meredith B. MC GURE; eligion social context; Center for research of public administration Logos-
- Mark Krasniqi; Tolerance Albanian tradition; Botime te Shkencave; Prishtine
- Symposium; Necessity of Interfaith Dialogue for Peace in the World ; Prizmi; Buletini nr 2; 2008

---

<sup>1</sup> Sinani Gj;(2008) Kontributi I Fesë pér Paqen Botore; Prizmi; Buletini nr 2; fq 18

## Measures for Employing the NEET Youth and the Ones that Abandon the Schooling

Kastriot Haxhiu

Professor at Secondary Technical School "Nexhmedin Nixha" in Gjakova

Kosovo

### Abstract

Nowadays the access to continue schooling subsequent to finishing high school is the only alternative in the 21<sup>st</sup> century, to find a working place, a phenomenon that all over the world besides some natural occurrences presents one of the core existing problems. Through this rhythm and the dynamics of changes in working places, today thousands of youngsters compete in the labour market; however, how many of them are professionals? Technical development and new methods of vocational education can be the key to success of the destination of Kosovar youth, and this is employment. Choosing a professional path and gaining professional related skills could be an indicator that should diminish significantly the high unemployment rate in the country and also serve as a promoter towards economic development, financial stability, social stability and state building moving towards the European Union. Young people need to gain self-confidence and use their creative power in addition to benefiting from local resources as a basis for developing their individual professional skills that is a foundation and constructive opportunity for career development and employment. Kosovo needs well established and highly educated citizens as well as a skilful work force in order to build a professional, knowledge-based society of future. Country's economic development in general and the local development in particular may only be possible by creating a qualified work force which as a result would fulfil the aspirations of the new generation for development.

**Keywords:** Economic development, vocational education, youth, labour market, unemployment.

### 1. Objective of the study paper

The overall objective of this study is to identify current potentials for vocational training for the youth of the age group of 15-24 years old who have no profession nor follow any tertiary education, aiming towards the taking of initiatives for improving services of vocational education in the country. Another objective is how to convince young people who prematurely abandon the schooling to go back to professional education or continue learning.

### 2. Survey methodology

This study paper was implemented by analysing the relevant literature, field visits with experts and different institutions, sampling and survey methodology and its application using interviews and questionnaires.

The survey consists of direct interviewing of 150 youngsters of age 15-24, 15 local businesses of different fields, the first multifunctional Centre of Professional Training in the Balkans "Bone Vet" Gjakovë, Jakova Innovation Center (JIC), using two types of questionnaires.

### Sample selection

Sample drafting is a two stage process consisting first of selecting the geographical area and the number of interviewees, followed by selection of youth including members of minority from RAE (Roma, Ashkali and Egyptian) communities, businesses and institutions interviewed.

### 3. Hypotheses

#### 3.1 Main hypothesis

- ✓ Continuation of vocational education and training would enable youth to be more competitive in the labour market.

#### *Supporting hypotheses*

- ✓ Professionally skilled youth who meet the standards would also facilitate the recruitment process for businesses.
- ✓ Vocational trainings that meet the local requirements would serve as promoters of local economic development
- ✓ The boards established by business community would be managing the professional schools in accordance with the labour market demands and following European standards.

### 4. Introduction

When the war ended, Kosovo was found in a situation with a devastated economy, outdated infrastructure and an education system that for many years did not develop in normal circumstances. After 1999 under UNMIK administration the state started its transitional phase, privatization of socially owned enterprises and also at this point started the open market economy resulting also with restructuration of employment policies. During these transitional years Kosovo was exposed to many serious difficulties in adapting to free market economy reality and administrative and judicial state building system. Under these circumstances the country experienced recurring employment crises and undermined activity of labour force. This is especially valid for post-war years in which period the unemployment rate was estimated between 54% in 2000 and 49% in 2003 (Labour market and unemployment in Kosovo, Research paper, Riinvest, January 2000, Prishtinë). Although a slight improvement can be noticed in the labour market- mainly due to waves of economic growth through the years- major challenges in the composition and reduction of unemployment continue to be present. In parallel to these challenges, intensification of the European integration process adds the pressure and responsibility to the Government of Kosovo to ensure an efficient labour market and to draft development strategies. Expectations in this regard involve mostly in implementing more effective policies in vocational education of youth in response to market demand and by applying the certification in accordance with European standards.

This study aims to emphasize and encourage a debate on the effectiveness of the current employment policies and the readiness of Kosovo to benefit from the European Union donations for developing human resources. Due to its interconnected nature, both aspects will be presented in this study as two parts.

### 5. Review of the labour market in Kosovo

Kosovo is the country with the youngest population in the region, the average age for 2011 is estimated to be 30.2 years, whereas in the region it is 37.4 years, and in Europe 40.6 year (Statistical annual report of Republic of Kosovo, Prishtinë, May 2014.). The majority of its population resides in rural areas which according to KAS (Kosovo Agency of Statistics, 31/December/2012), comprises the 61.7% of the total residential population of 1.815,606 inhabitants. Active economic power for 2012 was estimated to 438,544 inhabitants or 36.9% and the employment rate of 25.5% for the same year. Unemployment rate for that year was 30.9% or 135,700 unemployed residents from the active economic force. Adding to this, the overall poverty which for 2011 reaches 29.7%, whereas the extreme poverty for the same year was 10.2%. (Statistical annual report of Republic of Kosovo, Prishtinë, May 2014.)

As a result there is a need to come up with a entirely different strategy from the current existing in Kosovo in relation to the new job openings and changes in the vocational education for senior high school students who do not continue tertiary education or for the schoolchildren who drop out of school. For illustration, 384 cases of school dropout are reported from gymnasiums, with 40 % (or 153) being women. It is important to emphasize that 51% of cases had abandoned school in the first year of upper secondary education. 2131 cases of school dropout have been reported from secondary professional schools, with 25 % of them being women. Almost half - 46% of abandonment cases left school during the first year. Number of youngsters who abandoned school for the year 2013/2014 is lesser than in 2012/2013 or about 3067 schoolchildren leaving their classrooms. (Kosovo Agency of Statistics, Prishtinë, December 2014.).

Having such a high number of unemployed with the majority being young people and the continued trend of school abandonment which is a threat itself, there is an urgent need to conduct a national diagnosis and to draft national employment strategies based on the labour market and in accordance with EU standards and also to prevent the abandonment of schooling.

It should be mentioned that the employment chart through the years its minimal point has noted in year 2001, with 19.6%, which is completely understandable having in mind that Kosovo was making its first democratic steps under UNMIK administration, whereas maximum employment (peak) was achieved in 2006 with 29.0%. During these years there was only increase in the employment rate to be followed with a decrease of about 5% in 2008, whereas this annual rate in 2013 reached the 28.4% of which 38.8% are employed women as compared to 26.9% men.

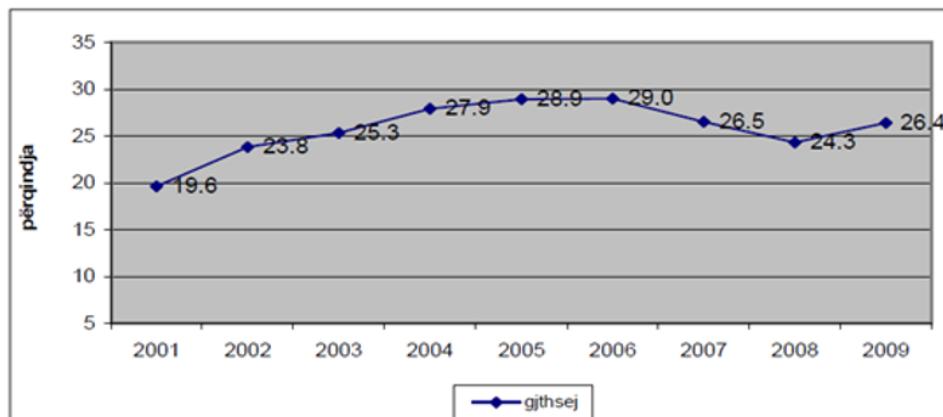


Chart1: Employment trend 2001-2009

Source: Results from the labour force survey 2009 in Kosovo

Employment rate with youth of the age group 15-24 is smaller compared to age group of 25-54 years old.

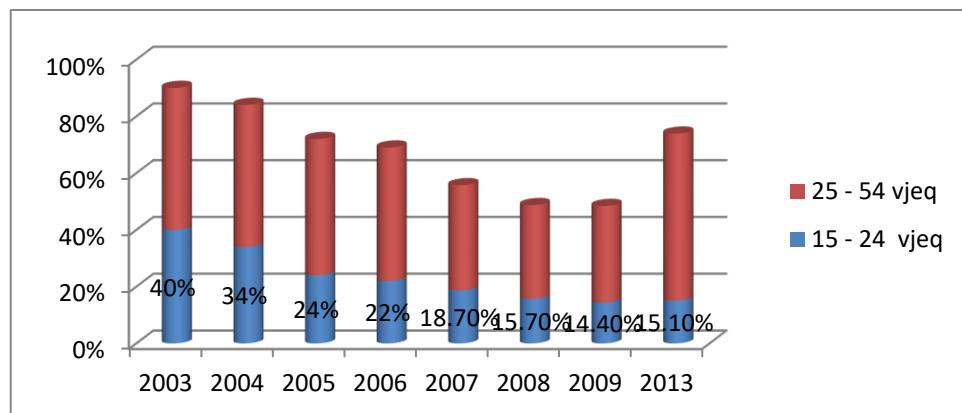


Chart 2 : Employment rate by the age group

According to data for both genders, there is a low employment average rate for the age group of 15-24, which partially can be seen as a result of continuation of education but also can be a result of difficulties to make the first entry into the labour

market. Gender differences are notable in this age group having in mind that in 2007 employment ratio was 13.6% male against 5.1% female, in 2008 11.8% male and 3.9% female, in 2009 10.7% male and only 3.7% female, whereas in 2013 this ration completely reverses to favour the female gender with 10% as against 4.1% male from the total of employed members of this age group which comprises the 15.1% of the total economically active for work population in Kosovo.

By the end of 2012 number of employment seeking population in the whole territory of Kosovo was 259.341 persons, whereas on the regional level compared to number of inhabitants the biggest number is from Mitrovica with 53.963 job seekers, Prizren 47.030 and Ferizaj with 31.032 job seekers (MLSW<sup>1</sup>, Department of Labour and Employment, Prishtinë, 2013). These regions also had the biggest number of massive legal emigrants during 2014-2015.

Age group of 15-24 years has the highest unemployment rate from the total of population 55.9%, whereas a big concern remains the high rate of females with 68.4% against 50.4% males. Also a high rate and even more concerning is the percentage of youth who are not employed and who do not continue education or attending any training (NEET)<sup>2</sup> which presents 35.3% of the overall economically active for work population in Kosovo, with a gender proportion of 40.9% female and 30.0% male.

Indikatorët kryesorë të tregut të punës (%)	Meshkuj	Femra	Totali
Shkalla e pjesëmarrjes në fushinë punëtore	60.2	21.1	40.5
Shkalla e joaktivitetit	39.8	78.9	59.5
Raporti punësim ndaj popullsisë (shkalla e punësimit)	44.0	12.9	28.4
Përqindja e punësimit të cenesëshem ndaj punësimit të përgjithshëm	25.0	18.9	23.6
Shkalla e papunësise	26.9	38.8	30.0
Shkalla e papunësise të rintje (15-24 vjeç)	50.4	68.4	55.9
Përqindja e rintje NEET në popullsinë e të rinjve(15-24 vjeç)	30.0	40.9	35.3

Table 1 : Labour market main indicators

Source: Results from the labour force survey for 2013 in Kosovo, November 2014, Prishtinë

Based on European statistics for 2011, the percentage of NEET category was 21.4%, and some countries like Germany, Denmark, Austria and the Netherlands the rate is 6-8%, Czech Republic over 15% which is among the countries with concerning rate in Europe together with Spain with about 20% (Eurofound 2012, NEETs – Young people not in employment, education or training: Characteristics, costs and policy responses in Europe, Publications Office of the European Union, Luxembourg.), it results that urgent interventions are required for this category of society.

In the questions asked as to why they do not attend the school or do not follow any professional training, the answers were depressive, which these youngsters have lost confidence in the state authorities and lack the motive, knowing that labour market is getting narrower every day. As an initial step that the Kosovo government should take is to motivate this army of youth. In principle motivating sounds easy, however it is not such as an issue on the contrary is a huge barrier in order to create professionals. Professionalism in essence entails building of individual capacities, self-promotion, self-determination, self-confidence and individual aspirations for personal and professional success. Therefore this is a journey that both the government with its local structure and business community should take.

According to the results from the questionnaire it results that 47% (71 in numbers) of young people who abandon the school have no computer using knowledge, 34% have basic knowledge, only 18 of them or 12% have average knowledge and are in possession of a certification mainly from Local NGOs whereas about 7% responded that they have advanced knowledge in using computers of Microsoft Office package. What is concerning is that youth from RAE community possess almost no computer knowledge and also some young people from the rural areas.

Even more concerning are the answers to the questions related to the knowledge of English language where 103 or 69% from 150 of respondents answered that they have no knowledge of English (majority of RAE community), 30 % have basic knowledge mainly learned in the previous schooling, 10% average knowledge from taking a language course before, and only two of the respondents answered to have over the average knowledge of the language which makes for 1% of respondents.

<sup>1</sup> Kosovo Ministry of Labour and Social Welfare

<sup>2</sup> Not in Education, Employment or Training

Over 85% of these young people responded that they have no vocation except that they know more or less simple agricultural work. From RAE community there was one answer of being skilled as a woodcutter as a part of them work seasonal work with their parents.

In 2013, youth of Kosovo was twice more likely of being unemployed compared to adults. Among the persons of age 15-24 and in labour force, 55.9% were unemployed. Unemployment is higher with young women (68.4%) than young men (50.5%). More than one third (35.3%) of persons aged 15 up to 24 years old in Kosovo were not attaining education, employment or training. This number is 40.9% for young women compared to 30.0% of young men. (Labour market and unemployment in Kosovo-Research paper, Riinvest, January 2003, Prishtina).

## 6. Records from the Kosovo Business Registration Agency

Business Registration Agency is operating within the Ministry of Trade and Industry (MTI) and is the sole institution responsible for registration of businesses in Kosovo. According to the Business Registration Agency (KBRA) in Kosovo there are 127,205 registered businesses, from which 46,120 are active including also the businesses that have one form of tax declarations in the Kosovo Tax Administration (KTA) even for nil value declaration.

Përshtkimi i aktivitetit ekonomik	2005	2006	2007	2008	2009	2010
Industria nxjerrëse	5,26	5,19	5,39	3,33	3,7	3,2
Industria përpunuese	11,29	15,71	16,93	19,7	17,3	16,7
Prodhimi, shpërndarja e energjisë elektrike, e gazit, e avullit dhe ujit	13,66	14,26	13,13	10,0	9,2	8,6
Ndërtimitaria	8,02	7,41	7,44	8,1	9,8	11,9
Tregtia me pakicë dhe shumicë, riparimi i automjeteve dhe paisjeve shtëpiake	26,67	31,23	30,09	30,5	29,9	30,8
Hotelet & Restorantet	13,05	6,86	6,55	7,3	6,7	6,5
Transporti, postat dhe telekomunikacioni	10,88	10,11	9,91	9,3	9,4	9,1
Shërbime biznesore	6,73	3,99	4,45	7,7	9,6	8,8
Shërbime tjera	4,43	5,24	6,12	4,0	4,5	4,4
<b>GJITHSEJ</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Table 2: Number of employees by economic activity from ESS (%)

Source: KAS, Results from the Enterprise Structure Survey

From the statistics on the number of employees by economic activities it is noticed that all sectors have marked a decrease in the number of employees, and in some sectors even a double decrease in the last five years like in hotel and restaurant business activities which in 2005 comprised 13.05% of the total number of employees in Kosovo whereas in 2010 it was only 6.5%, same is valid also for extracting industry with a notable decrease in employment from 5.26% in 2005 to 3.2% in 2010, or even in manufacturing, distribution of electric, gas, steam and water energy from 13.66% in 2005 to 8.6% in 2010.

There are some activities that have marked an increase of persons employed like in the service business from 6.73% in 2005 to 8.8% in 2010, and construction sector with 2.7% increase in employment from 2005 to 2010. These economic activities are mainly family businesses and that bear the firm of travel agencies or money transfer. Also there are more employees in the processing industry from 11.29 % to 16.7%. Among the processing companies are production of wood and plastic doors and windows, and for producing alcoholic and soft drinks.

This decrease in employment needs to be analysed by the Government of Kosovo and to come up with conclusions in order to draft new organizational and programme structures for the purpose of generating new work places. It should be integrated also the experiences from the businesses and companies that have increased the number of employees and in cooperation with them to build economic development policies for the country. In the meantime it is necessary to prepare professional work force for all economic activities that are taking place throughout the country, in order for implementation of development strategies to find support with professional, licensed and certified staff according to European standards.

From the interviews with local businesses most of the owners hesitate to deal with professional training of students since they have no benefits from them. They showed readiness to support any initiative from any of government levels related to vocational education however they first request legal guarantees from the state that they will benefit from reliefs from the state in different forms such as: property tax, customs facilitation, development grants, etc. But there are also businesses that support the vocational schools mainly technical ones by enabling the students to finish their professional internships at their premises like car repair shops, construction or electric fitting.

### **Employment measures for youth NEET**

Youth unemployment is a concerning problem not only for Kosovo society but world-wide. It is an unbearable social problem. This phenomenon may easily be called as a social cancer as it extinguishes the dreams of many young people. Having this in mind there is a need for our society to take some preventive measures. Among the measures that may have an impact on diminishing the current social occurrence are the following:

- ✓ Preventive measures for abandoning prematurely the schooling
- ✓ Measures for their reintegration in education
- ✓ Building school-work transition policies
- ✓ Incentives for encouraging employment and measures for reducing administrative burdens in employment

Measures for preventing premature school drop-outs- it is important to intervene before young people are leaving the school. To conduct research on finding the reasons for abandoning the education by this age group, to discuss with the parents and other members of their living environment. To provide more support to the school environment, like with curricula, infrastructure and training for the teaching staff (should this be the reason). To provide a second opportunity for these students to remain in school, or to provide an equivalent alternative to attend a relevant vocational training.

Measures for their reintegration in education – to analyse ad view the possibility of timely support for young people who have just decided to leave school or vocational trainings. To draft a regulation that will enable these children to get involved in the learning process with an extracurricular program or to provide an alternative training of their choice.

Building of school-work transition policies – to establish measures for facilitating the transition towards employment. At a later stage to apply an intervention strategy having its prime goal the transition “from learning to employment for the purpose of earning”. This in addition to ensuring that public investments in education and professional trainings are heading towards the maximization of success, therefore reaching the education-economic objectives. This can be achieved by creating “local coordination stations” all over Kosovo territory. This means that all municipal/local institutions need to discuss with private business partners for employing young people, and for the business to present to the municipality their requirements of interest. All stakeholders must have an obligatory statutory act. In this manner throughout the country can be built a partnership triangle consisting of unemployed youth-municipality-local business. All parties would benefit from this. The biggest beneficiary would be the community as the demand for vocational trainings or continuation of education, however horizontally would be a good signal to the youth for not abandoning the education. Business community as well would benefit from municipal reliefs and they would include more young people among their staff, even professional one. However the greatest contribution from this would be the investment in the economic development future of the country.

Incentive measures for encouraging employment and measures for reducing the administrative barriers in employment– the sole purpose of these measures should be youth employment, which measures would assist enterprises having specific disadvantages in the labour market. Political-economical interventions that have an impact in reducing the practical or logistical barriers for employment. Bureaucracy should be reduced to minimum or avoided at all when concerning job-creating programmes. Government may allow local authorities to make an impact on vocational centres or to give a full autonomy over ‘local coordination stations’ for choosing priority trainings for municipality for which there is a labour market and in setting time limits and most importantly to have competencies in licensing according to EU standards, with grading levels. In addition there is a need for a complementary budget by the Government respectively Kosovo Ministry of Finance. But also municipal authorities need to draft grants and projects which could also be supported by International foundations. This must be established considering that municipality represents the mediating authority with the local businesses. Local businesses are looking for professional and semi-professional staff subject to the working place. Young people are looking for a job, municipality for prosperity and economic development. Why should there be no coordination among them.

## 7. Conclusions

There is a need for an urgent and essential or better said a vital step taken in order to assist young people to gain knowledge and also generate income. These young boys and girl who are not ready to acquire knowledge through traditional schools and who have poor educational experience need a vocational training in addition to social education for presenting their skills.

Any local level authority must build an active partnership with upper secondary schools (like gymnasiums and vocational schools but also with competence centres), employers and between the sectors for drafting strategies for advising youth, assisting them and to study their capabilities in order to provide corresponding professional training based on demands of the labour market and as such enable their potential employment.

It is inevitable that the education leaders in the country need to improve sensibly the norms/curricula of education through vocation/profession, to improve criteria and qualification manners respectively certifications in accordance with standards of EU countries, so that the path towards work place to be much easier accomplished and also to gain mutual trust among employers or business world. This means that for the business leaders would be much easier to select the candidate they need if that candidate can professionally deliver the expected result.

Higher autonomy given to the local levels by the government as well as more financial support by them would be the key factor for developing particular regions. Also the other side of the medal from the positive aspect would be that the criteria for professional competencies would be stronger for youth, the motive would improve with them, they would gain trust in state leading structures, would prevent the illegal migration, but also the state would have additional benefits through building a management information system, on the trainees, certification level and would assist the partners from the business community. This would in particular be achieved with development programs which would positively reduce the number of youth NEET in their lists at the local, respectively national level.

Youth unemployment is not only a short-term economic problem instead it presents a continuous structural problem and furthermore is a serious virus crisis which is very difficult to prevent if it progresses also for developed countries but more particular for Kosovo economy. Kosovo economy is making slow development steps and this virus might infect with consequences difficult to be rehabilitated. Therefore if no measures that involve an "acute injection" are taken soon it would be difficult to successfully heal this disease in the near future.

## 8. Recommendations

Vocational school boards need to be managed by the business (example in the Republic of Albania) as in this manner the relations between education and business are closer. Business through this merger would have a clear picture of the learning process, capacities or student achievements, would be closely acquainted with the curricula being developed in the professional schools, quality of teaching at school, but at the same time could assist the employees or cabinets with modern technologies in order for the education to be developed in high quality conditions and as a compensation in the future they might ensure young professional staff members for their business. From the legal aspect it is required to be signed a memorandum, even at the local government level, between the directorate of education and business companies, however this should be accompanied with a central/state guarantee in addition to provision of financial support by the latter. This would bring novelty as the time of theoretical teaching would be equal to the practical teaching. Memorandum of cooperation would enable the entrepreneurs to manage the schools, would narrow the space between practical and theoretical learning but also would reduce the costs for schools, but the main essence would be that it would assist young people in making a wide selection for their career which would lead the way for self-employment and owning their own business as the right alternative for their life.

Another recommendation, the work in the first multifunctional Centre of Vocational training in Balkans "Bone Vet" in Gjakovë, where young people of different age groups (with a symbolic payment) are prepared for profession or also Jakova Innovation Center where youth is trained for career profession or even supporting their business ideas can serve as a working example for all in particular for the Government of Kosovo on which way to move forward towards success and engagement for youth.

This requires a lot of efforts from the society, civilized culture, a government led by the idea of economic development, a total redrafting of some administrative instructions for professional schools however this is a sacrifice worth making in order to make the path for future generations to have an European education and to enable them sooner employment opportunities through this process managed by the business professionals. However in order for this to be achieved first a detailed analysis should be conducted for the legal-economical-educational aspect at all state levels and after that to be implemented.

## References

Rosemary A. Thompson, Professional School Counselling, Best practise for working in the schools, Third Edition, Taylor & Francis Group, New York, 2012.

Jennifer Curry, Career Counselling in P-12 Schools, Springer Publishing Company, New York, 2014.

Cherye Holcomb- Mc Coy, School Counselling To Close the Achievement Gap: A school justice framework for success, Corwin Press, California, 2007.

In It Together, Why Less Inequality Benefits All, OECD, Paris, 2015. [http://www.keepeek.com/Digital-Asset-Management/oecd/employment/in-it-together-why-less-inequality-benefits-all\\_9789264235120-en](http://www.keepeek.com/Digital-Asset-Management/oecd/employment/in-it-together-why-less-inequality-benefits-all_9789264235120-en)

Stephen Billet, Learning in the workplace: Strategies for effective practice, Australia: Allen & Unwin, 2001.

Scholars for Education, World Education and Pedagogy Depository- A group of Authors, Tirana. Plejad, 2008

### Magazines & Articles & Publications

Labour Market and unemployment in Kosovo, Research paper, Riinvest, January 2003, Prishtina.

The Republic of Kosovo Statistical Yearbook, Prishtina, May 2014.

Kosovo Statistical Agency, 31/December/2012.

Kosovo Statistical Agency, Prishtina, December 2014.

The results of the survey for workforce in Kosovo, 2009, Prishtina, November, 2010.

The Department of Work and Employment, Prishtina, 2013.

The results of the survey for workforce in Kosovo, 2013, Prishtinë, November, 2014.

Eurofound 2012, NEETs – Young people not in employment, education or training: Characteristics, costs and policy responses in Europe, Publications Office of the European Union, Luxembourg.

ESS, The results of Enterprise Structural Survey

European Commission Progress Report, 2011

Overall Strategic Educational Plan 2011-2016, Prishtina, 2011.

EuroSpeak, European Movement Bulletin in Albania, Tirana, January 2013.pg 1-7

## Electronic sources

<https://ask.rks-gov.net/>

<https://ask.rks-gov.net/arsimi>

<https://ask.rks-gov.net/regjistri-statistikor-i-bizneseve>

[www.ks-gov.net/esk](http://www.ks-gov.net/esk)

<http://www.eurofound.europa.eu/emcc/labourmarket/youth> by Erin Skarda on June 18, 2014

<http://www.oecd-ilibrary.org/>

Education at a Glance 2013, OECD Publishing, Paris, <http://dx.doi.org/10.1787/eag-2013-en>.

<http://jobmarketmonitor.com/2012/12/09/europe-neet> POSTED BY MICHEL COURNOYER , DECEMBER 9, 2012

Europe's youth job crisis, Written by Katinka Barysch, 30 November 2012, <http://www.cer.org.uk/insights/europees-youth-job-crisis>

## The Impact of Education Reforms in Teacher's Professional Training

Venera Këndusi

University of Gjakova, KOSOVO

veneravala@hotmail.com

### Abstract

*Isolation of education system in Kosovo during the'90s, inability of absorbing novelties from abroad, lack of professional practices, technical and technological developments urged for a reformation and change in education field. Endeavors for changes in curriculum, novelties at school, teaching and learning, methodology, strategy and new techniques of teaching began in our schools after 2000. As a result many schools embraced these changes, and although in fact it seemed a pretty easy job, in reality it was a change that first of all had to take place in the mind-set of education leaders, teachers, parents, pupils, whole society and all together should support and implement them. For the school to accept and implement reforms in education, teacher's professional preparation and training is required. This is the reason why Ministry of Education, Science and Technology of Kosovo (MEST) priority is professional training of teachers, arrangement of different training programs and later on professional preparation in faculties, opening of new branches in University of Pristina that impact directly in their professional advancement and quality of teaching. The purpose of these programs is assisting teachers and their benefit for professional upgrade, teacher's training and their preparation so while practicing they can have access to contemporary teaching methodologies, techniques and strategies of teaching and learning, which makes students think reflectively, understand the logic of arguments, become independent students, interested in learning. Through research we will have a clearer picture on the mode of preparation, participation and professional training of teachers in Gjakova schools.*

**Keywords:** Reforms in education, teacher ,professional training

### Introduction

A reform means changing the culture of classrooms, schools, districts, universities and so on. Educational reform involves a lot more than most people think. (Fullan, 2001).Educational reforms are not as simple as they seem, are not so easy to understand and apply and need great efforts to be realized successfully. Changes should be understood by all participants, they must be ready to face these changes and to have the help and support of others to realize them. Namely changes are not processes that do stop, they must be constant and permanent, be up to date with changes in society.

Schools must be prepared that any change must be planned, a poor planning leads to failure, the schools must not leave the changes only to experts and teachers, changes belong to all and all the principals, teachers, parents and community should participate. No reform can be build if adults do not participate actively and honestly to be ready and prepared to give and to share the assistance. (Brunner, 2003).

Schools were ready to support but were they willing to understand them, realize, accept and prepare for a big challenge and prepare for the possible failure.

One of the main purposes of reforms in the education system in Kosovo is a reorganization of the education system to a modern system of education and integration with European countries. Education is one of the most important areas of society. The establishment and social development in a country depends from its educational development.

Education system is affected by many important factors, among them the economic factor, which is a determining factor of the development of society in general. Economically developed countries usually have a more developed educational system, while countries with weaker economic development have a weaker education system but also reforms or changes are more difficult to accomplish. (Koliqi, 1997)

The first post-war years, the years of transition from the emergency phase of education in a revival stage of education and the stage of taking the first steps to establish reforms, at that time focused primarily on education reforms in curricula, textbooks, teaching methods, curriculum content and access to new student centered teaching philosophy. To follow these changes and fast developments, the Ministry of Education, Science and Technology formed groups of experts in the field of education to develop a medium term strategic education plan for the period 2007-2017. According to the Strategy for the Development of Pre-University Education in Kosovo 2007-2017, groups of experts have identified seven strategic objectives to be achieved during this period:

- Governance, leadership and efficient and quality management in the education system
- Ensuring quality of learning based on comparable standards with developed countries
- Inclusion, equality and respecting diversity in education
- Preparation and professional development of teachers
- Suitable physical environment
- Sustainable connection of education to global economic and social developments
- Advancement of material situation of education (MEST, 2007).

Consequently, on April 2007, the Government of Kosovo made a decision to approve the Strategy for the Development of Pre-University Education in Kosovo 2007-2017.

Teacher's professional training in Kosovo was given a priority, to prepare and train them professionally with the contemporary teaching methodologies, be ready for changes in methodologies and new teaching techniques to increase the quality of teaching. The greatest challenge shall be provision of quality training for teachers, oriented to support new developments and implementation of reforms in education. (Ministry of Education, Science and Technology, 2011).

Teacher's professional training in Kosovo started with the organization of different professional training programs, as trainings and seminars organized by governmental and non-governmental organizations and the Ministry of Education. Professional training of teachers does not imply only trainings and courses but the development of learning habits as well (Fullan, 2001).

#### Research Methodology

Qualitative method of research is used for the research. By using this method we shall get responses through explanation, opinions and experiences from participants.

The research shall be done using semi structured interview.

#### Population and sample

The population in this research are teachers of "EminDuraku" Primary School in the Municipality of Gjakova.

The sample of the research are 7 teachers, from first to fifth grade.

Teachers were of age 40- 50 years old and had 15-25 years of experience in teaching. The sample selection is random.

The questions asked for the interview are linked to the reforms in education in Kosovo and their professional training.

#### Interview questions:

1. Have you faced difficulties in applying reforms in education?
2. If yes, what were the difficulties?
3. Have you participated in professional training programs?
4. If so, has the participation in these trainings helped on increasing the quality of teaching?

In respond to the first question, all teachers stated that they had many difficulties on implementing reforms in the beginning.

While, for the second question on what where the difficulties, 4 of them responded that the top difficulties were in changes in the Curriculum, while 3 of them had difficulties in new methods and techniques of teaching.

All the participants in the research participated in programs for professional training and these programs helped them a lot because they acquired new knowledge on teaching. Their application in the teaching process influenced in the increase of quality of teaching and learning.

#### Conclusions and recommendations

Reforms in education have been quite a challenge for teachers and they had many difficulties with the changes made to the education system in Kosovo. The whole process changed - from "teacher centered" teaching to "student centered" teaching, changes were made to the teaching program and curriculum. For many of the teachers the participation in the programs of professional training was necessary and indispensable.

We recommend the teachers to continue with the professional trainings, to have teacher's performance monitoring and evaluation, advise and guide them on trainings and seminars they need at most, the Ministry of Education should organize as many programs for professional trainings as possible, especially the trainings that affect increase of quality of teaching and learning.

#### References

- Bruner, J. *Culture of Education*. Tirana: The Institute of Pedagogical Studies.
- Fullan, M. (2001) *The new understanding of change in education*. Tirana:
- Koliqi, H. (1997) *The history of the World Pedagogy I*. Prishtina: University of Prishtina.
- MEST.(2007). The Strategy for the Development of Pre-University Education in Kosovo. Prishtina. pg.10
- MEST,(2011). Kosovo Education Strategic Plan 2011-2016. Prishtina. pg.108

## Rights of the Defendants in a Due Process of Law - Constitutional Provisions Observing These Rights in the Course of the Penal Procedure

Elena Xhina

Lawyer

Chamber of Advocates, Ebasan  
Doctoral School, European University of Tirana  
[xhina\\_elena@yahoo.com](mailto:xhina_elena@yahoo.com)

### **Abstract**

*The Constitution of the Republic of Albania - source of the primary and fundamental law in Albania and the highest law in force in the hierarchy of the normative acts in our country (article 116), in its second part sanctions the "fundamental human rights and freedoms". These constitutional provisions and the successive others provided by the Constitution, establish the catalogue of the fundamental human rights and freedoms, affirmed in the constitution, and aiming to guarantee observation and protection of the human rights, because of the supremacy the constitution enjoys in the hierarchy of the laws. In these terms and as the fundamental law of the state, the Constitution provides for "the integrity of the individual" entailing that individuals not only enjoy their rights but the state also assumes its obligations to provide them genuinely. Therefore, the Constitution stipulates the cessions or limitations of these rights solely by means of a "due process of law". By means of the previously mentioned provisions, the Constitution of the Republic of Albania has affirmed observation of the fundamental human rights and freedoms to the international standards, especially in compliance with the "European Convention on Human Rights" (ECHR) which has become an integral part of the country's judicial system. (Article 17/2) The "due process of law" requires from the proceeding authorities to respect defendant's rights by since the moment he/she has been qualified as "defendant", namely, when he/she has been notified for being taken as a suspect person down to the end of the trial, (including appeals) when the decision for innocence, suspension or the decree absolute sentencing has been delivered. In these terms, the due process of law provides all penal and procedural guarantees for the defendant, from the phase of investigation of the case law to the end of the trial phase with the Court decision taking the form of the decree absolute. The defendant's rights derive from "the right to a due process of law" which will be treated in the framework of the Constitution of the Republic of Albania, the European Convention on Human Rights and the Criminal Process Code, (CPC).*

**Keywords:** the defendant, the criminal process, the constitution, the rights of the defendant, the legal framework

### **INTRODUCTION**

The term per se entails an "enormous" right, including some other constitutional and legal rights, on the bases of which the very existence of the "right to a due process of law" has been created and conditioned. Such are all the elements foreseen in article 42/2 of the Constitution (a fair public trial, within a reasonable time, by an independent and impartial court), article 30 (presumption of innocence), article 31 (provisions for the penal process), article 32 (the right of non-incrimination), article 33 (the right to be heard), article 34 (the right to appeal the Court decision). <sup>1</sup>

The European Convention on Human Rights, as an act with constitutional powers in the Republic of Albania, has been fully reflected and adapted in the constitutional provisions.

In article 6, the Convention sanctions "the right to a due process of law" with the following formulation:

"Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which will decide both for his conflicts and obligations of the civil character and for the legal ground of the penal accusation against him/her" <sup>2</sup>

<sup>1</sup> QPZ - The Constitution of the Republic of Albania, Tirana 2010

<sup>2</sup> QPZ - Summary of International Justice Acts , Tirana 2006

The right to a due process of law, with the same formulation, has been affirmed in article 42/2 of the Constitution. The Convention on Human Rights and the Constitution acknowledge this right and provide it a wider meaning. In other words, referring to the "due process of law" entails;

- a. The legal (penal, civil) process
- b. The administrative process
- c. The disciplinary process

Everyone enjoys the right to a due process of law. In case the rights envisaged both in the Convention and Constitution have been ceded and are subject to one of the aforementioned processes, then the defendants are entitled the right to a due process of law. Article 1 of the Convention sanctions that; "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention". This constitutes the legal bases for the implementation of article 6/1 of the Convention and article 42/2 of the Constitution. Regarding the topic in discussion in this writing, "the right to a due process of law" will be analyzed and explicated solely in terms of the penal processes and the defendants as the only subject of these rights. In this meaning:

"The rights of the defendant to a due process of law constitute the entirety of the procedural rights and provisions acknowledged to him/her during the trial process from the Convention and the Constitution materialized in the CPC"

These guarantees for the defendants would be quite formal provided that there was not a scrutinizing system for the observation and provisioning of these rights.

The guaranteeing mechanisms of the law for a due process of law are:

1) The Court of the Common Jurisdiction which are obliged to render the actual scrutinization of the law basis of any penal accusation filed to a certain individual, providing the procedural rights foreseen by the Convention, the Constitution and the CPC for him and which taken together consist "the defendant's rights to a fair trial"

Legal provisions providing these rights effectively are even greater, if we consider that fact that, there exists a three-scaled judicial system, entitling to the Court of Appeal and the High Court the right to correct or even to cancel the decisions of the lower-scale Courts provided that they notice violations of the right to a fair trial process.

2) The Constitutional Court, which acts as the forth scale of adjudication, according to article 131(f), "decides for the final adjudication of the complaints", solely when two conditions have been met:

- a. Their constitutional rights to a due process of law have been violated;
- b. All legal remedies for the protection of those rights have been exhausted

The Constitutional Court Jurisprudence to this regard is rather broad and important, since any decisions of the Constitutional Court not only render the constitutional interpretation and gives the final solution for the individuals' complaints to this regard but even produces "erga omnes" effects for all, so displaying the effects of the force of law.

3) The European Court of Justice, which is "the guardian for the implementation of the Convention by Member States" and whose jurisdiction is binding for Albania by since the moment of the ratification of the Convention.<sup>1</sup>

As for the above, the Convention and the Constitution not only provide a series of rights for the defendants but even assume to ensure their application by means of the aforementioned mechanisms.

In full compliance with the Convention and the Constitution, the CPC has effectuated these rights by further perfecting guarantees offered to defendants. In this frame, article 1 of the CPC assumes: "...to protect the personal freedoms and lawful rights and interests of citizens, to assist in strengthening the legal order and applying the Constitution and state laws for a fair, equal and due legal process".<sup>2</sup>

<sup>1</sup> Pradel.J, Corstens.G,Vermeulen.G ( 2009), European criminal law, Botimet Papirus, Tirana

<sup>2</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 1

In addition, article 2 of the CPC requires "the observance of the procedural norms by parties in criminal proceedings, state authorities, legal persons and citizens" in order to effectively observe the "defendants" rights in the penal process sanctioned in the CPC .

There is a total consistency among the penal procedure legislation and the Convention and the Constitution, since in its basis, as well as in the prerequisite for a due process of law, lay the international contemporary principles and standards for the fundamental human rights and freedoms. Such principles are the following: the principle of the independence of the Court, (article 3), the principle of the presumption of innocence, (article 4), the principle for the provision of defense (article 6) the principle of equality among parties, (article 1 of the CPC), etc.<sup>1</sup>

A greater importance takes the observance of these laws and principles when they apply to the individuals on which penal process has been charged - "the defendant". By being into a specific position and as compared to other procedural subjects, the defendant is subject to the limitations of his/her rights and freedoms. For the determination of these limitations, both the Constitution and the CPC have foreseen competent instances suchlike Courts and Proceeding authorities and, on the other side, in order to avoid any abuses or arbitrariness regarding the execution of these rights, the procedural provisions for the defendant have been foreseen, too, and their application constitutes a legal obligation to these instances and ensure the defendants' rights have been observed during the whole penal process.

Despite the procedural position and the role of the defendants in the penal process it should be emphasized that "the state does not evolve penal prosecution to harm individuals but to fight criminality so the provision for the defendant's rights are as important as the rights attributed to the proceeding authorities or the Court".

"The due process of law" requires from the proceeding authorities to respect the defendant's rights by since the moment he/she has been attributed as a "suspected person", namely, by since he/she has been notified about the decision to take him/her as a defendant until the end of the trial, (include appeals), with the innocence or sentencing decision taking the form of the *decreet absolute*. In this meaning, the due process of law includes all the defendants' procedural provisions by since the investigation of the case law down to the end of the trial for this case law with the Court decision taking the form of the *decreet absolute*.

Defendant's rights deriving from the "right to a due process of law" will be considered in terms of:

1. European Convention of the Human Rights
2. The Constitution of the Republic of Albania
3. The Criminal Procedure Code (CPC).

We have chosen this order and this way of treatment by considering that, it is the CPC the one determining not only the concept of the "due process of law" but even the minimum standards of the rights and freedoms consisting it. The Constitution, which has been based on the provisions of the Convention, too, affirms them and even goes further towards the perfection, broadening and guaranteeing these rights. Finally, the rights to a due process of law will be explicated and effectuated in the CPC, by treating provisions foreseeing the rights of the defendant in the procedural relations created between him/her and the other subject of penal prosecution.

### **The rights of the defendant in the preparatory phase**

Article 6.2 of the CPC provides a series of rights entitled to the defendant by since the moment he/she has been qualified as "defendant" - all resulting from the interpretation of the term "accused", as it has been used in the Convention. By since this moment is created the procedural figure of the defendant and facing each-other, as equal parties and the rights entitled by the Constitution and the CPC , one side the prosecutor, as the procedural subject filing and representing the accusation to Court and on the other side "the defendant" - the person against whom is filed the accusation;

<sup>1</sup> Muçi, Sh. (2007), E drejta penale (Pjesa e Përgjithshme), Botimet Dudaj, Tirana

**1- The right to be informed about the accusation filed against the defendant**

Article 6/3 (a) of the CPC sanctions : "Everyone charged with a criminal offence has the right;

- a) Be informed, within the shortest time possible, in the language he/she understands and in detail, about the nature and the causes of the accusation filed against him".<sup>1</sup>

In its decisions, the European Court of Justice maintains that the concept of the accusation should be treated within the significance the Convention provides to it, according to which:

"The accusation can be defined as an official notification provided to an individual by a competent authority, to inform that he/she has committed a penal offence which changes his position in a substantial way".

By since this moment, the accused person has the right to require "a due process of law". This entails the obligation of the proceeding authority to observe the requirements of article 6 of the Convention, since it is by this moment that the "shortest time" of serving notification about the accusation has been counted.

The European Court has emphasized that this notification should be done in writing, should contain the actual and legal basis of the accusation, and should be expressed in the language the defendant understands, otherwise, it would have been in his disadvantage and he/she could not be able to prepare the defense against this accusation.

Article 31/a of the Albanian Constitution has almost the same formulation; "In the course of the penal process everyone has the right:

- a) "to be notified immediately and in detail of the charges against him, of his rights, and to have the possibility created to notify his family or relatives".<sup>2</sup> By means of this provision, the Constitution broadens the defendants' guarantees further, by anticipating the defendant's right to be notified of as an obligation for the proceeding authority, in this stage of the process, by since the moment the accusation has to be notified, alongside informing his/her family members.

In consistence with these constitutional provisions, this obligation for the proceeding authority has been anticipated even in article 38 of the CPC, according to which:"The proceeding authority explains to the defendant (suspected person), in a clear and precise way, the fact attributed to him, tells him the evidence that exist against him..."<sup>3</sup>

This right of the defendant establishes a constitutional obligation for the proceeding authority, since only by being aware of the accusation charged to him/her, the defendant will be able to clarify his position about his/her guilt or innocence, or to defend against it.

Also as mentioned above, the proceeding authority is obliged by the Constitution to notify the defendant and give explanation about the rights entitled by the law in this phase of the process, which according to the CPC are.

**2- The right to reply or not to reply regarding the accusations he/she has been charged with**

This right rises after the defendant has been notified about the accusation and the proceeding authority renders the questioning process. According to article 38/3:

"...before the interrogation starts, is informed that he has the right not to reply"<sup>4</sup>

Non observance of this right for the defendant, especially in this phase of the process, has caused many decisions made by the First Instance Courts to be annulled by the Courts of Appeal, (for not asserting this violation), topics which will be dealt with later;

Whether the defendant will provide explanation about the accusation, he/she chooses by himself, since this is a right and not an obligation.

<sup>1</sup> QPZ - Summary of International Justice Acts , Tirana 2006

<sup>2</sup> QPZ - The Constitution of the Republic of Albania, Tirana 2010

<sup>3</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë ", neni 38

<sup>4</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë ", neni 38/3

This provision of the CPC is in full compliance with article 32/1 of the Constitution according to which, "No one may be compelled to testify against himself or his family or to confess his guilt".

Also, to further effectuate this constitutional provision, article 38/2 of the CPC states; "use of any forms of physical or psychical violence on the defendant to reply to interrogations is strictly prohibited".

Moreover the defendant's testimony serve as evidence in the trial, (article 150 of the CPC ), in all cases when it has been obtained in compliance with the process rules, and are evaluated by the Court in rapport with the other evidence administered by it during the adjudication of the case law.

### **3- Right to defense**

Article 6/3 of the CPC, sanctions literally that: "Everyone charged with a criminal offence has the right:

- b) "To be allocated the proper time and facilities to prepare his own defense";
- c) "To present his own defense or with the assistance of a defense counsel and if he has no sufficient means, he is provided with the services of a defense counsel free of charge, when the justice interests require it."<sup>1</sup>

Almost the same formulation has been accepted by the Constitution, in article 31/b, according to which; "During the penal process everyone has the right:

- b) To have sufficient time and facilities to prepare his defense;
- c) To be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be provided free defense when he does not have sufficient means";<sup>2</sup>

As results from the aforementioned provisions, this essential right for the defendants during the penal process has not only been sanctioned in our Constitution but has been even broadened with other guarantees that will be explained later. In the essence of this right lies the idea that every accused has the right to defend him, irrespectively of the fact that he has a legal defender or not, he should be created possibilities to realize his defense. This right of constitutional importance has been limited and quite formal in the penal procedural legislation before '90s. Nowadays, the procedural function of defense proclaimed and provided by the Constitution, is sanctioned and effectuated in the provisions of the CPC, in the norms foreseeing concrete measures of the proceeding subjects as well as the procedural relations among them during the various phases of the penal procedure.

This guarantee arises for the defendant in the moment when the function of penal proceeding becomes evident, in the phase of investigation of the penal case law, because by since this moment the functions of the accusation and the function of defense against the accusation go parallel during the whole process. The defense function consists of the entirety of the procedural actions aiming to oppose the pretentions of the proceeding authority, to nullify or mitigate the accusation, therefore, as a procedural function, the defense includes the activity of the defender as the representative of the defendant's legitimate interests, as a necessary element. The right of the defendant to realize his own defense by means of the help by a legally qualified individual, not only orients him about the procedural means to be used but it even constitutes an important guarantee, for the effective protection of his rights and interests, as maintained by the Convention and the Constitution.

As a fundamental principle of the penal proceeding, article 6 of the CPC provides the following:

"The defendant has the right to present his own defense or with the assistance of a defense counsel. When he has no sufficient means, he is provided with the services of a defense counsel free of charge".<sup>3</sup>

From the interpretation of the previously mentioned article, it is clear that the defense, as a procedural activity of the defendant is actually a right that has been entitled to him. In this meaning and according to the Constitution and the CPC, the defendant "may" be defended but he is not forced to be defended. He cannot be forced to exercise his rights, but it is

<sup>1</sup> Ligi nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 6/3

<sup>2</sup> QPZ - The Constitution of the Republic of Albania, Tirana 2010

<sup>3</sup> Ligi nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 6

an obligation of the proceeding authority to inform the defendant about his rights. Exclusively, solely Chapter V of the CPC has anticipated provisions regarding the suspected person's defender; precisely in article, 49/2 is stated:

"The assistance of a defense counsel is binding when the defendant is less than eighteen years old or (suffers) from physical or mental impairment" <sup>1</sup>

In full compliance with the Convention and the Constitution, article 49/1, maintains that the suspected person, who has not chosen to have a defender but requires to be defended by one, is appointed a counsel mainly by the proceeding authority in order to realize the defense of his legitimate rights and interests.

The Convention and the Constitution have determined that the state is obliged to provide free legal defense for the suspected individuals, if they do not have sufficient means to hire a counsel. In the formulation of this right, the Constitution goes further than the Convention because it allows the appointment of the counsel in any cases of financial insufficiencies, whereas the Convention stipulates it with the persistence of the justice interests.

In the phase of the preliminary investigation, the defense of the suspected person should be ensured by the prosecutor, by means of an appointed defender, conform articles 49/1 and 49/7 determining cases when the defendant does not possess sufficient means and the necessary costs are covered by the state.

In response to the pretension of the petitioning party that the defense by a counsel appointed by state authority cannot be effective because the state is the "the proceeding party" in the penal process, the Constitutional Court, with its decision no 31, dated 14.07.1998, ruled the following : "The counsel, being appointed to meet a legal obligation or due to his professional ethics, is obliged to use, at full consciousness, all his competences entitled by the law to the defense of the accused individual, just the same as he were being chosen by the defendant himself and when is appointed by the proceeding authority".

Concerning the above, the right to have a legal defender should be ensured in an effective way, so, the proceeding authority should not be sufficed solely by determining a counsel but should interfere that the defender does his work properly and meets his tasks. Such a prerequisite has been required by the European Court in its decisions.

According to the CPC, the defendant has the right to elect not more than two defense counsels (article 48/1). The selection of the defender for the detained person, as far as he has not done the election by himself yet, can be done by one of his relatives.

Article 54/1of the CPC, maintains that a joint defense counsel may undertake the defense of several defendants, provided that there are no conflicts of interests among defendants.

Concerning the rights entitled to the defender article 50/1 of the CPC, provides literally;

"The defense counsel enjoys the rights the law recognizes to the defendant, except those preserved to the latter in person".<sup>2</sup>

Such are the rights to affirm the penal offense, the right to participate in the proceedings, to require short trial process, etc.

As foreseen in article 31/c of the Constitution, the right of the private communication between the defendant and the defense counsel is sanctioned in article 50/2 of the CPC. Moreover, this right has been further extended by defining it as the legal obligation of the proceeding authority; "The defense counsel has the right to have prior notice of the investigative actions conducted in the presence of the defendant and to participate in them"

This legal obligation is foreseen even by article no 309 and 310 of the CPC. Basing on the CPC provisions the defender of the suspected person has the right to be present in his examinations, (article 199), searches, and (article 205), in seizures conducted by the proceeding authority, (article 310). Besides the previously mentioned exclusion, the defender enjoys all the rights entitled to the defendant by the procedural penal legislation and which will be dealt with later in this writing.

According to the CPC, the defenders are considered as a party in the penal process and enjoy all the procedural rights this legislation anticipates for them. In order to avoid any arbitrary intervention in the fair exerting of the defender's tasks and to ensure the defendant's rights, the CPC maintains a series of provisions for the defender in article 52;

<sup>1</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 49

<sup>2</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 50

**4- The right to require evidence**

The European Convention on Human Rights foresees this right in article 6/3 (d) with the following content; "Everyone charged with a criminal offence has the right;

d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

Whereas the Constitution sanctions this right in article 31/d according to which; "During the criminal proceeding everyone has the right:

d) To question witnesses who are present and to seek the appearance of witnesses, experts and other persons who can clarify the facts".<sup>1</sup>

The European Court maintains that the defendant, in compliance with the respective provision should be given the suitable and proper possibility to contradict and question a witness that testifies against him, however, the Court has considered this right entitled to the defender, as a prerequisite that is closely linked with the process before the Court, (which will be dealt with later).

It is to be emphasized that, in the formulation of article 6/3 of the Convention, is qualified the principle of the equality among parties, since the Convention requires that equal opportunities have been given to the defendant too, the same as the opportunities given to the accusation authority relating to the questioning of witnesses.

If we refer to our Constitution, there is no distinction between the witnesses of the accusation and those of the defense; moreover, it allows any witnesses to be summoned to support evidence in relation to the facts –object of the proceeding.

This right of the defendant is the last prerequisite of article 31 of the Constitution, as a substantial right to him in the criminal proceedings, whose ceding turns the latter into an undue legal process.

According to the CPC, during the investigation phase of the case law, after the defendant has been proclaimed as such, namely, after he has been charged the accusation, arises his right to explicate his own position. This entails his right to require those procedural actions aiming to nullify the accusation against him, mitigate his criminal responsibility or prove his innocence.

In other words, via this right, the CPC provides for the defendant the factual realization of his right to be defended in the course of the penal process and especially in the phase of preliminary investigation, in which, "the fighting" between these two subjects of the process – the prosecutor and the defendant", to discover the truth and hold the culpable responsible is fierce.

Concerning the aforesaid causes, in case the defendant thinks that in order to explicate his position he needs to summon one or more individuals who are aware of the concrete facts of the case, to question them as witnesses, he is entitled the right to require from the proceeding authority to summon and question these persons as witnesses that can provide facts. In addition, he has the right to require from the proceeding authority to perform other investigation acts, for instance, experiments, expertise, etc. So, in article 179/2 it is asserted that; "Notice of the proceeding authority decision to assign an expert shall be served to the defendant or his defense counsel, informing him that he has the right to ask for disqualification of the expert, to propose other experts, to take part in expert examination, when possible, and to present questions to the expert".<sup>2</sup>

In other words, the defendant enjoys the right to present to the proceeding authority his request for obtaining evidence linked with his case and which he estimates to be important for the explication of his position. The proceeding authority is obliged to give legal solution to any request by the defendant, by taking the respective decision for accepting or non-accepting them, as well as by serving notification to the defendant. Bo so doing the latter is complaints will be fulfilled.

<sup>1</sup> QPZ - Summary of International Justice Acts , Tirana 2006

<sup>2</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë ", neni 179

**5- The right to have the free assistance of an interpreter**

According to article 6/3 (e) of the Convention: "Everyone charged with a criminal offence has the right:

e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;<sup>1</sup>

"Whereas in the Constitution this right is maintained in article 31/c: "During the penal procedure everyone has the right to:

a) to have the assistance of a translator without charge, when he does not speak or understand the Albanian language";<sup>2</sup>

In compliance with the above provisions, article 8/2 of the CPC, sanctions: "Persons who do not know Albanian language shall use their own language and through an interpreter, have the right to speak and to be informed of the evidence, documents (acts) and also on the process of proceeding".<sup>3</sup>

**8.1.1.1.1.1.1** *In the case law Kamasinky against Austria, the European court asserted: "The right proclaimed in article 6/3 (c) of the Convention, for the free assistance of an interpreter is applied not only in verbal declaration made at the Court House, but even in papers and preliminary Court procedure".*

**8.1.1.1.1.1.2** *The CPC treats this right in specific section, (articles 123-127) although it should be emphasized that:*

1) Assistance of an interpreter should be provided during the whole penal procedure since in certain cases interpretation ensures an effective realization of the right to be informed about the accusation.

2) The right to be assisted by an interpreter, according to the CPC consists into a legal obligation for the proceeding authority and has a crucial importance for the penal process; however, it cannot be equated with the suspected individual's right to defense. Considered differently, appointment of the interpreter cannot be refused on the reasoning that the defendant is informed on the procedural actions by his defender, and that the judges, the prosecutor, the officer of the judiciary police or the other participants in the proceeding know the language the defendant speaks, (article 123/3).

3) Both the Convention and the Constitution use the term "free", which means that in cases the defendant is declared guilty, the costs of the interpretation remain on the state, from the very beginning of the case to its end.

4) The right to be assisted by an interpreter, like any other rights of the defendant, is required to the proceeding authority to provide this right effectively. The proceeding authority cannot be sufficed only with the appointment of the interpreter but he should check whether the interpreter fulfills this obligation in a professional way. This is why the CPC anticipates provisions about the performance of the interpreter, (article 124) as well as about his responsibility for false translation (articles 126 and 308).

**8.1.1.1.1.3** *So far, five specific requirements have been considered for the penal process, especially for the phase of the preliminary investigations, foreseen by the Convention and the Constitution and effectuated in the CPC. These requirements constitute the minimum standard of the fundamental rights of the defendant by since the beginning of the penal process to its end; moreover, they constitute indisputable obligations for the penal procedure authorities of the member states and those who have ratified the Convention. Despite being completely consistent with the abovementioned prerequisites, the CPC entitled the following rights to the defendant:*

**6- The right to require the exclusion of the prosecutor and judicial officer of the penal case****8.1.1.1.1.4**

**8.1.1.1.1.5** *In order to ensure an objective investigation of the case law and to avoid any arbitrary actions of the law enforcement persons (the prosecutor) during the investigation process, the CPC has foreseen this provision in its articles 26 and 27. The defendant can claim the exclusion right only when exist the causes predicted by the law in articles 16 and 17 of the CPC, per instance, the interest to give a solution to the case, participation as a witness and expert in the*

<sup>1</sup> QPZ - Summary of International Justice Acts , Tirana 2006

<sup>2</sup> QPZ - The Constitution of the Republic of Albania, Tirana 2010

<sup>3</sup> Ligi nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 8

*same penal case, in cases of doubts for impartiality, etc. In case the prosecutor or the judicial officer, for one reason or the other is interested in the conclusion of the case law, therefore, in case one of the legal causes for his exclusion from the proceeding is asserted, then he himself should present the request to superior prosecutor, asking his resignation from this penal case. This is a necessary condition to have objective investigations, so the lawmaker has offered this legal opportunity to the defendant to exert this right in cases when the prosecutor or the judicial police officer do not require their resignation from the investigation of the penal case. The defendant exerts this right in any time, without any limitations, in the preliminary investigation phase. The defendant present the exclusion request to the director of the Prosecutor's office who considers it, serves notification of his the arguable decision in order to allocate time for any complaints to the General Prosecutor, (article .27/1, 2).*

#### 8.1.1.1.1.6

#### 8.1.1.1.1.7

#### 7- *The right to contravene the prosecutor's decisions and the actions of the judicial police officer*

Article 278/1 of the CPC maintains: "During preliminary investigations, in cases provided by law, the court rules on the application of prosecutor, defendant, injured person and private parties".<sup>1</sup>

By means of this provision, our penal procedure legislation has attributed to the Court the competence to rule over the requests of the parties in trial, during this phase, so playing the role of the arbiter and functional to impartial resolution of the case, to avoid any impartial decision or action of the case prosecutor, through the checks made by the Court and in case this is required by the parties. The Court scrutinization over the preliminary investigation is a guarantee for the observance of the individual rights and freedoms, in this phase of the proceedings. The auditing is exerted by the same judge appointed to any concrete, not by judges charged specifically with this duty as it has been foreseen in the process legislation of some other countries under nomination "judge for investigations".

The abovementioned provision entitles the defendant with the right to file a complaint against the decisions of the prosecutor who violates or cedes his rights. The complaint is presented to the Court for cases literally foreseen in the law such as; complaint against the prosecutor's evaluation for seizures, (article 301/2), complaint against the decision for the prolongation of investigation (article 325/1) and the complaint against the decision for the dismissal of the case (n.329). Concerning the other cases when prosecutor's decision violate the defendant's rights, the latter presents the complaint to the higher prosecutor whereas the actions of the judicial police officer are complained to the case prosecutor which has delegated these actions. The complained filed against the actions of the case prosecutor and those of the judicial police officer is different from the request for their exclusion, since the aim of complaining is to re-establish the defendant's right, which, according to the complainant, has been denied to him, but which does not necessarily bring their exclusion.

The CPC does not literally define cases of the violations of these rights, but it suffices that, the procedural actions accomplished by the prosecutor or the judicial police officer cede the defendant's rights foreseen by this code, and the latter has the complaining right against these actions. The CPC does not express the method and the ways to compile the complaint, however, enough that the defendant argues the violation of his right in his complaint.

Despite the low level of argumentation or the verbal form of the complaint, the competent organ is obliged to consider it. The defendant's complaint may be because of the refusal to question a witness, because of a refusal to obtain material evidence, about the ways the witnesses were questioned etc. The competent authorities receiving the complaint is obliged to consider it and within a reasonable time, to decide to accept or refuse it by serving notification to the defendant.

#### 8- *The right to require admission of evidence*

Article 316 of the CPC entitles parties the right to require admission of evidence - the prosecutor to prove the accusation and the defendant to oppose it, in the literally anticipated cases by the Code, for example; a) in obtaining the testimony of a person when there are reasonable grounds to think that he may not be questioned during trial because of disease or other serious impediments.

<sup>1</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë", neni 278

Basing on the procedural system applied in the CPC, the evidence takes shape in the trial of the case during the debate among parties. Any evidence obtained during the preliminary investigations is subjected to the adjudication of the Court and takes the value of the evidence only after a careful and all-round verification.

In order to preserve the value of the evidence verified in the process of investigations, when presentation of evidence in the trial becomes impossible, the institute of the admission of the evidence has been accepted, on the bases of which, as foreseen by the CPC, the evidence is formed in the trial phase after it is brought to the Court.

The defendant realizes this right by presenting his request for the admission of the evidence in the Court, always within the time of preliminary investigations. Articles 316-322 of the CPC foresee the process followed for the admission of the evidence in the Court. The Court may decide to accept or refuse the request. With the decision accepting the request, the Court determines the object of the evidence, the interested persons to admit it and the date of the session that takes place with the necessary participation of the prosecutor and the accused person's defender.

By means of this right, the defendant has the opportunity to realize his defense against the accusation, by requiring the admission of evidence, which opposes or mitigates the accusation as to create one more guarantee for the equality of the parties in the penal process.

#### **9- The defendant's right to be informed over the decision for the dismissal of the accusation against him**

As treated above, the defendant's procedural rights begin from the moment he is attributed as such and until this attribution is dismissed. Dismissal of the case (article 328) is one of the cases predicted in the CPC which dismisses this attribution, so the defendant is not only interested to know solely the fact that the case he was charged with was resolved when it has been sent to the Court, but even when it ends with dismissal. This is closely linked with the defendant's guilt and the rehabilitation of his personality.

Article 328 of the CPC foresees the causes for which the prosecutor decides to dismiss the case not his obligation to serve notification to the defendant for his decision. However, this obligation derives from article 329, which treats the right to appeal against this decision, which the defendant cannot realize if not being informed in advance for the decision of the dismissal of the case.

What needs to be highlighted is that, before the amendments made to the CPC, in article 328/1 was foreseen the "dismissal of the penal case" whereas now with the amendment, is foreseen the "dismissal of both the accusation and the penal case".<sup>1</sup>

Before this paragraph was changed, the obligation of serving notification to the defendant was conditioned only for cases when the penal case was dismissed and not when the accusation or the investigation was dismissed, in cases when the case had several defendants. In other words, the law did not foresee literally the prosecutor's obligation to serve notice to the defendant even in cases when the penal case was not to be dismissed, but when the accusation to one of the defendants was dismissed

Such a gap was fulfilled with the amendments made to the CPC since such reasoning contradicted the content of the Code per se. The actual CPC foresees "the dismissal of the accusation and of the penal case". The defendant is the individual against whom the proceeding authority has commenced a penal case. So, when the investigations against this person cease, it should be meant and that even the penal case he is charged with has ceased, namely the accusation against has been dismissed, despite the fact that investigations against the criminal offence or the case in general, for the other defendants, continue.

Being that the up mentioned provision does not assert the time of serving notification for the dismissal of the accusation to the defendant, we think that this notification should not be the same in terms of time with the time the decision was made. Informing the defendant as soon as possible for this decision, not only releases him from the fear of penal conviction but at the same time ensures him the procedural right of complaint, too, within an optimal time.

Regarding the way this notification will be served it has been done according to the anticipated rules for the notification of the process acts in CPC. But this notification cannot be "completely nominal" in the meaning that the prosecutor is equally

<sup>1</sup> Ligji nr.7905 datë 21.03.1995, "Kodi Procedurë Penale të Republikës së Shqipërisë", neni 328

obliged to notify the defendant when he takes him under penal responsibility, by explicating him even the legal base of his being taken as a defendant, as he is obliged to inform him that, for one or another legal cause, he is no more in the position of the defendant and that the dismissal of the case against him has been decided. This decision impacts directly the rehabilitation of the individual's personality and guarantees he will not have penal responsibility for the same circumstances he had been taken as a defendant in advance, before the case was dismissed.

#### **10- The right to be informed about all the penal case materials at the end of the investigation**

Article 327 CPC maintains: "The prosecutor, after examining the acts and becoming certain that the defendant or the defense lawyer is familiar with them, decides, as the case may be, the dismissal of the case or it's bringing before the court".<sup>1</sup>

The previously mentioned provision asserts that at the end of investigation, every further procedural action, be it the passing of the case to the trial phase is conditioned by a legal obligation for the case prosecutor, which is "the right of the defendant to be informed about the case materials".

Once the final decision has been delivered that the collected evidence from the investigation of the penal case prove the commitment of the penal offence by the defendant, the prosecutor decides the completion of the investigation and is legally bound to do the following actions:

1. Informs the defendant that investigations have been completed and that the collected evidence is sufficient to bring the case to the Court.
2. Explains that the defendant has the right to be informed about the investigation materials and to consider it during the case proceedings.
3. Informs the defendant about his right to present the requests he might have regarding the completion of the investigation, after the defendant has considered the investigation material.
4. Offer the opportunity for the defendant to have all the investigation material available as well as the sufficient time to consider it.
5. Keeps limits for the defendant's complaints.
6. Decides for the refusal of the defendants requests when he finds them not to be righteous or completes investigations according to his requests.
7. Compiles the relevant report and decides, according to the case, the dismissal of the penal case or bringing it to the Court.

It is to be emphasized that the accomplishment of the up mentioned actions by the prosecutor constitutes a legal obligation to him and at the same time an essential right to the defendant, since only the complete information about each material charged to him, will make an effective and real defense possible for him. This information has no limitation in time, it can last as much time as it is necessary for the defendant to completely be informed about the investigation material, on the condition not to misuse this right. On the contrary, the proceeding authority has the right, in full compliance with the intellectual level of the defendant and the volume of the dossier, to determine sufficient time for considering the case materials.

If the defendant is not able to understand the materials of the case, the prosecutor is obliged to help him by explicating them.

The information about the penal case at the end of investigation is not only for the materials the defendant has not been informed in advance but also about the material as a whole; no matter he has or has not been informed in advance. This has been emphasized because there have been cases when the prosecutor, with the excuse "to save time, and because the defendant has been informed in advance for a part of the dossier" (suchlike the records of questioning, his facing with

---

<sup>1</sup> Ligji nr.7905 datë 21.03.1995, " Kodi Procedurë Penale të Republikës së Shqipërisë ", neni 327

witnesses) he has not made available for the defendant these materials, as well or is sufficed solely briefing him nominally, only explaining that this or that material is only explanation thereof"

It is obvious that such practices are wrong and in opposition with the CPC provisions. Although the defendant might have been informed about these documents in advance (as might be his own testimony) he knows these materials separately, so he might not be able to understand their content and make the proper connections with other materials, taking in consideration even his intellectual level which makes this even more difficult.

## CONCLUSIONS

The rights of people under investigation are considered and developed as an important branch of right in general; the basis of principles of this branch related to the respect of rights of this category of people, are based on many international acts widely treating these principles of right.

To make a contribution in the real respect of those rights in Albania, the treatment of problematics in the procedural plan and the juridical-penal one, present importance and leave space for detailing. In treating this subject and to this function of this goal, it is necessary to treat the efficacy of defending instruments in favor of the defendant, respect of their rights in practice, establishment of an authority to monitor their implementation. As soon as this treatment is realized in the direction of respect of rights, the rights of people under investigation should be seen in the framework of internal right of Albanian state, that in these years has ratified and made part of its right the international acts determining those rights.

I think that the legal framework guaranteeing the defendants' rights is complete. The problematic related to this legal framework are faced in their application in practice. For this reason I think that it should be closely studies the way how those legal guarantees for the defendant are realized in practice. As per above, it is concluded that the existence of a specific legal authority to monitor the respect of rights of people under investigation in Albania will guarantee the hight protection of defendant's interest. The authority conducting such monitoring should be capable to apply the respective laws and standards for human rights

## BIBLIOGRAPHY

- Kodi i Procedurës Penale i Republikës së Shqipërisë, Prill 2009, Botim i Qendrës së Publikimeve Zyrtare
- Kushtetuta e Republikës së Shqipërisë, Botim i Qendrës së Publikimeve Zyrtare
- Përbledhje e Akteve Ndërkombëtare për Drejtësinë, Tiranë 2006, Botim i Qendrës së Publikimeve Zyrtare
- Elezi, I. (2009), E Drejta Penale (pjesa e përgjithshme), botimet ERIK, Tiranë
- Islami, H., Hoxha, A., Panda, I. (2007), Procedura Penale, Botimet Morava, Tiranë
- Kodifikim i Përgjithshëm i Legjislacionit në Fuqi të Republikës Popullore të Shqipërisë 1945-1957, Vëllimi III, (1958), Botim i Kryeministritë, Tiranë
- Muci, Sh. (2007), E Drejta Penale (pjesa e përgjithshme), Botimet Dudaj, Tiranë
- Myrtja, Y. (2012), Leksione mbi të Drejtën Penale (Instituti i Ekstradimit), Universiteti European i Tiranës (UET) Tiranë
- Pradel.J, Corstens.G, Vermeulen.G (2009), European criminal law, Botimet Papirus, Tiranë
- Spiro, S. (2010), Leksione mbi të Drejtën Penale (Instituti i Ekstradimit), Universiteti European i Tiranës (UET)

## Albanian Universities and e - Learning

Luan Bekteshi, PhD Cand.

Faculty of Economy

University of Elbasan "A. Xhuvani"

[luanbekteshi@yahoo.com](mailto:luanbekteshi@yahoo.com)

### Abstract

*Today's society is undergoing great transformations in every sector. One of the most important transformations of the social life is the making of technology and internet available to masses. The technology and internet have also visibly transformed the education sector. The society is facing continuous challenges related to the competition, globalisation and the demand from the job market for qualified employees. These challenges go by side by side with the transformation of the education sector, where a great deal is being invested on the use of ICT, mass education, and the introduction of new methods and tools of teaching. The use of ICT and e-Learning is an important challenge faced by Albanian universities in the mission to improve the quality of teaching, students' results, and mass education, and achieve the necessary standards. Priorities like equal access to education and lifelong learning would be only slogans without the use of ICT and e-Learning. Polls and interviews were conducted for this study, to obtain a view of the use of e-Learning and the approach to e-Learning in Albanian universities, and also of the government and universities policies. Conclusions of this study are obtained by processing data from questionnaires filled by lecturers in some of the main Albanian universities.*

**Keywords:** Information and Communication Technology, e-learning, lifelong learning, education, university, information.

### Introduction

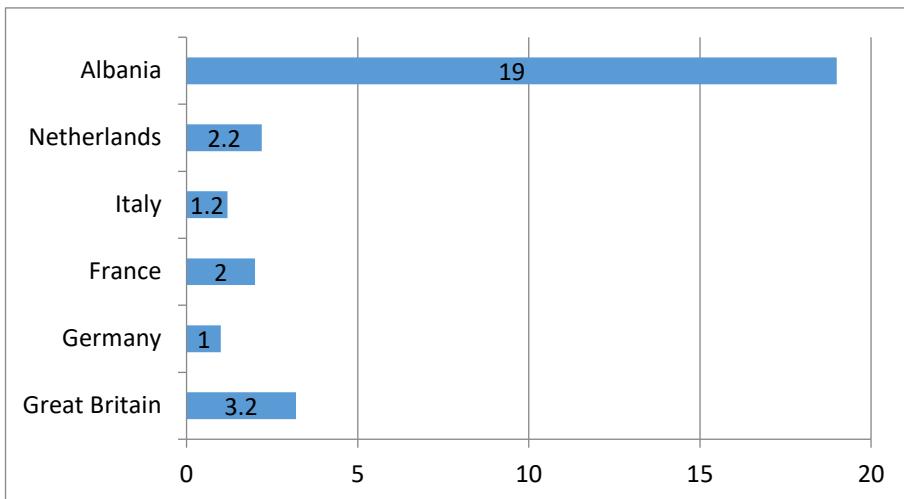
There were only 14000 university students in Albania up until 1990, and capacities were limited. University admissions were limited and controlled, and not all youth who wanted to attend higher education were accepted.

The political changes after the 1990 also brought important quantitative and qualitative transformation for the Albanian universities, such as the increase in capacities and admissions, and the opening of new universities.

The biggest quantitative changes happened in 2005, when admission capacities went up to 52000 and 175000 in 2014. This period also saw some qualitative changes, the most important of them being the participation of Albania in the Bologna Process in 2003, which was accompanied by the restructuring and upgrading of cycles and content of the study programmes, adaptation of the higher education curricula to the Bologna system, and the concept of ECTS (European Credits Transfer System).

The private sector brought a good managerial experience in the sector of higher education after the year 2000, which had its effect in the public higher education as well.

There were 59 institutions of higher education in Albanian in 2014, of which 15 were public and 44 private. The total number higher education students were 175000, from whom 142000 attended public universities.



*Number of universities / million inhabitants, according to the report of Ministry of Education and Sports of Albania*

For a country like Albania, with 2 894 475 residents and with only 0.4-0.6% of the GDP being invested on the higher education, this number is too higher even compared to developed countries with long tradition in education.

Education in Albania is considered an important means of life improvement for the population and of economic growth for the country.

Part of the strategies of the Albanian government for the higher education are the strategies for the development and mass use of ICT and e-Learning as very important means of support to the teaching and learning process in universities.

That said, the need for the mass use of ICT in the Albanian universities is immediate, and the following are stimulating factors:

- *The education policies in Albania which emphasise the increasingly important role of education in the process of the economic growth of the country, reduction of the poverty, and preparing a workforce able to adapt to the new conditions of the global competitive economy.*
- *The growing competition in education, with private universities now operating in the sector. The assessment criterion of a university is its competitiveness towards the other universities, for which the assessing or leading boards should obtain academic, pedagogic and administrative information.*
- *The increase of the number of higher education students, which is accompanied by an increase in the data that universities administer. The ever increasing amount or numbers of the following elements - data and information, the complexity of the problems accompanying the higher education and the number of students and lecturers – require the use of an information system for their full management. This will increase the quality of administrative and academic processes will make possible equal access to information and procedures, will improve and strengthen the quality of university management, and will increase the use of technology in education and science.*
- *The increase of transparency of actions related to the administration of data on students, academic staff, lecture times, literature, taxes and financial obligations of the students,etc.*
- *The increase of teaching and reading quality.*
- *Improvement of student administration quality – from the moment they enrol at university, attendance of academic programmes, gradual assessment, up to the completion of their academic programmes.*
- *The reduction of administration costs: the Information System has the potential to ease the administrative procedures and bring transparency on economic-financial transactions. The system makes possible for the leading education institutions (Ministry of Education) or other institutions to*

monitor the procedures in universities and obtain correct information, which positively affects the prestige of the university. This transparency is also valuable to the society and the university community.

- Improvement of university management: the information system requires a computerised process. Such a system helps university directors in decision making and increases their credibility.
- Having all the data in one central database.
- Easier decentralisations of operations into separate departments.
- Automatization of the operational processes concerning HR management.
- Implementation of best practices related to main processes of the university (self-service).
- The understanding and easy use of the information system by the users: students, lecturers and administration staff.

*Many public and private universities in Albania consider the e-Learning platform as an indispensable addition to their normal infrastructure. This is something normal for universities of many countries that have built specific strategies in order to expand the range of services offered through the use of technology.*

E-Learning is being used by Albanian universities as an indispensable factor characterised by the elimination of the time and geographic barriers between students and lecturers, increases the interaction between them, and affects the quality of teaching and learning process in universities.

The ICT has been included in curricula in Albania, accompanied by the preparation of the necessary human capital to use it, thus increasing the possibilities to read and increase the quality of education. Initiatives coming by both the government and universities consist in information services, professors' capacity building, infrastructure, content development and organizational structures.

## LITERATURE REVIEW

Previous societies were characterised by an education system where teachers and students physically interact in the classroom. The view on education during the last decades has changed because society has been characterised by the technological developments and the massive use of internet. (Castells, 2001).

Duderstat (1999) agreed that the use of ICT in education and suggested that institutions of education have undergone changes and will continue to be changed by the ICT.

These changes are:

- In the methods of education: ICT has changed the way information is read and learnt. It offers the possibility for synchronised reading, when students read the same material in different time and places. ICT has also brought new ways of teaching.
- In the scope of education: Education has been viewed as only teaching and reading. Through the use of ICT it is now seen as a process of creating, storing, integrating, transmitting and implementing knowledge.

*One of the forms of technology that improve the learning process is e-Learning. Different authors give different definitions of e-Learning. One of the definitions is: "e-Learning system is a complete technological, organisational and administrative process, which serves students as a helping tool in the process of learning through internet".* (Levy & Murphy, 2002).

Piskurich (2003) defines e-Learning as "Learning that uses computers networks or the web as a delivery or mediation mechanism".

Sheperd (2003) definition: "e-Learning uses computers and computer networks as an additional and supplemental channel of communication, which connects readers with reading outlets, other people (fellow learners, sources, facilitators), data (on learning, media, people), and with processing skills".

According to Laurillard (2004), e-learning describes the interaction in which students use different types of ICTs in their learning process.

But, on the other hand, implementing e-learning in teaching involves a variety of restructuring that must be performed in educational activities. Moving from a traditional learning environment to an e-learning environment means a change in teachers and students roles (Cohen & Nyctz, 2006).

In order to apply e-Learning in teaching and learning a university must either have the suitable infrastructure, or invest in creating this technological infrastructure and of the sources needed for the application of e-Learning.

For example, Gulati (2008) explained that the lack of different types of resources is a common problem in the take-up of e-learning.

This demands significant investments by the universities and in the case of public universities the intervention of the government is needed to finance for the necessary sources and infrastructure.

*Governments of different countries have allocated considerable funds during the last decades towards a higher efficiency and market competitiveness, and towards a better teaching and learning process.*

*Private investors and different foundations have followed the same strategy to achieve these improvements in the private education system, where a great deal is being invested on the use of Information Systems. According to the statistics from the Ministry of Education and Sport in Albania, public and private universities in 2014 have invested 37% more on the use of ICT in the teaching and learning process and on the improvement of administration processes of the universities.*

*Many studies have concluded that the implementation of e-Learning has resulted in the transformation of the teaching and learning ways and in students achieving results.*

Hawkes and Cambre (2000) claim that in order to achieve results, students must take responsibility for their own learning.

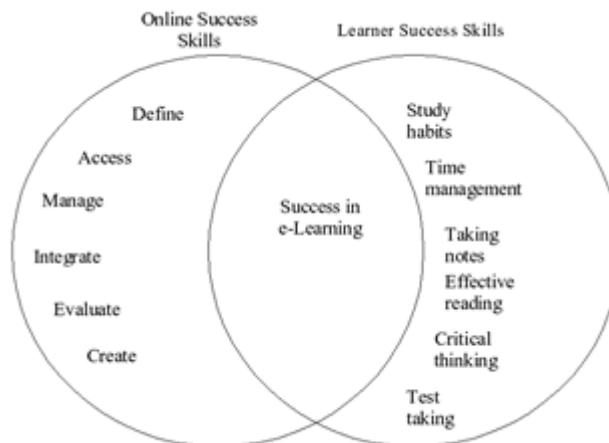
According to Ellis and Allen (2004), e-learning covers a wide set of applications and processes, such as Web-based learning, virtual classrooms, and digital collaboration. It includes the delivery of content via Internet, intranet/extranet (LAN/WAN), audio-and videotape, satellite broadcast, interactive TV and CD-ROM.

According to Putzhuber (2003), nowadays e-learning refers to learning that is delivered or enabled via electronic technology. It encompasses learning delivered via a range of technologies such as the internet, television, videotape, and computer-based training. In principle, e-learning is a kind of distance learning. Learning materials can be accessed from the web or intranet via computer and tutors and learners can communicate with each other using e-mail, chat or discussion forums. Therefore, it can be used as the main method of delivery of training or as a combined approach with classroom-based training.

*Oliver (2001) has identified some of the problems encountered in the successful application and continuous use of e-Learning in the higher education in Australia. Factors that support and improve the quality of e-Learning are:*

- *Expertise of the lecturers in online teaching*
- *Online Teaching*
- *Use of technology in teaching*
- *Training of lecturers*
- *Readiness of students to work online*
- *Technological skills*
- *Access to technology*
- *Reading of technology*
- *Infrastructure of technology*
- *Hardware and software*
- *Offers of services*
- *Distribution of reading sources and content*
- *Re-usable reading objects*

Watkins and Corry, 2004 determine the success of e-learning as a combination of two factors as in the figure below:



## METHOD

90 questionnaires were given to lecturers for the scope of this study as below, although not all of them filled the questionnaire:

- 25 lecturers of the university of Elbasan
- 20 lecturers of the university of Tirana
- 18 lecturers of the agricultural university
- 12 lecturers of the university of Korça
- 10 lecturers of the university of Gjirokastra
- 5 lecturers of the university of Durres

Participants were asked questions related to:

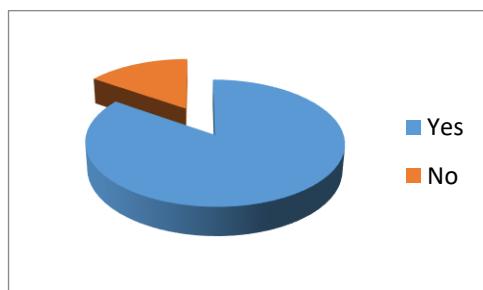
- Their years in teaching
- Faculty where they teach
- Subject they teach
- How they assess their individual skills of ICT use in teaching and learning
- Their individual opinion on e-Learning
- How they conduct lectures, seminars and tests
- Three factors of e-Learning affecting positively and three factors of e-Learning affecting negatively the teaching and learning process
- Readiness of students to work online
- Level of ICT implementation in universities
- Access in the technological infrastructure
- Access in the online information sources

- Course content towards the related literature
- If content of courses is updated in accordance with the curriculum
- If browsing and discussions in forums and online chats help
- Individual opinions on e-Learning (the technology aspect, content, access etc)

## Results

Data from the questionnaires were used to assess the level of e-Learning in the Albanian universities, the obstacles it encounters, and to obtain recommendations for the normal use e-Learning in the university environment.

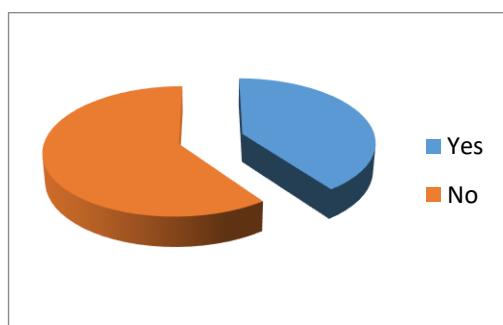
- 72 of the 85 lecturers that filled the questionnaires confirm that e-Learning is an important helping tool in improving the quality of teaching and learning, the students' knowledge, and the student-lecturer interaction.



### *Evaluation of e-learning*

The answers received did not suggest any relation between what they teach and their opinion on e-Learning, but there is a relation between their opinion on e-Learning and their years of experience in the job. Four lecturers who lacked ICT skills accepted they were sceptical on the role of ICT in their teaching.

- 51 of the 85 lecturers that filled the questionnaires confirm that ICT and e-Learning are not being implemented in the right level.

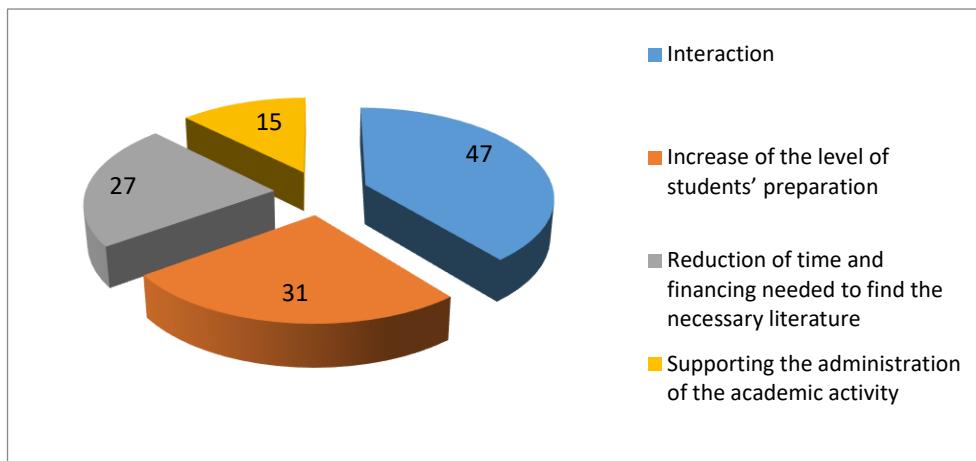


### *Appropriate level*

- 72 lecturers confirm they have good working knowledge of ICT and when possible they give online assignments to students, assess online, and make use of online literature which they also recommend to students.
- Almost all lecturers see e-Learning as the near future of the universities in order to cope with social challenges. They also encourage students to have a more conscious and positive attitude on the use of e-Learning in their studies.

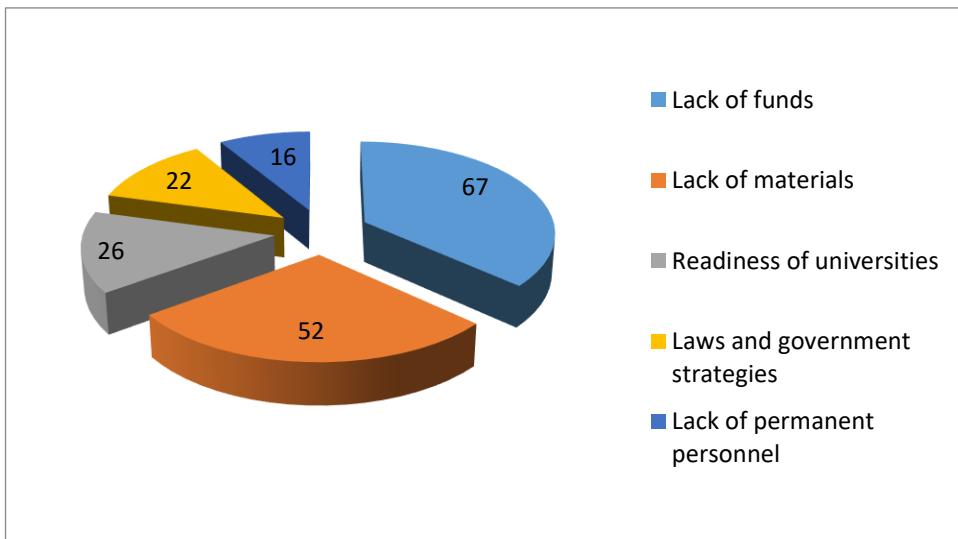
- Almost all lecturers have a positive view on the possibility to apply e-Learning, online content, and the wide range of literature they and the students need for their continuous preparation.
- According to the answers from the lecturers, the most often positively affected factors are:

ANSWER	No. of answers
Interaction	47
Increase of the level of students' preparation	31
Reduction of time and financing needed to find the necessary literature	27
Supporting the administration of the academic activity	15



- Obstacles that have a negative effect, according to the number of answers

ANSWER	No. of answers
Lack of funds	67
Lack of materials	52
Readiness of universities	26
Laws and government strategies	22
Lack of permanent personnel	16



- 81 lecturers confirm they are ready to work online. The rest - 4 lecturers - cannot work online because they do not have enough knowledge on the use of ICT. These four lecturers also confirm that they full follow the traditional methodology of teaching in the university.
- Lecturers confirm that investments in ICT and e-Learning are far behind what is invested in universities of other European countries, and this penalises students, lecturers and the quality of teaching and preparation in the universities.

### **Conclusions and recommendations**

Data from the questionnaires mirror the implementation of e-Learning in universities.

Although Albanian universities are investing towards the use of ICT in education, the level of ICT use is lower compared to countries of EU of which Albanian aspires to become a member. Only a small number of universities, mainly private, have managed to use ICT as a tool to reorganise study programmes, content, curricula etc.

Because finances of universities are limited, the Ministry of Education and Sport must support its strategies for the public universities with the relevant funds and monitor the implementation of these strategies. The dissatisfaction of students and their parents with the public universities makes many of them enrol to private universities although it costs them more.

Reforms are needed in the education system in order to give ICT and e-Learning the deserved role as two of the best ways to provide better studying opportunities for students, and increase the quality of their formation to make them capable of meeting the requirements of the national and global job markets. The government must work with internet providers in order to offer this service at lower prices, and build strategies for the computerisation of the universities. The latest project - "I Learn" - of the Ministry of Education and Sport with the cooperation of the Ministry of Innovation and Public Administration is a positive effort towards that aim. With education being one of the priorities of the government, e-Learning must become an important element of the National Strategy for ICT.

The Albanian universities must also develop their own strategies to help and facilitate the implementation of e-Learning as a means that assists students to access the most needed information, enable them to solve problems, and have the opportunity of the continuous learning after completion of academic studies.

Universities must offer training in order to qualify personnel who will support students and lecturers in e-Learning.

## ACKNOWLEDGEMENT

I would like to thank the participants in the study who answered the questions. Their answers helped in creating a fuller picture of e-Learning in some public universities in Albanian, and their opinions are useful in the improvement of the e-Learning situation in these universities.

## REFERENCES

- Castells, M. (2001), *The Internet Galaxy: Reflections on the Internet, Business and Society*. Oxford: Oxford University Press
- Duderstat, J.J (1999) "Can Colleges and Universities Survive in the Information Age?" in R. N. Katz (Ed), *Dancing with the Devil: Information Technology and the New Competition in Higher Education*, San Francisco: Jossey-Bass Publishers.
- Eli, B. Cohen & Małgorzata Nucz (2006) "Learning Objects and E-Learning: an Informing Science Perspective", *Interdisciplinary Journal of Knowledge and Learning Objects* Volume 2, Editor: Alex
- Ellis, R. and Allen, M. (2004), Down with boring E-Learning – Interview with e-learning guru Michael Allen, Retrieved from [http://www.astd.org/LC/2004/0704\\_allen.htm](http://www.astd.org/LC/2004/0704_allen.htm)
- Gulati, S. (2008), Technology-enhanced learning in developing nations: A review, *International Review of Research in Open and Distance Learning*
- Hawkes, M. and Cambre, M. (2000). The Cost Factor: When is Interactive Distance Education Justifiable?, *Technology Horizons in Education Journal*, 28(1)
- Koohang, A. and Harman, K. (2005). Open Source: A metaphor for e-learning. *Informing Science: The International Journal of an Emerging Trans discipline*, 8, available at <http://inforum.nu/Articles/Vol8/Kooh.pdf>
- Laurillard, D. (2004). The next level in e-learning, *Proceedings of Online Education Berlin*, (Berlin, ICWE)
- Levy, Y. and Murphy, K. E. (2002).Toward a value framework for online learning systems. *Proceedings of the 35<sup>th</sup> Hawaii International Conference on System Sciences (HICSS-35)*,Big Island, Hawaii
- Levy, Y. (2006).Assessing the value of e-learning systems. New Jersey: John Wiley & Sons Inc.
- Mayes, T and De Freitas, S. (2004), Review of e-learning theories, frameworks and models. *JISC e-Learning Models Desk Study, Issue 1*
- Oliver R. (2001), "Assuring the quality of online Learning in Australian Higher Education" paper presented at the Moving Online Conference II, Goldcoast, Australia available at: <http://elerond.scam.ecu.edu.au/oliver/2001/mocpaper.pdf>
- Piskurich George M. (2003), *The AMA Handbook of E-Learning: Effective Design, Implementation and Technology Solution*. New York, USA: AMACOM
- Putzhuber, W. (2003), *From E-Learning to Knowledge Management- Bringing the Gap*, Institute for Information Processing and Computer Supported New Media
- Rosenberg, M. J. (2001), *E-Learning: Strategies for Building Online Learning in the Digital Age*. New York: McGraw-Hill
- Shepherd, C. (2003).E-learning's greatest hits. Brighton, UK: Above and Beyond.
- Watkins, R. and Corry, M. (2007), *E-Learning Companion: A Student's Guide to Online Success*, 2/E Houghton Mifflin Company
- Wiley, D. A. and Waters, S. H. (2005), Scoping and Sequencing Educational Resources and Speech Acts: A unified design framework for learning objects and educational discourse. *Interdisciplinary Journal of Knowledge and Learning Objects*, 1, Available at <http://ijko.org/Volume1/Wiley.pdf>
- Ministry of Education and Sport: 2014, Final report," Reform of Higher Education and Research" available at [http://www.arsimi.gov.al/files/userfiles/reformaalksh/Raport\\_Final\\_Ministria\\_Arsimit.pdf](http://www.arsimi.gov.al/files/userfiles/reformaalksh/Raport_Final_Ministria_Arsimit.pdf)
- OECD, (2005). E-Learning in tertiary Education: Where do we stand? *Education & Skills*, Vol 4
- AKEP, (2015). Annual Report 2014, available at <http://www.akep.al/en/publications/annual-reports/annual%report2014.pdf>
- INSTAT, (2015), Population in Albania 1 January 2001-2014, available at <http://www.instat.gov.al/en/themes/population.aspx>

## The Major Problem of Developing Countries in DSB -WTO

Ade Maman Suherman

Jenderal Soedirman University-Indonesia,

Department of International Law

ademamans@yahoo.com

### Abstract

*The WTO legal system envisages a right of retaliation through the suspension of trade concessions or obligations as well as counter measures. Legally, WTO rules grants developing countries the right of having a special and differential treatment in substantive rules governing international trade such as additional or privileged procedures and legal assistance. Developing countries may choose a faster procedure, request longer time-limits, or request legal assistance. But in facts, Developing countries posses several constraint to file and handle their legal cases particularly when they confronts against a stronger nations both politically and economically, therefore retaliation against a bigger market size is not an appropriate policy taken by developing, moreover this leads to more harmful trade effects and injuries for developing countries side. In sum, when there is an asymmetry in the market size of the developing country and the non-complying WTO Member, the WTO's enforcement measures have been characterised as "virtually meaningless. The other problem, developing countries have some weakness particularly such an unaffordable legal fee (costly) and also developing countries' lawyer still lack of capability concerning DSB- WTO system. It has often been observed that a fundamental disadvantage of the WTO dispute settlement system for developing countries is the inability for many of them to enforce positive rulings against larger WTO Members.*

**Keywords:**Developing countries, economic and legal constraint-DSB WTO

### A. Introduction

The WTO legal system envisages a right of retaliation through the suspension of trade concessions or obligations as well as countermeasures.<sup>1</sup> The critique of these retaliation rules, from a developing-country perspective, is that developing countries with small domestic markets are not able to impose sufficient economic or political losses within the larger WTO Members to generate the requisite pressure to induce compliance. In fact, the suspension of trade concessions may be more detrimental to the developing country than the non-complying Member. Consequently, there is a common perception that shortcomings in the WTO retaliation rules undermine the utility of WTO dispute settlement for developing countries. These arguments have been described on numerous occasions by commentators as well as various developing countries. This paper attempts to critically evaluate that retaliation has become major constrain not only in economic perspective but also in legal capability of member states particularly for developing countries.

### B. Retaliation is not legal Solution

Retaliation can be a trade policy instrument that can force other countries to obey the WTO injunction. Of course trade retaliation is very strong related to the political and economic position of

any country. Due to that facts, trade retaliation is merely political than as a legal instrument that can protect developing countries' interest. Trade retaliation under the GATT and WTO has typically envisaged the withdrawal of tariff concessions with the effect of raised tariffs for specific imports from the non-complying Member. This ideal scenario, however, is dependent upon the size of the domestic market of the retaliating Member in relation to that of the non-complying Member. The retaliation request of Antigua and Barbuda ("Antigua"), one of the smallest WTO Members with

approximately 80,000 inhabitants, against the United States provides an illustration of retaliation difficulties where there is an asymmetry in market size.

As Antigua stated in its request for retaliation, "ceasing all trade whatsoever with the United States (approximately US\$180 million annually, or less than 0.02 per cent of all exports from the United States) would have virtually no impact on the economy of the United States, which could easily shift such a relatively small volume of trade elsewhere".<sup>2</sup> A similar statement was made by the Arbitrators examining the ability of Ecuador to effectively retaliate against the European Communities ("EC") by withdrawing tariff concessions. Ecuador imports less than 0.1 per cent of total EC exports, leading the Arbitrator to observe that "given the fact that Ecuador, as a small developing country, only accounts for a negligible proportion of the EC's exports of these products, the suspension of concessions is unlikely to have any significant effect on demand for these EC exports".<sup>3</sup> The Arbitrator then queried whether the objective of inducing compliance "may ever be achieved where a great imbalance in the terms of trade volume and economic power exists between the complaining party seeking suspension and the other party".<sup>4</sup>

These criticisms were raised by Antigua and Ecuador in their requests for retaliation against the United States and the EC. Antigua is a small island with negligible natural resources making it heavily reliant on imports. As 50 per cent of those imports are from the United States, Antigua expressed concern that retaliating through import restrictions would have a "disproportionate adverse impact on Antigua and Barbuda by making these products and services materially more expensive to the citizens of the country".<sup>5</sup> Retaliatory restrictions on goods or services from the United States were argued to have "a much greater negative impact on Antigua and Barbuda than it would on the United States".<sup>6</sup> Similarly, the Arbitrator examining Ecuador's request for retaliation against the EC noted that "in situations where the complaining party is highly dependent on imports from the other party, it may happen that the suspension of certain concessions or certain other obligations entails more harmful effects for the party seeking suspension of concessions than for the other party".<sup>7</sup>

These two arguments have led to commentators and developing countries to contend that the WTO retaliation rules are skewed against developing countries. The LDC Group has commented that the "lack of an effective enforcement mechanism and the potential impact of retaliatory measures for poor economies is well documented".<sup>8</sup> The African Group, similarly, has

observed that one of the "major problems" African Members face in utilizing the WTO dispute settlement is that "the means provided for enforcement of findings and recommendations (trade retaliation) are skewed against and disadvantage African Members".<sup>9</sup>

According to those Members, the "realities are such that developing-country Members cannot practically utilise this ultimate sanction" as "they would probably suffer further injury if they adopted retaliatory measures".<sup>10</sup> It has been observed that the WTO "sanctioning power tends to favour large economies over smaller ones",<sup>11</sup> that "as a practical matter" trade sanctions "can probably only be adopted by developed country Members, or large, advanced developing countries",<sup>12</sup> and that "the adoption of countermeasures is simply not an option for the poorer WTO Members".<sup>13</sup> Trade retaliation by developing countries against industrialised countries has been characterised as "not available to them, with the possible exception of the largest among them",<sup>14</sup> and "counterproductive" as they "would mostly harm the former, not induce compliance by the latter".<sup>15</sup> For all these reasons, it has been argued that "countermeasures are a more or less ineffective instrument in the hands of 'smaller' players"<sup>16</sup> and that "there is indeed a practical problem for small countries and developing countries when they attempt to carry through

with effective retaliation within the WTO system".<sup>17</sup> The WTO World Trade Report for 2007 synthesises these various critiques in the following manner:

In applying retaliatory measures, large countries can cause economic harm to the party found not to be in compliance with its obligations.... [c]onversely, small countries, in view of their limited size are unable to exert sufficient pressure on larger Members to alter their behaviour.<sup>18</sup>

The final element in the critique is that WTO retaliation rules skewed against developing countries undermine the utility of the WTO dispute settlement system for those countries. This linkage between the WTO retaliation rules and the utility of WTO dispute settlement is based on the premise that one of the "main attractions" of WTO dispute settlement system is that "it explicitly envisages remedies in the event of continued non-compliance when a country loses a dispute settlement procedure".<sup>19</sup>

This premise results in what has been characterised as the "conventional wisdom" that it is "a waste of time and money for developing countries to invoke the WTO's dispute settlement procedures against industrialised countries" because "the developing country has no effective way to enforce the ruling".<sup>20</sup> The inability of developing countries to effectively retaliate has been argued to mean that their access to WTO dispute settlement "is not equal to that of developed countries, and in fact largely illusory".<sup>21</sup>

Certainly, in the context of DSU Review negotiations, the LDC Group noted that "the question of little or no utilisation of the DS by developing and least-developed country Members has been linked to the inadequacies and structural rigidities of the remedies available to poor countries".<sup>22</sup> The LDC Group recommending that changes are required in order to "enable LDCs to use the DS meaningfully".<sup>23</sup> The concern that shortcomings in the WTO retaliation rules for developing countries undermine the utility of the WTO dispute settlement for those countries may explain the various proposals by developing countries for review of those enforcement provisions. DSU Review proposals including promoting the use of compensation,<sup>24</sup> as well as introducing collective retaliation<sup>25</sup> and tradeable retaliation rights.<sup>26</sup>

The arguments that the current WTO retaliation rules are skewed against developing countries appear to have considerable merit. The positions articulated by Antigua and Ecuador in the WTO regarding the economic costs of trade sanctions on developing countries are economically sound. It is also logical that traditional trade sanctions imposed by developing countries with small markets are unlikely to generate significant economic or political losses in larger non-complying Members.

On the one hand, a number of studies contend that the capacity to retaliate is a critical component in ensuring that WTO Members comply with dispute settlement rulings. In fact, developing countries do not have the capacity to credibly retaliate, the likelihood of developing countries achieving successful outcomes through WTO dispute settlement is undermined. One empirical studies all GATT and WTO disputes between 1973 and 1998 finds "substantial evidence that the threat of retaliation is an important influence determining a defendant country's ability to credibly commit to liberalisation".<sup>27</sup> Its results were interpreted to "suggest that the successful economic resolution to disputes is influenced by the concern for retaliation".<sup>28</sup> Another study finds that "implementation is much more likely in a developed against developing country scenario than vice-versa".<sup>29</sup> As a result, that study concludes that "there is indeed a problem in the functioning of the DSU in this respect" and that proposals to reform the retaliation rules to address these failings

"are addressing a real issue and not a ghost".<sup>30</sup> The WTO World Trade Report for 2007 reflects the view that "retaliation fails to deter economically powerful countries from committing a violation against small countries".<sup>31</sup>

On the other hand, other evaluations of the GATT and WTO dispute settlement data demonstrate a high rate of compliance with WTO dispute settlement rulings. In the first ten years of the WTO dispute settlement system indicates a successful

implementation rate of adopted panel and Appellate Body reports of 83 per cent.<sup>32</sup> Only 10 of the 181 initiated disputes examined resulted in no implementation or disagreement over implementation.<sup>33</sup> It showed that the case that most reports are eventually implemented".<sup>34</sup> A separate study, covering the period until March 2007, describes the "generally positive record of Members in complying with adverse rulings". That study notes that of 109 panel and Appellate Body reports adopted during that period, 90 per cent found violations of WTO law, and that in "virtually all of these cases the WTO Member found to be in violation indicated its intention to bring itself into compliance and the record indicates that in most cases has already done so".<sup>35</sup> A key finding for the purposes of this paper is that these high compliance rates with adverse DSB rulings are not limited to those disputes brought by developed countries. Similar compliance rates have been observed when smaller and developing countries have obtained favourable rulings. As one study recently found:

WTO dispute settlement experience to date does not suggest that responding Members have a manifestly worse record of compliance with DSB rulings in cases where the complaining Member was a small or developing country than in cases where the complaining Member was another type of developing country or developed country.<sup>36</sup>

WTO practice also illustrates that, sixty WTO disputes where retaliation was possible, as the reasonable period of time to comply had expired without compliance being achieved, Members only requested the right to retaliate in seventeen disputes.<sup>37</sup> In only nine of the disputes the complainant pursued and gained retaliation rights from the DSB with retaliatory measures being imposed in only five of those disputes.<sup>38</sup> Thus, while the DSB has authorised retaliation on occasion, it is seems fair to say that "retaliation has been the exception rather than the rule".<sup>39</sup> From these figures one might extrapolate that, even in the WTO environment where retaliation can no

longer be vetoed, in the vast majority of disputes the catalyst for compliance does not appear to have been the threat of retaliation.<sup>40</sup> As one observer noted, "the overall positive record of Members in complying with adverse rulings is reflected in, and confirmed by, the low number of cases where Members have sought and received authorisation to impose retaliatory measures".<sup>41</sup>

This section examines developing-country experience with WTO retaliation to date. It observes that developing countries appear to have seen merit in requesting WTO retaliation on those occasions where compliance had not been achieved. It also notes that developing countries have only imposed retaliatory measures on one occasion. However, this may be due to circumstances particular to the relevant disputes as opposed to concerns that retaliatory measures would be both ineffective for, and harmful to, the relevant developing countries. As noted above, Members have requested authorization from the WTO Dispute Settlement Body ("DSB") to retaliate in seventeen disputes. The first observation that can be made is that of the thirteen Members that made these requests, eight were developing country Members.<sup>42</sup>

These developing countries had varying market sizes and trade shares.<sup>43</sup> This suggests that that a spectrum of developing countries saw utility in at least requesting retaliation. Of these requests, nine disputes led to Arbitration proceedings under Article 22.6 of the DSU on the level of

suspension of concessions or other obligations. Here again, developing countries pursued their right to retaliate through to the Arbitration stage in five of those disputes, suggesting that developing countries have seen merit in pursuing actual DSB authorisation to retaliate.<sup>44</sup> This data illustrates that developing countries have been at least as active as developed countries in requesting authorisation from the DSB to retaliate. Results that may come as a surprise when one considers the conventional argument that WTO retaliation is "virtually meaningless" for developing countries.

The area where there has been a marked discrepancy between developing-country practice and developed-country practice has been with the imposition of retaliatory measures. While four developed countries have imposed retaliatory measures (with developed countries imposing measures on eight of the ten occasions where they were granted authorisation), only one developing country, Mexico, has imposed retaliatory measures (with developing countries consequently imposing measures on only one of the eight occasions where they were granted such authorization).<sup>45</sup>

Some decisions with respect to the imposition to retaliatory measures bytentative observations are made as follows:

(a) EC – Bananas III (Ecuador) (Article 22.6 – EC)

- The United States imposed retaliatory measures up until July 2001 in *EC – Bananas III (US) (Article 22.6 – EC)* but Ecuador did not.
- Ecuador has made strong statements regarding the futility of WTO retaliation rules and these have been coupled with proposals for reform in the DSU negotiations.<sup>46</sup>
- Nonetheless, was there a necessity for Ecuador to impose retaliatory measures as (i) the United States had already done so, and (ii) Ecuador managed to reach a settlement with the EC through the 2001 Bananas Understandings?

(b) US – Offset Act (Byrd Amendment) (Article 22.6 – US)

- While one developing country imposed retaliatory measures (Mexico) other developing countries did not impose retaliatory measures (Brazil, Chile, India, Korea). In contrast, all involved developed-countries imposed retaliatory measures (EC, Japan, Canada).

(c) Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada)

- Perhaps the decision to not impose retaliatory measures in this dispute was related to the results of *Brazil – Aircraft (Article 22.6 – Brazil)* whereby Canada was granted the right to retaliate against Brazil.
- In *Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada)* Brazil was awarded US\$247 million as a one-off amount. It has been observed that the amount awarded to Brazil was "very close to the amount awarded to Canada" in *Brazil – Aircraft (Article 22.6 – Brazil)*.<sup>47</sup> This situation has been given as an explanation for why retaliatory measures were not imposed by either Member.<sup>48</sup>

- It has also been commented that "it is likely that, by awarding to Brazil an amount of countermeasures close to the amount of countermeasures awarded to Canada in the Brazil – Aircraft Article 22.6 arbitration, the arbitrator was attempting to create an incentive for parties to go back to the negotiating table."<sup>49</sup> Certainly, the concluding paragraph of the award provides that "[t]he Arbitrator understands that the parties have been holding consultations. The Arbitrator is of the opinion that, given the particular circumstances of this case, a mutually satisfactory agreement between the parties addressing the issues dealt with in this case in their broader context would be the most appropriate solution."<sup>50</sup>

(d) US – Gambling (Article 22.6 – Antigua and Barbuda)

- Perhaps the decision to not impose retaliatory measures in this dispute was due to the United States decision to modify its services commitments through the procedures of Article XXI of the General Agreement on Trade in Services ("GATS"). By aligning its GATS commitments through modification of its schedule, Antigua's right to retaliate

most likely because Brazil could do the same in the same dispute (export subsidies in regional aircrafts where Bombardier and Embraer, Canadian and Brazilian producers respectively hold a join dominant position in the market").

<sup>49</sup> Y. Renouf, 'A Brief Introduction to Countermeasures in the WTO Dispute Settlement System', at 121.

<sup>50</sup> Award of the Arbitrator, *Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada)*, para. 4.4.

under the DSU would no longer be justified. Of course, Antigua would continue to have rights under the GATS regarding compensatory adjustments to the extent it is affected by the modification.

- The option of modification of scheduled commitments, as opposed to the domestic laws and practices,

of a Member raises a number of questions of developing-country relevance (e.g. the extent to which the capacity to cross-retaliate across agreements is affected).

### C. Legal Capacity Constraint

A number of WTO Members argue that WTO dispute settlement system is 'overly complicated and expensive' resulting in insurmountable 'human resource as well as financial implications' for developing countries. Ambassador Bhatia of India observed that, even for a large developing country, the high costs of WTO litigation are a 'major deterrent' for using the system. Developing- country concerns with the high costs of WTO litigation stem from many governments lacking sufficient internal WTO legal expertise to conduct disputes themselves. Where internal expertise is lacking, governments are required to hire external legal counsel. It is undeniable that the cost of hiring private legal counsel to litigate WTO disputes has increased exponentially in recent years. Commentators have estimated that a "litigation only" bill of US\$500,000 to an exporter for a market access case is likely to be fairly typical. 'Legal fees can of course be much greater, with reports of fees for parties in panel proceedings in excess of US\$10 million.

Bown and Hoekman consider that these low volumes, often in competitive markets with low profit margins, 'make it difficult to charge mark-ups to cover any non-economic (*i.e.*, litigation) costs associated with maintaining or enforcing market access rights.' The rationale being that claims involving smaller trade stakes are not offset by smaller litigation costs. If low levels of trade are affected, the *relative* costs of litigation are higher, especially in light of the high opportunity costs of investing in WTO litigation as opposed to other pressing social needs. While only governments can be parties in WTO dispute settlement proceedings, WTO litigation is often funded by private industries. This is a further area where developing countries may be at a disadvantage as they may lack support from well-financed private industries able to contribute resources to assist the government. All these factors have resulted in many developing countries facing undeniable cost and resource constraints in WTO dispute settlement proceedings restrictions on international trade. In sum, retaliation does not reflect a fairness values and remains unsolvable trade

51  
problem among WTO members.

### D. Conclusion

Based on the major constraint both economic and legal affairs, it can been concluded and identified the following conclusion: first, that developing countries with small markets are unlikely to be able to induce compliance by larger trading Members. Second, It can be clearly stated that traditional retaliation "therefore cannot offer a realistic option and opportunity to enforce WTO obligations if performed against considerably larger economies". Third, The cost problems faced by developing countries contemplating WTO dispute settlement are accentuated by their small trade shares and government budgets. Forth,a further concern with retaliation through the withdrawal of tariff concessions is that the remedy may in fact have detrimental effects on consumers and economic welfare in the retaliating member, and rule that the suspension of concessions goes "against the very trade liberalising principles the GATT/WTO system stands for" and is "bad policy" that amounts to "shooting oneself in the foot". On the other hand, developed-country governments have brought a number of disputes under the agreement. This situation is surprising as a large proportion of developing-country exports are in agricultural products and the SPS Agreement ensures that trade measures on animals, plants and their products are not used as disguised

### References:

Antigua and Barbuda to Article 22.2 of the DSU, United States – Measures Affecting the Cross- Border Supply of Gambling and Betting Services (US – Gambling), WT/DS285/22, 22 June 2007, para. 3.

Antigua and Barbuda, Argentina, Brazil, Chile, Ecuador, India, Korea and Mexico.

Award of the Arbitrator, Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada), para. 4.4.

B. O'Connor, 'Remedies in the World Trade Organisation Dispute Settlement System – The Bananas and Hormones Cases' 2004 JWT 38(2), 245-266, at 249 ("Ecuador never made use of the possibility of applying sanctions against the

European Communities on the basis that the harm to the Ecuadorian economy would outweigh the possible benefit of persuading the European Communities to comply with its commitments.")

B. Wilson, 'Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings' 2007

JIEL 10(2) 397, at 397.

B. Wilson, 'Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings' 2007

JIEL 10(2) 397, at 397.

B. Bown, 'On the Economic Success of GATT/WTO Dispute Settlement', 2004 Review of Economics and Statistics 86, [at 17].

Decision by the Arbitrators, EC – Bananas III (Ecuador) (Article 22.6 – EC), para. 73. Also see para. 86.

Decision by the Arbitrators, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU, WT/DS27/ARB/ECU, 24 March 2000, (herein EC – Bananas III (Ecuador) (Article 22.6 – EC)), para. 95.

E.g. TN/DS/W/33 (Ecuador), TN/DS/W/17 and TN/DS/W/37 (LDC Group) and TN/DS/W/15 and TN/DS/W/42 (African Group).

E.g. TN/DS/W/47 (India, Cuba, the Dominican Republic, Egypt, Honduras, Jamaica and Malaysia).

Hunter Nottage, Developing countries in The WTO Dispute Settlement System, Januari, Global Economic Governance, 2009, p.12.

Pauwelyn 'Enforcement and Countermeasures in the WTO: Rules are Rules - Towards a More Collective Approach' 2000 American Journal of International Law 94(2), pp. 335-47, at 338 (albeit that Pauwelyn merely poses the question).

K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 14-15.

K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 4.

K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 13 ("Canada did not impose countermeasures against Brazil most likely because Brazil could do the same in the same dispute (export subsidies in regional aircrafts where Bombardier and Embraer, Canadian and Brazilian producers respectively hold a joint dominant position in the market)").

M. Bronkers and N. Van den Brock, 'Financial Compensation in the WTO: Improving Remedies of WTO Dispute Settlement' 2006 JIEL 8(1) 101-126, at 102.

M. Bronkers and N. Van den Brock, 'Financial Compensation in the WTO: Improving Remedies of WTO Dispute Settlement' 2006 JIEL 8(1) 101-126, at 106.

Mexico imposed retaliatory measures in the context of U.S. - Offset Act (Byrd Amendment) (Article 22.6 – US).

P. Mavroidis, 'Remedies in the WTO Legal System: Between a Rock and a Hard Place', 2000 Eur. J. Int'l. Law 11(4), 763-813.

P. Mavroidis, 'Remedies in the WTO Legal System: Between a Rock and a Hard Place', 2000 Eur. J. Int'l. Law 11(4), 763-813.

R. Hudec, 'The Adequacy of WTO Dispute Settlement Remedies: A Developing Country Perspective' in B. Hoekman, A. Mattoo, P. English Development, Trade and the WTO (Washington D.C., World Bank), at 81.

R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, at 20.

R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, Table at Appendix B (with the addition of the request for authorisation to retaliate in US – Upland Cotton).

R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, at 7.

S. Charnovitz, 'Should the Teeth Be Pulled? An Analysis of WTO Sanctions', in D. L. M. Kennedy and J. D. Southwick, Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec (Cambridge, UK: Cambridge University Press) 602-35 at 625.

S. Charnovitz, 'Should the Teeth Be Pulled? An Analysis of WTO Sanctions', in D. L. M. Kennedy and J. D. Southwick, *Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge, UK: Cambridge University Press) 602-35 at 621.

The disputes pursued by developing countries being: US – Upland Cotton (Article 22.6 - US), US – Gambling(Article 22.6 - US), US – Offset Act (Byrd Amendment) (Article 22.6 – US) (Brazil, Chile, India, Korea, Mexico), Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada), and EC

– Bananas III (Ecuador) (Article 22.6 – EC).

W. Davey, 'The WTO Dispute Settlement System: The First Ten Years' 2005 JIEL 8(1) 17, at 46- 48.

W. Davey, 'The WTO: Looking Forwards' 2006 JIEL 9(1) 3, at 12 World Trade Report 2007, WTO, at 284.

Y. Renouf, 'A Brief Introduction to Countermeasures in the WTO Dispute Settlement System', p. 118.

## Endnotes

1 Article 22 of the Understanding on the Rules and Procedures Governing the Settlement of Disputes ("DSU") and Articles 4.10 and 7.9 of the Agreement on Subsidies and Countervailing Measures ("SCM Agreement"). This paper refers to these enforcement options, collectively, as "retaliatory measures".

2 Recourse by Antigua and Barbuda to Article 22.2 of the DSU, United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (US – Gambling), WT/DS285/22, 22 June 2007, para. 3

3 Decision by the Arbitrators, European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Arbitration by the European Communities under Article 22.6 of the DSU, WT/DS27/ARB/ECU, 24 March 2000, (herein EC – Bananas III (Ecuador) (Article 22.6 – EC)),para. 95.

4Ibid, para. 73.

5 Recourse by Antigua and Barbuda to Article 22.2 of the DSU, United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services (US – Gambling), WT/DS285/22, 22 June 2007, paras. 2-3.

6Ibid, paras. 2-3.

7Decision by the Arbitrators, EC – Bananas III (Ecuador) (Article 22.6 – EC),para. 73. Also see para. 86.

8 TN/DS/W/17, paras.12 and 15.

9TN/DS/W/15, paras.2 and 6.

10 Ibid.

11 S. Charnovitz, 'Should the Teeth Be Pulled? An Analysis of WTO Sanctions', in D. L. M. Kennedy and J. D. Southwick, *Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge, UK: Cambridge University Press) 602-35 at 625.

12 Y. Renouf, 'A Brief Introduction to Countermeasures in the WTO Dispute Settlement System', p. 118.

13 P. Mavroidis, 'Remedies in the WTO Legal System: Between a Rock and a Hard Place', 2000 Eur. J. Int'l. Law 11(4), 763-813.

14 M. Bronkers and N. Van den Brock, 'Financial Compensation in the WTO: Improving Remedies of WTO Dispute Settlement' 2006 JIEL 8(1) 101-126, at 102.

15 J. Pauwelyn 'Enforcement and Countermeasures in the WTO: Rules are Rules - Towards a More Collective Approach' 2000 American Journal of International Law94(2), pp. 335-47, at 338 (albeit that Pauwelyn merely poses the question).

16 K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 14-15.

17 P. Mavroidis, 'Remedies in the WTO Legal System: Between a Rock and a Hard Place', 2000 Eur. J. Int'l. Law 11(4), 763-813.

18World Trade Report 2007, WTO, at 284.

19 M. Bronkers and N. Van den Brock, 'Financial Compensation in the WTO: Improving Remedies of WTO Dispute Settlement' 2006 JIEL 8(1) 101-126, at 101.

20 R. Hudec, 'The Adequacy of WTO Dispute Settlement Remedies: A Developing Country Perspective' in B. Hoekman, A. Mattoo, P. English Development, Trade and the WTO (Washington D.C., World Bank), at 81.

21 M. Bronkers and N. Van den Brock, 'Financial Compensation in the WTO: Improving Remedies of WTO Dispute Settlement' 2006 JIEL 8(1) 101-126, at 106.

22TN/DS/W/17, para. 12.

23 Ibid.

24E.g. TN/DS/W/33 (Ecuador), TN/DS/W/17 and TN/DS/W/37 (LDC Group)  
and TN/DS/W/15 and TN/DS/W/42 (African Group).

25E.g. TN/DS/W/47 (India, Cuba, the Dominican Republic, Egypt, Honduras, Jamaica and Malaysia).

26E.g. TN/DS/W/23 (Mexico).

27 C. Bown, 'On the Economic Success of GATT/WTO Dispute Settlement', 2004 Review of Economics and Statistics 86, [at 17].

28Ibid., at 4.

29 K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 4.

30Ibid., at 4.

31World Trade Report 2007, WTO, at 284.

32W. Davey, 'The WTO Dispute Settlement System: The First Ten Years' 2005 JIEL 8(1) 17, at 46-48.

33Ibid, at 47. The figure of 83 percent was derived from the implementation of 48 out of the 58 disputes that resulted findings of violation of WTO law. Ibid. at footnotes 114 and 115.

34 W. Davey, 'The WTO: Looking Forwards' 2006 JIEL 9(1) 3, at 12

35 B. Wilson, 'Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings' 2007 JIEL 10(2) 397, at 397.

36 R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, at 20.

37 See R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, Table at Appendix B (with the addition of the request for authorisation to retaliate in US – Upland Cotton).

38 Ibid.

39 R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, at 7.

40 One the other hand, it might also be noted that on a number of occasions mutually agreed solutions were apparently reached after authorisation to request retaliation was made. Notably in Australia – Measures Affecting Importation of Salmon (DS18); Canada – Measures Affecting the Importation of Milk and Exportation of Dairy Products (DS103 and DS113); US – Section 110(5) of the US Copyright Act; US – Anti-Dumping Act of 1916 (DS136 and DS162); Japan –

Measures Affecting the Importation of Apples (DS245); US – Final Countervailing Duty Determination with Respect to Softwood Lumber from Canada (DS257); and US – Investigation of the International Trade Commission in Softwood Lumber from Canada (DS277); US – Final Dumping Determination on Softwood Lumber from Canada (DS264); US – Oil Country Tubular Goods Sunset Reviews (DS268) [to check]. See R. Malacrida, 'Towards Sounder and Fairer WTO Retaliation: Suggestions for Possible Additional Procedural Rules Governing Members' Preparation and Adoption of Retaliatory Measures' 2008 JWT 42(1) 3-60, Table at Annex B.

41 B. Wilson, 'Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings' 2007 JIEL 10(2) 397, at 397.

42 Antigua and Barbuda, Argentina, Brazil, Chile, Ecuador, India, Korea and Mexico.

43 Ibid.

44 The disputes pursued by developing countries being: US – Upland Cotton (Article 22.6 - US), US – Gambling (Article 22.6 - US), US – Offset Act (Byrd Amendment) (Article 22.6 – US) (Brazil, Chile, India, Korea, Mexico), Canada – Aircraft Credits and Guarantees (Article 22.6 – Canada), and EC – Bananas III (Ecuador) (Article 22.6 – EC).

45 Mexico imposed retaliatory measures in the context of U.S. - Offset Act (Byrd Amendment) (Article 22.6 – US).

46 B. O'Connor, 'Remedies in the World Trade Organisation Dispute Settlement System – The Bananas and Hormones Cases' 2004 JWT 38(2), 245-266, at 249 ("Ecuador never made use of the possibility of applying sanctions against the European Communities on the basis that the harm to the Ecuadorian economy would outweigh the possible benefit of persuading the European Communities to comply with its commitments.")

47 Y. Renouf, 'A Brief Introduction to Countermeasures in the WTO Dispute Settlement System', p. 120.

48 K. Bagwell, P. Mavroidis, R. Staiger, The Case for Tradable Remedies in WTO Dispute Settlement (Washington, DC: World Bank Policy Research Paper No. 3314, 2004), at 13 ("Canada did not impose countermeasures against Brazil

51 Hunter Nottage, Developing countries in The WTO Dispute Settlement System, Januari, Global Economic Governance, 2009.p.12.

## The Control of Information in Traditional Media through the Social Ones

**Resul Sinani, Phd Cand.**

Lecturer in Media and Communication Faculty at University for Business and Technology

[resul.sinani@ubt-uni.net](mailto:resul.sinani@ubt-uni.net)

Editor and Anchorman in RTK 1 (Public Television of Kosovo)

[resulsinani@rtklive.com](mailto:resulsinani@rtklive.com)

### Abstract

*The usage of social media by Kosovar politicians is almost absolute. Politicians of all levels have their accounts on Facebook as well as other social networks. They use those for various reasons, starting from contacting the voters and supporters during the election campaigns as well as during the time they are in the office, up to presenting their stands and ideas that have do with different issues of public interest. For many of them, especially for low-level politicians the social media, mainly Facebook, have become the only place where they express themselves, since they find it almost impossible to become a part of the traditional media, especially of those on the national level, like newspapers, radio or television. Whereas for high-leveled politicians, concretely the heads of main institutions like the prime-minister, the head of parliament or the president, who refuse to be interviewed and be present in political shows where they could face questions from the journalists or the public, they are using Facebook statements in order to avoid direct questions from the journalists about the political subjects of the day. By making it impossible for them to take direct answers through their journalists the traditional media (newspapers, radio, TV) have to quote the posts that the politicians are making on Facebook. The kosovar journalists and the heads of media see this tendency of politicians, especially of the prime minister as the lack of transparency, avoidance of accountability, control of information and setting the agenda of the media. This paper attempts to argument the hypothesis that the high level politicians, the heads of main state institutions in Kosovo are controlling the information in traditional media through the usage of social media. In order to argument this hypothesis as a case study we have taken the Kosovar (ex)PM Hashim Thaçi whose almost every status and update has been quoted by the media. We have also interviewed journalists and editors of Kosovar media houses who have expressed their thoughts about the subject, while supporting the hypothesis of this paper.*

**Keywords:** Social media, traditional media, information control, transparency, accountability, television.

### I. INTRODUCTION

The usage of Facebook in political communication is already finding widespread usage with Kosovar politicians. As well as, as a tool for promotion, where the politicians use it for their marketing, by publishing details about public activities and the presentation of their ideas and stands, Facebook is also used as a tool for controlling the information in the traditional media, which is done through their statuses which are then permanently quoted by the traditional media like the newspapers, radio and television stations. Quoting the status updates of high-level politicians in Kosovo has now become an absolute trend, a routine which cannot be opposed. Therefore the point of interest in this text is the stance that the journalists and the editors of some of the main media in the country have when it comes to this phenomenon. The politicians promote addressing the audiences through Facebook status updates as their transparency on front of the voters. Whereas the journalists see it as something completely opposite- as a complete lack of transparency since by doing nothing but publishing status updates without ever accepting to answer questions by the journalists the politicians are actually not transparent but are actually very selective in what they write. By not being able to get answers for the questions which interest them the media are limited to quoting statuses which are nothing more than exactly the messages, which the politicians want to send. Therefore, in this fashion they are managing to control the news (that comes from them) in the traditional media (radio, television and print).

The Article is empiric and it researches the relationship between the media and the politicians in Kosovo, but its hypothesis can be valuable for every other country in which the relationship media-politicians are similar. Especially in the countries in which the media have accepted the condition and are do not have the power to pressure politicians into giving interviews

but are satisfied with quoting their Facebook status updates. In order to argument the hypothesis of this article many journalists and editors of the Kosovar traditional media have expressed their stances through interviews. They have been answering questions that were concentrated around the four concepts through which the hypothesis of this article is being argued. The text has been realized by concentrating on interviews, as an instrument of qualitative research, the vast majority of their answers did support the hypothesis and the concepts of the article. For this reason the answers of the participants have been presented and analyzed one by one, concept after concept.

## II. LITERATURE REVIEW

The role and influence of the media and journalism – as a ring in which the politicians face their voters has been noticed a long time ago. Toqueville notices that “*the press, which knows so well how to ignite human passions is still not able to create them on its own*”. According to him the press fulfills these three major functions : 1) Guarantees freedom by exposing the secret mechanisms of politics (by forcing the politicians to stand in front of the court of public opinion) ; 2) Keeps the community together by giving the citizens joint references (only a newspaper can place the same idea in the minds of thousands of people in the same time); 3) Makes coordinated action possible in a quick manner (since it allows people and political parties to talk without seeing to each other ; meaning with no real contact) (Maigret, 2010. Pg45). These three functions of the press have, throughout media history, continued being applicable for all the other media. Each medium that has been invented and put to the service of informing the public has been seen as more democratizing for information and the society in general. Habermas (1974) sees the media as a place in which public space happens and develops, whilst with their theory of agenda setting McComb and Shaw (1972) argument the ability of the media to transfer the issues to the public. Today the social media have found a wide usage with the audiences- something made possible by the Internets ability to be interactive. Just as with all other previous types of media- with the appearance of on-line media a debate about the faith of other media- the traditional ones, as well as the roe and faith of journalists, has began. While talking about the faith of the journalistic profession and the impact of internet on it the journalist and the studier of Journalism and the media, Riccardo Stagliano (2004), through the hypothesis that “information becomes more democratic” and the anti-thesis “it is nothing but an un-believable market” hopes that finding a middle path and a synergy between the traditional and internet media. Whilst in a recent interview Bill Kovach, talks about the role and the responsibility of journalism. He does not believe that that it's role or responsibility have changed but, according to him *they have become even more important*. In this line of argumentation when talking about the dedication of journalism towards the truth in the time of internet and the plethora of media as well as the flux of information which circulates sees this exact phenomena as the main reason of making the role of journalism and journalists as the selector of the important information even more important and true:

“On the contrary, has become even more important. The truth is the most difficult to prove. Usually, we only approach the truth. With new technologies, we have thousands of lines of communication which is accessible to everyone, enough to have a computer. Today, people have to look at this huge amount of information to find out which things are verified, which are frauds, which are propaganda, and that fantasy. So this is the role of journalists now: help to clarify what is the truth in all that information.”<sup>1</sup>

## III. THE CONTROL OF INFORMATION IN TRADITIONAL MEDIA THROUGH THE SOCIAL ONES

Among the traditional media in Kosovo television keeps leading as the medium through which most citizens get their information. Whereas when it comes to the credibility of the media traditional are still leading, in comparison with the on-line media, web-portals are particularly identified with the journalistic style of “yellow” press. Instead of being seen as democratizing and pluralizing the media scene the internet media are being identified as sensationalistic and show-biz oriented. Because of these circumstances the traditional media are the main point of interest for the politicians who want to present their activities and express their ideas. When it comes to the communication of the politicians of various levels – for the low-level politicians such as municipal level politicians social networks are an excellent platform for communicating with the voters. This is because they seldom have a chance to get a spot in the traditional media. But this article is focused on high-level politicians and their relationship with the media. Through interviews with the journalists and the editors of the most important media in the country this article attempts to answer four main questions: 1) how do they see the trend of

---

<sup>1</sup> <http://www.zeriamerikes.com/content/bill-kovac-gazetari-legjendar-me-origjine-shqiptare-rrefen-jeten-135436328/519761.html>

quoting Facebook statuses (social media) of high-level politicians?; 2) DO they think that quoting these statuses represents an increase or as lack of transparency?; 3) ...*The mission of the media is to place the politicians in front of the public...* are the politicians avoiding accountability by quoting Facebook status updates?; 4) Are Facebook's status updates being used as a tool for controlling the news?

Most of the interviewees look at the first question : *the trend of quoting Facebook statuses (social media) of high-level politicians* with a large dose of skepticism. In a few instances they see it as something positive but it is generally seen as a negative occurrence because through this practice the role of the media and the journalists has been eliminated. While a politician will write only what interests him, not what is of interest for the journalist and the public in his status updates. For Agron Bajrami the editor in chief of the daily newspaper Koha Ditore, quoting FB statuses symbolizes passive and un-effective journalism which does not ask questions or follow the news but allows politics to dictate the subjects and the way of reporting. Furthermore he adds:

"The practice of posting statements through Facebook has become widespread with the politicians since it allows them to speak about the subjects, which they want to speak about and avoid answering questions and issues which can be problematic or controversial but speak only of the things which they see as promotional for their goal and themselves. The role of the media is not to promote politics and policies but to ask critical questions about the problems and issues which are of interest for the citizens and the country. Therefore the practice of filling the news with the statements taken from facebook and other social networks or even from official press releases is not in the interest of full and correct informing the public and it does not help the credibility of the media it is the exact opposite. Such passive journalism which simply reports what the politician wishes to say and does not ask questions becomes a simple propaganda tool which, at the end of the day cannot even be called journalism."<sup>1</sup>

Yet, Agron Bajrami, does not completely eliminate the possibility of quoting the Facebook status of politicians since, according to him, there are cases when politicians do give statements of interest which should be quoted. According to him quoting Facebook status updates should not be completely eliminated, but it should not become the main pillar of journalistic reporting. Jeta Xharra<sup>2</sup>, the editor in chief of the Balkan Investigative Reporting Network BIRN also thinks that investigative journalists can be helped by politician's statuses, since- with it being an "in-formal" and "relaxing" media the politicians do reveal their true nature through them. She confesses that by getting information from politician's statuses BIRN reporters started investigating some rather important cases<sup>3</sup>. But, these are not cases when they simply quoted the status update, but it was used as a starting point of in-depth journalistic investigation. Llukman Halili, an experienced journalist and an editor of a newspaper in Switzerland calls the practice of quoting updates "*Copy paste which has nothing to do with the situation to which the status is referring to*"<sup>4</sup>. While Gjergj Filipaj, an editor of RTK1 news sees the social networks as something new and a new opportunity for communication between the government officials and citizens. But when it comes to directly quoting the updates he does not think that it should become the only way of communicating. Furthermore, he says:

"I think the communicating through social networks- through Facebook statuses should be a part of communication but it should not completely replace traditional communication of the government with the media and the people. So using status updates as quotes can be done, but only after all other means of communication have been tried: press releases, TV interviews, joint reporting, news agency interviews. Writing statuses should not become the only way of communication with the media and the population."<sup>5</sup>

While, Lorik Arifaj the editor in chief of Kosovar Public television sees the development of technology and quoting statuses as quite a positive step. He thinks that "*using the personal pages of the social networks by the politicians, are helpful when it comes to the speed of the news. Maybe they are less damaging to TV stations since it is well known that on TV the most*

<sup>1</sup> Agron Bajrami, Editor in chief of Koha Ditore. Interview for the author done for this article.

<sup>2</sup> Jeta Xharra, Co-Founder at Gazeta Jeta në Kosovë, Anchor and editor in Chief at emisioni Jeta në Kosovë, executive Director at BIRN.

<sup>3</sup> The case of giving the tender for Kosova E Re termocentral without having three bidders was firs found out from the PM-s facebook and then the information was published by the "Leading comitee". This was noticed by the civil society through a reaction which can be found at <http://kosid.org/news/47>. The case when the story that the former American Ambassador in Kosovo Chris Dell was working in africa for Bechtel, the company for which he lobbied while he was in Kosovo , BIRN started out from a post on FB. shih <http://www.theguardian.com/world/2014/apr/14/us-ambassador-kosovo-construction-contract-firm-highway>.

<sup>4</sup> Llukman Halili. Editor at [www.dialogplus.ch](http://www.dialogplus.ch)

<sup>5</sup> Gjergj Filipaj, News editor at RTK 1.

*important element is the picture, or video, while it is extremely helpful for web-portals.”<sup>1</sup>* According to Arben Ahmetin, the editor in chief of the daily Tribuna, dislikes quoting statuses. According to him even “*quoting opinions, not only stands, but opinions of, for example, ex-PM Thaci, shows lack of respect and sucking up to the government*”. Zekiria Shabani, an editor of the economic section in the daily Tribuna, and the head of the Association of Kosovar Journalists sees the trend of quoting status updates as harmful for journalism and information in general. He adds:

“This has become the only for open communication between the politicians and public in Kosovo and it has unfortunately been accepted as such by the media. Quoting status updates is nothing wrong, for as long as you apply the standards of correct reporting within journalism. But, in most cases, the media suffice with a status update posted by some politician without even checking of its truthfulness first and then following the story till the end in order to present the public with the truth. The media must understand that facebook is a gate for communication between a politician and the public with the role of the media is to go beyond being an in-between during communication.”<sup>2</sup>

While when it comes to the second question, one *if quoting status updates represents an increase in transparency or lack of transparency* most of the interviewees believe it represents lack of transparency. *This phenomenon they see as: an absolute lack of transparency* (Halili), as insufficient, since lack of transparency is a total lack of information (Filipaj), transparency is not posting or publishing what is of interest for the politician but what is of public interest (Shabani), or as two-sided, transparent since it allows to directly take the stances of the persons who are competent, not through press representatives, but it is also lack of transparency, since each politician is guarded in what he expresses since no one can interfere with the wording which transmits only what the author wanted to say and nothing more (Arifaj). And Agron Bajrami, while elaborating on the subject says:

“This has nothing to do with transparency, This is propaganda whose purpose is more to manipulate the public than answer relevant questions. We, until now, have not seen a single post made by a politician which speaks of the failures of their policies, which speaks of the deficiencies of their governance, of unfulfilled promises, of being unable to improve the quality of life! We have constantly seen promotions of their so called successes or, in some rare cases, attempts to explain a failure, by trying to throw the blame somewhere else”<sup>3</sup>

By denying transparency through such a form, Jeta Xharra, as an argument, uses a research done by BIRN which had to do with access to official documents. During one year there were about 300 requests for access to public institutions but only 30% of them have been answered Jeta Xharra<sup>4</sup>, <sup>5</sup>. She adds:

“In case of the PM Thaçi, it is known that he did not have a spokesperson but he did have Facebook status updates. This tells of how serious he is that he is ready to place people “in the background” who will post things for him but none of them will openly admit that he is speaking instead of the PM. This, in a way, shows that he was not able to find a person *that he trusts* and who will put his *credibility* on the line and allow himself be *the face of the government*. *This in itself tells a lot.*”<sup>6</sup>

About the third question in this research, *are trough FB statuses and by quoting them in the media, if are the politicians avoiding accountability by quoting Facebook status updates?* The interviewees almost completely agree, that accountability is being avoided massively, or at last there are endless attempts to avoid it. The opinions of the interviewees range from politicians using FB for cosmetic needs and re branding therefore it is proof of a failed attempt to avoid accountability (Halili), as complete avoidance of accountability by the leaders (Shabani), not only that accountability is being avoided, but it is non-existent since the media itself is content with quoting status updates thus allowing politicians to function in this way (Bajrami). Whereas Lorik Arifaj says “*I do not think that they are avoiding accountability. This can be done in various TV debates. Interviews or press conferences when they talk of other issues and which can be used by the journalists who want to complete a certain subject*” But live interviews and debates in which the politicians appear, especially the high-level ones, like for example the PM, or the ex-PM Thaçi, according to Jeta Xharra are pre-selected. According to her former PM Thaçi has never accepted being a guest of her show ‘Jeta në Kosovë’ during the entire time he was in the

<sup>1</sup> Lorik Arifaj, Temporary Editor in Chief at RTK 1.

<sup>2</sup> Zekiria Shabani, The head of the association of Kosovar Journalists AGK. Interview for the author done for this article.

<sup>3</sup> Agron Bajrami, Editor in chief of Koha Ditore. Interview for the author done for this article.

<sup>4</sup> Jeta Xharra, Co-Founder at Gazeta Jeta në Kosovë, Anchor and editor in Chief at emisioni Jeta në Kosovë, executive Director at BIRN.

<sup>5</sup> For more, see the BIRN report.

[http://jetanekosove.com/repository/docs/Raporti\\_per\\_gasje\\_ne\\_dokumente\\_publike\\_final\\_final\\_87217.pdf](http://jetanekosove.com/repository/docs/Raporti_per_gasje_ne_dokumente_publike_final_final_87217.pdf)

<sup>6</sup> Jeta Xharra, Jeta Xharra, Co-Founder at Gazeta Jeta në Kosovë, Anchor and editor in Chief at emisioni Jeta në Kosovë, executive Director at BIRN.

government, but only while he was with the opposition it is clear that he has been choosing the media and the journalists in which he was certain he will not face critical questions. Therefore, for Jeta Xharra, no matter how much the politicians try to avoid accountability the public is still aware of what they are doing.

And when we speak of the fourth question , *are the politicians using their fb statuses as means for controlling the news*, all the interviewees agree that there is such a tendency with the politicians, but say that it is not the same for all media. They believe that media and journalists will manage to resist this tendency but, for the time being there is a trend of quoting updates by the traditional media and this makes the politicians use only this form of communication and refusing to accept direct confrontation with the media and the journalists, or even when they do agree to something like that, they choose "friendly" shows and journalists who will not be critical towards them. The reasons why the media is involved in all of this range from are from economical up to subduing some media by politics. These tendencies are believed to be doomed a failure (Halili), as a result of the lack of finances the media have available in order to have more reporters who move quickly after the news has been published (Shabani), but that journalists who are skillful and have integrity should not stop in front of challenges and problems thus not allow themselves to be influenced by status updates of any politician (Filipaj). If there is no control of the news than there can be no orientation according to the agendas of the politicians, but it is the editorial staff who decides the importance or the direction that they should give to a story (Arifaj). While in the Kosovar media reality, the FB updates of politician's statuses are becoming the news agenda for the editors and lazy journalists who allow themselves to create the news solely through updates without following up on other reactions and checking them in reality (Xharra). While at the end, the editor in chief of Koha Ditore, Agron Bajrami, after concluding that the politicians are managing, up to a point, to control the news that comes from them and encompasses the story about their political activities, says:

"As I said before, the posts of the politicians on social networks are propaganda whose purpose is to sink the story and instead of truth offer political manipulation. Of course, politicians do not always manage to control the news since not all Kosovar media depend of social network updates. Furthermore one of the more positive aspects is that the more credible media in Kosovo, like Koha Ditore, are not dependent of politicians Facebook updates and official press releases. The vast majority of the news today there are result of active, investigative, critical journalism whose purpose is to follow the truth as deep as possible."<sup>1</sup>

#### IV. CONCLUSION

Kosovar politicians, especially the high-level ones, which best illustrated by the example of the ex-PM Thaçi, are widely using Facebook for promoting their activities. Their statuses are being actively quoted by the traditional media, like the newspapers, radio and television. This is seen as sufficient and more useful by the politicians while it is also seen as lack of transparency and even a tendency for controlling the news by journalists and the editors of kosovar media. Through answering the four questions in the article, journalists and editors of the Kosovar media argument the hypothesis of this article that *through the usage of the social media politicians of the highest level, the leaders of the main government institutions are controlling the information in the traditional media*.

#### REFERENCES

- Habermas, Jürgen. "The Public Sphere" 1974, printed in The Information Society Reader, (New York: Routledge, 2004), p. 350-353.
- Kovach, Bill, (2015). Intervistë nga gazetari i Zërit të Amerikës, Ilir Ikonomi. <http://www.zeriamerikes.com/content/bill-kovac-gazetari-legjendar-me-orgjine-shqiptare-refren-jeten-135436328/519761.html>.
- McCombs M, Shaw D (1972) "The agenda-setting function of mass media". Public Opinion Quarterly. Taken from: <http://www4.ncsu.edu/~amgutsch/Mccombs.pdf>.
- Maigret, Eric. (2010). Sociologjia e Kominikimit dhe e Mediave. UET Press & Papirus. Tiranë. 2010.

<sup>1</sup> Agron Bajrami, Editor in chief of Koha Ditore. Interview for the author done for this article

Stagliano, Riccardo (2004). "Gazetaria 2.0. Të merresh me informacion në kohën e internetit". ISHM, Tiranë.

Agron Bajrami, Editor in chief of Koha Ditore. Interview for the author done for this article. He has been working in journalism since the 1990-s, at first as a journalist in Koha Magazine while since 1997 for the Koha Ditore daily.

Arben Ahmeti, Head editor at the daily Tribuna. Interview for the author of this article. Long time journalist, he has worked for Koha Ditora, while since Tribuna started out he has been its head editor. Now works as the presenter of the morning edition at Radio Dukagjini.

Gjergj Filipaj, News Editor at kosovar Public Television RTK 1. Interview for the author of the article given for the purposes of this writing. Master of journalism and communication, a long-time reporter who was worked for Koha Ditore and Zeri.

Jeta Xharra, Editor of the Jeta në Kosovë Show and the executive director of Balkan Network of Investigative Journalism BIRN. Interview for the author of this article. Known as the author and moderator of the Jeta në Kosovë show and she is the co-founder of the newspaper Jeta në Kosovë.

Llukman Halili, Editor at [www.dialogplus.ch](http://www.dialogplus.ch). Interview for the author of this article. Phd of political sciences, journalist and editor at Prishtina Television during 1980-s. Long time editor at Bota Sot. Currently a co-founder and editor of the on-line magazine Dialog Plus.

Lorik Arifaj, Editor in chief of kosovar public television RTK1. Interview given to the author of the article. During his career he has also been a program producer and a news-editor at RTK1.

Zekiria Shabani, The head of the Association of Kosovar journalists AGK and an economy editor at the Tribuna daily. Interview for the author of this article.

BIRN June 2013. Shteti 30% i qasshëm për Qytetarët.

[http://jetanekosove.com/repository/docs/Raporti\\_per\\_qasje\\_ne\\_dokumente\\_publike\\_final\\_final\\_87217.pdf](http://jetanekosove.com/repository/docs/Raporti_per_qasje_ne_dokumente_publike_final_final_87217.pdf).

## The Role of Schools Co-Operative in Cultivating Entrepreneurship Culture and Mind among Chinese Students

Osman jusoh

Senior Lecturer, Department of Business Management /Entrepreneurships

Faculty of Business and Economic, Education University of Sultan Idris

35900 TanjungMalim, Perak, Malaysia

[osman@fpe.upsi.edu.my](mailto:osman@fpe.upsi.edu.my)

### **Abstract**

*Entrepreneurship is very important in the development of human capital and the development of the country. The objective of this study is to explore the role played by the Co-operativeactivities in school in cultivating entrepreneurship culture among Chinese students. Eight dimensions of entrepreneurial tendencies were selected and divided into external and internal factors. The external factors included future orientation , social network and the external environment . The internal factors are motivation, creativity and innovation, self-esteem, locus of controland lastly risk-taking. According to McClelland's Theory of Motivation Achievement, individuals withhigh potentialenergyand howthisenergyis releasedand developeddepend on the individuals' strengthor motivationand also the opportunities available. A total of one hundred students from a Chinese national type secondary schools in the District of Manjung , Perak were randomly selected for this study. They were studying in Form 4 and Form 5 who might or might not involve in the school co-operative activities. The questionnaire used was tested with the Cronbach Alpha and the reliability valued was 0.931 . The results showed that the school co-operative activities did not play a significant role in instilling entrepreneurship among Chinese students ( $r = -0.029$ ,  $p=0.771$ )  $p<0.05$ . Despite coming from a business family, the students did not show any tendency to engage in entrepreneurship which was shown by thet- test resultst ( $98$ ,  $p= 0.511$ )= - 0.660 and therefore  $p > 0.05$ . Besides, the studies also showed that there are no correlation between the family sizes and thehierarchy of students in the family with entrepreneurship. As a suggestion, the school co-operativesociety should develop students internal locus of control through activities that could strengthenand enrich them in order to build the personality of a goodentrepreneur. Entrepreneurial PolicyDevelopment inHigher Education Institutionsof Malaysia should also considerits implementationat the school level. With thecontinuitybetweenschoolandhigher education institutions,it is hoped thatthe number ofsuccessful entrepreneursamong students are enhanced.*

**Keywords:** Entrepreneur, external factors, internal factors, culture Chinese students

### **INTRODUCTION**

Entrepreneurship is important to the world today. It is a catalyst for change and growth in a country's economy. This is in line with the opinion of Vinent et al., (2004); Aini Hayati et al., (2005), who stated the field of entrepreneurship is very important in the economic development of a country. Kamarulzaman Ismail and Ab Amaludin. Rahman (2009), said that individual entrepreneurship culture can be nurtured and educated. Yusof Boon and Sapiah Bohari (2010), had the opinion that school is the most appropriate starting point for students to take the opportunity to nurture their interest in entrepreneurship. This is in line with the personality of the students who show interest operating in the co-operative work in school.

Various attempts have been made by the government to develop the objectives of the school co-operative. SKM is always making sure that the schoolco-operatives can achieve the objectives listed. Among the objectives are to;

- Develop the practice of thrift and self-reliance among the students.
- Sowing the attributes and elements of democracy among the younger generation.
- Encourage an attitude of cooperation and mutual help among each other.
- Produce generation leaders of the intellectual caliber and vision.
- Provide supplies and services needed by the student.

## PROBLEM STATEMENT

In the olden days, when mentioned only entrepreneurship, many would associate it with the Chinese community. No doubt at that time, Chinese people had been involved in the business world and they were marked as leader in this field whereby the locals were still working as fishermen, farmers and rubber tappers. According to Noor Zalika (2013), such conditions caused a notable economic gap between the races at that time due to the British policy of 'divide and rule'. However, this scenario is no longer applicable today.

In this modern era, the Malays and other races are more advanced and competitive in the field of entrepreneurship. The question that arises is whether the Chinese children are no longer interested or they lack support and encouragement from their parents to start their own business. Through the observation done these days, Chinese parents with business background had given less encouragement to their children to venture into business.

Chin Yee Whah (2003), explains the influence of family background as a contribution in influencing the success of an entrepreneur. Continuing their parents' business have a positive impact on an entrepreneur because parents can help to influence patron suppliers and buyers. According to Hisrich (2000), entrepreneurial career is influenced by the parental occupational background of an entrepreneur and the family plays a role in promoting entrepreneurship as a career. This is supported by Nor Aishah (2002) who found that there is a fairly strong correlation between family career and career choices of their children.

## RESEARCH OBJECTIVES

Specifically, this research is conducted to achieve the following objectives:

- i. To identify if Chinese student participation in co-operative activities enhances entrepreneurship.
- ii. To identify the differences in family background towards influencing entrepreneurship.
- iii. To identify the differences in attitude towards entrepreneurship among Chinese students pertaining to gender.
- iv. To identify the relationship of family size with entrepreneurship involvement.
- v. To identify the student hierarchy in the family with entrepreneurship indulgence.

## RESEARCH QUESTIONS

This research is conducted to answer the following questions:

- i. Are Chinese students' participation in co-operative activities a factor that enhances entrepreneurship?
- ii. Are there any relationship between Chinese students' background with entrepreneurship?
- iii. Are there any differences towards entrepreneurship based on gender of students?
- iv. Are there any relationship between the family size with entrepreneurship?
- v. Are there any relationship between the student hierarchy in the family with their entrepreneurship?

## RESEARCH HYPOTHESES

The null hypotheses were formed to answer the research questions. Among them are:

H<sub>01</sub>: There is no significant relationship between Chinese hierarchy student participation in co-operative activities with entrepreneurship.

H<sub>02</sub>: There is no significant difference between family background among Chinese students with entrepreneurship.

H<sub>03</sub>: There is no significant difference of interest in entrepreneurship among Chinese students by gender.

H<sub>04</sub>: There is no significant relationship between family size among Chinese students with entrepreneurship.

H<sub>05</sub>: There is no significant relationship between the students hierarchy in the family with entrepreneurship.

## LITERATURE REVIEW

History has shown that countries with many entrepreneurs are forging ahead in their economic development. A country that is progressing or regressing is highly dependent on the dynamics of the entrepreneurs and their vision to achieve. According to Nabi & Holden (2008) and Norasmah & Halimah (2007), a career in the field of entrepreneurship is one of the best jobs that can be pursued by individuals. This is supported in Norash & Salmah (2011) research which stated that an individual should think as the creator of a job instead of finding a job. In this regard, the government has initiated the establishment of the Ministry of Entrepreneur Development in 1995 as a body that managed the development of entrepreneurs. Through this ministry, the government has established various programmes to improve the skills of entrepreneurship for entrepreneurs in order to compete in this era of globalization.

McClelland (1978); Abdul Rahman (1997), says that individual motivation will increase if, first and foremost, one is motivated. Secondly, he understands the elements of motivation. Thirdly, he is actively involved in the effort. Motivation is a set of processes that provide energy to the person's behavior and behavioral goals that lead to achieving the goal. A motivated person will make a positive choice to do something, because he knows what this action means to him, therefore can also satisfy his needs. In addition, McClelland (1978) also stressed that the motivated individuals have high achievement. This is because these individuals have a desire to overcome obstacles and hassles in order to achieve something worthy. Thus, The Theory Of Motivation Achievement is giving hope for success and fear of failure is embedded in the psyche of the individual.

Entrepreneurial culture is positive properties owned by an individual such as courage, determination and enthusiasm. The properties can also be capital and assets for trading and convincing others. Entrepreneurial cultures should be nurtured starting from primary school through entrepreneurship programmes conducted by students and supervised by experienced teachers. This culture also needs to be nurtured at a higher level of education by offering courses, programmes, seminars or activities that encourage them to venture into entrepreneurship. Culture is important and needs to be nurtured continuously so that interests and solid foundation can be achieved.

## RESEARCH METHODOLOGY

In this study, the researcher chose the survey method of using questionnaires. This questionnaire has been redesigned and adapted from a study conducted by Khalid (2013). The questionnaire contains 55 items and is divided into two parts. Part A consists of 10 items related to student demographic. Part B consists of 45 items related to motivation, creativity and innovation, self-esteem, locus of control, the willingness to take risks, future orientation, social networking, the environment and involvement in co-operative society in school.

There are two main types of data used in this study. Primary data is obtained from respondents through questionnaire while secondary data is obtained through literature review. Quantitative method was chosen because it was more convenient and easier to obtain data and besides it facilitates researcher to analyze data.

## RESULTS

Table 1 shows the mean and standard deviations for the variables which influence entrepreneurship. Of the eight variables studied, the mean for creativity and innovation is 3.94, the mean for future orientation is 3.97 and for risk taking is 3.74. All three of these variables showed a high level of mean. Moderate mean levels are shown by motivation with a mean of 3.62, social networking 3.58, the external environment 3.59, self-confidence 3.48 and locus of control 3.37.

Table 1 Mean And Standard Deviation For Variables Which Influence Entrepreneur

Item	Mean	SD	N
Motivation	3.62	0.59	100

Creativity and innovation	3.94	0.55	100
Self confident	3.48	0.49	100
Locus of control	3.37	0.5	100
Risk taking	3.74	0.54	100
Future orientation	3.97	0.57	100
Social networking	3.58	0.62	100
External environment	3.59	0.56	100

Note: lowlevel at 1-2.33,moderate level at 2.34-3.67High level at , 3.68-5.00

Table 2 shows the correlation between student participation in co-operative with entrepreneurship.

		Co-operative activities	Entrepreneurship	Working in school co-op
Co-operative activities	Pearson Correlation	1.0	.506**	-0.233*
	Sig. ( 2 -tailed)		0	0.02
	N	100.0	100	100
Entrepreneurship	Pearson Correlation	.506**	1	0.029
	Sig. ( 2 -tailed)	0.0		0.771
	N	100.0	100	100
Working in schoolco-operative	Pearson Correlation	-0.233*	0.029	1
	Sig. ( 2 -tailed)	0.2	0.771	
	N	100.0	100	100

Nota : \* correlation significant at 0.05 ( 2 tailed)

\*\* correlation significant at 0.01 ( 2 tailed)

In the first research question , the study examined whether the participation of Chinese students in school co-operative can influence their tendency in entrepreneurship . Here the null hypothesis has been formed to examine the relationship between the two variables. The result is shown in Table 2. Pearson correlation tests conducted showed no significant relationships between the Chinese students who were involved in the school co-operative and entrepreneurship. The test results recorded (  $r = -0.029$  ,  $p = 0.771$  )  $p < 0.05$  . This has indicated that the school co-operatives as a platform for the students to familiarize with the entrepreneurship world has not play an effective role among Chinese students. This is because they can get experience in entrepreneurship either by their family background or working with others. Most Chinese students gain experience in entrepreneurship through retail shops, food stalls and supermarket stores that are abundant in this area. In addition, the activities carried out by the schoolco-operative in the study are limited to the stationary only. This has limited their exposure to entrepreneurship. Students are not involved in the transaction to buy stock, setting the selling price of goods and management experience like accounting. These alone showed that the experiences received by students is rather inadequate.

Table 3 T-Test between Family Background and Inclination toward Entrepreneurship

variable	t	df	Sig ( 2 tailed)
Entrepreneurship	-0.66	98	0.511

The second question is whether the family background influence entrepreneurial among Chinese students . Here, the researcher divided the parents occupation into two categories: business and non-business. The results show that only 30% of respondents had business background and 70 % of the parents work for the government , private sector and others. The t tests results showed  $t ( 98 , p = 0.511 ) = - 0.660$  and the value of  $p > 0.05$  . So it may be concluded that there is no significant influence on entrepreneurship in terms of differences in the parental occupational. The results are shown in Table 3. This also implies that parents are not necessarily encouraging the children to follow in their footsteps. The findings are consistent with the problems posed by the researcher studies in which researcher found that the Chinese parents nowadays do not encourage their children to be active in the business. The reason given include the high risks involved and the benefits derived are not so lucrative. Working as an entrepreneur also requires high resilience and self-confidence in order to continue to be active in this field. Although the study also found that Chinese students dare to take risks, but they do not want to venture into entrepreneurship because they want to live in comfort without working for long hours. In Manjung District, small businesses have to compete with large supermarkets such as AEON , Giant , Tesco , Billion , The Store , Econ Save and Rapid Supermarket . Their existence has resulted in small businesses gain decreases and difficult to continue their business.

Table 4 T-Test For Entrepreneurship Tendency Based on Gender

variable	t	df	Sig ( 2 tailed)
Entrepreneurship	0.633	98	0.528

Next to answer the question of whether the Chinese students' gender has a significant relationship with entrepreneurial tendencies, researchers randomly selected Chinese students in terms of gender distribution. Researchers found that 51% of respondents were female students and 49% of them are male students. Thus, the distribution of respondents are considered fair to test the question above. The researcher also conducted a t-test on the dependent variable, entrepreneurship and independent variables of gender and the findings are listed in Table 4.

T-tests conducted showed differences in gender among Chinese students do not play a significant role in entrepreneurship. The results of the t-test ( $98, p = 0.528$ ) = 0.633 where  $p < 0.05$ . Thus gender is not a determining factor for entrepreneurship among Chinese students. The finding is consistent with the research conducted by Rosli (2013) who found no significant differences between mean scores of entrepreneurial tendencies based on gender. This study is also consistent with Davidson (1995) who found that gender has little or no influence on entrepreneurship.

Table 5 Correlation Between Family Size And Entrepreneurship Tendency

		Family sizes	Entrepreneurship
Family sizes	Pearson Correlation	1	.152
	Sig. (2-tailed)		.131
	N	100	100
Entrepreneurship	Pearson Correlation	.152	1
	Sig. (2-tailed)	.131	

N	100	100
---	-----	-----

Table 6 Correlation Between Student Hierrachy In The Family With Entrepreneurial Tendencies

		Student hierrachy in the family	
		Entrepreneurship	
Entrepreneurship	Pearson Correlation	1	-.034
	Sig. (2-tailed)		.740
Student hierrachy in the family	N	100	100
	Pearson Correlation	-.034	1
	Sig. (2-tailed)		.740
	N	100	100

To answer the fourth question, the researcher has used Pearson correlation. Here the question is whether the size of the family played a significant role in entrepreneurship. The null hypothesis was rejected because the results show that ( $r = 0.15$ ,  $p = 0.13$ ),  $p > 0.05$ . From the findings of this study, it can be concluded that the size of Chinese families has no significant correlation with entrepreneurship. In ancient times, the size of the family is important as parents need help from their children to keep the business going. But now the situation does not exist anymore because many traders are hiring foreigners from Pakistan, Bangladesh, Vietnam and others.

This study differs from Hisan (2007) that indicates the size of the family influence entrepreneurial among Malay students in LamborKiri. The same opinion is also given by Sodri (2002) which stated family environment influence the children attitude.

Finally, the question presented is whether there is a relationship between the students hierrachy in the families without entrepreneurship. Does the eldest more interested in doing business compared with the other children. Referring to the findings in Table 6, Pearson correlation  $r = -0.34$ ,  $p = 0.74$  showed that the two variables have no significant relationship because the value of  $p > 0.05$ . The results also show that many Chinese families have fewer children and they are less likely to distinguish affection for their children, teach them to be more independent and cultivate positive attitude to all their children regardless of their hierarchy in the family. This finding is in line with Chin Yee Wah (2003) who stated that the role of parents in bringing up and educating their children is important for the children character building. A study conducted by Hisan (2007) on the Malay students in LamborKiri, Perak reported that the eldest son showed greater devotion to duty, initiative and confident in a job compared with the middle and youngest child.

## SUGGESTION AND CONCLUSION

The study was an effort to improve the school's co-operative role in fostering entrepreneurship culture among Chinese students. The study is based on Chinese students, co-operative teachers, the schools involved and the Co-operative Commission of Malaysia. Several suggestions have been proposed to improve the co-operative role and also as a guide for future studies.

Based on the results, the variables with the lowest mean value is the locus of control. Therefore it is proposed that locus of control should be cultivated and strengthened among Chinese students. This is also true, based on the report submitted by academicians with entrepreneurial mastery like McClelland, Littunen, Rotter, and Schumpeter. In their research, they found that locus of control is a major factor of personality formation of a good entrepreneur. Rosli (2013) has argued that individuals with internal locus of control, self-reliance, risk-taking, self-confidence, self-control have the ability and desire to materialize their ideas. Thus the Chinese students have to be exposed to activities that could strengthen and enrich their experiences in order to become good entrepreneurs.

School Co-operatives are more focused on business activities such as selling stationery items, exercise books, sports t-shirt , and other small items. This function can actually be expanded to the sale of daily necessities such as rice, soap powder, cooking oil, dry stuffs such as dry noodle, beans and others. By selling grocery items, it will not only increase its income but also provide services to the surrounding community. In addition, school co-operatives are also encouraged to host the Co-operative Tourism to enable the members of the society to gain knowledge pertaining to tourism. Datuk Haji Abdul Fattah (2014) from ANGKASA has called on the students and teachers to venture into tourism activities. This could give the students a chance to learn the management entailed in tour packages besides helping the school co-operatives to generate profits.

In line with the government's goal to produce quality human capital who are innovative and creative, to transform the nation's economy, education and other programmes and activities of entrepreneurial culture among university students should also be extended to students in school. A more organized and integrated step should be taken by the Ministry of Education in providing programmes to enhance entrepreneurship and infrastructure and a conducive environment to the students who really have a passion and desire to become an entrepreneur. Entrepreneurial Development Policy in Higher Education Institutions should also consider its implementation at the school level. With the continuity between school and higher education institutions, it is hoped that the number of successful entrepreneurs would increase.

The process of entrepreneurial culture is a long-term process and requires continuous effort. In our country the process of entrepreneurial culture has become a major focus, therefore it has to start early when the students are still in primary and secondary schools. Consequently it should be expanded to students in higher education irrelevant whether they belong to the private or public institutions. Given the importance of establishing entrepreneurial culture, the school co-operative has taken the initiative to expose the students to the business world as early as possible.

From this research, more effort should be taken to strengthen the school co-operatives so that it can function properly. School co-operatives should take more initiatives and grab the opportunities provided by the Co-operative Commission of Malaysia to conduct appropriate programmes for its members. Co-operative activities should no longer be limited to retail sales only. It should take up creative and innovative steps to participate as hosts in the Tourism Co-operative Young Entrepreneur Programme and other projects to open the eyes and minds of the students.

Finally, all students should seize the opportunity to gain the competitive and entrepreneurial knowledge provided at the school through co-operative or through the subjects taught. In doing so, they will be better prepared to face the future with hope to become a successful entrepreneur.

## REFERENCES

- Ab. Aziz Yusof (2013). *Strategi Usahawan Cemerlang*. Kuala Lumpur: Utusan Publication & Distributor Sdn Bhd.
- Ab. Aziz Yusof (2003). *Prinsip Keusahawanan*. Kuala Lumpur, Prentice Hall.
- Ab. Aziz Yusof (2010). *Usahawan & Keusahawanan*. Kuala Lumpur: Scholarmind Publishing.
- Aini Hayati Mohamad, Abu Bakar Hamed, Norsiah Mat (1999). Wanita Menuju Era Keusahawanan: Memahami Aktiviti Jaringan Usaha Nita, *Jurnal Pengurusan*, Vol 18: 109-129 UKM.
- Ainon Mohd dan Abdullah Hassan (1996). *Seni Berfikir Kreatif*. Kuala Lumpur: Utusan Publication & Distributor Sdn Bhd.
- Alias Baba (1992). *Statistik Penyelidikan dalam Pendidikan Sains*. Bangi: Penerbit UKM.
- Armbit Hj Zainuddin (1997). *Prestasi Koperasi Sekolah Dalam Gerakan Koperasi*. Kertas Seminar Koperasi Sekolah: Cabaran & Arahan Ju Alf Akan Datang.
- Asmawati binti Hashim (2002). "Persepsi Pelajar Terhadap Peranan Koperasi Sekolah Dalam Membentuk Sifat Keusahawanan: Satu Tinjauan di Tiga Buah Sekolah di Pekan Merlimau, Melaka" Projek Sarjana Muda. Tidak diterbitkan.
- Atkinson JW and Birch D (1978) Introduction to Motivation 2<sup>nd</sup> edn. Van Nostrand, New York.
- Azizi Yahaya, Shahrin Hashim, Jamaludin Ramli, Yosuf Boon dan Abdul Rahim Hamdan (2006). *Menguasai Penyelidikan Dalam Pendidikan*. Kuala Lumpur: PTS Professional Publishing Sdn.Bhd.
- Baruari bin Kemat (1994). Orientasi Sikap Keusahawanan di Kalangan Pelajar Politeknik di Malaysia, *Tesis Sarjana Sains Pengurusan*, Universiti Utara Malaysia.

- Bird J.B. (1989). *Entrepreneurial Behavior*. London, Scott, Foresman& Company.
- Bird, Barbara & Mariann Jelinek (1988). *The Operation of Entrepreneur Intentions, Entrepreneurship Theory and Practice*.
- BorjoyaiBardai (2000). *KeusahawanandanPerniagaan*. Kuala Lumpur: DewanBahasadanPustaka.
- Borland, C. (1974) *Lokus of Control, Need for Achievement , and Entrepreneurship*. Unpublished doctoral dissertation, University of Texas at Austin. Boston:PWS-Kent
- Carsud, A.L. & Olm, K.W. (1996). *The Success Of Male And Female Entrepreneurs: A Comparative Analysis In Managing Take Off In Fast Growth Firms*. New York: Praeger Publisher.
- Chek Pit Chow (2002). *Ciri-ciriKeusahawaninan di KalanganPelajarSekolahMenengah di Wilayah Persekutuan*. TesisSarjanaPendidikan, Bangi: UniversitiKebangsaan Malaysia.
- Choo, S & Wong, M. (2006). *Entrepreneurial Intention: Triggers and Barriers to New Venture Creations In Singapore*. Singapore Management Review.
- Chua, Y.P. (2006). *KaedahdanStatistikPenyelidikanBuku 1*. Kuala Lumpur: McGraw-Hill Education.
- Craint. J.M (1996). *The Proactive Personality Scales As S Predictor Of Entrepreneurial Intentions*, Journal Of Small Business Management.
- Cunningham, J.B. & Lischeron, J (1991). *Definition Entrepreneurship*. Journal of Small Business Management.
- De Bono (1975) *Pemikiran Lateral*. Terjemahan. Kuala Lumpur. Golden Books CenterSdn Bhd.
- Dollinger, M.J. (1995) *Entrepreneurship; Strategies and Resources*. Illinois: Irwin.
- Doughlas, E.J., & Shepherd, D. A. (2002). *Self -Employment as a Career Choice: Attitudes, Entrepreneurial Intentions, and Utility Maximization*. *Entrepreneurship Theory and Practice*.
- Drucker, P.F. (1985). "The Practice Of Entrepreneurship", *Innovation and Entrepreneurship Practice and Principles*, Harper & Row, New York.
- Hayati Md. Salleh, Asha'ari Arshad, Ahmad FaizalShaarani, NorbilaKasmuri. (2008). *GerakanKoperasi Di Malaysia*. MakaṭabKerjasama Malaysia. Petaling Jaya.
- HisamMohd. Sudin (2007). *OrientasiKeusahawaninan Di KalanganPelajarSekolahMenengahLamborKiri Perak*. DisertasiSarjanaPendidikan,UniversitiPendidikan Sultan Idris.
- Hisrich, R.D. & M.P. Peters (2002). *Entrepreneurship (fifth edition)*. New York, NY: McGrawa- Hill/ Irwin
- Hisrich, R.D. & M.P. Peters (2008). *Entrepreneurship (7<sup>th</sup> edition)*. New York, NY: McGrawa- Hill/ Irwin
- Howell, D. C (1992). *Statistical Methods For Psychology (3rdEd.)*. Boston:PWS-Kent
- Humam Bin Haji Mohamed. (1988). *Entrepreneurial Development In Malaysia With Specific Reference To Training And Development Initiatives*. Doctor Of Philosophy. University Of Stirling, London.
- Jain,S. (1993). *Marketing planning & strategy (4thEd.)* Cincinnati,Ohio: SouthWestern Publishing Company.
- KamusDewanEdisiBaru.(2003).DewanBahasadanPustaka.KementerianPendidikanMalaysia:Kuala Lumpur.
- Khairuddin Khalil (2003). *KeusahawaninanSebagaiKerjaya*. EdisiKedua Kuala Lumpur :DewanBahasa Dan Pustaka.
- Khalina Khalid (2004). *PerananKoperasiSekolahDalamMemupukBudayaKeusahawaninan Di KalanganAnggota-Anggotanya*. KertasProjekSarjana. UniversitiKebangsaan Malaysia.
- Kirzner, I (1979). *Perception, Opportunity And Profit: Studieson Theory Of Entrepreneurs*. Chicago: The University Of Chicago Press.
- Krueger, N.F. & Carsrud, A.L. (1993). *Entrepreneurial Intentions: Applying The Theory Of Planned Behavior*. *Entrepreneurship & Regional Development*.
- Kuratko, D.F. & Hodgetts, R.M. (1992). *Entrepreneurship, A Contemporary Approach*. London:Dryden Press.
- Mastor bin Hemdi (2003). *SatuKajianTerhadapGerakanKoperasiSekolah Di Daerah Kuala Kangsar, Perak*. TesisSarjanaPendidikan. UKM.
- Mazlan bin Kamis (1997). *KoperasiSekolahSebagaiPemupukKeusahawaninan,LatihanIlmiah*, Universiti Utara Malaysia.

- Mc Burney, D. H. (2001). Research Methods (5th ed.). California. Wadsworth.
- McClelland, D.C. (1965). NH Achievement and Entrepreneurship: A Longitudinal Study. Journal of Personality and Social Psychology.
- McClelland, D.C. (1961). The Achieving Society. New York: Irvington Publisher Inc.
- Mery Coulter(2000). Entrepreneurship Involves Changing, Revolutionizing, Transforming, Introducing New Approach:Prentice Hall.
- Mohd. Majid Konting. (2000). Kaedah Penyelidikan Pendidikan (5<sup>th</sup> Ed.). Kuala Lumpur.
- Mohd. Najib Abdul Ghafar (2003). Reka Bentuk Tinjauan Soal Selidik Pendidikan. Skudai: Universiti Teknologi Malaysia.
- Moorman, J.W. and Halloran, J.W. (1993). Entrepreneurship. Colorado: South Western Publishing Co.
- Natifahbt Abu Khairi. (2006). Kecenderungan Keusahawanan Di Kalangan Pelajar Jurusan Perakaunan Kolej Metrikulasi Pulau Pinang. Seminar Penyelidikan Pendidikan Program Matrikulasi, KPM 2006.
- Nawawi Mohd Jan (1992). Kompetensi Keusahawanan. Asas Keusahawanan. Pusat Pembangunan Usahawan Malaysia (MEDEC). Shah Alam. Institut Teknologi Mara.
- Nor Aishah Buang (2002). Asas Keusahawanan. Kuala Lumpur, Fajar Bakti.
- Nor Azizah Ismail (2000). Aspirasi Keusahawanan Di Kalangan Pelajar-Pelajar Perempuan Di Sekolah Menengah Tok Janggut, Pasir Putih, Kelantan. Satu Tinjauan. Tesis Sarjanamuda Yang Tidak Diterbitkan, Skudai : Universiti Teknologi Malaysia.
- Nor Felida Mohd Amin & Dzufilszuralspaw (2011). Faktor-Faktor Yang Mempengaruhi Pemilihan Bidang Keusahawanan Sebagai Kerjaya Dalam Kalangan Pelajar Pendidikan Teknikal Dan Vokasional. Fakulti Pendidikan, Universiti Teknologi Malaysia,
- Norhatta Mohamad (2003). Pengetahuan, Kemahiran Dan Sikap Dalam Perniagaan Dan Keusahawanan Di Kalangan Pelajar-Pelajar Sekolah Menengah Di Sekitar Lembah Kelang. Tesis Sarjana Yang Tidak Diterbitkan, Bangi: University Kebangsaan Malaysia.
- Noor Zalika (2013). Cabaran Dan Halangan Membangunkan Usahawan [Bumiputra Berjaya](http://azlanyusof.blogspot.com/2013/03/cabaran-dan-halangan-membangunkan.html)
- Pallant, J. (2011). SPSS survival manual: A step-by-step guide to data analysis using SPSS. New South Wales: Allen & Unwin.
- Ramayah, T. & Harun, Z. (2005). Entrepreneurial Intention Among The Students Of University Sains Malaysia (USM). International Journal Of Management And Entrepreneurship.
- Ramlee Ismail, Jamal @ Nordin Yunus & Hariri Kamis (2011). Analisis Data Dan Pentafsiran Dengan Menggunakan SPSS. Kuala Lumpur: Titisan Ilham.
- Ramziah Shamsuddin (2000). Amalan Pendidikan Keusahawanan Di Kalangan Pelajar Semasa Menjalani Aktiviti Keusahawanan Di Sekolah Menengah Vokasional. Tesis Sarjanamuda Yang Tidak Diterbitkan, Skudai: Universiti Teknologi Malaysia.
- Rancangan Malaysia ke-sembilan, (2006-2010). Economic planning unit, Prime Minister's Department , Malaysia. Kuala Lumpur: Percetakan Nasional Berhad
- Roslan Ali. (2010, September 21) Minda Usahawan. Jurnal Usahawan.
- Roslan Hussin (2003). Kecenderungan Keusahawanan Di Kalangan Pelajar-Pelajar Sekolah Menengah Agama Rakyat Di Negeri Perak. Tesis Fakulti Pendidikan, Universiti Kebangsaan Malaysia.
- Rosli Khalid (2013). Kecenderungan Keusahawanan Dalam Kalangan Guru-Guru Koperasi Sekolah Menengah Di Daerah Klang. Kertas Projek Sarjana. Universiti Pendidikan Sultan Idris.
- Sabri Hj. Hussin (2002). Pengenalan Kepada Perniagaan: Mengurus Perniagaan Dalam Perspektif Malaysia. Singapore: Thomson Learning
- Segal, G., Borgia, D., & Schoenfeld, J. (2005). The motivation to become an entrepreneur. International Journal of Entrepreneurial behavior & research, 11 (1).
- Sekaran, U. (2003). Research Methods For Business (4<sup>th</sup> ed.) Hoboken, New York: John Wiley & Sons.
- Sekaran, U. 1992. Research Methods For Business: A Skill-Building Approach. (2<sup>nd</sup> ed.). New York: John Wiley & Sons.

ShahrinHashim 1 &Noraini Radio (2011). Ciri Personality Keusahawanan. Journal Of Educational Management, Volume 4 December 2011, Pages 11/ ISSN: 2231-7341. FakultiPendidikan, UniversitiTeknologi Malaysia.  
[http://eprints.utm.my/20951/1/Abstract\\_EPRINT\\_96.pdf](http://eprints.utm.my/20951/1/Abstract_EPRINT_96.pdf)

ShamsuddinJusoh (2002). Persepsi Guru Dan PelajarSekolahMenengah Di Kelantan TerhadapPenerapanCiri-Keusahawanan. KertasProjekSarjana, UniverisitiKebangsaan Malaysia.

Shapero,A&Sokol,L (1982). The Social Dimensions Of Entrepreneurship.InC.A.Kent (Eds),Encyclopedia Of Entrepreneurship.Englewood Cliffs, New Jersey:Prentice-Hall,Inc.

SharifahKamariahbt Syed Sofian (1996). The Identification Entrepreneurship Characteristic Among Secondary School Students In The District Of Hulu Langat, Selangor. TesisSarjana. University Putra Malaysia.

SitiHawabinti Mohamed Idris (2009). KecenderunganKeusahawanan Di KalanganPelajarBidangKejuruteraan Di InstitusiPengajianTinggiAwam Di Kawasan Utara Semenanjung Malaysia. DesertasiiSarjana. University Utara Malaysia.

Stephens, P. R., Fry, F., Van Auken, H. (2006). The Influence Of Role Models On Entrepreneurial Intentions. Journal Of Developmental Entrepreneurship.

Timmons, T.A., Smollen L.E.S. &Dingee A.L.M. (1977).New Venture Creation:A Guide To Small Business Development. Ontario: Richard D. Irwin.

Timmons, T.A., Smollen L.E.S. &Dingee A.L.M. (1977). New Venture Creation:

Transforming, IntroducingNew Approach:Prentice Hall.

Turner, D. (1997). Managing personal development. Petaling Jaya: Pelanduk Publications (M) Sdn. Bhd.

UITM Entrepreneurship Study Group (2004). Fundamentals of Entrepreneurship Petaling Jaya: Prentice Hall Pearson Malaysia Sdn Bhd.

Wan Liz Ozman Wan Omar &Sulzari Mohamed (2002). MemperkasakanUsahawan: PanduanLengkapPengurusanPerniagaan Dan PenjanaanUsahawan. Kuala Lumpur: Utusan Publication & Distributors Sdn Bhd.

Wan Syukri Wan Drani (2004). PengaruhPersonalitiTerhadapKecenderunganKeusahawanan. Universiti Utara Malaysia.

Wu Min Aun Dan Beatrix Vohrah (1990). Undang-UndangPerdagangan Malaysia. Petaling Jaya: Longman Malaysia Sdn. Bhd.

Y.F Lay & C. H. Khoo, (2009). PengenalanKepadaAnalisisData KomputerDengan SPSS 16.0 For Windows. Selangor: Venton Publishing (M) Sdn. Bhd.

Yusof Bin Boon &SapiahBintiBohari (2010). KesediaanUntukMenceburiBidangKeusahawanan Di KalanganPelajar-PelajarBumiputeraTingkatanEmpat Di TigaBuahSekolahSekitarSkudai, Johor.

ZaidatolAkmaliah Lope PihiedanHabibah Elias (1997b). Keusahawanan DanMotivasiDiri. Universiti Putra Malaysia.

ZaharuddinYahya (1995). MemilihPerniagaan: KeArahPembentukanUsahawan Dan PengujudanPerniagaan Yang Berdayamaju. Kelantan: Al-Kafilah Enterprise.

## New Perspectives on Contractual Law in the Context of Real Contracts in the Systems of International Contemporary (Roman) Law

Bashkim SELMANI, Ph.D.

### **Abstract**

*This scientific paper aims at exploring and establishing whether national legal gaps or possible issues within the differences in the international contractual law of the European Union's member countries and non-EU member countries can result in possible difficulties. In case there are legal problems and difficulties or practical concerns in this field, should the functioning of the internal trade and legal function through its interpretation hinder the process between the contracting parties in the event of entering a contract of international and interstate character within the law of obligations, and in cases of entering a contract, during its interpretation, while determining the rights and obligations or during other legal issues which have to do with the implementation of international private law and European international private law. Viewed from this angle, we need to consider the national and international private contractual law in the aspect of harmonization of the contractual law which may result in inconsistencies on a European level and broader. This would present an obstacle which restricts the fundamental legal-private rights of citizens as an advantage of individuals. They consist of three parts: personal relations between citizens, property relations between persons entitled as property trustees, as well as the procedural law which regulates the protection of subjective rights of personal and ownership nature. In practice, these face more difficulties in the private international law and European private international law, for example in: rules on property, ownership, real rights on other people's belongings, liabilities and heritage in international character and elements.*

**Keywords:** common international market, law, European Union, contract, unification, contractual character of loans -*mutuum*, use of loan - *comodatum*, mortgages - *pignus*, the position of the parties in private international law.

### **1. The Roman real contracts and their influence in the legal system from the international viewpoint**

The regulations of the law and those of the private law were kept and protected for a long period as one of the essential principles on the issue of the emergence of obligations and duties arising from real contracts and their influence in the private law within the system of the national and international law. The Law of Obligations is a set of legal rules which regulate the obligatory relations, respectively the relations in which one party, the *creditor* is authorized to request from the other party, the *debtor* to carry out any action which should be fulfilled by the other party. The main characteristics of the Law of Obligations are: the relativity of obligatory relations, the disposition of the obligatory relations and the action as an object of obligatory relations. The relativity of obligatory relations means that the relations of obligations act on its own between the parties which are in concrete obligatory relations and in reality these duties are also included in the content of the Real Contract.

### **2. Roman Law or *Ius romanus***

Roman law or *Ius romanus* otherwise known in the Roman Empire did not stop here, but the need of judicial and economical communication also demanded new paths which would mean more than duties and obligations being created only through written contract because every written document may be best protected in a legal or procedural aspect.<sup>1</sup> Relying also in the contemporary laws of Republic of Macedonia, we may say that the *private law – or Ius privatum* includes personal rights, property rights and procedural rights. Viewed from in this context, the private law and the contracts in our country, which are in general protected by the laws of the state and international laws, are of consensual character, which means that nobody can force someone to make a contractual agreement without the will of both parties. Hence, we can say that Republic of Macedonia and its legislation practices Consensual Contracts. Whereas, when we discuss real contracts we

<sup>1</sup> Bashkim Selmani, Ph. D., *E Drejta Romake dhe Ndjikmi i Saj në Sistemet e së Drejtës Bashkëkohore* p. 467-493. Publisher: State University of Tetovo. Tetovo, 2013.

can conclude that these types of contracts appear mostly in the banking systems, where a number of citizens hold creditor obligations, and as a guarantee to the banks they apply the practice of putting the estate to Mortgage.<sup>1</sup>

### **3. The emergence of real contracts in the system of contemporary banking Law**

The Roman real contracts and their influence in the system of the national and international law, tends to learn which are the factors that influence when entering a real contract, such as; *mortgage*, *deposits*, *pledge*, *hand pledge*, *loan*, *use of the loans* as well as duties arising from the contracting between parties in the private law of the Legal System of Republic of Macedonia, of the international private law and of the European international law. In this context, from this scientific paper which discusses the real contracts we can conclude that these types of contracts appear mostly within the banking systems, where a number of citizens have creditor obligations, and as a guarantee towards the bank they apply the practice of putting the estate to Mortgage. We intend to ascertain the actual situation of the position of contracting parties in a state and in an international level in order to research the real rights between the contracting parties and the legal sources which regulate the contractual rights within the private law. In this Master of Laws thesis we will also turn to the topic of private law and in general to the civil law, because from these study subjects derive all aspects of the contractual law from ancient times until today. We can also mention here the modern societies in which in general the Roman law has had its effect and the same is being used by the largest legal systems of the modern Law. In this aspect we can mention: The role of the obligatory subjects in a judicial relation of obligations, as well as the legal-civil rights based on the real contracts. For example: *loan-mutuum*, *use of loan-comodatum*, *mortgage-pignus* and the position of the parties in a national level, international level and in the EU international private law. Real contracts and the contractual law will be treated as a special part of the national civil law, international civil law and the EU international private law. We will also include the Law of Obligations and the civil and legal law by means of mortgage, as well as the role of the parties within national civil and legal position, the international private law and the EU international law.

### **4. Freedom of regulation of contractual relations has enabled the creation of international contracts**

- The evaluation of specific features of the rights of contractual obligations as well as the position of the real situation in legal defense in case of lack of fulfillment of the obligations between the contractual parties in real law, internationally. –
- The role of the obligatory subjects in a legal relation of obligation, as well as the legal-civil rights in a legal dispute of international nature.
- A reflection through an analytical approach and a scientific research foreseen in the role of real contracts-*reals contract* as well as the invalidity role and the position from the difference consequences; *persons who may act even when the contract is banned* in a national level, international level and the EU international private law.

The freedom of regulating the contractual relations has enabled the creation of numerous and various contracts in the historical-legal aspect in many large legal systems in the past and the same will continue to be as valuable in the future in the system of the private law and real law in general. By using the examples of the so-called "good practices", appear also some of the latest recommendations of the European Council which deal with the international private law that also include the real contracts, legal-civil procedures on the contractual and procedural law on which this scientific master thesis is also based.

### **5. The role and the position of real contracts - loans-*mutuum*, use of loans-*comodatum*, mortgage- *pignus***

**Real contracts** – this category includes four contracts: *mutuum-loans*, *commodatum- loan use*, *depositum-deposits* and *pignus - mortgages*. Their common feature was that the obligations under these contracts emerged from submitting of something corporal, and exactly from this derives the word contract - *re*, meaning, from a delivered certain item.<sup>2</sup> The real form of entering a contract was through delivering an item which was the only sign that the contractors agree to enter a contract. Hence, *obligatio re contracta* introduced the obligation which derived from delivering an item - *res*, which than

<sup>1</sup> Endru Borkovski & Pol du Plessis *Textbook on Roman Law* p. 4-11. – Third Edition. Publisher: Prosvetno dello Ad, Skopje, 2009.

<sup>2</sup> Refer to, Metzger,Componion,182-9

produced the obligation to return the same. In the institutes of *Gaius* a real contract was considered exclusively the *loan*, which was being carried out through the transfer of the item's ownership in order to determine obtaining *tantendum* (the same amount of identical items). Though it was bringing or *causing* the emergence of a new *obligatio re contracta*, the case of *solutio indebiti* by *Gaius* was not considered as *obligatio ex contractu*, from the moment when, according to this jurisprudent, he who was paying more than it was decided within the contract, aimed at quenching such an existing bind. The delivery was a form of binding through a real contract when it was done on the basis of loans, use of loans, deposits and mortgages. At the time of Justinian ruled the regulation that the delivery in whatever legal basis served as a form of entering a contract. Through the introduction of the use of loans, deposits and mortgages as real contracts - *obligation re*, which before meant bringing an item to ownership, it took a different meaning according to the type of a real contract. Thus, for example, in the case of the mortgage it only caused the transfer of ownership, whereas in the case of the contract for use of loans and of deposits it generated the right to hold possession of the item. The loan contract demands the return of the same amount of the same items, whereas other real contracts demanded the return of the very same item.<sup>1</sup>

The *loan -mutuum* presented a one party contract and *stricti iuris*, which in essence consisted of a complimentary *loan* for the consumption of things which were measurable and which were consumable through their use, meaning *fungible* or usable, replaceable often with an amount of money. The real contract is the most ancient and most important. It was a one party strict contract created by delivering substitute items owned by the debtor, who was obliging that on the request of the creditor or on the predetermined time frame to pay the same amount of replaceable items. For the loan to occur it was demanded to: deliver an item; the item to be replaceable; the item to pass into debtor's ownership. The delivery of the item was possible to be executed in any possible way. This contract was concluded through the transfer of ownership of a certain amount of money or a certain amount of other replaceable items from one subject *the debtor* to another subject, *the creditor*, implying the obligation for the receiver of the loan to return to the lender a certain amount of items of the same type and quality *tandundem eiusdem generis*. There exists a delegation or an authorization of the debtor to borrow the object from a certain person who was obliged to implement the delegation. Whereas, the promise for giving only held legal effects if the same was conducted in the form of *stipulatio*. The loan was conducted only through *datio rei* of giving the item, or delivering the item, which consisted of a *traditio* of the ownership.<sup>2</sup> Only replaceable items were allowed to be borrowing objects. The debtor, borrower, was compelled to return, not the same item, but the same quantity of identical items. For as long as the delivery of items was passed to the borrower's ownership, only the owner of the object of the loan was authorized to bind a contract. The delivery by the non-owner did not include the establishment of the property of the debtor over the obtained object. The creditor, in situations when the borrower lacked fulfilling the obligation, had the right to be protected through the following indictments: a. *actio certae creditae pecunia*, if the loan consisted of a sum of money, b. *condictio certae rei* (which in Justinian law was known as *conditio triticaria*, if the loan object was any other replaceable item.<sup>3</sup> The loan contract was protected through severe lawsuits. Those could be refused when the creditor would require more, when his request was done ahead of time or not at the place designated in the contract. Being a one side contract the loan was tailored to give rights to the creditor and obligations to the debtor only. The creditor had the right of requesting the return of the same amount of the identical items. He had no other right, no option of requesting any type of reimbursement or interest. The debtor's basic obligation was to pay the creditor the same amount of identical items. No more, no less. This occurred since the contract in essence was done for free. This obligation was carried out by the debtor, be it within the determined time frame or upon request by the creditor when there was no determined time frame. During the Vespasian principality, in 1<sup>st</sup> century AD, a special rule, filed through a *senatusconsultum Macedonianum*, determined the ban of lending money to family children *filiis familias*. From the Greek law, the Roman law borrowed a particular piece related to the lending contract. This is the so-called *fenus nauticum*. With *fenus nauticum* we understand the case of money borrowing which was supposed to be transported through sea by the borrower and to be used for buying merchandise at the destination point, or to be used for buying merchandise meant to be shipped by sea.<sup>4</sup>

<sup>1</sup> Mandro Arta, Ph.D. „E drejta Romake“ pag. 356-357.

<sup>2</sup> Paul, *Edkt*, book 28: The word loan for a consumer, *mutuum*, is formed from *meum* and *tuum*, **since what is mine becomes yours** (D.12.1.2.2).

<sup>3</sup> Endru Borkovski & Pol du Plessis *Textbook on Roman Law* p. 4-11. – Third Edition. Publisher: Prosvetno dello Ad, Skopje, 2009.

<sup>4</sup> The most frequent use of *mutuum* was related with money, it became a standard of the Republic's contract for borrowing money. Joining of supplementary terms through stipulations was common, for example, related to the interest needed to be payed or the date of repayment, since *mutuum* was completely free (Metzger, *Compan-iort*, 129).

**Use of loan *commodatum***-was a real, two party contract, non-equal, which was established through delivery of a certain irreplaceable item in use, free of charge, to a provisional borrower, who then would pledge that he would keep the item, will use it properly and according to the contracted use, will return the item to the lender. Subject to contract of the loan use contract could have been only irreplaceable items and in order for the contract to emerge, the item, subject to contract, was supposed to be returned back. At the moment of closing the contract for the giver of the loan use emerged only rights, and for the taker only obligations. The basic right of the lender of the use of loan was the right to require from the borrower to keep the object of the loan, to use it according to the agreement and, at the determined place and time, return the same undamaged. The obligations of the borrower of the use of loan were in correlation with the rights of lender. The borrower was responsible for all his obligations; furthermore also for the damage to the lent object from action of force majeure in cases this action could have been foreseen and avoided. In seldom cases, according to the contract of the loan use, the borrower may also enjoy certain rights. For example when the borrower had suffered certain damage due to the lenders irresponsible attitude, as well as when due to the damages within the object he was forced to spend a certain sum of money for its maintenance.

*Commodatum* consisted of a cost free loan for something physical to use, which was supposed to be returned in the end of the loan term. Unlike *mutuum*, the ownership of the object remained to the lender. This was a two party contract and a *bonae fidei*, the development of which was mostly influenced by the praetorian intervention. The borrowing was supposed to be free. If money were included, the contract would have been *locatio conductio*, and not *commodatum*. The borrowing was usually issued for one purpose and for a settled duration, and if the duration was not set, the borrower was able to keep the object for a reasonable time considering the goal of the borrowing.

Land may be subject to *commodatum*, although this was doubtful before the classical era the food that could be spoiled could not be a subject to it. However, there were minor exceptions, for example, when things where given for exhibition purposes.<sup>1</sup> Unlike the borrower's case, here one could not claim ownership. One could not even claim the ownership of the object, but only the physical control. This way, there could be a valuable *commodatum* even in cases when the lender was not the owner.<sup>2</sup>

**The obligations of the borrower** – He was supposed to use the property for purposes agreed, otherwise he was responsible for theft, and unless he honestly believed that the lender would approve the same. However, even if the borrower would believe this, it is normal that he would have been responsible for any type of damage caused to the property during its unauthorized use, though deliberately, even for damage through *vis maior*. Furthermore, the borrower was responsible for any type of damage, regardless of the way it could have occurred, whether in cases under *mora*, for example, when one would delay in returning the property.<sup>3</sup> The basic standard of care needed to be applied towards the objects borrowed for use, is the care which would have been given by every *head of family* who is considerate about his private businesses which means that the borrower is excluded from his responsibility only in cases of events he is not able to prevent, such as the death of slaves, not being his responsibility, such as unexpected robbery or hostility from pirates, ship flooding, fire and escape of the slaves who usually were kept untied.<sup>4</sup>

**The duties of the lender** – He was supposed to allow the borrower to use the object during the agreed period, but if the borrower would misuse the property, the lender needed to get compensation or return of the property, immediately. The lender needed to compensate the borrower for all kinds of irregular expenses emerged during the use of the object and legally the borrower was allowed to keep the object until these expenses were cleared. Apparently, the lender was not responsible for the negligence, but only for the *dolus*. Therefore, he was responsible for the damage caused from an object, in cases he was aware for the defects and had not informed about them.<sup>5</sup>

**Common benefit**- In cases when the borrowing would serve both parties, then it turns out that the borrower was prone to the host standard, expected from him for his own work matters *diligentia quam suis rebus*. If the borrowing was only

<sup>1</sup> Refer to: (D.13.6.3.6.).

<sup>2</sup> In fact a thief was able to be a lender, with the right to a lawsuit as regards the contract.

<sup>3</sup> Gaius, *Provincial Edict*, book 9: (D.13.6.18pr).

<sup>4</sup> Ulpian, *Edict*, book 28: If the item borrowed is returned damaged, it was considered as not being returned at all, except in cases this was in the interest of the lender (D.13.6.3.1).

<sup>5</sup> Gaius, *Provincial Edict*, book 9: Again, someone who intentionally lends a damaged container should be punished if the wine or the oil in it gets polluted or spilled (D.13.6.18.3).

benefiting the lender, the borrower was only responsible for *dolus*.<sup>1</sup> The deposit was the unequal two-party contract established by the delivery of an irreplaceable deposit to the taker who pledged to take care of the item for free and upon request from the deposit-giver or after the predetermined contracted time frame would return it without any damage. Hence, object of deposit contracts were irreplaceable items. The deposit-giver had the right to demand from the deposit-taker to look after the trusted items and return them undamaged. Obligations of the deposit-taker were in correlation with the rights of the depositor. For his obligations, the deposit taker would only be held responsible when the damage of the item or the lack of fulfilling the obligation occurs due to his culpability; otherwise he was freed from any kind of responsibility.

**The deposit taker, according to the deposit contract** - The deposit taker, according to the deposit contract did not gain the right to use the item or the right to seek compensation for looking after the item. Since the deposit contract was a two party and not equal, the deposit-taker earned the right to seeking his assets when the item had been damaged or when looking after the item included expenses. The Roman law recognized three cases of exceptional deposits:

1. When the deposit-giver, due to unexpected circumstances like fire, earthquake, war, etc., was not able to choose the persons to whom he would entrust the preservation of the item.
2. The court deposit was a contract through which the opposing party would deliver the item to a third person, by obliging him that after the end of the court procedure to return the item to that party that had won the trial. In such cases the deposit-taker earned the intermediary possession which could protect him in all the interdicted possessions.
3. The irregular deposit was a deposit over replaceable items. The deposit-taker would become the owner of the entrusted items and by the request of the deposit-giver or within the contracted time frame was obliged to return the same amount of items of the same type. This type of a deposit resembles immensely the loan contract. The difference between them is that the loan contract dealt with the debtor's interests, whereas the deposit with the interests of the deposit-giver.<sup>2</sup>

**The pledge- *pignus*-** *Pignus*, a pledge meant a contract *bonae fidei* and a two-party contract, which consisted in transferring the property from the borrower as insurance for the lender in the form of a mortgage. The lender would hold legal possession of the property, be it land or movable property.

*Development of Pignus* - the pledge was developed from its original form of a real guarantee, *fiducia*, according to which the borrower transferred the property ownership which implied the pledge to the lender as a form of insurance. The transfer in *fiducia* needed to become valid through formal delivery, thus *mancipatio* or *cession in iure*. The lender bound to return the property after the debt was fully returned. However, being the owner, the lender could sell the land if the borrower did not pay. Besides the fact that it was inconvenient, *fiducia* had the disadvantage which deprived the borrower from the right of ownership over the object that was put as a pledge, until the debt was paid. *Pignus* did not face such disadvantages, if the transfer was able to be effective through *traditio* and the borrower kept the ownership, only by giving up from possession. However *fiducia* did not disappear until the late Empire, when the formal ways of transfer became obsolete. Its long survival happened due to the relative popularity of the lenders. They had more rights over the property compared to *pignus*.

### ***Fiducia* and *pignus* coexisted together for many centuries**

Therefore *fiducia* and *pignus* coexisted alongside for many centuries, although the second became the most usual form of a guarantee for immovable property. However, we need to emphasize that the difference between *fiducia*-s and *pignus* lied in the fact that the first was done free of charge and based on good trust, *pignus*, and the pledge was a form of a credit similar to the pledge that exists today in modern law. It was a real contract, accessory, two party, unequal which was done through the delivery of an irreplaceable item, to the creditor, who was authorized to posses the item, to sell it and from the price to retrieve the primary debt of the debtor in case of lack of fulfillment by the latter. Based on this contract the creditor was obliged to protect the pledge object and return it undamaged, when the debtor would orderly fulfill his primary debt.

**The pledge contract introduced two different groups of rights** – From the pledge contract emerged two different groups of rights and obligations: The real right of the creditor to posses the pledged object. This right was conditioned since it was valid until the predetermined moment for fulfilling the primary obligation. When the debtor would fail to fulfill the obligation the creditor earned the right to sell the item, while making the debtor to provide the difference between the price and the

<sup>1</sup> Ulpian, *Edict*, book 28:

<sup>2</sup> Mandro Arta, Ph.D. „E drejta Romake” pag.359-356.

value of the primary obligation. The second group of rights and obligations had an obligatory nature. The debtor had the right to demand the protection of the item by the creditor, as well as its return if the primary obligation was paid on due time and regularly. Since the contract was a two-party, the creditor in certain cases was able to demand payment of claims that had appeared due to shortcomings of the pledged object and due to expenses for its maintenance.

**The position of the parties in pignus** – Within the position in *pignus* the borrower was responsible for the caused damage emerged from the defects in the transferred property as insurance, according to the standard of care *bonus paterfamilias*.<sup>1</sup> The lender took possession of the object, although in practice sometimes the borrower was allowed to have physical control. If the lender had the actual control in a random case, he was supposed to protect the property, thus apply the standard *bonus pater familias*. If the lender would misuse the property, the contract was disrupted. If the creditor would abuse the pledged property, this resulted with a lawsuit on the pledge. Hence, if he would force a slave into prostitution or forces her to commit *indecent* acts, the *pignus* representing her was abrogated immediately.<sup>2</sup> Namely, the pledge over a slave forced into prostitution ended. The lender had the right to get reimbursement of expenses for the time while taking care of the property. Any benefit he could get from the property was considered as compensation, discount for the loan.<sup>3</sup>

**Lawsuits** – The obligations of the lender were able to be imposed only if the borrower had paid its debt, when he was ready to carry out the payment, or when he would specifically prove its repayment.<sup>4</sup> However, if the borrower was not able to repay the debt, the primary position was that the lender could keep possession of the property as a guarantee until the debt was not paid, but he could not become its owner and he also could not sell or liquidate it in any way. In short, his position was not quite favorable. For this reason, it was common that the parties agree the lender to have the right of selling; in cases the debt was not returned. If the lender would sell the property for a higher price than the debt, he needed to account for any surplus since he had deducted the debt, the interests and the expenses for organizing the sales. The practice of allowing the lender to sell the property became so widespread that during the classical period it was understood in all types off contracts, except in cases when it was clearly excluded. Another bargain, usually conducted in practice was in cases when parties would agree the lender to gain ownership of the property if the debt was not paid on the determined date, meaning automatic deprivation of the right to property. However, such agreements were banned from Constantine. Nonetheless, a delayed form of deprivation from the right to property was possible according to a procedure dated from Middle Empire, through which the lender was able to make a request to the court in order to gain ownership after the due period of *usucapio*, except in cases when the borrower would pay the debt in the interim period.<sup>5</sup>

**The mortgage** - Regardless that *pignus* had more advantages for the borrower than *fiducia*, it however demanded the transfer of possession of the pledged item from the lender *pledge-taker*. The borrower would lose the benefits from the property, but he could now use this property to secure only one loan for a certain period. As a respond to the need for a more elastic way of a pledge contract, in the late Republic appeared a modified form *epignus* mortgage, based on which the lender was promised right over the property of the borrower in cases when the debt was not paid, while the borrower was holding ownership and possession rights.<sup>6</sup> The mortgage was maybe created from the practice through which the leaseholders would agree for the owner of the land to be able to seize goods or crops, if the lease was not paid. The mortgage began to be applied in land pledging, but could be also applied for personal estates. According to a mortgage, the borrower was able to secure more than one loan over the same property deposited as a mortgage, meaning he could deposit the property as a mortgage more than once. This possibility demanded the development of regulations which had to do with the priority of liabilities. The basic regulation was that the priority was determined according to the order of the establishment of liabilities, meaning that the first pledge would prevail.<sup>7</sup> Since the priority of paying the debt, depended from the time of the establishment of the obligation, the borrower was obliged to inform a new potential borrower, about every existing liability in relation to the property. Failure to declare a prior liability was a criminal violation. In the Late Empire, the

<sup>1</sup> Refer to, cf Inst. 3.14.4.

<sup>2</sup> Refer to, Ulpian, *Edict, book3*, (D. 13.7.24.3.).

<sup>3</sup> If the debt was returned, the lender should have returned the object, together with a supplement, for example when a race mare had given birth, if the mare was put as a pledge.

<sup>4</sup> *Fiducia*-an agreement *pactum fiduciae*, in order to transfer a property through a *mancipatio* or *in iurecessio*, by which the transfer-receiver undertook some obligations after the property transfer.

<sup>5</sup> Ulpian, *Edikt, book 2S*;

<sup>6</sup> Ulpian, *Edict, book 28*, Ulpian, *Edict, book 30*, and (D.163.18),(dhs.3.14.3).

<sup>7</sup> Gaius, *Action on Mortgage, sole booc*. The creditor who firstly gave money and taken a mortgage is preferred, even if the debtor had agreed previously to put the property to pledge to someone else, again as a mortgage if he gets the credit, regardless that the credit was given in a later time. (D.20.4.11.).

rules of the priority were substantially amended. Priority was given to the obligations that were formally registered or for which there was a witness, for example, the default mortgage of a wife over the property of her husband, as insurance for her rights over dowry.<sup>1</sup>

## 6. The modern use of contracts from a contemporary viewpoint

*The modern use* –The Roman contracts have undergone a great influence within the modern law. For example, the differences between the different types of borrowings have been kept, as in part 598-610 BGB and Articles 1874-1914 of the French *Civil Code*, as well as certain changes within the regulations on the standards for caretaking. Hence, the case of borrowing for use, part 599 BGB foresees that the borrower is responsible only for stubbornness and immense negligence, whereas Article 1880 of the *Civil Code* applies the test *bon pere de famille* for the duties of the borrower in taking care about the property. The Albanian legislation also is influenced by the Roman contracts. There are some exact special legal provisions foreseen in the private law which regulate the rights and obligations between the lender and the borrower or the relations between them.<sup>2</sup>

## 7. The objective of international cooperation

The objective of international cooperation of the European Union, through the Agreement of Rome dated March 25<sup>th</sup>, 1957 was the foundation for the international common market aiming at the stimulation and political alignment between member countries of the European Union and beyond to enhance the judicial cooperation between states and to facilitate the contractual judicial cooperation of a commercial character for free transportation of goods between countries through the harmonization of the contractual right for balanced development as insurance for the contractual rights and obligations between countries regulated by the public law. This also included the judicial regulation between natural persons and legal entities in interstate and international relations, as well as the unification of many civil codes related to common standards of the rights and obligations of civil justice of private-property and commercial nature.

The Republic of Albania has regulated this matter with its civil code, whereas the Republic of Kosovo and the Republic of Macedonia have regulated it through specific legal-civic provisions.<sup>3</sup> The British Law is also influenced by the Roman contracts, especially by *commodo -ndatum, depositum and pignus*.<sup>4</sup> Hoping this paper will attract immensely the attention of lawyers, as well as by trying to eliminate some inaccuracies arising from this contract, I wish to have somewhat achieved the final objective: working on thesis in a worthy topic which will be useful for the future researchers in this field of civil-justice law related to loan contracts -*mutuum, use of loans - comodatum, pledges- pignus* and the position of the parties in the private law. I welcome all the recommendation and potential interventions in order to complement and advance the national private law, the international private law and the European international private law.

## Conclusion and suggestive recommendations

In concluding all the theoretical and practical data of this international scientific paper related to the international private law or *ius privatum*, and the European international private law, which includes almost the majority of states in the international systems, we may also conclude that this category incorporated four types of contracts: *mutuum*-loan, *commodatum*-use of loan, *depositum*-deposit and *pignus* – pledge, and a common feature of these was that the obligations under these contracts emerged from the delivery of something corporate. Exactly from this derives the name contract or *re*, meaning a delivered item. The real form of signing a contract was through the delivery of an item which was the only indicator that the contractors agree to make the contract. Therefore, *obligatio re contracta* brought around the obligation deriving from the delivered item *res*, which then resulted in the obligation to return it to Roman law.

<sup>1</sup> Borkowski Andrew & Plessis Du Paul *E Roman Law*, including an introduction and scientific editing by Spartak Ngjela pag.400-402

<sup>2</sup> Thorough analysis of the pledge by Holt CJKB nè *Coggs v.Bernard* (1703) 2 Ld Ryan 909, 92, ER 107, mostly inspired by Roman regulations.

<sup>3</sup> Endru Borkovski & Pol du Plessis *Textbook on Roman Law* p. 4-11. – Third Edition. Publisher: Prosvetno dello Ad, Skopje, 2009.

<sup>4</sup> Refer to, Zimmermann, *Obligationa*, p. 203

According to the research of this scientific paper, we can state that the real contracts in national net-legislation were not so much applied as in the past, or they don't have the same legal-civil weight as before in the system of the Roman law. This paper was written through a scientific, empirical and investigative commitment, with which we reach the confirmation of presented hypothesis in the introductory part of the scientific paper. It discusses the role of the Roman real contracts and their influence in the system of national and international private law and on a European international private law.

Relying on the contemporary legislations of many countries we can conclude, according to the empirical data from the scientific research and to those surveyed; parties, contractual parties, judges, notaries, judicial and legal experts, pedagogues, as well as bailiffs, the contracts in our country, are in general protected through positive laws of the country and of those international. When referring to Macedonia, these are in fact of consensual nature by function. While when we discuss the real contracts in the private law within our legal system we can conclude that these types of contracts mostly appear in banking systems where a part of citizens or creditors who had loans, in the majority of cases up to 49 %, had put their real estates under mortgage. From what we could conclude through the survey with people from this category, the majority had put under mortgage their apartments, houses, as well as different real estates. Also, something worth pointing out is some features that emerged from the surveyors among whom the majority thought that every agreement should be made in a written form or a contractual form. 61% of the surveyors believed this, whereas a part of the surveyors of around 29% declared that there is no need for every agreement to be made in a written form because the given word should be kept. On the other hand, 10 % of the surveyors did not hold an opinion on how should it be acted or what the best form of action in such agreement cases should be, but their expression was refrained and a part of them believed that the majority of problems that appear is related to the visa issue in the Balkan countries and this constitutes an essential injustice which is in contradiction with the basic international legal-civil rights. It is important to unify private law and contractual law which is a basic right of the international civil law. We need to achieve a harmonization and modernization of the national, international and European international private law. The European Commission is aware of this issue, but the Balkan countries still don't enjoy this right in the proper point and level of the contracting parties in an international level because they face many administrative and bureaucratic difficulties. The European Union, being aware for these problematic issues accepted the intervention of academic and scientific circles who did foresee the unification of the private and the contractual law, as was the case with the ratification of the agreement adopted by the European Commission, dated May 19<sup>th</sup>, 2003, - 68 def. This approved the action plan for the implementation of the contractual rights into a new European discipline. This action plan is in function even today as a "special frame" (CFR Common FRAME of Reference) of the terms, terminology, and specific principles of international character.

Viewed in this light, this is a relatively new process to us and to other Balkan countries, but the recent free movement of people has stirred even more this inter personal *ius quod ad personas pertinet*, inter item *ius quod ad res pertinet*, and inter procedural *ius quod ad actiones pertinet*, with foreign elements. It surely needs to undergo a more in-depth study and an in-depth research to these three basic elements at an international level which would be in the mutual inter-institutional and inter-personal interest related to the international private law and the European international private law of a legal-civil contractual character.

## REFERENCES:

- Aliqivadh Lamani, "Procedura Civile e shqipërisë", 1962,
- Alpa, Branca , European Community Result and the Codification of „Private Law”, Eur. Rev of Priv. Law, 2000.
- Ardian Nuni "E Drejte e Pronësisë" Tiranë,
- Avni Shehu; „Pronësia” Shtëpia botuese e Librit Universitar, Tirane 1998
- Bashkim Dr Selmani & Bekim Mr. Rexhepi „ E drejta familjare dhe trashëgimore (romake) dhe ndikmi isaj në të drejtën bashkëkohore shqiptare”-Ferizaj, 2014.
- Bashkim Dr. Selmani „E DREJTA ROMAKE dhe ndikmi i saj në sistemet e së drejtës bashkëkohore“ Botues: Universiteti Shtetëror i Tetovës. Tetovë, 2013.
- Endru Borkovski & Pol du Plessis „Tekst i së drejtës romake “ - Botimi i III-të. Shtëpia Botuese: Prosvetno dello Ad, Shkup, 2009.
- Galgano, Francesco. E Drejta private. Tiranë: Luarasi, 2006.

J. Latifi " E Drejte Civile" Tirane

Kodi Civil Shqiptar; Shtëpia botuese "ALBAL", Tirane 1997 Kodi Civil i vitit 1929 Kodi Civil i vitit 1981.

Ligji Nr.10 031, datë 11.12.2008" Për shërbimin Përmbarimor Gjyqësor Privat".

Ligji Nr.8730, datë 18.1.2001" Për organizimin dhe funksionimin e shërbimit të përmbarimit gjyqësor", Ligji për procedurën Këntestimore,

Ligji për procedurë Përmbarimore,

M. Semini; "E Drejta e Detyrimeve dhe e Kontratave" volumi I dhe II. Shtëpia botuese "Afërdita, Tirane 1988, Shtëpia botuese "Scanderbeg book" Tiranë 2007.

Maho, B. (2011). "Profesionet e lira" (Cikel leksionesh). Tirane: UET Press.

Malindi, Y. Ceco, S. Hasani, S. (1986). "E Drejta Procedurale Civile RPSSH". Tirane: Shtëpia botuese e Librit Universitar.

Mandro Dr. Arta „ E drejta romake“ Emal , Tiranë, 2011.

Mariana Dr. Tutlani-Semini „E drejta e detyrimeve dhe e kontratave“ tiranë, 2006

Mariana Semini; "E Drejtë Civile. Pjesa e Përgjithshme. Subjektet" Fakulteti i Drejtësisë "Justicia" Tirane 2004

Mehedi J.Hetemi; Detyrimet dhe kontratat", Shtëpia botuese "Luarasi" 1998 „Obligimet dhe kontratat e përgjithshme", Shtëpia botuese "Luarasi" Botuar sipas origjinale 1932.

Nazmi Bicoku; „E Drejta e Trashëgimisë ne Republikën e Shqipërisë" Tiranë 1998

Nerxhivane Dr. Dauti „E Drejta e Detyrimeve" Prishtinë 2004

Nuni, Ardian. Mustafa, Ilir. E drejta e detyrimeve Vol. I e II. Tiranë: SHBLU, 2008.

Pasurët e paluajtshme" Vol.1 dhe II, Shtëpia botuese " ALBAL" Tirane 1996

Tutulani-Semini, Mariana „E drejta e detyrimeve dhe e kontratave pjesa e përgjith -shme dhe e posaçme". Tiranë: Skanderbeg Books, 2006.

Valentina Kondili „E Drejte Civile. Pjesa e përgjithshme" Tiranë, 2007

Valentina Kondili " E Drejte e Pronësisë" Tiranë, 2007

## CIVIL CODES OF A NUMBER OF STATES

Civil Code of Republic of Albania

Civil Procedure Code of Republic of Albania

Civil Code of Republic of Turkey

Civil Procedure Code of Republic of Turkey

Civil Code of Republic of Austria

Civil Code of Germany

Civil Code of Croatia

Civil Code of Slovenia

Civil Code of Macedonia

## Reality and Imagination, the Portrait of Solitude, Suffering, Desperation and Exclusion, through the Existential Consciousness in the Man's Character

Assoc. Prof. Dr. Elda Talka

"Aleksander Xhuvani" University, Elbasan, Albania

eldataalka@yahoo.it

### Abstract

Federigo Tozzi is a Classical Modern Italian writer of the Italian Literature in the early XX<sup>th</sup> century. The novel analyzed, *The Clocks*, is written by him and the central character is Bernardo Lotti a man who lives alone in his existence surrounded by clocks that are hanged on the walls around the house. The existential melancholy, ineptitude and loss, painful conception of the character's life are the demonstration of the XX<sup>th</sup> century's crisis in Europe and Italy. The writer tries to be evident with the modern myth of the impossibility of life between consciousness and the reality. The objects in this novel are vitalized and life was given to them. The character is seen through the mechanism of glance and the metaphoric use of the reality, an objective description by the writer and subjective interpretation of the consciousness from Bernardo. In the horizontal plane we have a slow trend and in the vertical plane a fast style, concentrated, with ellipsis of verbs.

**Keywords:** solitude, suffering, desperation, existential, malaise.

### Introduction

Federigo Tozzi an avantgarde Italian writer of the twentieth century is considered by the Italian criticism a master of narrative expressionism (Luperini, 2001, 184) in the first quarter of the twentieth century. Tozzi a provincial writer from Siena is a representative figure of the cultural crisis that swept Europe in the first years of the 20<sup>th</sup> century. Regarding the topics covered and artistic values, his art as a novelist can be compared, on the European level of the art, to the great European writers such as Kafka, Joyce and Pirandello. According to the Italian critic Baldacci (1993, 105) if all his work is considered a diamond, the novels by Tozzi are the point of this diamond, and in the edition of "Corriere della Sera" newspaper of 25<sup>th</sup> March 1994 where Baldacci expresses that Tozzi is a provincial Kafka. The avantgrade Italian literature till the war period refuses genres such as novels and in fact, the first 25 years of the 20<sup>th</sup> century in Italy are characterized by breaking the previous tradition of literary and an approach of new topics such as the discovery of the unconsciousness, the individual identity crisis and incompetence/ineptitude. In Italy during this period are verified two parallel phenomena; the breakthroughs from the narrative tradition of cultivating the novel and the roman, and the re-establishment of the new novel on new narrative structures.

Tozzi in his early literacy writing fragmentized voices of writers such as Jahier, Slataper, Boine, associates of the *La Voce* magazine. These writers represent the front line that develops a more destructive action than regenerated the new era that leads to fragmentism, as well as the refusal of novel and the roman. While some other authors of 70s, Svevo and Pirandello propose some alternative solutions to rejuvenate the different genres of the novel, Tozzi, an exponent of the 80s, follows a path that starts from the fragmentism to reach his novel on the establishment of new narrative basis. Tozzi proposes a new way to narrative a novel and a roman. He requires the establishment of a new interrelation with the public, seeking new ways of reading and finding new social interlocutors (Luperini, 2001, 52), taking into consideration the preference of the public and interest in novels as the novels used to be published on the third pages of newspapers as consumer products.

With perseverance and consistence to the public tastes, Pirandello and Tozzi fought together against fragmentisms and traditional writers. They did not abandon traditional narrative genres novel, but targeted to renew these genres from the inside and the modern Italian novelistic begins precisely with these two writers. Pirandello and Tozzi within the novels *Novelle per un anno - Short Story for one year* and *Giovani- Young* managed to write indisputable novelistic masterpieces of modern Italian.

Tozzi is a storyteller who connects the reality and the imagination (Benevento, 1996, 226) the autobiography, and narrative/short story, the spiritual life in function of representing "people" and "things" reaching to the novels such as *Gli Orologi - The Clocks and Campagna romana - Roman country*, which are some of the peaks in his art.

The purpose of this paper is to analyze and interpret the novel titled *The Clocks* which was originally published on, October 25, 1919 in *Novella* and later was involved in *Opere*, published by Mondadori in 1987.

*The character's existential shock, melancholy and painful conception of life:* the main character of the novel Bernardo Lotti, is described as a Nobel man in behavior and lonely, who appears as a pathetic and dignified emblem of a provincial bourgeoisie. He has been through some family disasters such as his wife's and children's death, and has almost reached the end of the parabola of his life. He lives alone, and the only ones that keep him company are the clocks, these fragile measurements of the time and a madman who is the other character in the novel and described only physically is named *limonaio* - the lemon man. The clocks in the house and the public clocks in the city with their ticking are the objects with which he shares the space and the moments of the day. He follows the same ritual every day, with the emergence of a walk in the garden house, lunch at the restaurant and returning home charging/clock working the clocks and gazing the clocks. A sufficient rent guarantees him a dignified, calm and without problems life. It is a facade balance which essentially conceals/hides a shocking existential concern of main character, Bernardo Lotti. In a sad background looms a double identity; between what appears in the surface and what is inside is the invisible secret of awareness. Bernardo's loneliness is reflected by his ratio of the objects, the clocks, with which, more than a property ratio, is connected by the simple fact of sharing with these objects, the same space. Bernardo kept in his house seven clocks, one clock for each room; only in the hall there were four. The desire to communicate with someone pushes Bernardo for attributing human characteristics to his own clocks, *un tic-tac come un respiro – a tic – tac like a breath; la voce qualche parola - the voice a few words*. But clocks, the projection of losing the character, take threatening aspects; almost *tagliare e a uccidere - cut and kill* with its black hands of the clock. It is Bernardo's view that distorts reality in a frightening nightmare, thanks to the game of similes used masterfully by Tozzi such as; *si pareva che, parevano; come se; come*.

Dismantling the human condition reflected in a dry style, verbal ellipses, which are used in the function of providing rapid nervousness. According to Baldacci criticisms (1973, LII), Tozzi's characters are not, do not feel and they sometimes appear, such as they come back as anti-characters without strong individual features, symbolic emblems of universal human characters. Tozzi characters resemble Svevo and Pirandello's characters. Bernardo, the main character belongs to that category of human beings, but as drawn from life itself, they are unable to afford it, they alienated ending "*at the bottom of a well*" (Uliv, 1969, 482) unable to emerge from the circle of the loneliness. The existential concern and what tortures Bernardo, is neither linked with the physiological mechanism of aging nor with the disappointment of already hit bourgeoisie. He dies with a family balance bankruptcy without heirs; he is unable to penetrate the mystery of existence and thus proves the identity crisis of modern man.

The observation mechanism: Bernardo's life is built with sequences, on one hand are described the gestures his behavior and on the other as opposed to those given in rituals which mechanically are repeated by the character. It has a casual friendship relation with a pale madman, which represents a human mirror of someone being set aside by society. Even the pale madman is incapacitated, but differently from Bernardo, he is young and has no economic opportunities. He spends two months a year in mental hospital. Two incompetent, ineptitude figures that fulfill their needs are set aside, are excluded, are sufferings, and are desperate and lonely. In contrast to madman, Bernardo has restricted his life in observation mechanism. In this observation mechanism, the eyes are the key element to guarantee the contact with the real, living ratio between the outside world and consciousness. Bernardo's eyes limit the existence of the lonely character and have contemplative and static function. Bernardo's staring eyes focus at the clocks. The clocks become alive, equipped up to a biological structure, with a breathing heart and words, mechanical metaphors of life suffering. As it has been documented the literacy critic Paolo Getrevi (1983) – Tozzi regains the imagination of Poe turning the biggest clock in a killer figure, with clock hands as knife blades/ *lame di coltelli che avessero da tagliare e uccidere*- knife blades to cut and kill. Tozzi uses verbs *sembrare, parere, come se* – seems, looks like, if, to build artistically visible metaphors and to describe a nonsense reality, for example *pareva che avessero paura di quello, pareva che fosse sempre per sfasciarsi, le sue nere lancette parevano lame di coltelli* - it seemed that they were afraid of that, it looked like if it always was falling apart, its black hands looked like knife blades. The clocks are the only daily interlocutor of Bernardo's silence and appear as projections of non-adaptation, but, even as those humans who need to be seen and charged, feel submitters. Human existence is a mechanism that is subject to time and death is the end and, on the other hand, if the clocks unexpectedly lag the time, they cannot function. The unconscious output from the scene of Bernardo's biographical parable is given when suddenly it is

cut off in the middle of the life from death. *Ma la morte prese anche Bernardo prima di dargli tempo di avvedersene - But death took Bernardo without giving the chance to understand it.* Bernardo's death arrives unexpectedly and unmotivated, perhaps accelerated as it can be inutility understood in connection with the first part of the novel by the absence of love and solidarity with existence. Death is the only event with the real essential of Bernardo's existence and it is not accidentally recorded using present perfect tense, *prese – received*, compared to time described by using imperfect and filled with a repeated passage condition, and constant questions. *Qualche volta, questa solitudine gli dava da vero una disperazione melanconica, La tritezza più grande era quella di non avere né meno un figliolo. Morto lui, anche la famiglia Lotti spariva - Sometimes, this loneliness gave him a true despair of melancholy sadness. The biggest sadness was not having a son. Once he dies, the Lotti family disappears too.*

The reality described by Tozzi spins with a painful kind of conception of living/life, rocked by mystery, it is unable to penetrate the laws and acts to distort the objectivity of things according to the subjective filter of anxiety. The world is appeared to Tozzi as a mystery and must be presented as such in the literature. The vision of Tozzi is subjective and wrenching. Tozzi writes for the only reason because he doesn't know to explain the reality in contrast to the Naturalist who can give interpretations and explanations (G. Debenedetti, 1971, 255).

It can be said that we are dealing with a vision of expressionism and even hyperrealism in a personal fusion of fiction, visionaries and documentation. Tozzi, a provincial from Siena, is worth, according to the opinion that critic Debenedetti, to represent literature as the original exponent of the century XX, as Kafka did for Prague, Svevo for Trieste or Pirandello for Sicily, and reaches through the opening of a local geographical and anthropological microcosms to the macrocosms of the universal human condition. In his novel, Tozzi marks human crisis facing the impossibility of a naturalist mirroring of world. Tozzi through his art has found the existential shock as the man portrayed in the figure of Bernardo and giving the existential consciousness, the psychology that subdues life and things.

The breaking and the metaphorical use of the reality: in constructing the structure of the novel Tozzi does not respect the previous realistic and documentary tradition, but the physiognomy of the story and the novel, a merger between basic narrative structures, Verga model and incorporating an elliptical descriptive method without verbs and with incorporated parts, this was, firstly, as a consequence of the fragmentism given broader vocian expression (Luperini, 1995, 226). He constructed the analyzed short story in this article as human portrait of loneliness, melancholy and sadness and records his daily actions the seized with gestures, behavior and actions. And this is exactly the first innovation from Tozzi as in this way he allows the use of metaphorical reality leading us to a secret, conceptual and sentimental understanding. *Qualche volta ... per loro – Sometimes ... for them:* Tozzi as a narrator abandons right here the documentary cut and describes the inner life of Bernardo. His vision turns into a discovery and witnesses the cause of an existential concussions, facing a threatening reality that increasingly dominates man *quelli erano i padroni – they were the masters - the clocks* the only solution seems not visual, an implied hint of the desire for death and cancellation.

In the novel, it is neatly conducted with the continuous conjecture between objective description of the character and subjective interpretation. In the first plane of writing, the "horizontal" one which is linked to space-time resolution of Bernardo's life, Tozzi builds the structure of the novel, with a slow and dry gait in the first sequences. In other sequences he uses a fast and focused style, where predominates the ellipsis use of the verb to a greater effect of the realization of synthesis, *dopo mangiato- after have eaten* etc. While in terms of syntax, Tozzi, to divide the effects of the causes, frequently uses comma point, in order to isolate the end of the sentence and to give more importance. In the second plane, the "vertical", those of the meaning, Tozzi uses abstract phrases with multiple meaning; fills the empty spaces of action with lyrical phrases. Also it is noted the lack of causative conjunctives, the syntax regime is paratactic, everything placed in the same plane disappears and to be mentioned is the narrative hierarchy. All is submitted in subjective and troubling optics of the character and can say that we are dealing with an addicted subjectivism (Baldacci, 1993, 11). The scene in the novel follows the look from top to bottom. Tozzi uses indirect free speech; slows down the introduction the story by using of question and exclamation marks. Frequent use of these signs of speech is done in the function of announcing tension and passionate concerns (Tellini, 1972, 53). It is this moment of painful authenticity of the character who opposes to the truth of yarrow/internal stasis toward the external state to its daily movement that is only obvious. Tozzi realizes his deconstruction by destabilizing the logic of the story attire to enable the transmission of values between the possible and existential.

Bernardo's zero degrees existence is hidden in the charging and obsession of the clocks, with the appearance of someone being trembled and excluded from life. Even in physical contact with the outer world during the morning stroll in the garden of the city of Siena, which opens new perspectives for the character on the creation of new relationships, Bernardo sees

himself desperate, humble and excluded, confirming in this way his suffering loneliness and solitude. Bernardo gets affected by the supremacy of conscience: the area of his own shadow; penetrated by the darkness of the unconsciousness - according to Debenedetti – which allows us to interpret human behavior. And thanks to the excavation of the internal state in Tozzi's characters, it is avoided the flavor of fragmentism with vocian inspiration. And with an innovative experiment, Tozzi submits to the reader "more questions than answers", insists for "a narrative" as consumption of a "profane public and for more, hasty" (Tellini, 1972, 21, 35). The reader find himself in front of the necessity to meet in invisible use of elements of the story and the writer's reticence, actively cooperating in reading the text, realizing "an organic request and encouragement in the hermeneutic act of freedom of interpretation (Luperini, 1995, 226)".

In conclusion, it can be said that the novel analysis of Tozzi showed the particular compromises through which the unconscious logic becomes the syntax of the narrative which proves in the Italian art the closeness of the Tozzi's novels with those of Joyce, Kafka and Pirandello, the Italian founder of modern narrative.

## RERERENCES

- Baldacci, L. (1973). *Le illuminazioni di Tozzi*, in F. Tozzi, *I romanzi*, Firenze, Vallecchi.
- Baldacci, L. (1993). *Tozzi moderno*, Torino, Einaudi.
- Benevento, A. (1996). *Il reale e l'immaginario. Saggi su Federigo Tozzi*, Napoli, Alfredo Guida editore.
- Debenedetti, G. (1971). *Il romanzo italiano del Novecento*, Milano, Garzanti.
- Getrevi, P. (1983). *Nel prisma di Tozzi*, Napoli, Liguori
- Luperini, R. (1995) . *Federigo Tozzi. Le immagini, le idée, le opera*, Roma Bari, Laterza.
- Luperini, R., Cataldi, P., Marchiani L., Marchese F. (2001). *La scrittura e l'interpretazione. Dal Naturalismo al Posmoderno*, Vol.3, Tomo II., Palermo, G.B. Palumbo Editore.
- Tellini, G. (1972). *La tela di fumo. Saggio su Tozzi novelliere*, Pisa, Nistri-Lischi.
- Ulivi, F. (1969). *Federico Tozzi*, in *Letteratura Italiana. I Contemporanei*, vol.1, Milano. Marzorati.

**Monumentum Ancyranum****Assist. Prof. Dr. Murat Orhun**Faculty of Science and Letters, Department of History,  
Ancient History, Pamukkale University, Denizli, Turkey

muratorhun@pau.edu.tr

**Abstract**

*The first emperor of the Rome, Augustus (27 BC-14 AD), had prepared his will shortly before his death. The part, where Augustus describes the principate, he founded, with his own words as his life and achievement, forms the monumental inscription which bears the name of "Res Gestae Divi Augusti (Achievements of Divine Augustus)", in short known as "Res Gestae (Practices)". The original inscription was written on bronze plates and did not reach to the present day, was placed to the tomb of Augustus. Besides, it was replicated and written on the temples throughout Roman Empire. With its Latin and Greek translation and known as "Monumentum Ancyranum (Monument Ankara)" in Augustus Temple, constructed adjacent to Haci Bayram Mosque in Ankara, stands as the most thoroughly readable among them. The inscription was added in the period of Tiberius (14-37) shortly after the completion of the temple. It was composed of a short introduction, 35 lines main section and an appendix prepared after Augustus' death. Section 1-14 contains the political career of Augustus and his honors. Section 15-24 is about spending that were made for citizens, and shows donated money, grains, lands along with gladiator demonstrations organized by public works. Section 25-35 describes his military activities and how he built alliances with other states during his reign. Appendix lists the buildings that Augustus had constructed and repaired, and it also summarizes his expenses. The introduction of the inscription to academic world took place with its partial replica named "Exemplum Busbequianum" by O. Ghiselin de Busbecq and A. Wrantz in 1555. Later in the historical process, many replicas were also produced. "Res Gestae Divi Augusti ex Monumentis Ancyranis et Apolloniensi" edition of the inscription which was published in 1883 by C. M. Theodor Mommsen considered as the most reliable edition of the inscription. As Mommsen states Monumentum Ancyranum is "the queen of antique inscriptions". It is important both for being best replica of Res Gestae survived until today and for the historical value. This study treats the production, content, importance and reaching of Res Gestae to the present day through Monumentum Ancyranum in a perspective of historical context with its outlines.*

**Keywords:** Rome, Empire, Augustus, Inscription, Res Gestae

**Özet**

Roma'nın ilk imparatoru Augustus'un (MÖ 27-MS 14) ölümünden kısa bir süre önce hazırladığı vasiyetnamesinin, tesis ettiği principate'yı kendi ağzından propaganda niteliğinde hayatı ve başarıları şeklinde anlattığı kısmına ait anıtsal yazıt; "Res Gestae Divi Augusti (Tarihsel Augustus'un Başarıları)" adını taşımaktır, kısaca "Res Gestae (Yapılan İşler)" olarak tanınmaktadır. Yazıtın günümüze ulaşamayan bronz levhalar üzerine kazınan orijinali Augustus'un mozelesine yerleştirilmiştir. Bunun yanı sıra pek çok kopyası yapılarak Roma İmparatorluğu'nun her tarafında tapınaklar üzerine yazılmıştır. Bunların hemen hemen eksiksiz okunabileni ise, Ankara'daki Hacı Bayram Camii bitişinde inşa edilmiş Augustus Tapınağı'nda Latince orijinali ve Yunanca çevirisi ile yer alan "Monumentum Ancyranum (Ankara Anıtı)" adıyla bilinmendir. Yazıt, Tiberius döneminde (14-37) tapınağın tamamlanmasından uzun bir süre geçmeden ilave edilmiş olup, kısa bir giriş, 35 ana paragraf ve Augustus'un ölümünden sonra hazırlanmış bir ek metinden müteşekkildir. 1-14. paragraflar, Augustus'un politik kariyer ve payelerini içerir. 15-24. paragraflar, imparatorluk yurttaşları için yapılan harcamalarla dairdir ki, bağıtlanan para, hububat ve arazilerin listesiyle birlikte, bayındırlık işleri ile düzenlenen gladyatör gösterilerinin dökümünü sunar. 25-35. paragraflarda Augustus; askeri faaliyetlerini ve iktidarı sırasında diğer uluslar ile nasıl ittifaklar kurduğunu tarif eder. Ek metinde de onun inşa ve tamir ettirdiği yapılar listenerek, kılmlere ve nereklere harcamalar yaptığı özettelenir. İlim aleminin yazıt ile ilk tanışması O. Ghiselin de Busbecq ve A. Wrantz'ın 1555 de "Exemplum Busbequianum" adlı kısmi kopyasıyla gerçekleşmiş, ilerleyen tarih sürece birçok kopya daha yapılmıştır. 1883 de C. M. Theodor Mommsen tarafından yayımlanan "Res Gestae Divi Augusti ex Monumentis Ancyranis et Apolloniensi" adlı edisyonu ise, yazının en güvenilir sürümü kabul edilmektedir. Mommsen'in ifadesi ile "antik yazıtların kraliçesi" olan Monumentum Ancyranum; Res Gestae'nin gerek günümüze intikal eden en iyi kopyası olması, gerekse tarihsel değer açısından önemlidir. Bu çalışmada; Res Gestae'nin meydana getirilişi, içeriği, önemini ve Monumentum Ancyranum vasıtasiyla korunarak bize ulaşması, tarihi perspektif bağlamında anahatları ile ele alınmıştır.

**Anahtar Kelimeler:** Roma, İmparatorluk, Augustus, Yazıt, Res Gestae

Roma'da cumhuriyet rejimine sonsuza kadar noktayı koyan ve tek bir gücün hakimiyetine dayalı imparatorluk rejimini başlatan Roma'nın ilk imparatoru Augustus<sup>1</sup>, kuşkusuz Roma tarihindeki en önemli figürdür (Meijer, 2006: 24). Yaklaşık altmış yıl Roma'nın kaderi üzerinde önder olan Augustus, 23 Eylül MÖ 63 de Roma'da Palatinus'ta dünyaya gelmiş, 19 Ağustos 14 de Campania Nola'da 76 yaşında hayatı veda etmiştir (Akşit, 1985: 29, 66). Ölümünden kısa bir süre önce 3 Nisan 13 de bir vasiyetname hazırlayarak Vesta rahibelerine teslim etmiştir. Kismen kendisi, kismen azatları Polybius ve Hilario tarafından kaleme alınan, üç rulodan<sup>2</sup> müteşekkili ve mühürlenmiş bu vasiyetname Vesta rahibeleri tarafından senatus'ta açılarak okunmuştur. Birinci rulo; kendi cenazesesi ile ilgili isteklerini; ikinci rulo; yaptığı işlerin sayım dökümünü; üçüncü rulo; tüm imparatorluğun bir özeti, silah altında ne kadar askerin nerde olduğunu, devlet kasasında ve kendi özel hazinesinde ne kadar para bulunduğu, vergilerden ne kadar kaldığını içermekte idi. Ayrıntılı hesapların sorulabileceği azatlıklarının ve kölelerinin isimlerini de son ruloya eklemiştir (Suetonius II.100, 101). Bunlardan ikincisi; Suetonius'ta "index rerum a se gestarum (şahsen yaptığı işlerin bir listesi)" olarak geçmekte olup, bundan hareketle kısaca "Res Gestae (Yapılan İşler)" olarak tanınmaktadır (Augustus, 2009: 7). Bronz levhalar üzerine kazınan bu metin Augustus'un mozelesine (Mausoleum Augusti)<sup>3</sup> yerleştirilmiştir. Ancak, mozeledeki orijinal metin günümüze intikal etmemiştir. Bununla birlikte metnin pek çok kopyası yapılarak Roma İmparatorluğu'nun her tarafında tapınaklar üzerine yazılmıştır (Velleius Paternius, 1961: 332, 333). Böylece, eyaletlerde yaşayan Roma yurttaşları tarafından bunların okunarak hem Augustus'un şahsına hem de imparatorluğa beslenen saygının artması hedeflenmiştir (Augustus, 2009: 8). Bu aynı zamanda, görsel ve yazılı propoganda vasıtısı ile imparatorluğun uzak coğrafyasındaki kültürel açıdan heterojen olan tebaya, Augustus'un şahsında şekillenen, emperyal vizyonun ortaya konulmasıdır (Güven, 1998: 40). Bu biçimde, Roma fetihlerine ve genişlemesine meşruiyet temin etmektedir (Gruen, 2008: 190). Ancak, tarihsel süreç içerisinde tipki orijinali gibi kopya metinler yerleştirildikleri yerlerde kalmayarak kabul olmuşlardır. Res Gestae, Ancyra (Ankara) kentinde Augustus Tapınağı'nda Latince ve Yunanca olarak bilingual yazılmış bir kopyasının<sup>4</sup> büyük kısmı XVI. yy.da keşfedilene ve bu keşif sonradan

<sup>1</sup> MÖ 27 Roma için yeni bir dönemin başlangıcını ifade eder. 1 Ocak MÖ 27 de Agrippa ile yedinci defa consul'lüğe seçilen Octavianus, aynı ayın 13'ünde mevkidaşı ile birlikte bütün yetkisini senatus ve halka bıraklığını ve özel yaşama çekilmek istediği bildirmiştir. Senatus kendisine duyduğu şükranın ifadesi olarak üç gün sonra ona "Augustus (yüce, ulu)" adını vermiştir. Octavianus daha önce de isimler almıştı: Thurinus, Gaius Caesar - Augustus, anne tarafından Gaius Iulius Caesar'in yeğeni ve evlatlığıdır -. Fakat, bu yenisini tamamen başka, onu ölümlülerden adeta ayıran bir sıfat idi. Yine, onun cesaret, itidal, adalet ve dindarlığını ifade eden bir yazıt altın bir kalkan üzerine yazılarak senatus'a konulmuştur. Ayrıca, Palatinus tepesindeki evinin kapısına da meşe yapraklarından yapılmış bir çelenk asıldı. Bu esnada Augustus'a yeni yetkiler de tanındı: başkomutan (imperium infinitum), bütün vadiler üzerinde emretme (imperium proconsulare). MÖ 23 de de kanun teklif etme (tribunica potestas), diğer devlet memurlarının önerilerine itiraz edebilme (ius edicendi), senato eyaletlerinin idaresine müdahale edebilme (imperium maius) ve consul'lerin görevi olan senatus'ta ilk öneriyi yapma (ius primae relationis) yetkilerini kazandı. Bunları, MÖ 12 de başrahip (pontifex maximus) ve MÖ 2 de vatanın babası (pater patriae) ünvanları takip etti. Bütün bu ünvan ve yetkilere karşın, mutlak hükümdarlıkta (dominatus), senatus'taki birinci senatör (princeps senatus) durumuna bağlı kalarak uzak kalmıştır. Böylece, Diocletianus'a (284-305) kadar sürecek olan Principatus Dönemi (MÖ 27-MS 283) onun sıfatına uygun şekilde devam etmiştir. Octavianus'a verilen ünvan ve yetkiler, sessiz bir şekilde cumhuriyetten imparatorluk rejimine geçişe de ifade etmektedir (Akşit, 1985: 29, 38-41). Roma toplumunun üst katmanlarında cumhuriyetçi gelenek ve alışkanlıkların hala oldukça güçlü olduğunu kayrayan Augustus, Caesar'ın aksine, Seneca'nın tam anlamıyla dile getirdiği "hükümdar, cumhuriyetin örtüsü altında gizleniyordu" cümlesiyle özetlenebilecek bir uzlaşma yapmayı başarmıştır. Gizlenmiş bir monarşiden başka bir şey olmayan bu yeni rejim, cumhuriyetçiler için bile kabul edilebilir bir görünüş olarak, princeps'in yanı bir numaralı yurtaş olan Augustus'un cumhuriyetteki rolünü onaylayan "Principatus" adını almıştır (Diakov ve Kovalev, 2008: 224, 225). Augustus, yüz yıldan beri had safhada cereyan eden, fakat kökü MÖ III. yy. in sonlarına kadar uzanan siyasi buhran ve mücadelelere son vererek kendi şahsi nüfusuna dayanan yeni bir rejim tesis etmiştir. Eski Roma'lılığı canlandıırıp, ona dayanarak geçici olmayan yeni bir düzen kurmuş, bir başka deyiş ile eski ile yeniyi uzaştırmıştır (Sinanoğlu, 1950: 79, 80). Roma kudretine yeni bir hayat verecek ve de yeni bir çığrı açacak dinamik güç, ahlaki değerler, geçmiş miras ve amaç duygusuna sahip olan Augustus, bunun içinden eski malzemeden yeni bir şey elde etmeye çalışan bir mimar gibi çalışmıştır (Barrow, 1990: 82, 83). Augustus ile başlayıp yeni dönemi yalnızca cumhuriyet kurumlarının değişimine sahne olmamış, aynı zamanda Akdeniz Dünyası'nda uzun sürecek bir iş birliği döneminin de (pax Romana) getirmiştir (İplikçioğlu, 2007: 91). Roma'ya barış ve istikrar getiren kişi yeni rejim, cumhuriyetçi özgürlükler, senatus ve meclislerin geleneksel yetkileri ve soylu ailelerin magistratus'luklar aracılığıyla devlet yönetimindeki nüfuzları pahasına kurulmuş ve de 1453 de XI. Constantinos Palaiologos'un devrilmesine dekin imparatorlar, hemen hemen kesintisiz bir süre boyunca tahta kalmışlardır. Bu durum, Augustus'un başarısının ölçüsüdür (Freeman, 2005: 460).

<sup>2</sup> Cassius Dio'ya göre, Augustus'un ardılı olan evlatlığı Tiberius ile kamuya emir ve komutlarının olduğu dördüncü bir rulo daha mevcut idi (Cassius Dio LVI.33). Ancak, Res Gestae hariç diğerleri sonradan yok olmuştur (Augustus, 1999: 40).

<sup>3</sup> Augustus bu mozeleyi, kendi sağlığında Campus Martius'un kuzeyine, Tiberis Nehri ile Via Flaminia arasında ağaçlarla çevrili ve halka açık bir alana yaptırmıştır (Strabo V.3.8). Günümüzde kısmen ayakta kalan ve yapıldığından yaklaşık 40 m yüksekliğe sahip olan mozele, Augustus'un kendini ne derece yükselttiğini açık bir göstergesi olarak bronzdan devasa bir heykel ile taçlamıştı (Baker, 2012: 182).

<sup>4</sup> Garip bir rastlantı sonucu Res Gestae'nin Monumentum Ancyranum'dan başka bilinen diğer iki kopyasına ait parçalar yine Anadolu'da ele geçirilmiştir. Pisidia Antiochia'da (Yalvac) yapılan kazılarda Latince metnin parçaları (Monumentum Antiochenum) ortaya çıkarılmıştır

"Monumentum Ancyranum" olarak isimlendirilerek epigrafi ve klasik filoloji tarihinin en önemli keşifleri arasında yerinini alana deðin büyük bir sessizlige görmülmüster.

Res Gestae'nin Roma'dan çok uzaklarda Ancyra'da olması ilk bakışta şaþırtıcı gelebilir. Lakin gerek İtalya, gerekse İtalya dışındaki Roma eyaletlerinde, imparatorluğun yönetiminde bulunmuş önemli kiþilerin onuruna tapınak inşa ettermek adeti anımsandığında, bu olaðan bir durumdur. Bu tür tapınaklara imparatorluğun batısında "Augustea" adı verilir; doğusunda, yani Yunanca konuşan halklar arasında ise, "Sebastea" adını alır. Galatia'nın başkenti Ancyra ve Pisidia'nın başkenti Apollonia, Augustus'a bu onuru bahşeden doğudaki en önemli iki kent olarak başı çekmiştir (Augustus, 2009: 8, 9). Ancyra'da ki Augustus Tapınağı'nın Hellenistik kökenli olduğu ileri sürülmüş, batıya yönlendirilmesi eski Anadolu geleneğinde bir tapının için yapıldığının kanıti olarak değerlendirilerek esasen Kybele ve Men tapınımı için inşa edildiği önerilmiştir<sup>1</sup>. Oysa, tapınaðın Augustus zamanında korinth düzene ñe ve pseudo-dipteros planda tasarlandığını, tanrıça Roma ve tanrılaştırılmış Augustus'a<sup>2</sup> ayrıldığını kabul etmek daha güvenilir olacaktır. İnşasına olasılıkla MÖ 5 yıllarından sonra başlamış, Tiberius'un hükümdarlığının ilk yıllarda tamamlanmış, Res Gestae de tamamlanmasından uzun bir süre geçmeden ilave edilmiştir<sup>3</sup>. Yazıtın Latince versiyonu, pronaos yani girişin her iki duvarının içinde yer almaktadır. Yunanca versiyonu ise, dış güney duvardadır (Görkay ve Mitchell, 2011: 91-93, 96-98). Yunanca metin, bu dili konuşan eyaletlerdeki halkın okuması için eklenmiştir ki, Res Gestae'nin çözümlemesi ve açıklaması açısından birkaç nokta hariç pek az önemlidir (Augustus, 1999: 9).

İlim aleminin tapınak ve yazıt ile ilk tanışması, 1555 de Kanuni Sultan Süleyman'a I. Ferdinand tarafından elçi olarak gönderilen O. Ghiselin de Busbecq ve yardımcısı A. Wrantz'ın tapınaðı görmeleri ve önemini kavramaları ile başlamıştır (Augustus, 2009: 9). Busbecq ve yardımcısı Latince metnin "Exemplum Busbequianum" adlı bir kopyasını çıkararak geri dönmüster (Augustus, 1999: 10). Îlerleyen tarihi süreçte Res Gestae'nin birçok kopyası daha yapılmıştır. Bunlardan en güvenilir kopya ise, G. Perrot ve E. Guillaume tarafından 1861 de çıkarılan Latince metnin tamamının ve Yunanca metinde görülebilen bölümlerinin kopyasıdır. Bu kopya; 1865 de yazıtın ilk edisyonunu gerçekleştirecek ve yazıtın "yazıtların kraliçesi" sıfatını yakışırıacak olan Alman tarihçi ve filolog C. M. Theodor Mommsen'in edisyonuna, 1873 de T. Bergk'in edisyonuna ve Corpus Inscriptionum Latinarum'daki metne temel oluþturmuştur (Augustus, 2009: 10). C. Humann ve O. Puchstein tarafından 1882 de çıkarılan kopya ise, Res Gestae'nin en güvenilir sürümünü kabul edilen Mommsen'in 1883 deki ikinci edisyonunda<sup>4</sup> kullanılmıştır (Görkay ve Mitchell, 2011: 82).

Res Gestae üzerine çalışan uzmanlar, edisyonların yayımlanmasıyla başladığı ilk yillardan itibaren bu yazıtın siyasi bir vasiyet mi, imparatorun kendi yaşamıyla bir hesaplaşması mı, bir mezar yazılımı mı, Augustus'un kendini tanrılaştırmasının akla uygun hale getirilmesi mi olup olmadığı üzerine yorumlar yapmışlardır. Mommsen ise, metnin hiçbir edebî sınıfa girmediğini, sadece serinkanlı bir siyasi propoganda havasında yazılan diplomatik bir belge niteliði taşıdığını düşünmektedir. Bir başka deyiþle, Augustus, bu yazıla Roma'nın tek adamı olduğu dönemdeki başarılarını, zafer ödüllü olarak kazandığı payeleri tek

ki, Monumentum Ancyranum'un bazı eksik kısımları bu parçalar ile tamamlanmıştır. Apollonia'da (Uluborlu) bulunan Yunanca kopya (Monumentum Apolloniense) ise, orijinal metnin daha iyi anlaşılabilirnesine fazla katkı sağlayamamıştır (Akurgal, 2007: 435). Her iki kopyada ufak kırıklar durumundaki bölümlerden ibarettir. Oysa, Monumentum Ancyranum tam belge değerinde olup, tek kaynak olma vasıfına ve önemine sahiptir (Augustus, 1999: 40, 41).

<sup>1</sup> Tapınaðın batıya bakacak şekilde yerleştirilmiş olması nedeniyle, Sardeis, Ephesus, Magnesia'daki Artemis ve Pessinus ve muhemedi Aizanoi'deki Kybele tapınakları ile aynı Anadolu geleneðinden geldiği ileri sürülmüster. Fakat inandırıcılığı Anadolu'nun ana tanrıçasının tekligine dair miadını doldurmuş bir dogmaya dayanan böylesi yerli bir gelenegin varlığı şüphelidir. Aslında başka yerlerdeki tapınaklar da batıya bakıyordu; ancak sunakların sonradan batıya yönlendirilmemesi, batı yöneliminin kültür açısından anlamlını yitirdiğini gösterir (Price, 2004: 277).

<sup>2</sup> Augustus'un, evlatlığı olduğu tanrılaştırılmış Ceasar (divus Iulius) ile baþlantı sağlamak suretiyle, kendisinin tanrılaştırılmış o旟ul Augustus (divi filius Augusti) şeklinde teþvik olunmasını istemesi sonucunda MÖ 29 da Augustus kültü doğmuştur (Erzen, 2010: 90, 91). Hellenistik Dönem'in (MÖ 323-31) sona emesi ve Roma egemenliğinin yayılması üzerine Yunanistan ve Küçük Asya'da görülmeye başlayan Roma kentinin şahsiyetlendirmiş sembolü olan tanrıça Roma kültü yanına Augustus kültü eklenererek eyaletlerde yayılmaya başlamıştır. MÖ 29 da Pergamon ve Nicomedia'da tanrıça Roma ve Augustus'a tapınaklar ithaf edilmiş, bunu diğer eyaletler takip etmiştir. Bu şekilde Augustus öldüğünde her eyalette en az bir tanrıça Roma ve Augustus sunağı bulunuyordu. Ayrıca, Augustus bu kültü politik açıdan yararlı gördüğü için teþvik etmiştir (Aksit, 1985: 56).

<sup>3</sup> Tapınak, V. yy.da yapılan çeşitli ekleme ñeler ile kiliseye dönüþürülmüster. XV. yy.da bitiþiþine Haci Bayram Camii ve türbesi inşa edilmiştir. 2003 yılında Dünya Anıtlar Fonu'nun kurtarılması gereken 100 kültür mirası listesine girmiþ olup, restorasyon çalışmaları halen devam etmektedir (Sargin, 2004: 55).

<sup>4</sup> Bkz. Augustus, *Res Gestae Divi Augusti ex Monumentis Ancyranis et Apolloniensi*, Ed. C. M. Theodor Mommsen, Berlin, 1883.

tek sıralayarak haleflerine siyasi bir model olmaya niyetlenmiş, aynı yoldan yürümeleri için onlara bir davetiye çıkarmıştır (Augustus, 2009: 11, 12).

Res Gestae; kısa bir giriş, 35 ana paragraf ve Augustus'un ölümünden sonra hazırlanmış bir ek metinden oluşmaktadır. 1-14. paragraflar; Augustus'un politik kariyer ve payelerini içerir. 15-24. paragraflar; imparatorluk yurtaşları için yapılan harcamalara dairdir ki, bağışlanan para, hububat ve arazilerin listesiyle birlikte, bayındırılık işleri ile düzenlenen gladyatör gösterilerinin dökümünü sunar. 25-35. paragraflarda Augustus; askeri faaliyetlerini ve iktidarı sırasında diğer uluslar ile nasıl ittifaklar kurduğunu tarif eder. Ek metinde de onun inşa ve tamir ettiğidi yapılar listenerek, kimlere ve nerelelere harcamalar yaptığı özetlenir (Augustus, 1999: 15, 33, 34, 42-45).

Res Gestae'nin tam metni aşağıda verilmiştir:

## TANRISAL AUGUSTUS'UN BAŞARILARI

"Aşağıdaki belge, Tanrisal Augustus'un, dünyayı Roma halkının egemenliği altına alırken başardıklarını, devlet ve Roma halkı için yaptığı harcamaları göstermektedir. Bunun aynısı, Roma'da dikili iki bronz sütun üzerine yazılmıştır.

**I.** 1. On dokuz yaşında {MÖ 44}, şahsi kararla ve özel harcamalarda bulunarak bir ordu kurdum. Bu orduyla, zorba bir partinin boyunduruğu altında ezilen devleti özgürlüğe kavuşturdum. 2. Bundan dolayı, Gaius Pansa ile Aulus Hirtius'un konsüllüğü sırasında {MÖ 43} Senato, beni onurlandıran kararıyla, üyeleri arasına kabul etti. Bana konsüllük yapmış olanlarla birlikte kullanma hakkı bağışlarken, orduya komuta etme yetkisi de (imperium) verdi. 3. Devletin zarar görmesini önlemek için, benim *pro praetor* olarak, diğer konsüllerle birlikte önlem almamı buyurdu. 4. Aynı yıl {MÖ 43}, her iki konsül de savaşta ölünce, halk beni, konsül ve devleti yeniden kuracak üç kişiden biri (*triumvir*) seçti. **II.** Babamı katledenleri, işledikleri suçun cezası olarak, yasalarla uygun mahkemeler vasıtıyla sürgüne gönderdim. Daha sonra, devlete karşı savaş açtılarسا da, onları savaşta iki defa yendim. **III.** 1. Yeryüzünde, sık sık karada ve denizde, iç ve dış savaşları yönettim ve zafer kazanınca, bağışlanma dileyen bütün vatandaşlara merhametli davrandım. 2. Yabancı halklara gelince, emin olarak bağışlayabildiklerimi, yok etmeyecekseniz korumayı tercih ettim. 3. Bana sadakat yemini eden Roma vatandaşlarının sayısı yaklaşık 500.000 idi. Bunların yaklaşık 300.000'den biraz fazlasını, hizmetlerini tamamladıktan sonra, kolonilere yerleştirdim ya da kendi kentlerine gönderdim. Bunların hepsine, hizmetlerinin karşılığı olarak toprak tâhsisi yaptım veya para verdim. 4. Üç sıra kürekli gemilerden (triremes) daha küçükleri hariç, altı yüz gemi ele geçirdim. **IV.** 1. İki defa *ovatio* ve üç defa *curulis* zafer alayı kutladım ve yirmi bir defa "İmparator" olarak selamlandım. Senato başka zafer alayları da düzenlememi oylamasına rağmen, kabul etmedim. Her savaşta adamış olduğum adakların karşılığı olarak, defne dalından çelenkleri Capitolium tapınağına koydum. **2.** Karada ve denizde, kendim ya da vekillerim tarafından başarıyla tamamlanan işlerden dolayı, Senato, elle beş defa ölümsüz tanrılarla şükran sunulmasına karar verdi. Senato tarafından şükran sunulması kararı verilen günlerin toplamı da sekiz yüz doksandır. 3. Zafer alaylarında, dokuz kral veya kral çocuğu, savaş arabamın önyünden gidiyordu. 4. Bu satırları yazarken, on üç defa konsül olmuşum ve otuz yedi yıldır tribünlük yetkimi (*tribunicia potestas*) kullanıyorum {MS 14}. **V.** 1. Marcus Marcellus ile Lucius Arruntius'un konsüllükleri zamanında {MÖ 22}, giyabında ve Roma'da bulduğum sırada, hem halk, hem de Senato tarafından diktatörlük önerilmiş olmasına rağmen kabul etmedim. 2. Çok ciddi bir tahıl kıtlığında, erzak tedarikini yönetmemi geri çevirmedim ve bunu öyle başarıyla idare ettim ki, harcamalarım ve nezaretimle birkaç gün içerisinde, bütün toplumu, bastırın korku ve tehlikeden kurtardım. **3.** O zaman, her yıl yenilenmek üzere, ömür boyu konsüllük de teklif edildi, fakat reddettim. **VI.** 1. Marcus Vinicius ile Quintus Lucretius'un {MÖ 19} ve sonra Publius Lentulus ile Gnaeus Lentulus'un {MÖ 18} ve üçüncü kez Paullus Fabius Maximus ile Quintus Tubero'nun konsüllükleri sırasında {MÖ 11}, Senato ve Roma halkı, beni olağanüstü güçle donatarak, yasaların ve genel ahlakin koruyucusu olarak atama hususunda ortak bir karara varmış olmalarına rağmen, atalarımızın gelenekleriyle ters düşen hiçbir memurluğu kabul etmedim. **2.** O zaman, Senato'nun benden almadı istediği önlemleri, tribünlük yetkime dayanarak aldım. Tribünlük görevimdeyken, beş kez kendi talebim doğrultusunda Senato'dan bir çalışma arkadaşı istedim ve aldım. **VII.** 1. Devleti yeniden düzene sokmak için, on yıl aralsız olarak *triumvirkat* yaptım. 2. Bu satırları yazmakta olduğum bugüne kadar, kırk yıldır Senato'nun liderliğini (*princeps Senatus*) yaptım. 3. Şu görevlerde de bulundum: Başrahip (*pontifex maximus*), kahin (*augur*), kutsal ayinleri yöneten on beş kişiden biri (*quindecimvir sacri faciundis*), dinsel ziyafetlerden sorumlu yedi kişiden biri (*septemvir epulonum*), Arval birader (*frater arvalis*), sodalis Titius, fetial rahip (*fetialis*). **VIII.** 1. Beşinci konsüllüğüm esnasında {MÖ 29}, halktan ve Senato'dan aldığım buyrukla, soyluların (*patricii*) sayısını yükselttim. 2. Senato üyeliklerini üç defa değiştirdim ve altıncı konsüllüğümde {MÖ 28}, meslektaşım Marcus Agrippa ile birlikte bir nüfus sayımı yaptırdım. Kırk iki yıl aradan sonra artırma töreni (*lustrum*) yönettim. Bu sayımda 4.063.000 Roma vatandaşsı sayıldı. 3. Sonra, Gaius Censorinus ile Gaius Asinius'un konsüllüğü sırasında {MÖ 8}, konsül

yetkime dayanarak ikinci bir nüfus sayımı daha yaptırdım; bu sayımda 4.233.000 Roma vatandaşı sayıldı. **4.** Ve, Sextus Pompeius ile Sextus Appuleius'un konsüllüğü sırasında {MS 14}, oğlum ve meslektaşım Tiberius Caesar ile birlikte, üçüncü kez nüfus sayımı yaptırdım; bu sayımda 4.937.000 Roma vatandaşı sayıldı. **5.** Bizim kuşağımızda, artık ortadan kaybolmaya başlayan, atalarımızın birçok geleneğini, yeni yasalar çıkartarak, tekrar canlandırdım; ve kendim de sonraki kuşaklara uymaları için pek çok örnek uygulamalar bıraktım. **IX.** **1.** Senato, konsüller ve rahipler tarafından, her dört yılda bir sağlığım için adaklar sunulmasına karar verdi. Bu adaklar çerçevesinde, hayatım boyunca bazen dört rahiç derneği, bazen de konsüller tarafından birçok defa oyunlar düzenlendi. **2.** Ayrıca bütün vatandaşlar bireysel olarak ve kentleri adına, kamuya açık ziyaflarla (*pulvinaria*) sağlığım için durmadan kurbanlar sundular. **X.** **1.** İsmim, Senato karlarıyla *Salii* ilahilerine dahil edildi. Kişiliğimin ebediyan kutsallaştırılması ve yaşadığım müddetçe tribünlük yetkisi taşımam, yasayla benimsendi. **2.** Babamın üstlendiği başrahiplik görevini, halk bana teklif ettiği zaman bunu reddettim ve çalışma arkadaşım hayatı iken onun yerini almadım. Bir kaç yıl sonra, iç huzursuzluk fırsatını kullanarak, bu konumu (başrahiplik) elde eden adam öldüğü zaman, bu görevi kabul ettim. Publius Sulpicius ile Gaius Valgius'un konsüllüğü sırasında {MÖ 12}, seçilmem için bütün İtalya'dan gelen kalabalık o kadar büyütü ki, o zamana kadar Roma'da böyle bir toplantı asla olmamıştı. **XI.** Quintus Lucretius ile Marcus Vinicius'un konsüllüğü zamanında {MÖ 19}, Suriye'den kente dönüşümü kutlamak için, Senato, Capena kapısı civarındaki Şeref ve Erdem (*Honoris* ve *Virtutis*) tapınağının önünde Talih tanrıçası (*Fortuna Redux*) sunağını kutsadı; ve her yıl kente döndüğüm 12 Ekim'de rahiplerin ve Vesta bakirelerinin kurban töreni düzenlemelerini emretti ve bu güne ismimden dolayı Augustalia adını verdi. **XII.** **1.** Senato'nun kararı gereğince, bazı praetorlar ve halkın temsilcileri, konsül Quintus Lucretius ve diğer ileri gelen kişilerle birlikte beni karşılamak için, Campania'ya gönderildi. Böyle bir onur bu zamana kadar benden başka kimseye verilmedi. **2.** Hispania ve Gallia eyaletlerindeki işleri muvaffakiyetle yoluna koyup, Tiberius Nero ile Publius Quintilius'un konsüllüğü sırasında {MÖ 13} Roma'ya döndüğüm zaman, Senato dönüşümün sükran ifadesi olarak, Mars alanında (*Campus Martius*) Augustus Barışı sunağının kutsanmasını kararlaştırdı ve idareciler (*magistratus*), rahiplerin ve Vesta (ateş tanrıçası) bakirelerinin orada yıllık kurban töreni gerçekleştirmelerini emretti. **XIII.** Atalarımız, her ne zaman Roma İmparatorluğu sathında, karada ve denizde kazanılan zaferlerle barış sağlandığı zaman, Janus Quirinus tapınağının kaplarının kapatılmasını istemişlerdi; buna karşın, ben doğmadan önce Kentin kuruluşundan bu yana sadece iki defa kapandığı kayıtlıdır; Senato benim önderliğim döneminde tapınağın kaplarının üç kez kapatılmasını kararlaştırdı. **XIV.** **1.** Senato ve Roma halkı beni onurlandırma adına, kaderin daha genç yaşta elimden aldığı oğulları Gaius ve Lucius Caesar'i, on dört yaşına geldikleri zaman, beş yıl sonra idareciliğe (*magistratus*) girmeleri kaydıyla konsül olarak atadı. Senato, onların Forum'a getirildikleri zaman resmi devlet görüşmelerine katılmalarını da kararlaştırdı. **2.** Bundan başka, Roma atlı sınıfının tamamı (*equites Romani*) oğullarına gümüş kalkanlar ve mızraklar hediye ettiler ve her birini gençliğin liderleri (*princeps iuventutis*) olarak selamladılar. **XV.** **1.** Babamın vasiyetine binaen, Roma pleplerinin her birine 300 *sestertii* ödedim ve beşinci konsüllük dönemde {MÖ 29} savaşlarda elde ettiğim ganimetlerden, kendi adıma 400 *sestertii* ödedim. Ayrıca onuncu konsüllüğümde {MÖ 24}, ikinci kez ihsan olarak kendi servetimden her bir plebe 400 *sestertii* dağıttım. On birinci konsüllüğümde {MÖ 23}, kendi paramla tahlil getirttim ve adam başı on iki istihkaklık tahlil dağıttım. Tribünlük yetkimi alışımın on ikinci yılında {MÖ 12}, üçüncü kez her bir plebe 400 *sestertii* ödedim. Bağışlarım hiçbir zaman 250.000 kişinin altına inmedi. **2.** Tribünlük görevimin on sekizinci yılında ve on ikinci konsüllüğümde {MÖ 5}, 320.000 kent plebinin her birine 60 *denarii* verdim. **3.** Beşinci konsüllüğümde {MÖ 29}, kolonilerde yerleşmiş askerlerimin her birine ganimetlerden 1000 *sestertii* verdim. Zaferlerimin nişanesi olan bu bağışımı, yaklaşık 120.000 kişi aldı. **4.** On üçüncü konsüllüğümde {MÖ 2}, genel gıda tahsisatından yararlanan pleblerin her birine 60 *denarii* verdim ki, bunların sayısı 200.000 kişiyi biraz geçiyordu. **XVI.** **1.** Dördüncü konsüllüğümde {MÖ 30} ve sonra Marcus Crassus ile Gnaeus Lentulus Augur'un konsüllüğünde {MÖ 14}, askerlerime tahsis etmiş olduğum araziler karşılığı olarak *municipiumlara* ödemeler yaptırmı. İtalyan toprakları için ödediğim toplam para yaklaşık 600.000.000 *sestertii* ve eyaletlerdeki topraklar için 260.000.000 *sestertii* idi. Şimdiye kadar İtalya'da ve eyaletlerde askeri koloniler kuranlar arasında, dönemimde yaşayanların hatırlayacağı gibi, ilk kez sadece ben, bu şekilde davrandım. **2.** Daha sonra, Tiberius Nero ile Gnaeus Piso'nun {MÖ 7}, Gaius Antistius ile Decimus Laelius'un {MÖ 6}, Gaius Calvisius ile Lucius Papius'un {MÖ 4}, Lucius Lentulus ile Marcus Messalla'nın {MÖ 3} ve Lucius Caninius ile Quintus Fabricius'un {MÖ 2} konsüllükleri sırasında, hizmetleri bittiğten sonra kendi *municipiumlarına* yerleştirdiğim askerlere parasal ödüller verdim. Bu amaçla yaklaşık 400.000.000 *sestertii* ödedim. **XVII.** **1.** Dört defa kendi paramdan hazırlamış olduğum 150.000.000 *sestertii* vererek devlet hazinesine yardımında bulundum. **2.** Marcus Lepidus ile Lucius Arruntius'un konsüllüğü sırasında {MS 6}, askeri hizmette yirmi yılını veya daha fazlasını doldurulanlara ödül verilmesi için tavsiyem üzerine kurulmuş bulunan askeri hazineye, kendi servetimden 170.000.000 *sestertii* verdim. **XVIII.** Gnaeus ile Publius Lentulus'un konsüllüklerinden itibaren {MÖ 18} her ne zaman vergiler yetersiz toplandıysa, bazen 100.000 bazen daha fazla kişiye kendi tahlil ambarlarından ve servetimden yardımlarda bulundum. **XIX.** **1.** Şu yapılar tarafından inşa ettirilmiştir: Senato binası ve yakınındaki *Chalcidicum* tapınağı; Palatinus tepesindeki Apollon tapınağı ve revaklıları; Tanrısal Julius tapınağı; *Lupercalis*; Flaminius yakınındaki portiko (aynı yerde önceki portikoyu yaptırmış olan adamın isminden dolayı, buranın Octavius portikosu olarak

alandırılmasına müsaade ettim), *Circus Maximus*'da bir *pulvinar*. **2.** Ayrıca, *Capitolium*'da Jupiter Feretrius (vurucu) ve Jupiter Tonans (gürleyici) için birer tapınak; Quirinus tapınağı; Aventinus tepesinde Minerva, Juno Regina ve Jupiter Libertas tapinakları; kutsal yoluñ üstündeki *Lares* tapınağı; Velia'daki *Penates* tapınağı; *Palatinus*'daki Gençlik tapınağı ve Büyük Ana tapınağı gibi yapılar da inşa ettirdim. **XX. 1.** *Capitolium* tapınağını ve *Pompeius* tiyatrosunu büyük harcamalar yaparak onarttım ve onlar üzerine ismimi de kazıtmadım. **2.** Eskiligidinden dolayı pek çok yeri aşınmış olan su yollarını onarttım. *Marcia* su yolunun kanalına yeni bir kaynak ekleyerek, kapasitesini iki katına çıkardım. **3.** Babam tarafından yapımına başlanmış ve neredeyse bitme aşamasına gelmiş olan *Julius* forumu ile, *Castor* tapınağı ile *Saturn* tapınağı arasındaki bazilikayı tamamladım. Aynı bazilika bir yangın sonrası tahrif olunca, arşasını genişleteerek üzerine oğullarımın adını kazıtmak üzere yapımına başladım ve bu bina ben hayatı iken tamamlanmazsa, varislerimin tamamlamalarını vasiyet ettim. **4.** Altıncı konsüllüğüm sırasında {MÖ 28}, *Senato*'nun da kararıyla kentteki tanrırlara adanmış seksen iki tapınağı tamir ettirdim ve o dönemde tamire ihtiyacı olan hiçbir tapınağı göz ardı etmedim. **5.** Yedinci konsüllüğüm sırasında {MÖ 27}, kentten (Roma'dan) *Ariminum*'a kadar *Flaminus* yolunu ve *Mulvius* ile *Minucius* köprüleri hariç, bütün köprüleri tamir ettirdim. **XXI. 1.** Kendi özel mülküm üzerine savaş ganimetlerinden *Mars Ultor* tapınağını ve *Augustus* forumunu inşa ettirdim. *Apollon* tapınağı bitişliğindeki tiyatroyu, üzerine damadım *Marcus Marcellus*'un adının yazılması kaydıyla, çoğunu mülk sahiplerinden satın aldığım alan üzerine yaptırdım. **2.** *Capitolium* tapınağına, tanrısal *Iulius* tapınağına, *Apollon*, *Vesta* ve *Mars Ultor* tapınaklarına savaş ganimetlerinden, yaklaşık 100.000.000 *sestertii* değerinde armağanlar adadım. **3.** Beşinci konsüllüğüm sırasında {MÖ 29}, zafer alaylarına katkı yapan İtalya'daki *municipium* ve kolonilerin otuz beş bin librelik cüls parası (*aurum coronariumunu*) onlara iade ettim. Sonra, muzaffer general olarak her selamlanışında, *municipium* ve kolonilerin, daha önce de olduğu gibi, aynı cömertlikle gönderme kararı aldıkları cüls parasını kabul etmedim. **XXII. 1.** Üç kez kendi adıma, beş kez de oğullarım veya torunlarım adına gladyatör oyunları düzenledim. Bu oyunlardaki dövüşlere yaklaşık on bin civarında insan katıldı. İki kez kendi adıma, üçüncü kez de torunum adına, her taraftan çağrılmış atletlerle halka gösteri sundum. **2.** Dört defa kendi adıma ve yirmi üç defa diğer magistratuslar adına oyunlar düzenledim. *Gaius Furnius* ile *Gaius Silanus*'un konsüllükleri zamanında {MÖ 17}, başkanı olduğu Onbeşer (*Quindecimviri*) Derneği adına, meslektaşım *Marcus Agrippa* ile birlikte yüzyl oyunlarını (*saeculares*) düzenledim. On üçüncü konsüllüğümde {MÖ 2}, ilk kez ben *Mars* oyunları düzenledim ve bundan sonra gelen konsüller, *Senato* kararı ve yasa uyarınca bu oyunları her yıl düzenlemeye devam ettiler. **3.** Kendi adıma veya oğullarım ve torunlarım adına halk için arenada, forumda ya da amfitiyatrodada yirmi altı defa Afrika'dan gelen vahşi hayvanlarla gösteriler düzenledim ve bu gösterilerde 3.500 civarında hayvan öldürdü. **XXIII.** Halk için, *Tiber*'in öbür yakasında bulunan ve şimdi Caesarlar Koruluğu olarak bilinen yerde, bin sekiz yüz ayak (*pes*) uzunluğunda ve bin iki yüz ayak derinliğinde bir yeri kazdırıldıkta sonra, bir deniz savaşı gösterisi düzenledim. Burada hepsi üç ya da iki sıra kürekli otuz savaş gemisi ve keza başka küçük gemiler de gösteriye katıldı ki, üzerlerinde kürekçilerden başka 3000 savaşçı daha vardı. **XXIV. 1.** Zaferimden sonra, Asya eyaletinin bütün kentlerinde bulunan tapınaklardaki süslemeleri geri yerine koydum. Bu süslemeleri, düşmanım tapınaklardan çalarak kendi kullanımına geçirmiştি. **2.** Beni ayakta ya da at üzerinde ya da savaş arabası üzerine oturmuş durumda gösteren, kentte dikilmiş seksen kadar heykelimi bizzat yıkırdım ve bunlardan elde edilen parayla, *Apollon* tapınağına kendi adıma ve beni bu heykellerle onurlandıranlar adına altın armağanlar koydum. **XXV. 1.** Denizi korsanlarından kurtardım ve barışa kavuşturdum. Bu savaşta, efendilerinden kaçarak, devlete karşı silaha sarılmış yaklaşık 30.000 esir edilmiş köleyi, cezalandırılmak üzere tekrar efendilerine iade ettim. **2.** Bütün İtalya kendi arzusuyla, bana bağlılık yemini etti ve *Actium*'da zaferimle sonuçlanan savaşta, benim komutanları olmamı istediler. *Gallia*, *Hispania*, *Afrika*, *Sicilya* ve *Sardinya* eyaletleri bana aynı bağlılık yemini ettiler. **3.** O dönemde sancağım altında hizmet eden yedi yüzden fazla senatör vardı; bunlar arasından önceleri veya bu satırların yazıldığı güne kadar seksen üç senatör konsül ve yaklaşık yüz yetmiş de rahipliklere atandılar. **XXVI. 1.** İdaremize tabi olmayan halklarla sınırı bulunan Roma halkın眼 eyeletlerinin topraklarını genişlettim. **2.** *Gallia* ve *Hispania* eyaletlerinde ve aynı şekilde *Germania*'da, *Okyanusun* sınır oluşturduğu *Gades*'ten *Elbe* nehrinin ağızına kadar bütün bölgeyi kontrol altına aldım. **3.** Adriyatik'in hemen yakınlarındaki bölgeden, *Tyrrenum* denizine kadar Alplerde güvenliği sağladım ve haksız yere hiçbir halka saldırmadım. **4.** *Donanmam*, *Ren* nehrinin ağızından *Okyanus* boyunca güneşin doğduğu *Kimberler*in topraklarına kadar açıldı. Daha önce hiçbir Romali ne karadan ne denizden bu bölgeye yaklaşabilmisti. *Kimberler*, *Charydes*, *Semnones* ve bölgenin diğer *Germen* halkları elçiler göndererek, benim ve Roma halkın dostluğunu aradılar. **5.** Komutam ve himayem altında hemen hemen aynı zamanda, biri *Etiyopya*ya diğeri *Arabia Felix*'in (*Yemen*) *Fortunate* (*Mesut*) bölgесine iki ordu gönderildi. Her iki halktan önemli miktarında düşman kuvveti savaşta yok edildi ve pek çok kent ele geçirildi. Ordular, *Etiyopya*'da *Meroe* yakınındaki *Nabata* kentine, *Arabia*'da *Sabaeilerin* toprağından *Mariba* kentine kadar ulaştılar. **XXVII. 1.** Mısırlı Roma İmparatorluğu'na kattım. **2.** Kralları *Artaxes*'in öldürülmesinden sonra Büyük Armenia'yı bir eyalete dönüştürebildim ama, atalarımızın ömenğini izleyerek, o zaman üvey oğlum olan *Tiberius Nero* aracılığıyla bu krallığı Kral *Artavasdes*'in oğlu *Tigranes*'e vermemi tercih ettim. Daha sonra aynı ulus başkaldırıp isyan edince, onları, oğlum *Gaius* vasıtasiyla bastırarak, Medlerin kralı *Artabazus*'un oğlu Kral *Ariobarzanes* ve onun ölümünden sonra da oğlu *Artavasdes*'e verdim. Bu sonuncu da öldürülünce, bu krallığa Armenia kraliyet ailesinin bir mensubu olan

Tigranes'i gönderdim. **3.** Adriyatik denizinin diğer yanından doğuya doğru uzanan bütün eyaletleri ve Cyrene'yi ele geçirdim. O zaman, bunların çoğu kralların işgali altındaydı. Daha önce köle savaşı döneminde işgal edilmiş olan Sicilya ve Sardinya'yı geri aldım. **XXVIII.** **1.** Afrika'da, Sicilya'da, Makedonya'da her iki İspanya eyaletlerinde, Akhaia'da, Asia'da, Suriye'de, Gallia Narbonensis'te, Pisidia'da askeri koloniler kurdum. **2.** Bundan başka, himayem altında İtalya'da kurulmuş olan yirmi sekiz eyalet, sağlığında çok hareketli ve yoğun bir şekilde mesken hale gelmişti. **XXIX.** **1.** Düşmanlara boyun eğdirdim ve başka generalerin kaybettiği çeşitli askeri sancakları Hispania, Gallia ve Dalmacyalılardan geri aldım. **2.** Partları, üç Roma ordusunun ganimetleri ile sancaklarını geri vermeye ve boyun eğerek, Roma halkın dostluğunu aramaya mecbur ettim. Ayrıca bu sancakları Mars Ultor tapınağının içindeki en kutsal bölüme koydurdum. **XXX.** **1.** Ben liderliği (*princeps*) üstlenene kadar, Pannonia halkları, yakınlarında Roma halkın ordusunu hiç görmemişlerdi. Vekilim ve üvey oğlum Tiberius Nero vasıtasiyla Pannonia halkına boyun eğdirir eğdirmez, onları Roma halkın yönetimine tabi kıldırm. Illyria eyaletinin sınırını Tuna nehrini kıyısına kadar genişlettim. **2.** Tuna'nın bizde kalan yakasına geçen bir Dacia ordusu, desteğimle yenildi ve ezildi. Sonra ordum Tuna'yı aştı ve Dacia halklarını Roma halkın buyruklarına boyun eğmek zorunda bıraktı. **XXXI.** **1.** Hindistan'daki krallar sık sık bana elçiler gönderdiler. Benden önceki hiçbir Romali komutanın böyle bir şeyle alakası yoktu. **2.** Bastarnalar, İskityalılar, Don nehrinin iki yakasındaki Sarmat kralları, Albaneler, İberlerin, ve Medlerin kralları elçiler göndererek dostluğunumuza dilediler. **XXXII.** **1.** Kaçıp bana sığınıp yalvarıp yakaranlar arasında, Part kralları Tiridates ve sonra kral Phrates'in oğlu Phrates, Med kralı Artavasdes, Adiabenlerin kralı Artaxares, Briton kralları Dumnobellaunus ve Tincomarus, Sugambri kralı Maelo, Markoman kralı Segimerus vardı. **2.** Partların kralı Orodes oğlu Phrates, bütün oğullarını ve torunlarını İtalya'ya bana gönderdi. Part kralı savaşta yenilmediği halde, çocuklarını rehine olarak göndererek dostluğunumu rica etti. **3.** Liderliğim döneminde, o zamana kadar aramızda hiçbir diplomatik ya da dostluk anlaşması olmayan başka birçok halk, Roma halkın iyİ niyetini gördüler. **XXXIII.** Part ve Med halkları, ileri gelenleri arasından bana elçiler göndererek, benden kral istediler, Partlar, kral Orodes'in torunu ve kral Phrates'in oğlu Vonones'i; Medler kral Ariobarzanes'in torunu ve kral Artavazdes'in oğlu Ariobarzanes'i kral olarak kabul ettiler. **XXXIV.** **1.** Altıncı ve yedinci konsüllüğüm sırasında {MÖ 28-27}, iç savaşlara son vermemi müteakip, kamuoyunun onayıyla, her şey üzerinde yetki sahibi olduğum halde, devleti kendi yönetimimden Senato'nun ve Roma halkın yönetimine devrettim. **2.** Bu hizmetimden dolayı Senato karlarıyla bana Augustus unvanı verildi ve evimin kapı söyleleri halk tarafından çelenklerle süslendi. Kapımın üzerine yurttaşlık tacı (*corona civica*) takıldı ve Julius Senato binasına altın bir kalkan konuldu. Bu kalkanın üzerindeki yazınlarda görüleceği gibi, erdemliliğim, merhametim, adaletim ve görevlerime bağlılığımdan dolayı, Roma Senatosu ve halkı tarafından bana bu kalkan verilmiştir. **3.** Bu zamandan sonra, nüfuz bakımından herkesi geçtim, fakat aslında her *magistratuslüğüm* döneminde meslektaşım olanlardan fazla bir güç sahip değildim. **XXXV.** **1.** On üçüncü konsüllüğüm zamanında {MÖ 2}, Roma Senatosu, atlı sınıfı ve halkın tamamı, beni vatanın babası (*pater patriae*) olarak selamladı ve bu unvanın evimin avlusuna, Julius Senato binasına ve yine Senato buyruğu ile onuruma dikilmiş olan Augustus forumundaki arabamın altına kazınmasını kararlaştırdı. **2.** Bunu yazarken yetmiş altı yaşadıymam. {MS 13/14}.

**Ek 1.** Hazineye ya da Roma pleplerine ya da terhis olan askerlere verdiği paranın toplam miktarı 600.000.000 *denarii* varıyordu. **2.** Augustus şu yeni yapıları yaptırdı: Mars, Jupiter, Tonans ve Feretrius, Apollon, tanrısal Julius, Quirinus, Minerva, Juno regina (kralice), özgürlüştürücü Jupiter, Lares, Penates, Gençlik, Büyük Ana, *Lupercalis* tapınakları ve Arena'daki tapınak, Chalcidicum ile birlikte Senato binası, Augustus forumu, Julius bazilikası, Marcellus tiyatrosu, Octavius portikosu ve Tiber'in öte yakasındaki Caesarlar Korusu. **3.** Capitolium tapınağını, seksen iki kutsal tapınağı, Pompeii tiyatrosunu, su yolları ve Flaminius yolunu tamir etti. **4.** Tiyatro gösterileri ve gladyatör oyunları, atletizm yarışmaları ve hayvan dövüşlerine ve sahte denizavaşlarına yaptığı harcamalar, kolonilere, *municipiumlara*, deprem veya yangınlar tahrif olmuş kentlere verdiği paralar, şahsi dostlarına ve senatörlerin yasal mülklерini tamamlamak için yaptığı yardımlar hesaplanamayacak kadar çoktur." (Mitchell, 2008: 58-72).

## Bibliografi

- Akşit, Oktay, (1985) Roma İmparatorluk Tarihi (MÖ 27-MS 395), İstanbul.  
 Akurgal, Ekrem, (2007) Anadolu Uygarlıkları, İstanbul.  
 Augustus, (1999) Ankara Anıtı, Çev. H. Dereli (R. O. Arık'ın İncelemesiyle), İstanbul.  
 -----, (2009) Monumentum Ancyranum-Ankara Anıtı, Çev. Ç. Dürüşken, İstanbul.

- Baker, Simon, (2012) Eski Roma-Bir İmparatorluğun Yükselişi ve Çöküşü, Çev. E. Duru, İstanbul.

Barrow, Reginald H., (1990) The Romans, Harmondsworth, Middlesex.

Cassius Dio, (1955) The Roman History, Transl. E. Cary, Cambridge.

Diakov, V. ve S. Kovalev, (2008) İlkçağ Tarihi, C 2, Çev. Ö. İnce, İstanbul.

Erzen, Afif, (2010) İlkçagda Ankara, Ankara.

Freeman, Charles, (2005) Mısır, Yunan ve Roma, Çev. K. Angı, Ankara.

Görkay, Kutalmış ve S. Mitchell, (2011) "Augustus ve Roma Tapınağı", Roma Dönemi'nde Ankyra, Ed. M. Kadıoğlu vd., İstanbul, s. 79-108.

Gruen, Erich S., (2008) "The Expansion of the Empire under Augustus", CAH, Vol. 10, Cambridge, pp. 147-197.

Güven, Suna, (1998) "Displaying the Res Gestae of Augustus", Journal of the Society of Architectural Historians, Vol. 57, No. 1, pp. 30-45.

İplikçioğlu, Bülent, (2007) Hellen ve Roma Tarihinin Anahatları, İstanbul.

Meijer, Fik, (2006) İmparatorlar Yataklarında Ölmez, Çev. G. Ergin, İstanbul.

Mitchell, Stephen, (2008) The Imperial Temple at Ankara and The Res Gestae of the Emperor Augustus-Ankara'daki Roma İmparatorluğu Tapınağı ve İmparator Augustus'un Başarılarının Yazısı, Ankara.

Price, S. R. F., (2004) Ritüel ve İktidar-Küçük Asya'da Roma İmparatorluk Kültü, Çev. T. Esin, Ankara.

Sargin, Haluk, (2004) Antik Ankara, Ankara.

Sinanoglu, Samim, (1950) Romalı'larda Antiquitas Mefhumu, Ankara.

Strabo, (1960) The Geography of Strabo, Transl. H. L. Jones, Cambridge.

Suetonius, (1997) Lives of the Twelve Caesars, Transl. H. M. Bird, Ware, Hertfordshire.

Velleius Paterculus, (1961) Compendium of Roman History-Res Gestae Divi Augusti, Transl. F. W. Shipley, Cambridge.



Augustus<sup>1</sup>



## **Augustus zamanında Roma İmparatorluğu'nun genişlemesi<sup>2</sup>**

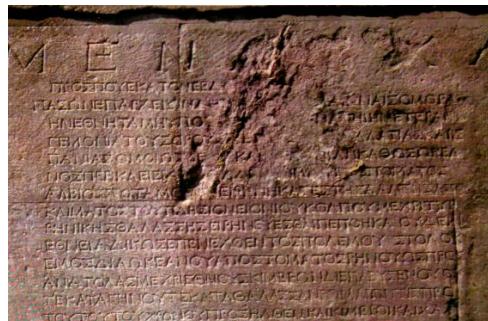
<sup>1</sup> [Museo Nazionale Romano (MÖ 12)]

[Museo Nazionale Romano (MC 12)]  
[\[https://upload.wikimedia.org/wikipedia/commons/3/3b/Augustus\\_as\\_pontifex\\_maximus.jpg \(24.06.2015\)\]](https://upload.wikimedia.org/wikipedia/commons/3/3b/Augustus_as_pontifex_maximus.jpg)

<sup>2</sup> [https://en.wikipedia.org/wiki/Augustus#/media/File:Augusto\\_30aC\\_-\\_6dC\\_55%25CS.jpg.JPG](https://en.wikipedia.org/wiki/Augustus#/media/File:Augusto_30aC_-_6dC_55%25CS.jpg.JPG) (24.06.2015)



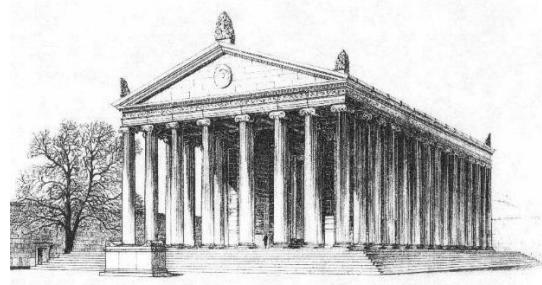
Res Gestae'nin Latince metinin başlangıcı ve 1-3. yazıt sütunları ((Mitchell, 2008: 40))



Res Gestae'nin Yunanca metinin 1-14. yazıt sütunlarının başlığı ve 14. sütunun başlangıcı (Mitchell, 2008: 36)



Augustus Tapınağı<sup>1</sup>



Augustus Tapınağı'nın ideal rekonstrüksyonu<sup>2</sup>

<sup>1</sup> [[https://en.wikipedia.org/wiki/Monumentum\\_Ancyranum#/media/File:MonumentumAncyranum28Nov2004.jpg](https://en.wikipedia.org/wiki/Monumentum_Ancyranum#/media/File:MonumentumAncyranum28Nov2004.jpg) (24.06.2015)]

<sup>2</sup> [[http://3.bp.blogspot.com/-5eP\\_4M6Lp4Q/T84o2M78NeI/AAAAAAAALc/ge\\_ykgoAfqk/s1600/rekonstruk..jpg](http://3.bp.blogspot.com/-5eP_4M6Lp4Q/T84o2M78NeI/AAAAAAAALc/ge_ykgoAfqk/s1600/rekonstruk..jpg) (24.06.2015)]

## Relationship between Physical Bullying and Age in Albanian Teenagers

Dr. Leticja PAPA-GUSHO

Pedagogy-Psychology Department,

Social Science Faculty,

Tirana University

[lpapagusho@yahoo.co.uk](mailto:lpapagusho@yahoo.co.uk)

### Abstract

*Each year millions of children and teenagers experience the humiliation and devastating effects of bullying. According to different studies bullying begins in preschool years, peaks in early adolescence, and continues, but with less frequency, into the high school years. The main aim of this paper is to examine the relationship between physical bullying and age in Albanian teenagers. The participants in this study were 400 students of senior year from High Schools of Tirana, Shkodra, Elbasan, Durrës and Korça. The approach for this study was quantitative and statistical analyses for this research were performed using the SPSS program. For gathering the data the retrospective bullying questionnaire was used. For this article only closed-ended questions are considered. The relationship between the perceptions of senior students about physical bullying and their age was revealed using Spearman's rho coefficient correlation. In conclusion, from the statistical analysis it was revealed that there is a strong negative correlation between the physical bullying and age, rs = -.865, n = 400, p = .000; p < .0005, that indicates that growth in age strongly correlates with the decrease of physical bullying.*

**Keywords:** physical bullying, teenagers, age.

### Introduction

Bullying is a subjective experience and can take many forms. Accounts of children and young people, backed up by research, identify bullying as any behavior that is: harmful, carried out by an individual or a group; repetitive, willful or persistent; an imbalance of power, leaving the person being bullied feeling defenseless. (Robinson & Maines, 2008).

Meanwhile, Askew (1989), defines bullying as a continuum of behavior which involves the attempt to gain power and dominance. According to other authors, bullying is systematic, occurring repeatedly, and it embraces a variety of hurtful actions, including name-calling, social exclusion, having money taken or belongings damaged as well as more obvious physical forms such as hitting and kicking. (Bowers, Smith & Binney (1994)

But who is involved in school bullying? School bullying almost always involves the bullied, bully or bullies and bystanders. The researches show that any child or young person can be a victim of bullying, regardless of his or her gender, ethnicity, age or socio-economic background. However, the researchers have also discovered that the bullied most often stand out from their peers in some way. Most often by; physical differences including race, ethnicity, disability and even things such as hair color or the size of the nose; lower socio-economic background; sexual orientation; being new in the class; excellent or poor academic performance.

Bullies are often children who have a strong desire to establish control over other children and generally don't have sympathy for their victim's feelings. Often, the bullies are bullied or abused themselves. Not all children and young people, however, are deliberately hurting others. They sometimes aren't aware that teasing, calling names, exclusion, etc. is causing a serious distress to other child. ([www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)).

According to Lee, (2005), there are three basic types of bullying, physical bullying, verbal bullying and social bullying. All this can be overt and covert bullying forms.

Physical bullying. Physical bullying is more than punching and kicking and can assume indirect forms, including taking possessions, damaging property or school work with a view to disempowered, i.e. there is a physical manifestation of the bullying but no physical pain. Included in such forms of bullying is extortion, where threat of violence leads to the victim giving up money or possessions, and the threat of violence or gestures and body language that is intimidating.

Verbal bullying. This is one of the most common forms of bullying as it can have an immediate impact, often in front of an audience, with very little effort on the part of the perpetrator.

Social bullying. This form of bullying incorporates deliberate exclusion from social groups or intimidation within the group. (Lee, 2005)

In this perspectives it is a very interesting propose of the ecological framework within which bullying occurs. Ecological-systems theory purports that all individuals are part of interrelated systems that locate the individual at the center and move out from the center to include all systems that affect the individual (Bronfenbrenner, 1979, in Espelage & Swearer, 2009).

According to this theory, the child is an inseparable part of a social network comprised of four interrelated systems: micro-system, meso-system, eco-system, and macro-system. The micro-system includes the child's relationship with one system (e.g., home or classroom or playground). The micro-system depicts the child's immediate interaction with others, and includes others' reactions to bullying behaviors. This conceptualization of the micro-system also includes the status of the child along the bully/victim continuum. Thus, the bully, bully-victim, victim, or bystander interacts with others in his or her social environment, and this interaction either exacerbates or mitigates bullying and/or victimization behaviors. Meso-system includes the interrelationship between systems in the child's life (e.g., home and school). Meso-system depicts the congruence between two or more environments, such as the congruence between home and school regarding bullying behavior. The eco-system includes influences from other contexts, such as the effect of a school district's anti-bullying policy or parental involvement in the school system. Finally, the macro system is the influence of cultural mores, such as societal attitudes toward bullying behaviors.

According to O'Moore and Minton (2005), steps towards means by which bullying incidents may be investigated and recorded are as follows:

1. Co-ordination of anti-bullying countering strategies. Some schools have found it helpful to nominate an individual staff member, or small group of members, who are responsible for the co-ordination of anti-bullying strategies within the school. Here, voluntarism is probably the best means of selection; having stated this, it is of course advisable that the coordinator should be a permanent and senior member of staff.
2. Talks to the whole student body. Periodically and when the opportunity presents itself to address the entire school body – and preferably at least once a term – students should be reminded that the school has an active anti-bullying policy, and that bullying behavior is not accepted in this school.
3. The essentials of reporting. When someone makes an allegation of having been bullied, or reports that someone else has been bullied, the most important thing (in the initial phases) is to attend to that person's safety needs. Communicating that we 'believe' the complainant is perhaps too strong – after all, individuals' perceptions will differ, and not every incident is unambiguous – but we should communicate that we accept what the complainant has to say. The complainant's statements should be listened to actively; and with no interpretation, the complainant's specific grievances – particularly those concerning concrete events–should be recorded in writing, and kept on record.

The main idea of this article is to show the relationship between the physical bullying and age in Albanian teenagers.

## **Methodology**

### **Procedure and sample**

For this study a correlation research design was used. The gathering of the data was done through a survey process. According to Creswell, (2003), a survey is a process that is used to collect data from a sample or a population in order to describe the attitudes, opinions, behaviours, or characteristics of the population under investigation.

The general population that served for this sample is made of senior year students who were frequenting the full-time 2014-2015 academic years from High Schools of Tirana, Shkodra, Elbasan, Durrës and Korça. From this population it was taken a sample of 400 participants. (Cohen, Manion & Morrison, 2005)

The stage probability sample is used to select the sample from this population. It involves selecting the sample in stages; that is, taking sample from sample. In other words, with the stage selection sample, firstly it was selected a number of cities at random, then within the selected cities, it was randomly selected a number of schools. Within selected schools senior

years were chosen. Finally, a number of students were selected randomly out of the students of the senior year. By means of this method was selected even the sample that represents all the population features. The sample of 400 students is composed from 168 boys and 232 girls, or 42% were boys and 58 % were girls. The largest number of participants, 79% was 18 years old, followed by the students who were 19 years old, which comprise 21 % of the entire sample.

The following were the most important criteria inclusion in the sample:

- The participant should be a senior year student in the high school in these cities.
- The participant should be really willing to participate in the research project.

#### **Instrument and its reliability**

The instrument used for the gathering of the data is a questioner made of some rubrics. The questionnaire was presented to 400 respondents who in 20-25 minutes completed it. Initially participants were informed about the purpose of the study and clarified that the survey data would be used only for academic purposes. Given that the perception of senior year students for the physical bullying and their age are the only focus of this article, only these elements of the questionnaire will be presented. A retrospective bullying questionnaire is designed to measure the perception of bullying of senior year students (National Centre for Injury Prevention and Control). Three rubrics with similar questions are designed. Firstly the respondents are asked about the time when they were in primary school, second when they were in the secondary school, and in the third rubric the respondents are asked about being bullied when they were in the high school. All items are arranged in a Likert scale, where students should circle the answer from never happened, rarely happened, sometimes happened, frequently happened, and constantly happened according to their level of agreement. Thus, items such as, "I was pushed or shoved", "I was hit or kicked hard", "Students crashed into me on purpose as they walked by", "My property was damaged on purpose", "Something was thrown at me to hit me", "I was threaten to be physically hurt or harmed", are used to measure the perception of students about being bullied during school years. From the score calculations, for a seven item scale, using a response scale from 1 to 5, the minimum value would be 7 and the maximum value would be 35. A mean score of 28.8 or higher indicates a high level of perception of senior year students for physical bullying. A mean score between 16.4- 25.7 indicates a mild level of perception of senior year students for physical bullying. A mean score below 16.3 indicates a low level of perception of senior year students for physical bullying. Furthermore, Cronbach's alpha was run in order to assess internal consistency reliability for the scale used to collect the data. This scale, has a good internal consistency, with a Cronbach's alpha coefficient reported .74.

#### **Data analysis**

The data gathered from the survey was downloaded into the computer statistical package SPSS, version 16. The data have been investigated for reliability and normality, as well as for missing data. Descriptive statistics, such as sample size, frequency and mean, were used to describe the characteristics of the sample and the perception of the senior students from the high school about physical bullying. Preliminary analyses were performed to ensure no violation of the assumptions of normality, linearity and homo-scedasticity. From the analyses it resulted that not all the data meet the assumption of the parametric statistics. For this reason non-parametric statistics were used (Pallant, 2010). For this reason the relationship between physical bullying and age was investigated using Spearman's rho coefficient.

The following table provides a summary of variables and the analytic procedures related to the paper question.

Table 1. Paper question, variables, and analytic procedures

Paper Question	Variables	SPSS Procedures
What are the perceptions of the students of the senior year about being physical bullied during the school time and the relationship between this perception and age?	- Perception of the students of the senior year about being bullied. -Age	Mean Spearman's rho coefficient

### Sources of error

This research was carried out in order to minimize non real results. Like most of the studies made in the field of education, even this one is self-report based. As a result, the findings depend even on the students' acquisition of the questions in the survey as well as on the degree of sincerity they have completed the instrument with.

### Research ethics

All the stages of research ethics have been followed during the implementation of this study. It has firstly taken the permission of the structures in charge of the schools where the instrument was conducted. Subsequently, a sensitization of the research and its goal was done to the participants before they filled the instrument. They were guaranteed anonymity and asked whether they wanted to participate voluntarily in the study. Furthermore, participants who did not want to be part of the study were not given the instrument.

### Results and discussion

Table 2. Mean scores and standard deviation on perception of the students about physical bullying

**Descriptive Statistics**

Age		N	Minimum	Maximum	Mean	Std. Deviation
7-10 years old	Physical Bullying	198	19	35	30.03	3.28
	Valid N (listwise)	198				
11-14 years old	Physical Bullying	122	12	28	20.77	3.23
	Valid N (listwise)	122				
15-18 years old	Physical Bullying	59	12	19	14.81	2.31
	Valid N (listwise)	59				

Table 2, illustrates the mean scores and standard deviation regarding the perception of students about physical bullying during the school years. Thus, when the respondents were 7-10 years old their perception about physical bullying was ( $M = 30.3$ ,  $SD = 3.28$ ), when the respondents were 11-14 years old their perception about physical bullying was ( $M = 20.77$ ,  $SD = 3.23$ ) and when the respondents were 15-18 years old their perception about physical bullying was ( $M = 14.81$ ,  $SD = 2.31$ ).

As we can see, from the data the mean scores of perception for physical bullying in the period of 7-10 years old is 30.03 and this mean score is between 28.8- 35. This data indicates a high level of perception of senior year students for physical bullying when they were 7 to 10 years old. The mean scores of perception for physical bullying in the period of 11-14 years old are 20.77 and this mean score is between 16.4- 25.7. This data indicates a mild level of perception of senior year students for physical bullying when they were 11-14 year old.

The mean score of perception for physical bullying in the period of 15- 18 years old is 14.81 and this mean score is between 7-16.3. This data indicates a low level of perception of senior year students for physical bullying when they were 15-18 year old.

To address the paper question, correlation analyze was conducted. This question has explored if there is any relationship between the perception of students about physical bullying and their age.

Table 3. Spearman's rho coefficient for two variables.

### Correlations

			Age	Physical Bullying
Spearman's rho	Age	Correlation Coefficient	1.000	-.865**
		Sig. (2-tailed)	.	.000
		N	400	379
	Physical Bullying	Correlation Coefficient	-.865**	1.000
		Sig. (2-tailed)	.000	.
		N	379	379

\*\*. Correlation is significant at the .01 level (2-tailed).

From the data of table No 3, it was revealed that there is a strong significant negative relationship between two variables, rs = -.865, n = 400, p = .000; p < .0005. This indicates that if the age grows the perception of adolescents about physical bullying during the years decreases.

### Conclusions

In conclusion, some results can be presented at the end of this article. From the survey conducted in the population of senior students who attended high school in Tirana, Shkodra, Elbasan, Durrës and Korça, a sample of 400 students is selected through the stages sampling method. Out of 400 senior students of the high school of the sample, just 168 were boys and 232 girls, or 42% boys and 58 % girls. The largest number of participants, 79% was 18 years old, followed by the students who were 19 years old, which comprise 21 % of the entire sample.

Additionally, Cronbach's alpha was run in order to assess internal consistency reliability for the scale used to collect the data. This scale has a good internal consistence, with a Cronbach alpha coefficient reported .74.

A two tailed alpha level of .05 was set a priori for all statistical tests. To answer the question, about the perceptions of the students of the senior year about being physical bullied during the school time and the relationship between this perception and age, frequencies and spearman's rho coefficient analyses, was conducted.

From the statistical analysis it was revealed that there is a strong negative correlation between two variables, rs = -.865, n = 400, p = .000; p < .0005. This indicates that if the age grows the perception of adolescents about physical bullying during the years decreases.

### Recommendation

First of all it is time to understand that bulling is a reality in our schools. All anti-bullying efforts in schools – be they strategies and procedures for dealing with incidents of bullying behavior, or for preventing further incidences, or support services for those involved in bullying behavior – should be underpinned by an overall anti-bullying policy. This should be formulated by the responsible members within the school's management staff, in consultation with all groups within the school community – school management staff, classroom staff, nonteaching staff, students and parents of the school's students.

The role of classroom staff in anti-bullying work is the practical and day-to-day implementation of the procedures and strategies specified in the school's anti-bullying policy is really important. At a conceptual level, it is possible to render distinct strategies for dealing with incidents of bullying behavior, and preventative strategies that can be taught/implemented through specific classroom activities. Practically, all anti-bullying work makes certain skills and personal demands upon members of classroom staff. (O'Moore & Minton, 2005)

## References

- Askew, S. (1989). Aggressive behavior in boys: to what extent is it institutionalized? In Tattum, D. and Lane, D. (eds) Bullying in Schools. Stoke-on-Trent: Trentham Books.
- Bowers, L., Smith, P. and Binney, V. (1994) "Perceived family relationships of bullies, victims and bully/victims in middle childhood", Journal of Social and Personal Relationships, 11, pp. 215.
- Bronfenbrenner, U. (1979). The ecology of human development: Experiments by nature and design. Cambridge, MA: Harvard University Press, cited by Espelage,L.D &Swearer,S.M (2009). Bullying in American Schools: A social-ecological Perspective on Prevention and Intervention. Retrieved from bookzz.org/book/831971/469f34
- Cohen, L, Manion, L & Morrison, K. (2005). Research Methods in Education (5<sup>th</sup> Ed.). Taylor & Francis Group.
- Creswell, J.W. (2003). Research Design: Qualitative, Quantitative and mixed method approaches. Thousand Oaks, CA: SAGE
- Lee.Ch. (2005). "Preventing Bullying in Schools: A Guide for Teachers and other Professionals", pp. 9-10. Retrieved from bookzz.org/book/841734/e6f6f26
- National Center for Injury Prevention and Control. (2011). Measuring Bullying Victimization, Perpetration and Bystander Experiences: A Compendium of Assessment Tools. Retrieved from www.cdc.gov/violenceprevention/pdf/bullyCompendiumBk-a.pdf
- O'Moore.M & Minton,S. J. (2005). Dealing with Bullying in Schools: A Training manual for Teachers, Parents and other Professionals, pp.21. Retrieved from bookzz.org/book/841739/3ff7bf
- Pallant.J. (2010). SPSS Survival Manual. (4<sup>th</sup> Ed.). McGraw-Hill Companies.
- Robinson, G. & Maines, B. (2008). "Bullying: A complete Guide to the Support Group Method". Retrieved from bookzz.org/book/839994/303489
- [www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

## Challenges in Children's Literature Translation: a Theoretical Overview

Aida Alla, Ph.D Cand.

AAB University

[aida.alla@universitetiaab.com](mailto:aida.alla@universitetiaab.com)

### Abstract

*There is an increasing demand for translation of children's literature nowadays and this demand is accompanied by an increased need for the researchers to study the nature and feature of such a discipline. It is worth mention that the word "children's literature" in English-speaking countries is a broader term covering children, adolescents and sometimes young adults. The present paper aims to highlight some comprehensive theoretical aspects concerning children's literature translation. Special attention is paid to the issues which have generated lots of intense and ongoing debates among theoreticians as to which translation strategies and procedures would be more beneficial to the target language child reader. Before elaborating on such issues, this paper casts some light on the various definitions of children's literature and its characteristics, its status and the role it exerts on the potential readership. Ambivalence of children's literature – the texts being addressed to both children and adults – constitutes one of the biggest challenges for the author and the translator of children's literature alike. Such a phenomenon is investigated in this paper illustrated with some book titles. Another feature which is tackled in this paper is that of asymmetry, which refers to the unequal communication levels between adults and children. Finally, conclusions will be drawn regarding to most popular theoretical trends of children's literature and children's literature translation.*

**Keywords:** children's literature, translation strategies, polisystem theory, scopos theory, ambivalence.

### I. INTRODUCTION

There are some reasons behind the assumption that children's literature is a minor and peripheral literary form in many cultures, including Albania. According to Zohar Shavit, this is due to the fact that the emergence and development of children's literature have followed common patterns across different countries (1996: 27). This condition of inferiority derives from the history and tradition of this body of literature, which is strictly bound to those of childhood, representing a minority group that has historically suffered a status of inferiority and subordination to other groups.

Thus, the main system of literature tends not to attribute a high value to literature for children, which in turn, has resulted in minor literary research. The most evident repercussion of this peripheral status on the translation of books for children has been identified by many (Shavit, O'Sullivan, among others) in the marked tendency of translated children's books towards 'acceptability' introduced by Toury 'domestication' introduced by Venuti, or, in other words, Schleiermacher's well known principle of 'bringing the author towards the reader' (49).

The great freedom allowed to translators and/or editors, and the high degree of rewriting, abridging, adapting and other kinds of intervention that books for children have undergone, seem to derive from the specific attitude adopted towards the genre in the target context; the more this was considered peripheral, marginalized and of little literary merit, the more freedom seemed to be allowed in translating works for children. Klingberg in his book *Children's Fiction in the Hands of Translators*, states that the extent to which the characteristics of the young readers are taken into consideration can be referred to as degree of adaptation and it should be preserved in translation because the original should not change as far as level of difficulty or interest is concerned. (1986)

### II. DEFINITIONS OF CHILDREN'S LITERATURE

There have been made several attempts on the part of the scholars to provide a unanimously accepted definition of what can be considered children's literature. There are scholars who even go so far as to question the existence of children's literature. As Jack Zipes (2001) puts it, in "Why Children's Literature Does Not Exist," "There has never been a literature conceived by children for children, a literature that belongs to children, and there never will be." Another researcher who

raises the question whether there is a need to define children's literature at all is Riita Oittinen arguing that works of literature and whole literary genres acquire different meanings and are redefined again and again. It might therefore, well be that today's adults' literature is tomorrow's children's literature. (1993: 42,43) Gulliver's Travel proves this definition right. According to Klingberg, the term children's literature can refer to different concepts, such as literature recommended to children, literature read by children and literature published for them ( 2008:8).

The cultural concept of "children" and "childhood" also changes radically with time, place, gender, and perceiver, and so the corpus of texts ("children's literature") is unstable. Childhood two hundred years ago (and consequently the books designed for it) may seem so remote from current childhood and its texts that a distinction might be made between "historical children's literature", or books that were for children, and "contemporary children's literature," books that address or relate to recognizable current childhoods (P. Hunt 1996; Flynn 1997).

The body of texts can be seen as a symbiotic movable feast: the book defines its audience, which is children, and that in turn affects how children are generally defined as well as how they actually will be in the future. In this context, the term "children" is increasingly being interpreted as "comparatively inexperienced/unskilled readers." (Nell & Paul: 2001: 43) Jacqueline Rose, who, in *The Case of Peter Pan* (1984), carefully uses the term "children's fiction," suggests that children's fiction is impossible, not in the sense that it cannot be written, but that it hangs on.... the impossible relation between adult and child....". Children's fiction sets up a world in which the adult comes first (author, maker, giver) and the child comes after (reader, product, receiver), but where neither of them enter the space in between. (*ibid*: 44)

### III. CHARACTERISTICS OF CHILDREN'S LITERATURE

Before we start to elaborate on the challenges of children's literature translation, it is essential to refer to some peculiarities and characteristics of children's literature as such. One of the characteristics of children's literature is its ambivalence due to the fact of its dual readership. To Rurvin and Orlati, ambivalent texts are those "written for and received by both adults and children at various textual levels of both production and reception" (2006: 159). This is a challenge to a translator and an issue of concern in children's literature translation. Quoting Metcalf: "More children's books than ever before address a dual audience of children and adults, which on the other hand comes with a dual challenge for the translator, who now has to address both audiences in the translated literature" (2003: 323). To preserve multiple levels in the text, the conventional one to be simply realized by the child reader; the other one only understandable to adults, is one of the biggest challenges for translators of children's literature. (Frimmelova 2010: 35) The Harry Potter saga is a very good illustration of an ambivalent text. Hundreds of pages and a seven-book compilation cannot be appealing to teenagers only. Not to mention the linguistic complexities and layers it encompasses due to the author's sophisticated style of writing.

Asymmetry is another feature of children's literature which entails the relationship between the writers who are adults and the readers who are children. When the partners in communication are not equal, communication structures are asymmetric. Children's literature differs from adults literature in that the authors of children's books and their audience have a different level of knowledge and experience. It is adults who decide on the literary form and it is they who decide what to publish and what to sell without giving the children a chance to decide for themselves.

Another important characteristic of children's literature seen from the pedagogical viewpoint is to educate the child reader. As Puurtinen points out, adults expect children's literature to help in the development of the child's linguistic skills. Therefore, there might be a stronger tendency for authors and translators of children's literature to normalize the texts by grammaticalising them, in order to avoid the readership learning faulty grammar from the books. (Puurtinen: 1998)

### IV. THEORETICAL ASPECTS OF CHILDREN'S LITERATURE TRANSLATION:

There are two main trends of translation procedure: source oriented translation and target oriented translation. The first approach advocates the preservation of the source language and cultural characteristics (being faithful to the form and meaning) whereas the latter favors the "merging" of source text into the target language culture, bringing it closer to the readership. Instead of aiming at an adequate translation, the translator should aim at an acceptable translation considering the fact that children's reading abilities are not as advanced as the adults' and their knowledge of the world is limited. "It is the task of the translator to decide how she/he will compensate for the children's lack of background knowledge without

oversimplifying the original and forcing children into simple texts that have lost any feature of difficulty, foreignness, challenge and difficulty". (Ztolze 2003: 209)

In the late 1980s, Klingberg, in his *Children's Fiction in the Hands of the Translators*, criticized what he perceived as the most common way to translate books for children. In his view, the main aim of this activity should be that of enriching the reader's knowledge and understanding of foreign cultures. Yet, most translators' interventions on the source texts - what he categorizes as 'cultural context adaptations', 'purifications' 'modernizations', 'abridgements' and 'serious mistranslations' - hinder that aim. Klingberg suggested that translation strategies which tend to preserve the foreign spirit of the originals should be preferred, so that the child-reader can get acquainted with the country and the culture from where those books come.

Zohan Shavit has given important contribution to the translation of children's literature in that she utilized the polysystem theory introduced by Itamar Evan-Zohar to explain the translational pattern of children's literature. Polysystem theory had a strong impact on research into translation of children's literature, because it elevated a genre regarded as minor to a central object of research. "The polysystem is conceived as a heterogeneous, hierarchized conglomerate of systems which interact to bring about an ongoing, dynamic process of evaluation within the polysystem as a whole. Evan Zohar' polysystem theory places literature in two positions: in the center and periphery. The closer to the periphery the lower the cultural status of the subsystem is within the polysystem. Translated literature constitutes one of the subsystems and it might position itself either in the center representing a significant part of a country's literature or remaining in the periphery and imposing less influence." (Baker, 1998: 176)

According to Shavit, unlike contemporary translators of the adults' books, the translator of children's literature can permit himself great liberties regarding the text as a result of the peripheral position of the children's literature within the polysystem. That is, the translator is permitted to manipulate the text in various ways by changing, enlarging or abridging it or by deleting or adding to it. (1986: 111) "In viewing translation as part of a transfer process, it must be stressed that the subject at stake is not just translations of texts from one language to another, but also the translations of texts from one system to another -- for example, translations from the adult system into the children's." (Shavit 1986: 111)

Another translation theory that has given a great contribution to the translation process of children's literate is Vermeer and Reiss's Scopos theory. Scopos (purpose) of translation is the main criterion of this theory which shifted the attention from the course oriented approach to the target oriented procedures, thus putting the reader at the center of this process. As a result of this approach, the status and responsibilities of translator changed as well, having more freedom to resort to strategies which meet the children's special demands as the main readers. "The translator is "the" expert in translational action. He is responsible for the translational action". (Vermeer 223: 223) According to scopos theory, the translator is considered a "cultural product" and the process of translation "a culture-sensitive procedure". (Vermeer in Mary, and Kaindl: 1994). In the context of children's literature, scopos theory made significant changes to the status of translators, readers and the translation process.

## CONCLUSION

The study of children's literature is a well established discipline and a lot of scholars are giving their contribution despite the wrong conception that children's literature is of less importance and less sophisticated than adults' literature. On the other hand, translation studies of children's literature are embryonic and only in the last two decades are theorists elaborating on the translation strategies with a focus on children as a target group and their reading competences and demands.

The primary aim of this paper has been to give an overall view of the subject on children's literature and its translation from the theoretical perspective. Even though an attempt has been made to give a panorama of current situation of this filed, it was impossible, due to the constraints and the length of this paper, to cover all the facets of this discipline.

However, it was concluded that there is no final definition of children's literature because of the wide range of topics, genres and elements it covers and the fact that this kind of literature is written by adults and addressed to children. There are scholars who believe that there is no such thing as children's literature due to the fact that the child reader is the passive actor who is offered everything that adults consider as appropriate for them.

As far as the characteristics of children's literature as concerned, it was observed that such texts are appealing to children as well as adults and such ambivalence constitutes one of the biggest challenges both for writers and translators. Asymmetry was another feature of children's literature which was highlighted in this paper. Asymmetry refers to the relationship between the writers who are adults and the readers who are children. Additionally, from the pedagogical viewpoint, the purpose of children's literature is to educate.

While analyzing the theoretical aspects of translation, it was observed that different theoreticians have different approaches as to whether preserve the culture of the source text during the translation process or simplify it and replace the culture-bound word with their equivalents in the target language. Finally we must say that, no matter what strategy the translator resorts to, he/she must produce a text which conveys the elements of the unusual, but it must be acceptable and easy-to-read-and-remember, without underestimating the children's knowledge about the world.

## REFERENCES

- Frimmelova, K. (2010). *Translating Children's Literature: diplomová práce*. Brno: Masarykova univerzita, Fakulta pedagogická, Katedra anglického jazyka a literatury.
- Metcalf, E-M., (2003). „Exploring Cultural Difference through Translating Children"s Literature”, *Meta*, xviii, 1-2, pp. 322-27.
- Phillip Nell, Lissa Paul. (2011) *Keywords for Children's Literature*, New York University Press, New York and London.
- Puurtinen, T. (1998) 'Syntax, readability and ideology in children's literature', *Meta* 43(4).
- Rudvin, M. & Orlati, F. (2006) Dual Readership and Hidden Subtexts in Children"s Literature: The Case of Salman Rushdie"s Haroun and the Sea of Stories", in: van Coillie, Jan and Walter P. Verschueren (eds.), *Children's literature in translation. Challenges and strategies*, Manchester: St. Jerome Publishing, pp. 157-184.
- Oittinen, R. (1993) I am me – I am other: *On the Dialogics of Transalition for Children* Vammalan, Kirjapaino Oy: University of Tampere.
- Klingberg, G. (2008) *Facets of Children's Literature Research: Collected and Revised Writings*.
- Svenska barnboksinstitutet, Stockholm.
- Shavit, Z. (1986) *Poetics of Children's Literature*, Athens and London, University of Georgia Press.
- Shavit Zohar. (1995) "The Historical Model of the Development of Children's Literature." Aspects and Issues in the History of Children's Literature. Ed. Maria Nikolajeva. London:Greenwood Press., 27-38.
- Vermeer, H.J. (2000) Skopos and commission in translational action. In: Venuti: *The translator's study reader*. London, New York.
- Vermeer, H.J. (1994) Translation today: Old and new probmes". In: *Translation Studies: An Interdiscipline*, Snell Horby, Mary, and Klaus Kaindl, Benjaminn Library.
- Zipes, Jack. (2001) *Sticks and Stones: The Troublesome Success of Children's Literature from Slovenly Peter to Harry Potter*. New York: Routledge.

## Vygotsky Theory on Social Interaction and its Influence on the Development of Pre-School Children

Dr. Marta Topciu

Education Sciences, Department of Teaching Methodology  
Faculty of Education Sciences, University "Aleksandër Xhuvani", Albania

[martatopciu@yahoo.com](mailto:martatopciu@yahoo.com)

Dr. Johana Myftiu

Education Sciences, Psychology Department,  
Faculty of Education Sciences, University "Aleksandër Xhuvani", Albania

[johanamyftiu@hotmail.com](mailto:johanamyftiu@hotmail.com)

### Abstract

*The continuous process of human recognition has been explained by different schools of psychology. Among them, social constructivism emphasizes the importance of social environment, culture and social interaction with others, in this process. This study aims to highlight the role of using effective techniques and strategies that allow the possibility to study with the help and interaction with others in the pre-school age. The knowledge and application of the scaffolding technique within the Zone of Proximal Development helps accelerate the cognitive development of the child, making the learning process more dynamic and the child more active. The idea of dialog is very important and every child should feel as an integral part of social interaction. The efficient use of these techniques shows an optimization of the child's achievement. The process of transforming spontaneous concepts into scientific ones, is facilitated and accelerated. It is important for the help to be offered in an individual way, when and where needed. Also, it is required that the educators and teachers be trained for the successful use of these psychological mechanisms.*

**Keywords:** social interaction, scaffolding, the Zone of Proximal Development, pre-school children.

### 1. Introduction

The construction of human recognition is affected by bio-psycho-sociological factors. There have been many debates on their role and the theories that try to explain them have their specific nuances. We can mention here the theory of "operational interaction from Piazhe", "learning through mediation from Vygotsky", the Bruner theory, etc. Among them, the social constructivist theory supports the idea that the social factor affects, facilitates, and accelerates the socio-cognitive development of the individual.

The child's personality is also affected by these factors. Depending on its level of development, the role of the social environment is different and as a result, the modification of the mental structure is different in each child. In this journey, the modification is reached when the child is active in this factor interaction.

Seen from this point of view, the education environments of preschool children should bring and promote those modalities and structures which favor the social interaction role among them and adults (teachers, educators) or their more capable peers. The prevailing philosophy which supports and highlights the role of the social factor in learning is the theory of Vygotsky and his followers. His concept of the Zone of Proximal Development, followed by instruments like "scaffolding" are psychological mechanisms which should be acknowledged and applied in class to help the child efficiently pass this distance.

According to Vygotsky, although the biological factors constitute the necessary preconditions for the natural elementary processes to appear and develop, the sociocultural factors are also important.

The following questions need to be addressed:

- Does the curricula and philosophy on which it is based, offer the chance to use the socio-cultural constructivism theory in preschool classes?
- Do teachers know the advantages of this learning model?
- Are teachers capable to make the necessary social adjustments in order to optimize the understanding and possession of different concepts and behaviors by children?

From the observations made in several preschool educational institutions in our city Elbasan, it is observed that not all teachers know the main concepts of this model. Even in cases when they have the necessary knowledge about these concepts, they face difficulties in the efficient practical use of the specific instruments which help children accelerate their psycho-social development.

It is necessary to know researches done about this model, the results of the studies, and their application when practicing education. Also important are the suggestions and necessary techniques which teachers and educators need to know in order to use them efficiently.

## **2. Theoretic framework, main concepts in the socio-cultural theory and research findings**

The most known representative of the social-cognitive constructivist theory is Vygotsky. The focus of his work is the individual's interaction with society, the impact of social interaction, the language and the learning culture. He aimed to explain the role of dialogue in structuring recognition and viewed the origin of cognitive functions as a product of social interaction. "The human learning means a specific social nature and a process through which children enter gradually in the intellectual life of people surrounding them" (Lev. S. Vygotskij, 1934).

Lantolf (2000), confirms that base on the main concepts of the sociocultural theory, the human mind is mediated.

According to Vygotsky (1978, cited Lantolf 2000), the sociocultural environment confronts children with a diverse set of tasks and questions. In early stages, the child is completely dependent on other people, especially on parents, who initiate his decisions while instructing him what to do, how to do it and what not to do. Initially these are realized through language, which plays a big role in the way the child adapts to the social inheritance. Vygotsky (1978 cited Wertsch 1985) declares that the child receives the knowledge initially through the contacts and interactions with people, and then assimilates this knowledge adding the personal values in it. This passage from the social to the personal qualities, is not a simple imitation but a transfer of what has been learned from the interaction to the personal values. Vygotsky admits that this is what happens in schools. Children do not only copy what has been offered by the teachers but also transform them during the learning process. According to this theory, the interaction between teachers and children has a dynamic nature and learning happens as a result of this interaction.

Ellis (2000) believes that the socialcultural theory of learning starts not through interaction but during interaction. At first, children finish a task with the help of another person, learn it and then are able to do the same task alone. In this way, the social interaction is a support to intermediate learning. According to Ellis, the socialcultural theory supports the idea that successful interactions are those during which children are helped to finish new tasks. One of the most important contributions of Vygotsky's constructivist theory is the difference it makes to the current level and the potential development, or the so called "Zone of Proximal Development" (ZPD).

### **2.1. Zone of Proximal Development (ZPD)**

Lantolf (2002), Wertsch (1985) and Shayer (2002), admit that Vygotsky introduced the ZPD concept because he did not approve the way the children's intellectual abilities were being evaluated. According to him, the techniques developed for testing the children define only the current level of development, but do not measure their potential capabilities. He strongly supports the view that psychology should study "what one is not yet", so with what is expected to come and what is possible to be reached. He introduced the concept of ZPD, which he defines as: "the distance between a child's actual developmental level as determined by independent problem-solving, and the higher level of potential development as determined through problem-solving under adult guidance or in cooperation with more capable peers (Wertsch, 1985, p.60).

In other words, this means introducing two different presentations of a child: without or with the help of a partner (Carugati F. & Selleri P., 2001, p.51).

The transition from a spontaneous concept to a scientific one, which affects the intellectual development of a child, is neither automatic nor spontaneous. This development is reached through the adults' interference and exactly in this moment appears what Vygotsky calls the learning process.

ZPD helps determine the mental functions of the child which have not yet matured, but are on the process of maturing, functions which are in the embryonic phase but will mature tomorrow. The teacher should not be limited to what the child can do today but to what he would be able to do, if help was offered. (Aprile L., 2010. p.339). Through the help of an adult or the more capable peers, in the ZPD appear a series of inner development processes, which later become part of the independent achievement. The instruction and development are two different processes which are joined together through a mutual complex relationship.

According to Shayer (2002), Vygotsky supports the idea that a good instruction should proceed ahead development and should awaken and push for the invigoration of a set of functions that are in the maturity phase and lie in ZPD. This way the instruction can play a big role in development. He goes on suggesting that teachers are responsible for offering the learning context in which the instruction moves ahead of development and leads it. Shayer claims that ZPD application in school practice is not easy. A problem observed in school texts is linked to the fact that what it means to help the children progress from a level to another and which is the teacher's role in facilitating this progress. Teachers and educators should enter where and when needed in ZPD. Several important means have been discussed, like intermediation, which is central to the sociocultural theory and the scaffolding which is mentioned by the cognitive psychologists.

## 2.2. Scaffolding

The term "scaffolding" has been introduced in by Wood et.al. (1976) and means 'to create a scaffold' or to provide an external support through something that helps construct a building. However, this is a metaphor that helps understand the used modalities by adults to organize their activities with kids (Carugati & Selleri, 2001).

The scaffolding describes the process of transition from teacher assistance to independence. It answers the frequently asked question about the ZPD: if a child can function at a high level only with assistance, how can this child eventually be able to function at the same level independently? (Bodrova, E. and D.J. Leong. 2001, p.11).

Donato (1994) states that scaffolding is a concept coming from cognitive psychology. He confirms that during social interaction, a more capable participant, through the use of language and other supportive conditions, may help the child move forward to a higher lever with the knowledge and skills owned (cited Turuk C. M., 2008, p.252). In education, scaffolding is an instructional structure through which the teacher models the strategy or task of learning and then moves this responsibility to the children. According to Tharp and Gallimore (1988), learning, especially in schools can be seen as 'achievement with help'(cited Pollard & Tann, 1993 p.111).

The use of the supportive scaffold facilitates, helps and accelerates the children's task of learning. "When the teacher and peers use scaffolding in cooperative learning, the learning improves" (Krajcik & Blumenfeld, 2006; Peery, Truner & Meyer, 2006; Pressley et al., 2001; Yarrow & Topping, 2001). However, this raises the question of how capable is the teacher to choose the right type and quantity of help, in order for the child to finalize the task in an independent way, and be as successful as when the task was done with help. Studies point out that if an answer is not provided for this question, scaffolding will remain a metaphor and not an instructional strategy to be used.

Vygotsky's followers bring a set of means through which we can mention the usage of the inner language by children. Especially children in preschool and elementary school can benefit a lot from it. According to Lurias (1979), the inner language has another important function: it helps the children fix their outside and mental behaviour (Berk& Winsler, 1995); Galperin, 1992). On the other hand, the symbolic or dramatic game, which is present during the preschool age, plays a special role in the Vygotsky theory of learning and development.

A more specific study on the supportive scaffold has been presented by Donovan and Smolkin (2002), who analyze this concept in children's writing. They have researched the role of different levels of the supportive scaffold in children's

understanding and in showing their knowledge. Tasks are ranked from those that need a minimal support to those that need intermediary and high level of support.

According to Rogoff (1990 in Donato, 1994), during the application of scaffolding, the expert should be active and attentive. He needs to continuously review his help and decide when he needs to modify and move it.

### **3. Methodology**

#### **3.1. Instruments**

To answer challenging questions raised in this study, it has been looked into the philosophy on which the curricula and programs that teaching for preschool classes in the city of Elbasan is based. The instruments used for this study are: systematic participatory observation, surveys of preschool teachers of several public kindergartens, as well as case studies.

#### **3.2. Participants**

In this study have been included four public kindergartens: kindergarten number two, number four, number eleven, and number twelve in the city of Elbasan. The number of preschool teachers who participated in completing the questionnaire is thirty two.

#### **3.3. Measurements**

##### **Case 1**

In the math center, the teacher gives to the children the assignment to assemble the geometric shapes by size, color and shape. Rosela and Erion group the shapes well by size and shape. Jurgen groups the square and rectangular shapes together.

The teacher tells Jurgen to put the shapes one over the other and observe how they look. Initially Jurgen notices that the shape laying at the bottom is more extended and bigger than the one on the top. As a next step, the teacher helps Jurgen form the square and rectangular shapes with sticks, according to the model.

Then, the teacher asks Jurgen how many sticks he needs to form each shape. She recommends putting the sticks of each form over each other and compare their length. Jurgen says that the sticks of the first shape are all the same while in the second one, two sticks are equally long and two equally short. When the teacher asks how we distinguish these shapes from each other, Jurgen replies: from the length of the sides.

Later on, Jurgen exercises drawing these shapes with the use of a template or by simply joining the shape dots marked by the teacher. Jurgen is now able to identify these shapes in different items or objects inside the classroom. He gives examples of square and rectangular figures in the classroom. By the end of this activity, Jurgen identifies and classifies the geometric shapes by size, color and shape. Therefore, what he first was able to do only with help, now is able to do on his own.

#### **3.4. Case studies**

##### **First case**

The girl with initials e A.T cannot write her own full name, but only the first letter of the name. When the teacher asked her why she did not write her name, the girl answered: - I cannot write my name because it is very long, has a lot of letters and I cannot remember them in correct order.

Then the teacher built a "supportive scaffold" and used it for several days in a row in the center of reading and writing.

**Firstly:** She introduced the model written in capital letters.

**Secondly:** She would form her name with magnetic letters as per the written model.

At the beginning, she put there only letters needed to form her name. After the girl was able to identify the letters of her name and could arrange them in proper order, the teacher added new magnetic letters.

**Thirdly:** She started to copy the separate letters of her name by joining the dots.

**Fourthly:** She could copy her name following the model, by joining dots.

**Fifthly:** She passed to the stage where she could copy her name as specified in the given model.

**Lastly:** The girl writes her name as the teacher spells the letters (te folurit e brendshem) in order. For example: N – like nuts; L – like lemon; E – like elephant, and so on. After an intensive work in class and at home with her mother, the girl could write her name on her own. As a result of the joy of being able to write her name, she wrote it in the board, floor, door, hand, paper, etc.

### Second case

The child with initials A.M in the third group faced difficulties in writing the letter 'r'. To overcome this difficulty, the teacher helped the child by holding her the hand to join the dots placed in the paper by her. Later, A.M copied the model given by the teacher and lastly she exercises by writing on her own some lines with the letter 'r'. During this time, the teacher congratulated the child by drawing a star on her notebook. When writing the new letter 'rr', A.M tells the teacher:

- Teacher, you will not help me by holding my hand because I can write the new letter even if I do not write it beautifully.

### Third case

Before joining the pre-school class, the child with initials E.T has not attended any of the kindergarten groups. A day after the daily activity with the theme "domestic pets" was organized in the art center, the child was asked to draw a domestic pet (dog, cat, rabbit, etc). Watching the drawings of other kids in the activity centers, the child with initials E.T started to cry. When the teacher asked E.T why s/he was crying, E.T answered: I don't know how to draw a cat. The teacher calmed down the child, saying that she was there to help.

- The teacher showed the child the model she had prepared.
- She showed E.T how to draw the cat.
- She explained the drawing step by step.

Then, through oral communication she interacted with the child as following:

- Draw a circle (for the head).
- Draw within the circle, two other joined small circles (for the eyes) and another small circle in the middle (for the nose).
- Below them, draw three "u" letters (for the lips and tongue) and some short lines on the side (for the moustache).
- Draw two small rectangular on the top of the head (for the ears). The teacher held the child's hand to draw the body, legs and paws.
- Draw a straight line in the middle of the legs in a banana shape (for the tail).

This is the requested drawing. After he did this drawing two-three times, the child could draw the cat and was very happy about this. Therefore, what E.T. could not initially do alone, now is able to do without any help.

### 3.5. Investigation: On which philosophy are based the curricula for preschool education in public kindergartens in Albania?

To get information about the issue we have studied the preschool curricula offered by the Ministry of Education and Sports of the Republic of Albania. Simultaneously we consulted with the board of directors from the District Education

Office of Elbasan. This curriculum is based on a standard philosophy that integrates several models, the traditional one with contemporary models, which are child-centered. The teachers are given the opportunity to use elements from several philosophies, like: "Step by Step", "Reggio Emilia", "Montessori". Teachers are free to use a variety of strategies and techniques for the implementation of learning objectives. Giving priority to individualized learning, they are likely to rely on techniques provided by Vygotsky's sociocultural constructivist model.

### 3.6. Responses to the survey conducted among teachers of pre-school classes.

We built a questionnaire with open and closed questions to get information on the recognition and use of Vygotsky constructivist model and its key concepts in the classroom. Questionnaires were distributed in four kindergartens in the city of Elbasan. Out of 32 teachers, 23 of them or 71.8% said they had heard about the ZPD concept and scaffolding. When asked to give an understanding of these concepts and define which model they belong to, it was noted that 21 teachers (or approximately 62.5%) who were also the youngest in age, provided accurate definition of the concept and the model it belonged to. The rest were chaotic and vague in their answers.

- To the question: "*Do you use the class scaffolding in class? Mention some types of their use in the classroom*", it was observed that for the first part of the question, the answers were affirmative by 20 teachers (or about 62.4%). For the second half, only 18 of them (56.2%) correctly cited the teachers behaviors associated with this concept.
- To the question: "*How do you prepare the task you give to children, in accordance with their current level of their development, or slightly above the level of their current development*", 22 teachers (68.7% of them), choose the second answer, while 10 of them think that these should be consistent with the current level of development.
- To the question: "*Do you think it is necessary to train for this theory of learning*" all the teachers gave an affirmative answer.

## 4. Analysis and discussion

### 4.1. Analysis of the survey

From the questionnaire results, it was noted that not all teachers possess the theoretical knowledge and practical skills to implement the concepts and techniques of instruction that suggests Vygotsky theory. The teachers who have clear concepts associated with the Vygotsky theory (21 of them or 62.5%), were teachers who learned about these concepts during their education in the relevant branch of study. The rest, 11 of them had greater professional experience and regardless of the fact that in their responses was noticed the use of intuition, by mentioning the concept of "help", their responses did not converge with the true meaning of ZDP and scaffolding concept.

In the questionnaire answers related to the practical use of scaffolding in the classroom, the fact that only 18 of them (56.2%) gave correct examples shows that not all the teachers who know the concept are able to use it properly in teaching situations. Despite their examples that according to them were indications of help given to children, these teachers failed to show that help given to the child within the ZDP, through scaffolding is an individualized and specific assistance for each child and not a general, same for all children.

It is expected that the question regarding the level of difficulty of preparing tasks for children, the number of teachers who felt prepared tasks should be slightly above the level of the current development of the child, was 22, almost equal to the number of the teachers who correctly knew Vygotsky theory concepts.

### 4.2. Analysis of the results obtained from observations

In situations presented and described above, various scaffolding techniques are used. During the participatory observations we made, teachers tried to create and structure learning situations in which children were assisted to pass the area of close development. They used auxiliary questions, specific instructions, various suggestions, models, suggestions, partial solutions, modeling indicated with loud voice etc.

In the first situation, the teacher provides individualized assistance, depending on the child potential. The teacher carefully observing the children understands that child with initial J. needs assistance to internalize the concepts of square and rectangle shapes and this is done by using various forms of scaffolding, as the use of questions, communications and interaction through the use of language, modeling , relying on prior knowledge to move to another level of recognition, ie cognitive progress. The same thing happened with case studies. In all cases, the teacher tried to use scaffolding within the area of close development for children who need help.

From the numerous observations made for this study, in all classes of the preschool education curriculum, teachers are given many opportunities that along with the use of other teaching strategies, to very successfully use the scaffolding instruction as it really optimizes student learning, accomplishes child-centered teaching and individualized learning. In addition, this type of instruction used in these teaching situation, simultaneously helps children gain initial self-regulatory skills, setting goals to earn a behavior or to avoid another. For teachers be successful and effective in the use of this strategy in the classroom, they must know the current level and achievements of each child. Every child is different and the need for assistance is different, not only to different children, but also to the same child in different areas of knowledge. These are clearly identified in the above three cases.

## 5. Conclusions

- Using scaffolding in preschool classes should be seen as an instrument that helps teachers pass from traditional teaching to new various techniques of pedagogy and modern psychology.
- It is important to better understand the basic concepts of the model, features of the supportive scaffold and the quality of teacher-child interaction which is accomplished through dialogue.
- To understand that ZPD is the theoretical basis of scaffolding.
- To understand that scaffolding has attributes that make it different from other types of instructions.

## 6. Suggestions

- The instruction and curriculum should be built and structured to levels that are beyond the current level of the child.
- The teacher must build learning environments in such a way that give children the opportunity to realize the tasks with help and support from teachers and other more capable kids.
- Teachers should observe and follow the psychosocial development of children, to recognize the current level and their development potential and build learning tasks that are in the ZPD of the children.
- Teachers should be careful that the process of learning with help, not to be mistaken with led instructions.

## References

- Lantolf, J.P. 2000. Introducing sociocultural theory. In: Lantolf, J.P., ed. *Sociocultural theory and second language learning*. Oxford University Press, 1-26.
- Donato, R.2000. Sociocultural contributions to understanding the foreign and second language classroom. In: Lantolf, J. P., ed. *Sociocultural theory and second language learning*. Oxford University Press, 27-50.
- Donato, R. 1994. Collective scaffolding in second language learning. In: Lantolf, J. P., ed. *Vygotskian approaches to second language research*. London: Ablex Publishing, 33-56.
- Wertsch, J. 1985. Vygotsky and the social formation of mind. UK: Harvard University Press.
- Turuk, C. M. 2008. "The relevance and implications of Vygotsky sociokultural theory in the second language classroom", ARECLS 2008, vol5 244-262.

- Aprile, L. 2010. Manuale di psicologia dell'educazione. Piccini, 317-343.
- Carugati F.& Selleri P. 2001. Psicologia dell'educazione. Il Mulino, Bologna.
- Pollard A. & Tann S.,1993. Reflective Teaching in the primary school. Second edition,111
- Metacognition and Constructivism*. Krajcik and Blumenfeld, 2006; Peery, Truner & Meyer, 2006; Pressley et al., Yarrow & Topping, 2001. Retrieve from [http://peoplelearn.homestead.com/beduc/chapter\\_6.pdf](http://peoplelearn.homestead.com/beduc/chapter_6.pdf). date 13.2.2015.
- Lev. S. Vygotskij, pensiero e linguaggio, (1934), cit.in Lidio Miato, La teoria vigotskiana, [http://www.iprase.tn.it/old/documentazione/Pdf/Teoria\\_Vygotskij.pdf](http://www.iprase.tn.it/old/documentazione/Pdf/Teoria_Vygotskij.pdf) date 3.5.2006.
- Bodrova, E. and D.J. Leong. 2001. Tools of the Mind: A Case Study of Implementing the Vygotskian Approach in American Early Childhood and Primary Classrooms. Innodata Monographs 7. Geneva, Switzerland: International Bureau of Education. Retrieve from <http://www.ibe.unesco.org/publications/innodata/inno07.pdf> date 12.4.2015.

## Toward European Integration in Public Administration and Public Services

Dr. Gentiana KRAJA

"Aleksandër Moisiu" University, Durrës, Albania

[gentianakraja@yahoo.com](mailto:gentianakraja@yahoo.com)

### Abstract

*The main purpose of this paper is to identify the problems associated with public administration, public services and the role public administrator when this process is guided by the principles of the European Union. Integration into the European Union, a long-awaited process and promoted in Albania, will have consequences in the political, economic, social live, and in the governance of this country. Public administration as an important link of the state governance and insight to citizens will certainly be affected by the integration process. The main purpose of this paper is to reflect and analyze how Public Administration works, and what is the heritage regarding Administration procedures and how to place first at the prospect of integration into the European Union. In this paper also aims to give a concise picture associated with public administrator performance and his role in providing public services. The goals of the research will be carried out between theoretical synthesis of the literature, legislation and reports. Main finding of this paper is the theoretical and practical approach about public services and public administration seen also form the European point of view.*

**Keywords:** Public Administration, Integration, adaptation, public administrator

### 1. Introduction

That in 1980 public services are challenged by neoliberal views on the economy and the role of the state. On the other hand trying to integrate European economies has questioned the purpose of these services (Costa. O., Kaeding. M., (2014).. In an era when the facts are uncertain, values controversial, presence of high action and urgent decisions, the capacity of the public sector to provide innovative solutions will be crucial. The remodeling of the public sector to address complex and interrelated challenges must include and some license to innovate. Innovation as a matter of principle to be welcomed. Public servants need a safe space right innovation and a formal recognized what looks old or inefficient (Madelin. R., (2014). To answer in a timely and effective dynamism and such challenges should last beyond divisions proof sector, public and social. An innovative model for sustainable cooperation due to profitability and an increase social impact, is the model of co creation (co-creation). While it may seem obvious from an intellectual points of view, this model requires new forms of cooperation and cultural changes. This should be noted when a party has the same culture as another, it is still possible to develop more intelligent Solution Do and less costly, together contributing to a joint force for a partnership. . Although the world is changing at a speed and social challenges are becoming increasingly complex, new cooperative model is to enable convergence between public and private sector, thereby creating a platform for the ideals for the government to redefine its role and become more efficient while protecting the general good.

The public sector - such as public administration and the broader spectrum of public institutions funded by public funds - constitutes a significant part of the European economy, this represents almost a quarter of employment and half of gross domestic product. The public sector has long been associated with stability, but the financial crisis has been a harsh teacher for the European Union, making it obvious that the stability can be illusory. One against the background of looming budget cuts and social challenges as aging, climate change and youth unemployment, there is now an urgent need for public sector change. Innovation, which is about the return of fresh ideas in the economic and social value, the public sector can offer a practical way forward (Jan Smits. R. (2014). Public administrations in Europe are facing a number of significant changes challenging. Demographic changes are leading to a decline in population and the lack of skilled workers, including public sector. At the same time, the government's tasks are becoming increasingly complex and citizens are making greater demands on the quality of public sector services. The Gordian knot can be solved only through innovation that allows the public administration to provide high quality services in a more efficient manner. In this context very much promoted in solving problems associated with public administration, and public services is and digitization ii public services (Zypries. B., (2014)).

### **Methodology**

To realize this paper we have used secondary data. The theoretical framework was conducted by browsing the literature referring to these arguments, the practice is carried prestige referring to reports and concrete practices. For each of the issues under discussion was conducted a comparative theoretical interpretation and practice. At the end of the paper reached some conclusions recommending nature.

### **Research questions**

This work is accomplished by orienting in giving response to some questions.

What is the philosophy of offering Public Service and Public administering, or change it in our case when the subject of the EU integration process? How should management oriented organizations and public services in order to comply with EU criteria and standards?

### **Theoretical Approach Management and Public Services Organizations**

Dixit (2002) highlights two important issues about public sector activity. The first was the fact that the activity of public organizations to life products and services, which address not only the general public but also more unique users and not massive as the general public. Even public services address themselves politicians or political leadership of the country. The second is a consequence of the first. Its activity has public organizations to achieve multiple goals and objectives often conflict with each other. For example it is expected that they simultaneously increase the efficiency, the effectiveness, but on the other hand must also ensure equal benefit of public services and public service delivery to the final customer in need. These issues demonstrate the difficulties that performance management of public services or services of general interest in this way of public organizations. These two features, so, the extent of large, even massive geographical public service and often conflicting objectives to be achieved by the provision of public services, makes it impossible to effect the incentives that could be used in the public sector cannot have effect as high as what was in the private sector.

During and after the 90s in what became known as "new public sector", many services in advanced economies were under pressure as efficiency and effectiveness, as well as the reduction of requirements against taxpayers, without reducing the volume production or the quality of public service. Thus the concept of organizational performance and its measurement is of great interest, as to the public or stakeholders, as well as for competition (Brignall, S., Modell, S., (2000).

*According to many considerations, organizational performance includes actual output's measured against planned output. This is one of the simplest definitions, more general, but also more comprehensive organizational performance. Organizations, as well as by this definition, there are exceptions and public organizations. The main purpose behind the definition is to measure its performance and after the measurement, its improvement. Measures which are not directly related to performance improvement (for example: improving communication with the public to build trust) actually are tools through which it aims to achieve the ultimate goal. Organizational performance includes some specific areas (a) financial performance (b) the performance of the product market (c) return of the shares. To assess how well they are performing a public sector unit, often called and public agencies, managers must determine what it had planned to meet agency (Behn, R. D., (2003).*

An important perspective is given by the institutional theory, the performance can be seen as institutionally defined as institutional factors that determine the interest to be followed by the organization. Briefly argued (Brignall, S., Modell, S., (2000) overall performance, from the perspective of institutional theory can be defined as: (a) the domination of elites in organizations, (b) where there is a high professionalism and (c) the organization performs a technical function, outcomes (outputs) of which they are measurable. The performance can be interpreted more broadly, as (a) the rate of operation of democratic government, sometimes in a formal structure or rules of an organization (b) recognition of different interest costs and (c) the functioning of the organization is non-technical and results (output s) avoid measurement. As mentioned above organizational performance, in particular the public, seen as effective and efficient production of public services, implying different sources, such as: people, technology and various capital assets (Brignall, S., Modell, S., (2000).

In his book "Managing Public Organizations" author A. Ceni (2011) public organizations often sees in parallel or in analogy to public services. In this way the public service gets a sublime importance, because it is the face of the organization. Afterwards, given that the service carries the property of simultaneity, so the, produced and consumed at the same time and above all, because public organizations produce public services that address a broad population and which should benefit everyone.

#### ***Public services from the European Union point of view***

In 2009 the Treaty of Lisbon recognized the specific mission of services of general economic interest and their role in promoting social and territorial cohesion, but not properly defined what public services. Also during the financial crisis that began in 2009 it has raised the question of financial sustainability of public services as conceived in Europe and called for drastic reforms in many countries (Costa, O., Kaeding, M., (2014). However the treatment of public services from the point of view of European constitution is their orientation, interest, so it is suggested removing the word "public" and their determination as general interest services and services of general economic interest (Art. 14 of the Treaty Lisbon and Art. 2). In fact in the jargon of the literature discussed by various authors also found two other definitions that are exactly Services of General Interest Non-Economic and Social Services of General Interest. While first determining therefore uneconomical Services General Interest found support in the European Constitution (article no. 36, Protocol no. 26), for determining second only interpretations. However, definitions are not synonymous with one another but define a category of public services even though the boundaries are fluid. Being a public service of general interest therefore not related to whether the service is provided by public or private sector but the fact that it should benefit all of the public in need. So there should be opportunities for the service to catch up to the last individual, to the classification of education as a service of general interest to exclude it from the rules of free competition (ETUC 2007). Service of general interest should be guided by the principles of equal access, continuity, security, adaptability, quality, efficiency, affordability (affordability), transparency, protection of groups of marginalized users and consumer protection and environmental and civic participation.

In principle the national public interest should generally be in line with market freedoms of the EU and competition law because the latter generally result in lower prices and greater choice for consumers. This is, after all, the goal of having the freedom to market and competition rules in the first place. However, where market failure can lead to suboptimal provision of public goods cannot be a case for public intervention towards the establishment of universal service obligations in one or more undertakings that are active in the market as the provider (s) recently. Even in this case competitive provisions within certain limits may be feasible and should be considered within the context of SGEI - not least, in order to meet the required standards of proportionality (Sauter, W., (2008). Some of the key principles of the approach of the European Commission in relation to services of general interest are (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 12 May 2004 entitled "White Paper on services of general interest" [COM(2004) 374 final] :

Enabling public authorities to operate close to citizens: Community policies on services of general interest are based on various degrees of action and the use of various instruments, in accordance with the principle of subsidiary. Achieving the objectives of public services in competitive markets open, an internal market open and competitive, on one hand, and development of high quality services accessible and affordable to the general interest, on the other, are compatible objectives . Ensuring cohesion and universal access: Access to all citizens and enterprises to affordable, high quality services of general interest throughout the territory of the Member States is essential for the promotion of social and territorial cohesion in the European Union, including the reduction of obstacles caused by lack of access to the outermost regions. Maintaining a high level of quality, safety and security: the Commission wishes to guarantee, in addition to supplying high-quality services of general interest, the physical safety of consumers and users, everyone involved in the production and provision of these services and the public in general and, in particular, to provide protection against possible threats such as terrorist attacks or environmental disasters. Ensuring consumer and user rights: These include, in particular, access to services, in particular cross-border services, throughout the territory of the Union and for all groups of the population, affordability of services, including special schemes for persons with income low physical safety, security and reliability, continuity, high quality, choice, transparency and access to information from providers and regulators. Monitoring and evaluating performance: The Commission takes the view that systematic evaluation and monitoring is vital for maintaining and developing high-quality, accessible, affordable and efficient services of general interest in the European Union. The evaluation should be multidimensional and focus on all the legal aspects, economic, social and environmental.

It should also take into account the features of the sector evaluated and situations specific to the various Member States and their regions. Respecting the diversity of services and situations: The diversity of services must be maintained because of the different needs and preferences of users and consumers resulting from different economic situations, social, geographical or cultural. This is true in particular for social services, health care and broadcasting. Increasing transparency: The principle of transparency is a key concept for the development and implementation of public policies regarding services of general interest. This ensures that public authorities can exercise their responsibilities and that democratic choices can be made and respected. The principles should apply to all aspects of delivery and cover the definition of public service missions, the organization, financing and regulation of services, as well as their production and evaluation, including complaint-handling mechanisms. Providing legal certainty: The Commission is aware that the application of Community law to services of general interest could raise complex issues. So we will pursue an ongoing project to improve legal certainty regarding the application of Community law, the provision of services of general interest. It has already accomplished the modernization of the existing public procurement rules and initiatives in the field of state aid and public-private partnerships.

Following the application of several principles in the provision of public services (COCOPS Executive Survey on Public Sector Reform in Europe Research Report, May 2013, Coordination for Cohesion in the Public Sector of the Future (COCOPS): [www.cocops.eu](http://www.cocops.eu)) to a study made public managers interviewed in 10 European countries, about 4814 interviews have proved valuable for further processing and as regards the question of public services and priority to be met by these services is provided in the following table where as can observe the highest average keeps the principle of "focus on the customer", or as it actualized as client oriented service, in this case by the public.

Table 1 Source COCOPS WP3 Survey Research Report - May 2013 page 43

### 23. Public services often need to balance different priorities. Where would you place your own position?

	1	2	3	4	5	6	7	N	Mean
Quality	7.9%	15.9%	17.7%	26.2%	16.1%	11.0%	5.2%	Efficiency	4017 3.80
Equity	11.5%	19.2%	16.2%	22.5%	15.8%	10.5%	4.2%	Efficiency	4010 3.61
Following rules	6.9%	10.1%	11.2%	22.5%	20.6%	19.6%	9.1%	Achieving results	4007 4.35
Customer focus	5.3%	13.0%	10.0%	23.3%	14.6%	20.5%	13.3%	Citizen orientation	3964 4.44
State provision	14.4%	21.8%	17.3%	26.1%	11.1%	7.3%	2.0%	Market provision	3985 3.27
Tax financed services	10.7%	17.5%	15.0%	30.1%	13.7%	10.2%	2.8%	User charges / fees	3971 3.61

### The views of the European Union for Public Administration

Membership in the European Union requires that every administrative domain and industrial sector of a Member State to comply with the *acquis communautaire*. For example, if an industry in a candidate country is to survive beyond the day of accession, it has to meet all the requirements of the *acquis*. If not, the industry will not be able to export its products to other Member States. In fact, they will not be able either to trade within its domestic market. The national public administration institutions of the Member States of the EU to implement and enforce the *acquis communautaire*. To be able to do anything of the same public administration of a candidate country must adhere to the general principles of good governance and meet the administrative standards defined within the EU. Implementation of the *acquis* in an administrative domain is of course a matter of capacity and resources within the relevant sector - but not only that. General systems horizontal governance a candidate country must meet the requirements of the EU, since they are crucial for reliable operation of the administration, including the areas of the *acquis*. The lack of general legislation applicable EC in the fields of public administration and administrative law poses a problem for candidate countries. Candidate countries must have administrative systems and public administration institutions capable of transposing, implementing and applying the *acquis* according to the principle of "obligatory results" ("obligation de Robinson"). Candidate countries must fulfill the criteria required for EU membership, as adopted by the European Council in Copenhagen, Madrid and Luxembourg. In addition, candidate countries' progress will be measured against those criteria, so in formulating regular reports to the European Commission, in terms of their "administrative and judicial capacity to apply the *acquis*", which implies that their performance will be evaluated against European administrative standards (OECD (1999). Some of these principles are: principles of administrative law, Although the expression and concepts of administrative law (*Verwaltungsrecht, droit administratif*)

differ from one national system to another, it is possible to agree on a common definition of administrative law as a set of principles and rules applying to the organization and management of public administration and the relations between the administration and citizens. The principles of administrative law, reliability and predictability, openness and transparency, accountability, efficiency and effectiveness.

Western European countries have, for a long time now, recognized the fact that management standards and performance of public managers are critical to success as the overall performance of public administration and efforts of public administration reform. Improving the performance of public administration means seeking better standards of efficiency and effectiveness within the rule of law. This usually requires delegation and devolution of responsibilities in favor of public managers, accompanied by ex ante and ex post control mechanisms. In such a situation, the quality of public managers, vested with these public powers, becomes of great importance. Moreover, when national policy-making becomes more complex and increasingly exposed to international coordination, as is the case in all member states of the EU, the need for senior public managers, with broad perspectives and the ability to coordinate their work on two levels, national and international institutions, becomes even more apparent (OECD (1999). Values and Principles of the Civil Service are legally binding. The civil service is bound by the principles enshrined both in constitutional arrangements and in administrative law. From this perspective, it can be said that civil service values are legal values. Legal values are not the same as ethical values, even if they can broadly overlap. Ethical values are guides for action, and their breaching deserves social reproach. Legal values, when breached, have legal consequences through the disciplinary provisions of the Civil Service Law. Civil servants are bound by the administrative principles established in legislation.

### ***Public Administration in Albania***

Public administration functions on the basis of statutes that in Albania are classified into: the civil servants, employees of special status to rely on specific laws and contractual status guaranteed by labor law or by collective agreement. By statuses which belong derived legal frameworks and deadlines recruitment manner of recruitment, increase in duty or the way of remuneration. Several authors maintain that status that enjoys public official does not allow a manager to achieve efficient and effective management of human resources, management often focus more on administration than management, which is a problem for increasing the efficiency and effectiveness of human resources (Ceni, A. (2011). Following the same approach variables such as remuneration, recruitment or dismissal are fixed by law and cannot be accomplished more by the manager, on the other hand the impossibility of implementing the policies of motivation is an obstacle in the public sector, the judgment is based on the existence of general rules of compensation, nominating and other motivational factors which to some extent prevent differentiation or individualization of bonuses. For some of the practices of human resource management are defined in these statutes or legal platform not only deadlines but also other milestones can become an obstacle to the use of these practices as a tool to improve performance. If we refer to civil servant status (Law 8549 of 11/11/99) or Cross Strategy of Public Administration Reform (2009-2013), we see a restructuring of some human resources practices. Regarding recruitment besides setting defined time limits placed the applicant assessment components and corresponding distribution percentages. On the other hand determined the condition for promotion presentation of four internal candidates or external. In connection with parallel movements set period of probation condition after movement although positions can be the same. While the performance of the performance evaluation process remains problematic, the lack of connection of this process with any reward or career growth opportunities to discourage the commission of a serious and objective assessment. In the same way expressed crosscutting strategy for training, not their link any special testing, performance evaluation or reward reduces their efficiency. Also payment structure is defined, the Albanian public administration as hers objective unification of salaries and wages, the main principle is "the same responsibility and the same salary". The lack of flexibility in the management of human resources hinder the effective management and this refers mostly legal platform and inflexible civil service regulations (Strategjia ndërsektoriale e reformës në administratën publike, (2009-2013). p 9 – 12).

Civil Service currently applies a new law adopted in 2013, the overarching law whose adoption was one of the most important EU integration. This law is aimed at creating a stable civil service, professional, merit-based, moral integrity and political impartiality. The draft fix this at all levels: at the level of senior management officials will necessarily pass through ASPA's and special occasions through a competition organized by a National Selection Committee that is independent; and executive level, the recruitment of employees is projected to become general through a national competition, where for the first appointment in the administration will be done by referring to the final evaluation classification, unlike now where competitions are organized by position and the right has superior selection between one of three finishers.

Public administration, reform in Albania is a necessity and should be an ongoing process closely linked to the process of European integration. Current challenges facing this reform currently are: Consolidation of the Framework of the Integrated Planning System, establishment of information systems to the components of IPS, raising the actors capacity the preparation and monitoring of strategies and legal platform launched which operate , capacity building and operation of GMS-s as management coordinating structure within each ministry, inter-ministerial coordination, functional description mandates and working within organizational units, performance monitoring, wide discussion strategies, impact assessments<sup>1</sup>.

### **Conclusions**

Public services are a still undetermined space also clearly in the context of the European Constitution. Starting from the definitions or definitions for public services of interest to them as well as their method of delivery. The actual division of public services according to the European constitution may even overlap them, and does not share the approach of providing their public or private sector. Regarding our situation regarding public service we can say that currently there is a sufficient range of public services that can benefit the public, but very few of them are organized in such a way as to be easily understandable and usable from it. Spending too much time in obtaining the service and this process is characterized by bureaucracy, so it can often be encountered corrupt acts.

In the philosophy of the work of public administration should be simplifying service delivery and citizen life, this taking up a friendly demeanor access to. To achieve this practice among which managed the performance of public administrator should be more flexible, in order to reflect this way of providing public services. Adoption of the Law on the Status of Civil Servants in 2013 is a very important step that shows the beginning of a new era in the public sector, the cessation is very important that this law be translated properly and well reflected in the statutes, regulations or administrative culture public Organizations, in order not to lose its added values from the previous law and can be used efficiently to improve the performance of public administrator.

### **Bibliography**

- Behn, R. D., (2003). Why Measure Performance? Different Purposes Require Different Measures. *Public Administration Review*. Vol. 63. No. 5. Fq. 587. Fq. 586 – 606.
- Brignall, S., Modell, S., (2000). An Institutional prospective on performance measurement and management in the 'new public sector', *Management Accounting Research*. 11. Fq. 281. Fq. 281 – 306.
- Brignall, S., Modell, S., (2000). An Institutional prospective on performance measurement and management in the 'new public sector', *Mangement Accounting Research*. 11. Fq. 288. Fq. 281 – 306.
- Ceni, A. (2011). Menaxhimi i Organizatave Publike. SHBLU. Fq. 160
- COCOPS Executive Survey on Public Sector Reform in Europe Research Report, May 2013, Coordination for Cohesion in the Public Sector of the Future (COCOPS): [www.cocops.eu](http://www.cocops.eu)
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 12 May 2004 entitled "White Paper on services of general interest" [COM(2004) 374 final
- Costa, O., Kaeding, M., (2014). The future of Public Services : A Panorama. Delivering Public Services for the future. European Center for Government Transformation. Fq. 16
- Costa, O., Kaeding, M., (2014). The future of Public Services : A Panorama. Delivering Public Services for the future. European Center for Government Transformation. Fq. 16
- Denhardt, R. B., Denhardt, J. V., (2009). Public Administration An action orientation. Sixth edition. Thomson Wadsworth. Fq. 290
- Dixit, A. (2002), 'Incentives and Organizations in the Public Sector: An Interpretive Review', *Journal of Human Resources*, 37(4), 696-727.

<sup>1</sup> Strategjia Ndersektoriale e Reformes ne Adminsitraten Publike 2015-2020

ETUC 2007; Public Services - Services of General (Economic) Interest - SG(E)ls

J. Ziller, (1993). *Administrations comparées : les systèmes politico-administratifs de l'Europe des Douze*, Montchrestien, Paris.,

Jan Smits. R. (2014). Public Sector Innovation: A Top Priority For European Policy. Delivering Public Service For The Future: How Europe Can Lead Public Sector Transformation.

Lenaerts. K., (2012). Defining The Concept Of 'Services Of General Interest' In Light Of The 'Checks And Balances' Set Out In The Eu Treaties, JURISPRUDENCIJA JURISPRUDENCE 2012, 19(4), p. 1247-1267.

Ligji LIGJ Nr. 152/2013 PËR NËPUNËSIN CIVIL, neni 1 pikë 1.

Madelin. R., (2014). ). Public Sector innovation in the European Union. Delivering Public Services for the future. European Center for Government Transformation. Fq. 16

Modell. S., (2001). Performance measurement and institutional process: a study of managerial responses to public sector. Management Accounting Research. 12. Fq. 439. Fq. 437- 464.

Mourot. A., (2014). Delivering Public Service For The Future: How Europe Can Lead Public Sector Transformation. Delivering Public Service For The Future: How Europe Can Lead Public Sector Transformation

OECD (1999), "European Principles for Public Administration", SIGMA Papers, No. 27, OECD Publishing.  
<http://dx.doi.org/10.1787/5km160zwdr7h-en>

OECD (1999), "European Principles for Public Administration", SIGMA Papers, No. 27, OECD Publishing.  
<http://dx.doi.org/10.1787/5km160zwdr7h-en>

Sauter. W., (2008). Services of General Economic Interest and Universal Service in EU Law. s TILEC DP 2008-017.

Strategjia ndërksktoriale e reformës në administratën publike, në kuadër të strategjisë kombëtare për zhvillim dhe integrim. (2009-2013). Fq. 9 - 12

Strategjia Ndersektoriale e Reformes ne Adminsitraten Publike 2015-2020

Worthington, A C and Dollery, B E 2000, 'Measuring Efficiency in Local Government's Planning and Regulation Function', *Public Productivity and Management Review*, 23(4), Fq. 111. Fq.469-485.

Zypries. B., (2014). Delivering Public Services For The Future: How Europe Can Lead Public Sector Transformation

**Political and Military Process in Croatia 1991-1995****Doc. Dr. Isak Sherifi**

State University of Tetovo, Department of History, Tetovo-Macedonia

*i.sherifi@hotmail.com***Abstract**

The first multiparty elections in Croatia were held in early 1990 and were won by Croatian Democratic Community - HDZ on top of which was Franjo Tudjman. With its victory, the Croatian Parliament was constituted it adopted a number of amendments to the Croatian Constitution, and Croatian symbols were also changed. From here also will begin interethnic tensions in Croatia and the situation will be complicated. Besides establishing new Croatian government, which emerged from parliamentary elections in Croatia, the resistance of Croatian Serbs was increasing and they refused to join the new Croatian government. The development of events in Croatia will make Croatians feel the threat of division of their territory into four parts as Serbs wanted and thus from reaching the exit in the sea. The composition of the Yugoslav high command in the Yugoslav federal army was in favor of Serbs where they accounted for 38%, Croats 33%, Slovenians Macedonians and Montenegrins constituted rest. This proportion will greatly affect the fight to be held in Croatian territory in the second half of 1991 that would leave major consequences and casualties. International efforts to put the situation under control will be through cease-fires which attempt will fail often until the Dayton conference that was held in the year 1995.

**Keywords:** amendments, government, territory, international, consequences, tensions.

**Introduction**

Socialist Yugoslavia was established by Yugoslav communists in Jajce Bosnia and Herzegovina, in November 29, 1943. It was built on the basis of the federal system. On top of socialist Yugoslavia was elected JB Tito, a Yugoslav communist and a Croatian descent. Political system in this country ran only one political party, the League of Communist Yugoslavia. After the death of Tito, in Yugoslavia started severe economic and political crisis that was also spilled inside the Communist League. The process of disintegration of Yugoslavia in many Republics went in different stages. Later events and the announcement of independence from former Yugoslav Republics sped the XIV Congress of the Communist League of Yugoslavia. Slovenia declared the independence and immediately this process was followed with international recognition. These events will reflect in Croatia, a referendum was designated for getaway from the Yugoslav Federation. This act will bring the fierce fighting on the front lines of the war between Serbs and Croats where the mediation of the international community in Dayton -Ohio the US in these areas will bring the end of war.

**Years of deepening of Yugoslav crisis**

For Yugoslavia in 1990 there are a lot of things to write because every day events were getting worse and warned that the year will be a year of dangerous tensions for its future. However, in the beginning there was optimism because EFC (Executive Federal Council) measures led by Ante Markovic, were giving better results. The implementation of economic reform and the fight against inflation was evolving with few obstacles. In January, currency reserves totaled 6.5 million dollars, ten thousand dinars was without four zero and became a dinar (Flaka e vellazerimit 30.12.1990). Congress began preparations for the 14th extraordinary SKJ congress that was held in an atmosphere of great tensions between Serb representatives on one side and Slovene and Croatian on other side. This Congress started successfully, but never finished because the Slovenian delegation left the last historical communist meeting. With this the Yugoslav crisis entered its final and tragic phase. During this period new pluralist system was legalized, numerous political parties were formed and elections were held in all federal units of socialist Yugoslavia. This was an odd situation for the whole Yugoslavia. However, Prime Minister Ante Markovic said that even without SKJ Yugoslavia will exist. The political situation in Kosovo deteriorated, demonstrations raised again with democratic demands. Free multiparty elections were held in Slovenia and were won by DEMOS (Krasniqi J., Prishtina 2011). The first multiparty elections in Croatia were held in early 1990. In these elections won the Croatian Democratic Community - HDZ on top of which was Franjo Tudjman. With its victory, was constituted the

parliament (*Sabor*) of Croatia, which adopted a number of amendments to the Croatian Constitution that changed Croatian symbols. Little by little ethnic tensions were growing in Croatia and the situation was getting more complicated. Besides establishing new Croatian government, which emerged from parliamentary elections in Croatia, thereby the resistance of Croatian Serbs was increasing they refused to join the new Croatian government.

In Croatia democratic processes were implementing with very quick steps, the new government was not well received by the Serbs. Province of Knin became dangerous hotbed of transnational confrontation. Inter-republican relations were getting worse. On one side stood up strong Serbian leadership, while on the other side Slovenia and Croatia propagated European type of democracy. Politicization was included also in sport. In a match between Dinamo and C.Zvezda held in Zagreb terrible blows happened between supporters because of the nationalism. Meanwhile, in Split in Hajduk stadium before the match between Hajduk and C. Zvezda publicly has been burned the national flag (Flaka e vellazerimit 30.12.1990). After holding the plebiscite for the sovereignty of Slovenia was also proclaimed Croatian Constitution. Failure of some obligations to the federation by the republics would worsen economic and political situation greatly. More difficult will be with Ante Markovic, whose reforms came to the brink of ruin. By the contested decisions of the highest bodies of Croatia, Croatian Serb leaders, in June 1990, in Knin, called "First Serbian Convention" and adopted the Declaration on the sovereignty and autonomy of the Serb people of Croatia.

### **Military process in Croatia**

In August 1990, began the first fighting. Croatian police tried to disarm the Serbian police reserve forces in Benkovic. Serbs have surrounded villages they have broken police stations and they took all the weapons. Croatian authorities tried to send Special Forces but the Yugoslav Army (JNA) banned these efforts. Protected by the Yugoslav army, the Serbs of Croatia conducted the autonomy referendum on October 1, 1990, and proclaimed Serbian Autonomous Region of the Province. In early 1991 the Croatian government headed by Tudjman tried to organize their own military force, buying weapons from abroad. For this reason Yugoslav military leaders decided to put under their direct control the Croatian territorial defense units. Simultaneously, the Yugoslav Army began to openly arm Croatian Serbs. This prompted Croats in demonstrations in Split on 6-May 1991 they surrounded command of the Yugoslav Navy. In the above mess Croatian police and Yugoslav Army fired against each other (Udovicki J., Ridgway J., New York: 1998). Developments of events in Croatia were given a support from the Croatian Diaspora which through various events expressed solidarity to Croatian people using internationalized struggle for freedom for independence from the former Yugoslav Federation. Through demonstrations, protests, which were organized in many European countries western diplomatic chancelleries, were addressed through memorandum for freedom of Croatia. In NEW YORK- over 500 immigrants from Croatia demonstrated in front of the premises of the General Consulate of Yugoslavia in New York seeking "freedom for Croatia", chanting that "The end came for Serbian-Yugoslav communist army" (Shkendija, 1991, pg.9) . Demonstrators hold dozens of flags of the Republic of Croatia and many pictures of Croatian President Franjo Tudjman. They sang the Croatian national hymn, shouting slogans not so much anti-Yugoslav as having an anti Serb character. In UASHINGTON- demonstrations with special emphasis anti-Serb were held by the Croats in front of SFRY general consulates everyday in Chicago, San Francisco, New York.

Reacting to the news from Yugoslavia to disarm illegal armed formations in Croatia, the demonstrators, whose numbers in each of these cities was estimated from several hundred, sought the destruction of Yugoslavia and the JNA was accused for communism and Serb domination.

The army openly encouraged and made problems and then became an enrollment of volunteers to protect Croatia this was announced in radio "Free Croatia". Such demonstrations were also held in Brussels, Berlin, Zurich and Stockholm etc.

Croats felt the risk that their territory can be divided into four parts separated from one another and Serbs had in hand the opportunity to destroy Croatia (Buja R.Pristina 2007). Attempts to divide Croatia were continued by the Serbs. They blocked all ports and attacked the coastal cities including Dubrovnik a more significant cultural asset for Croatia and beyond. During the summer of 1991 the fighting in Croatia continued with a high intensity. According to the Slovenian example Yugoslav Army military garrisons were blocked. However, unlike Slovenia, Croatia had a lot of Serbs. Therefore, when Croatian police confused with the Serbian population, the Yugoslav Army intervened, in order to protect the Serb population. For a short time this way of acting in Croatia escalated into real war. In early September 1991, Lord Peter Carrington, as President of the International Hague Conference, tried to solve the chaos that reigned in Yugoslavia but the conference ended without success (Buja R.Pristina 2007).

In late September 1991, military operations of Yugoslav Army began in the city of Vukovar. According to experts of Yugoslav military, the city is considered the "backbone of the Croatian Army" Throughout the second half of 1991 on the belligerents was exerted international pressure. After successive failures, the EU and especially the UN and the US managed to secure a ceasefire in January 1992. In February 1992, the UN sent a large contingent of peacekeepers in Croatia who influenced in some silence for a while. Croatia in this war suffered a widespread destruction of its territory and mostly city of Vukovar was destroyed. The other problem was that the Croatian Serbs started to make the ethnic cleansing of Croatian settlements and with this act Croats risked to lose their territories.

### **Diplomatic process**

With Dayton Peace Agreement, launched in Dayton, Ohio in the US, on 21 November 1995 and signed in Paris on December 1 of that year, between the leaders of the Muslim ethnic groups, Serbs and Croats, officially ended the three-year war in Bosnia-Herzegovina and Croatia (Hyskaj E. Tirana 2008). This war was unprecedented in Europe since World War II with tragic consequences in terms of human and material resources. Only under US and NATO pressure, the war was terminated and Dayton peace agreement was signed.

The agreement was drawn up in order to guarantee a long-term peace and laying the groundwork for the reintegration of divided ethnic communities in the country.

The Dayton Agreement is comprised of military, political and civil provisions.

In terms of its military forces the ceasefire agreement between the warring parties and BiH enabled the engagement of NATO forces under an indefinite term, the implementation of the agreement (IFOR forces) and then stabilization of the situation in the country (SFOR forces).

### **Conclusions**

The fall of the Berlin Wall paved the path of political transition in many countries of Eastern Europe. The fate of Yugoslavia which had also constituted and populated by many communities (nations) was overwhelmed by the riots. First Republic who was attacked by the Yugoslav army which consisted of more Serbs was Slovenia. Successive referendums will follow from other republics such as Croatia, Bosnia and Herzegovina and Macedonia. These conflicts caused major bleeding in this area the consequences of these wars will be felt in people many years after their completion. International press played a special role for reporting the real situation in this space which has influenced the intervention of International diplomacy. Today these independent Republics are known internationally and continuously try to renew their fragile relation

### **References**

- Kraja Mehmet; "LostYears" Tirana 1995,  
Jakup Krasniqi; "Big turnaround" Prishtina 2006,  
Wolfgang Petrich & Robert Pihleri; "The long road to war" Prishtina 2002,  
Jens Reuter; "Albanians in Yugoslavia" Tirana 2003,  
Shala Xhavit, "The Balkans, geopolitics and security", Tirana 2009,  
Rame Buja; "The Rambouillet Conference (legal aspects, political and international)", Pristina 2004,  
Rame Buja; "Kosovo issue and destruction of Yugoslavia" Pristina 2007,  
Eva Hyskaj Tafili-political transition in Central and Eastern Europe, Tirana 2008,  
Joschka Fischer "Red-Green Years", Koha, Pristina; 2008,  
Gleny Misha; "Balkan History-1804-1999; Grenades books, London 2000,  
Udovicki Jasmina&James Ridgway; "Yugoslavia's ethnic nightmare" New York 1998.  
Press; "Shendija" August 1990; "Flaka e vellazerimit" December 1990;,

## The Process of Learning and the Basic Mathematical Concepts Difference through Creative Activities

Msc. Dritan Ceka, PhD Cand.

European University of Tirana, Albania

dritanceka@hotmail.com

### Abstract

*During my professional experience with pupils of the first grade, I have come across a problem that has been annoying me so far even now that I am still working with these pupils. This problem consist of the difficulties that pupils of the elementary school are having with different math mathematical concepts such as assemblies, discounts, sends down the change, the first factor, the second factor, the production, the apportioning, divisor and quotient. Taking in the consideration this problem, I have found out through internet many activities and methods that have helped me to solve this kind of problem. I have also received information such as the experience of teachers in case and I used some creative activities I thought to meet the needs of students regarding this issue. Trying to review the available literature on this issue, I observed that the main problem lies in the manner of a mathematics lesson. Often students are required to learn mathematical procedures, rules and definitions not know why they do such a thing. They do not always manage to understand phrases, words and mathematical symbols mechanically often than so different logical mathematical actions. Many exercises performed by students are being learned without knowing that they will really serve them one day in their practical life. And by they are not being offered the opportunity to work by exploring different materials suitable for their age. In most of our schools unfortunately still looks at mathematics as a subject taught with pencil and paper and students remain missing in the world of numbers and mathematical expressions. This issue has motivated me to examine exactly this issue and try to enable students in learning basic concepts and mathematical difference as it will help you to solve problems and different mathematical operations.*

**Keywords:** Mathematics, mathematical concepts, learning, creative activities

### Introduction

In XXI century, mathematics increasingly is occupying a central place, not only in the study of natural and technical phenomena, but with its logical and arguing construction, occupies a central place in the overall education of the individual. In more general terms, the teaching of mathematics is devoted to the most precise knowledge of the world in which we live. Learning mathematics, the individual is trained for a more realistic perception of the phenomena that surround it and at the same time trained to reach easily a logical conclusion to solve the many problems of social life. Therefore, the subject of mathematics is among the subjects of general education at primary school, multiple educational -informative and educational tasks. Third grade student has achieved the broader meanings of knowledge about the basic math.

The purpose of this paper is learning basic math concepts through some creative activities, which will positively impact the students in solving a problem and mathematical tasks.

The working hypothesis: Does learning of basic mathematical concept through creative activities affect the understanding of the subject of mathematics? The survey was conducted in elementary schools in the Municipality of Pristina, Republic of Kosovo. The paper samples are 355 students at the three elementary schools in the city and two primary schools in the village. The sample was random. Mostly third grades are explored.

The population of this paper constitutes the Municipality of Pristina students from first grade to sixth grade in elementary school.

### Methodology

The methodology of this study was to explore the action. For data collection was used as the main test technician and as auxiliary techniques are also used control sheets that are used as technical and activity monitoring, control tasks in class and exercise sheets. The choice of teaching methods is the competence of the teachers of the subject. It is done in

accordance with the needs, age and requirements of the students, with features educational content topics, teaching base, the level of training of students etc.

Methods and techniques of working with students should be combined, to be more diverse, because promote the dynamics of class, break the monotony, and motivate students to learn. Teaching methods and techniques are as varied as the types of learning itself. The teacher can use some techniques and teaching methods combined to achieve the higher results during the learning process. In order to fulfill the requirements for quality learning, are suggested several different methods and techniques.

### **Research planning**

Firstly, to carry out this work we started with reading, browsing and understanding of different teaching texts, drawn from the book of mathematics for third grade. During almost a month and a half we read different texts, where after reading we asked the students to tell us in words what they remember and what they have observed in books about mathematics multiplication tables and whether they understand. This we have done to see how the students understand math textbooks. After every textbook there are questions in the book, which were formulated by the authors of textbooks. Such questions are scarce in number and not very logical, therefore students cannot derive so much implicit and direct information. It was considered a third class book, namely textbooks, emphasis and attention was paid to the wording of questions. After reviewing the questions in third grade textbook, they are designed stages of the process. Then we designed the questionnaire, which was conducted in two classes, to see if indeed direct questions and implicit influence in learning multiplication table. Through the survey, we pretend to emphasize the difficulties of the students in learning the multiplication table, and specifically wanted to know if students would do impressions numerous implied and direct questions. Results of the survey showed us that students need to serve with direct and implicit questions, and it was a green light for us to implement our plan action to be used by the students playing with dice, playing cards and game with fingers. The survey is conducted twice, the first time was held in the period 15 January to 15 February 2015 and the second time was conducted from 15 March to 15 April 2015.

### **Identification of research question**

My research topic is motivated by my daily experiences with students and learning the multiplication table in mathematics - third grade. All are aware of the importance of the subject of mathematics. From interviews and conversations I have had with parents, I concluded that not only children are often afraid of mathematics, but yet not at all familiar with mathematics they create prejudice for the case. However, in my opinion and some of my colleagues, during talks or training of this issue, the problem is not the content of mathematics, but how it is explained and interpreted in our schools.

Having reviewed the literature on this issue, I noticed that principal vice problem lies in the way of development of mathematics lesson. Students perform various mathematical operations not knowing that they will serve in their practical life, and above all, the students are offered the opportunity to act as real mathematicians, studying various materials suitable for the age . In fact, in our schools unfortunately still looks at mathematics as a subject taught with pencil and paper, and students remain missing in the world of numbers and mathematical skills. We should note the fact that the role of teachers goes beyond teaching the course and finished disclosure. The role of the teacher is to create learning environment in the classroom , select appropriate targets and to encourage students to learn mathematics, teaching mainly multiplication table. None of the teachers can not give him freedom to work more or learn more only those students who are more versatile by teaching, or in other words, their learning is faster than the companions. I have the impression, and I think that research into action will enable us to identify the factors in learning the multiplication table in the third grade, (Zeiers, 2005: 102).

### **Review of the literature**

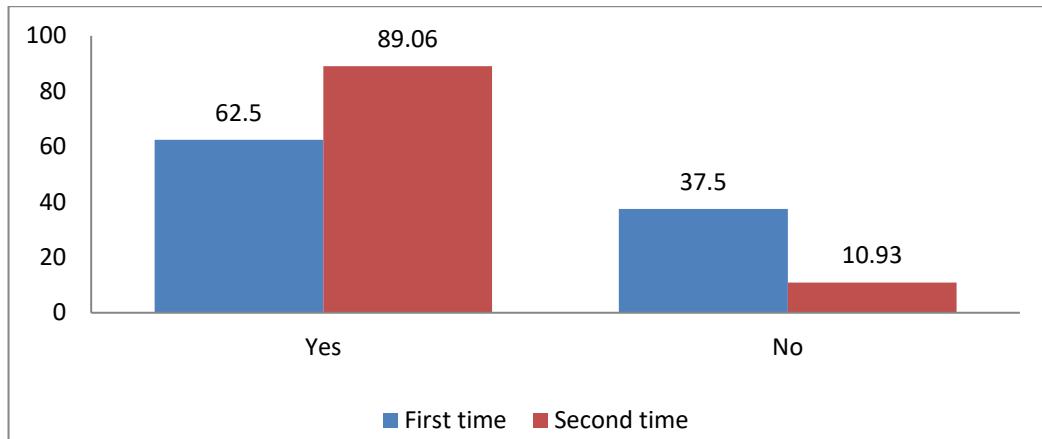
Browsing various literature and recent publications about mathematics, mostly we are forbidden to share where we care more, ie. learning the multiplication table in mathematics through creative activities. Fear of math is present, but its method of approach to change much in our country and other developed countries (Temple, 2006: 183).

### Analysis of the results of research

Results of the survey, carried out the first time, are shown in blue, while the second questionnaire results are shown in red color.

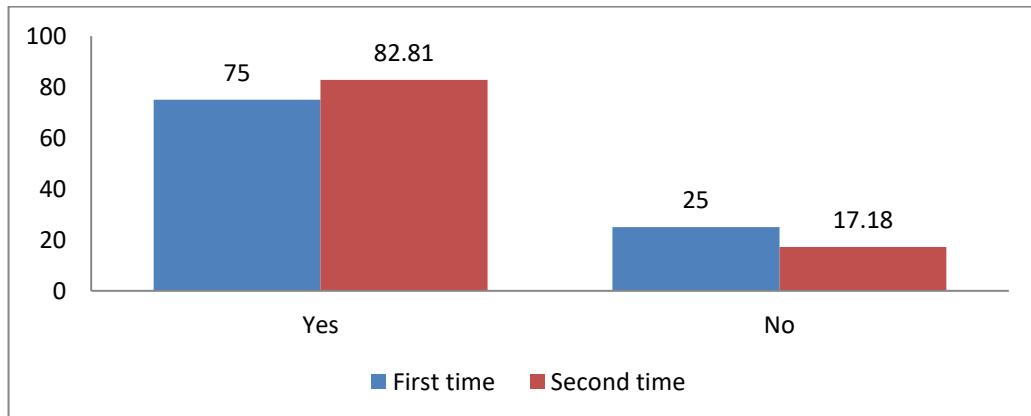
The first survey was conducted from 15 January to 15 February 2015, while the second survey was conducted a month later, from 15 March until 20 April. The data obtained from the questionnaires are presented graphically.

#### 1. Do you like math?



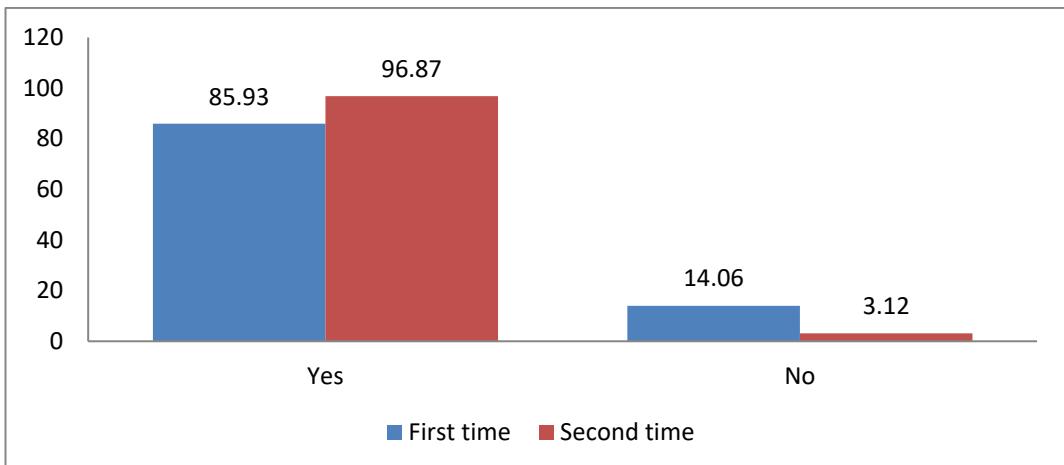
As seen from the data of the results, the majority of third-grade students like mathematics, but unlike the first time testing is done for the second time there has been an increase in the desire for mathematics, launched the fact that in the teaching of this subject are also used different games, which has added the student's desire to learn mathematics teaching.

#### 2. Do you feel pleasure when the math lesson learn through creative play?



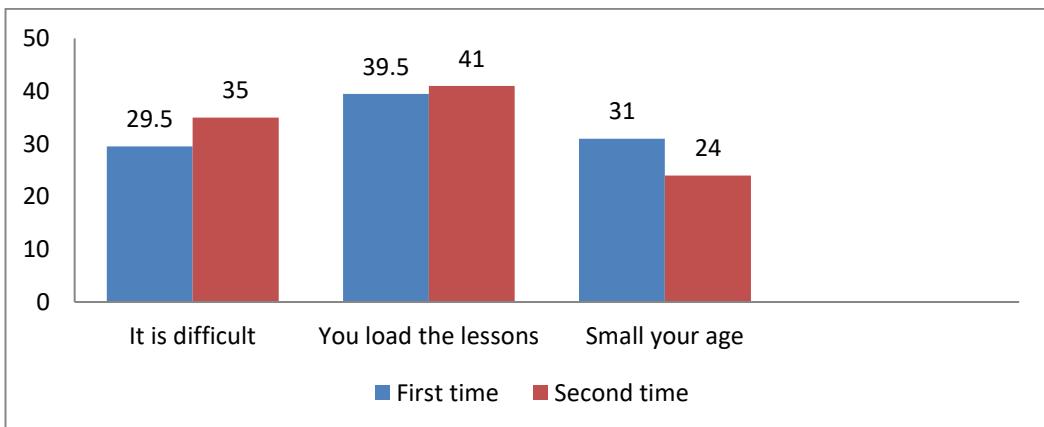
On the second question, whether the delight students learn mathematics, we have the following results: 75% of them declared "yes", despite the 25% no, while the second test have a more pleasant result in terms of desire in studying math through play, where 82.81% said "yes" and 17.18 "no". From the results obtained it is obvious that the majority of students like the teaching of mathematics through games.

#### 3. Do you remember the multiplication table easily when you learn through creative games?



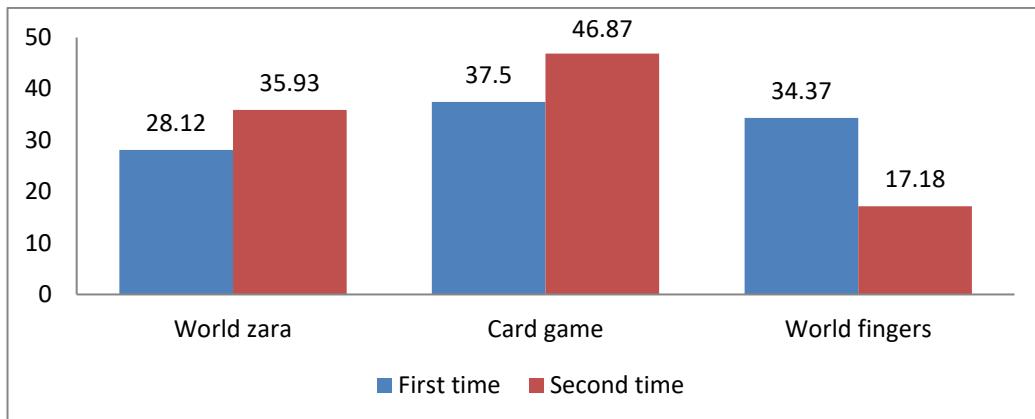
In the third question about memorizing the multiplication table when the learn by playing, 85.93% said "yes" the first time, against 14.06% "no" and the second time we have a better result or said otherwise with the highest percentage, with 96.87% said "yes" against a small percentage of 3.12 "no". From these results we can conclude clearly that remembering the multiplication table is easier when taught through play.

#### 4. What are the reasons that you forget the multiplication table?



Prefixed to the question of what are the reasons to forget the multiplication table third grade students, the majority of them - 39.5% stated that they load on tutorials, 29.5% that it is difficult, while 31% are at a young age to remember. Compared with the second survey, where 35% stated that it is difficult, 41% have academic load, and 24% are very young to remember. Of the two surveys, as the first and the second, it is clear that obstacles or his main concern is that the load on tutorials is the main factor that they forget multiplication table.

#### 5. Which of the games that you have learned in class more like learning multiplication table through the game?



On the question of the fifth and final for the games you like most to learn mathematics, we have the following results: the first research 28.12% declared to the game of balls, 37.5 declare the card game and 34.37% declared to the game with fingers. While in the second survey we have the following results: 35.93% declared to the game of balls, 46.87% for the game cards, and 17.18 for the game with fingers. As the first research, also the second research bearings game is the game that students like most to learn the multiplication table.

## Conclusions

Results from this research proved that mathematics can be just as easy to learn as well as other subjects if found right way to explain. According to data released by research, it is clear that the majority of students like mathematics as a subject, but rather they like to learn through creative games. One of the important factors for this is their age because they learn the multiplication table pretty much, for the multiplication table and it is important that the use of different techniques during the class gives the child learning pleasure and relief at learning and memorizing the multiplication table. From the results obtained have noticed that more students have problems to notions of mathematical operations and Hersin change, we have also noticed that the notions taught mechanically to a large number of children.

## Recommendations

- First, students need to explain the importance of mathematics and its connection to all areas of life.
- Teachers should develop games that promote learning calculations with numbers.
- Encourage children to make creative activities in their homes by their parents to more easily adopt the multiplication table.
- Teachers in interpreting and clarifying concepts to link common words so that students understand, to learn and to easily distinguish these notions.
- Also I recommend every teacher who works with students of this age to use many creative activities.
- Creative activities to be more self controlled and prepared by students as children learn more by creating.
- Explain to the students the importance of learning and of distinguishing the concepts of mathematics and mathematical basis of their connection with all other knowledge of mathematics.

## Bibliography

- Bep, (2013) Developing 21st century skills in mathematics.
- Developing 21st Century Skills in mathematics-Basic Education program.
- Dedej.,K, Spahiu.E, Zana, K. Libri Matematika, 2,3,4,5, Tiranë.
- Haxhimali, N. Hoxha, Dh. (2011) Matematika 1,Tiranë.
- Miller, Bonnie, (2005) Communicating with children, OPEA, Ferizaj, Kosova.
- Musai, Bardhyl, (2014) Teaching Methodology, CDE, Tirana.
- Musai, Bardhyl, (2005) Mësimdhënia dhe të nxënët ndërveprues, CDE, Tiranë.
- Murati, Xheladin (2004) Metodologjia e kërkimit pedagogjik, Tetovë, Çabej.
- Teaching and interactive learning, (2005) CDE, Tirana.
- Van De Wale, John A. (2004) Elementary and middle school mathematics: teaching developmentally. Pearson-Education, Inc.
- Vula, Eda, (2015), Research in action, Basic Education Program, Prishtina.
- Sefa, Shefki, Matematika, 2010, Albas, Tiranë.

## The Concentration-Profitability Relationship in Turkish Industry

Meral Ozhan

Hacettepe University  
Ankara, Türkiye

### Abstract

*The concept of industrial concentration refers to the control of a given industry by a small number of leading firms which are exclusively engaged in that industry. In economic theory concentration is an important concept to understand a departure away from competitive market structure which is accepted as a reference point for efficiency. Using the traditional structure-conduct-performance (SCP) paradigm many researchers found that the higher the level of concentration is the higher the level of profitability. In an earlier study I attempted to determine the level of concentration in the Turkish manufacturing industry for 84 sectors. In addition, I conducted a multiple regression analysis in various forms to identify the determinants of concentration and its effects on profitability. In most regression results, the relation between concentration and profitability was found positive and statistically significant. The present paper takes one step further and summarizes two new dimensions of industrial concentration. The first is to understand the current level of concentration for the Turkish manufacturing industry using a larger set of data. The new data set obtained from the TurkStat provides some basic statistics over the period 2009-2012 for 224 four-digit manufacturing industries. A brief analysis of the current data shows a slightly declining trend in the overall concentration ratio. CR4 (four-firm concentration ratio) fell from 51 to 49, CR8 (8-firm concentration ratio) fell from 61 to 60, and HHI (or H for short, Herfindahl-Hirschman index) dropped from 0.173 (or from 1730) to 0.153 (or to 1530). However a much bigger drop is observed for a longer period in the data coming from the top 500 industrial firms of ICC (Istanbul Chamber of Commerce). The latter data show a sharp fall in CR8 from 32 percent to 24 percent. These results together reflect a falling tendency in the dominant role of large firms in the Turkish economy which is a sign of increased level of competitive environment.*

**Keywords:** concentration, profitability, relationship, Turkish, industry

### 1. Introduction

The concept of industrial concentration refers to the control of a given industry (or market) by a small number of leading producers who are exclusively, or at least very largely, engaged in that industry. Why is concentration so important? Economic theory suggests that, with very few exceptions, any departure away from the competitive structure would lead to loss of efficiency. This conclusion is stated in the excess capacity theorem or under capacity utilization which is the main characteristic of imperfect market structure. Therefore it would not be misleading to argue that the higher the concentration is the greater the loss in general efficiency. Excluding two theoretically ideal market structure, namely perfect competition and monopoly, economists are left with oligopoly and monopolistic competition, as the actual market structure.

In 2014 the manufacturing industry in Turkey contributes about 18 percent to GDP at market prices among 20 broad categories of industries. Second and third highest shares accrue to trade and transport sectors each contributing about 13 percent respectively. Therefore a closer look at the structure and behavior of the firms in this branch of economic activities should challenge researchers.

The subject matter of this paper is to elaborate the possible causes and likely consequences of industrial concentration. The more emphasis is placed on the effects of industrial concentration on profit in the Turkish manufacturing industry. Accordingly, some hypothesis are tested using the data collected for the Turkish manufacturing industry. Within this framework three questions will be answered: 1. What is the level of industrial concentration in the Turkish manufacturing industry? 2. What are the main determinants of the level of concentration? 3. What is the possible effects of industrial concentration on profit?

Knowledge of the structure of industry and its impact on the performance of the economy would be helpful not only from the theoretical standpoint but also for the purpose of policy formulation. In the event of possible integration with the European Union external considerations together with internal distributional issues require adequate knowledge relating to the functioning of economic forces and the performance of the producing units. These should be the main concern of the present and the future policy makers as Turkey has yet to develop anti-trust regulations to control monopolistic behavior

and promote competition. However, the number of empirical investigations undertaken for the Turkish manufacturing industry within the structure-behavior-performance (SCP) framework are few. As such, the findings of the present study are likely to prove considerably helpful in many respects. Thereby special attention would be drawn for promoting further empirical investigations within the SCP framework not only in industry, but also in other main branches of the economy like trade, transport, and finance.

The remainder of this paper is organized as follows. In the next section I investigate the current level of concentration in the Turkish manufacturing industry. Following this, the main determinants of concentration is explained referring to an earlier research results. In the succeeding section the relationship between concentration and profitability is analyzed with the help of a simple set of regression models using the cross-section data for the year 2012. The final section concludes the paper.

## 2. Level of concentration in the Turkish manufacturing industry

In the literature various measures/indices of economic concentration are defined. Two most commonly used measures are concentration ratios, CR<sub>i</sub>, (where i is an integer, like 4, 8, 20, and so on) and Hirschman- Herfindahl index, H.

Concentration ratios are generally calculated for i = 4 and i = 8 as CR4 and CR8. CR4 is the cumulative shares of the first four firms in the total output or the sales of firms operating in a specific industry. In statistical terms it is defined in the following formula

$$CR4 = \frac{\sum_{i=1}^4 S_i}{\sum_{i=1}^N S_i} \quad (1)$$

where,

S<sub>i</sub> = the value of sales (or output) of an individual firm.

N = the total number of firms.

Similarly, CR 8 is defined as follows:

$$CR8 = \frac{\sum_{i=1}^8 S_i}{\sum_{i=1}^N S_i} \quad (2)$$

In analyzing the structure of an industry the accepted critical levels of concentration for CR4 is 50 percent and for CR8 is 70 percent are accepted. That is if CR4 is above 50 percent and CR8 is above 70 percent the industry in question is considered as concentrated.

Herfindahl-Hirschman (H for short) index is defined as the sum of the squared shares of all individual firms in an industry. It is calculated as follows

$$H = \sum_{i=1}^N s_i^2 \quad (3)$$

Where

$s_i$  is the market share of firm i,

$N$  is the number of firms.

The Herfindahl Index ( $H$ ) ranges from  $1/N$  to one. If percents are used as whole numbers, as in 25 instead of 0.25, the index can range up to 100<sup>2</sup>, or 10,000.

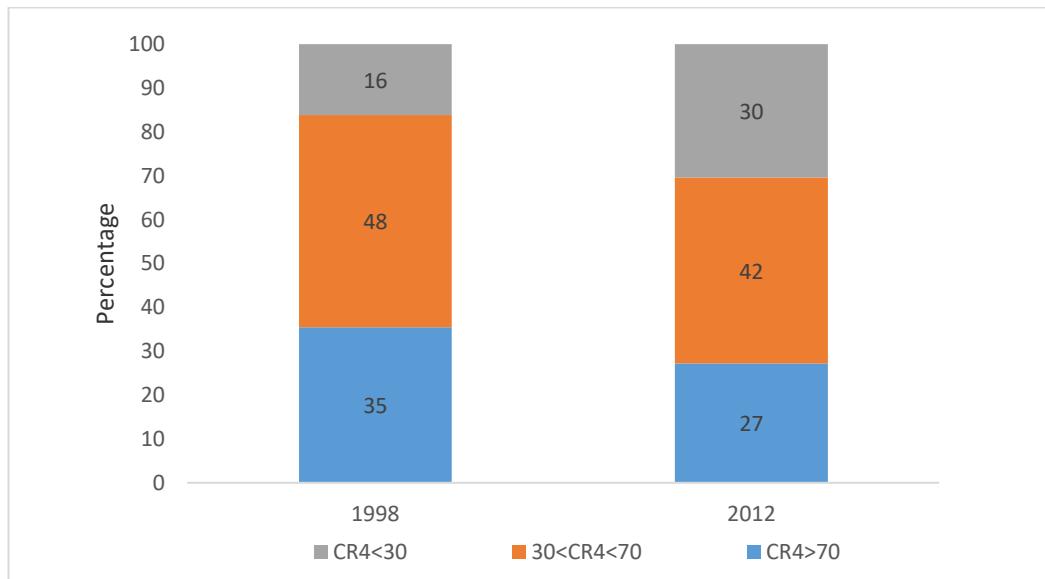
Three critical levels are defined using the H index as follows:

An  $H$  below 0.1 (or 1,000) indicates an unconcentrated index.  
 An  $H$  between 0.1 to 0.18 (or 1,000 to 1,800) indicates moderate concentration.  
 An  $H$  above 0.18 (or above 1,800) indicates high concentration.

A relatively small index either of the above indices (i.e. CR<sub>i</sub> or H) indicates a competitive industry with no dominant players.

In one of the case studies carried out earlier by the author (Ozhan, 2000) it is found that in the Turkish manufacturing industry the average concentration is above the critical level. In particular CR<sub>4</sub> with 1983 data was 58 percent and CR<sub>8</sub> was 71 percent. After 14 years, in 2012 the same ratios fell to 49 percent and 60 percent respectively. Apparently, there is about 10 percentage points decrease in concentration ratios. Figure 1 shows these changes.

Figure 1. Varying structure of industry, CR4 from 1998 to 2012



Source: Own calculations based on the data from TurkStat.

In figure 1, CR4 ratios are classified into three categories:

If CR4 is less than 30 the industry is unconcentrated.

If CR4 is less than 70 and greater than 30 the industry is moderately concentrated.

If CR4 is greater than 70 the industry is concentrated.

In order to understand the current structure of industry further H indices are calculated for 2012. The results are presented in Table 1 below.

Table 1. Herfindahl-Hirshman index (H), 2012

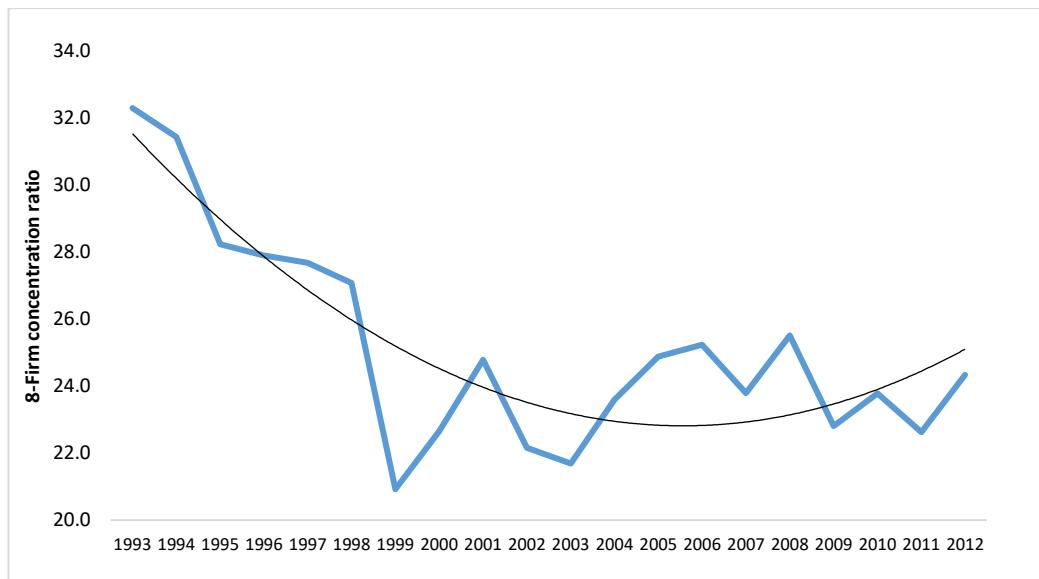
	Number of industries	%
Unconcentrated (relatively competitive) industries ( $H < 1000$ )	125	61
Moderately concentrated industries ( $1000 < H < 1800$ )	42	21
Highly concentrated industries ( $1800 < H$ )	57	18
Total	224	100

Source: Own calculations based on the data from TurkStat.

Using the data from the TurkStat between 2009 and 2012 the it is seen that the H index has dropped from 0.173 (or from 1730) to 0.153 (or to 1530). Referring to this Table the H index for the Turkish manufacturing industries presents an unconcentrated structure.

Finally, using the ICI (Istanbul Chamber of Commerce) data covering the Turkey's top 500 industrial enterprises a sharp drop is observed in the CR8. In 20 years from 1993 to 2012 the ratios fell from 32 percent to 24 percent. This historical record is given in Figure 2.

Figure 2. Historical time trend of CR8, out of the largest 500 industrial firms



Source: Own calculations using the data from ICC (Istanbul Chamber of Commerce).

The ICC data shows a sharp fall in the CR8 from 1993 up to 1999 and it pikes up slightly from that point on in the following years.

These results together reflect a falling tendency in the dominant role of large firms in the Turkish economy which is a sign of increased level of competition.

### 3. The determinants of industrial concentration

Economists have identified six main factors that determine the level or the degree of concentration. These are scale economies, mergers and acquisitions, entry barriers, advertising, public policy, and stochastic variables. In the 1986 study of the author the main determinants of industrial concentration in the Turkish manufacturing industry the following explanatory variables are included in a set of multiple regression models]: economies of scale, absolute capital requirement, advertising intensity, growth rate of market demand, government credit availability, export and import. The model is tested employing the 1983 industrial survey data obtained from the TurkStat sources. Although the data made available by the TurkStat for all four digit industries (84 in number) some nonrandom samples of smaller sizes are also used. In the estimated equations all of the parameters appeared almost invariably with their expected signs – though with a low level of significance for some variables. These findings are presented in Table 2 for a double logarithmic model.

Table 2. Determinants of Concentration ratio

Dependent variable: lnCR8

	Coefficient	Std. Error	t Statistic	Prob.
Constant	-1.3685	0.3273	-4.1808	0.0000
InSC	0.1756	0.0300	5.8549	0.0000
InCLR	0.0948	0.0247	3.8311	0.0000
InCR	0.1120	0.0474	2.3652	0.0030
InAD	0.0985	0.0237	4.1615	0.0000
InIM	-0.0477	0.0218	-2.1834	0.0030
InDE	-0.0210	0.0124	-1.6949	0.0520
PPD	0.1112	0.0941	1.1814	0.0630
R-squared	0.7494			
Adj. R-squared	0.7076			
F =	17.9400			
Obser:	50			

Where

InSC: Measure of scale, average output of big firms in an industry

InCLR: Capital-labor ratio

InCR: Credit ratio

InAD: Advertising intensity

InIM: Import

InDE: Demand elasticity

PPD: Public or private dummy variable

In in this list expresses logarithm of variables.

In the model presented in the Table 1 all of the explanatory variables have their expected signs. The estimated coefficients have satisfactory statistical results reflected in relatively high t values, as well as high R-squared and F value. The use of the double logarithmic model is that the estimated regression coefficient for each explanatory variable measures the elasticity of the dependent variable with respect that variable (Gujaraty, Porter, 2010).

To conclude this section I can state that until a newer research result comes out the variables presented in the Table 2 should be relied on as the main determinant of industrial concentration. In addition to the SCP approach there are two more approaches trying to explain the degree of correlation between concentration and market power

#### 4. Effects of Concentration on Profitability

Given the level and the determinants of economic concentration, a second important economic concern is how to predict the possible outcome of concentration. The traditional structure-conduct-performance (SCP) paradigm predicts that effective collusion between firms increases with industry concentration because concentration lowers the cost of collusion. In addition to the SPC approach there are two more approaches trying to explain the degree of correlation between concentration and the market power. These are known as the relative market power (RMP) hypothesis and the efficiency-structure (ES) hypothesis.

The relative market power (RMP) hypothesis predicts a positive relationship between a firm's market share and its performance. That is, if consumers can rely on a firm's position in the market as an indicator of quality, this allows larger firms to earn supernormal profit. Therefore, the traditional SCP and RMP hypotheses provide an argument for antitrust regulation prohibiting actions that reduce the number of viable and potential competitors. However, an alternative view proposes the efficient-structure (ES) paradigm. According to this approach both the SCP and the RMP hypotheses ignore the possibility of market entry by new firms. From the standpoint of the ES paradigm, more efficient firms can charge lower prices than their competitors and still earn economic profits. Their comparative advantage allows more efficient firms to capture a larger market share in a specific industry, which will lead to an increase in market concentration. Thus, higher market concentration may benefit both firms and consumers; so that firms can earn higher profits while consumers can benefit from lower prices (Berry-S.-Weissb,S., Wendee, S., 2011).

Specifically, the SCP paradigm suggests some important relations. The most important of all is that the higher the level of concentration is the higher the level of profitability. Although there are no unanimous opinion on the direction of this relation most studies suggest a positive correlation between the level of concentration and profitability. In an earlier study (Ozhan, 1986) in order to investigate the relationship between concentration and profitability three different multiple regression models are tested. In these models a positive but statistically insignificant relationship is noticed between profitability (explained variable) and concentration (one of the explanatory variables). The profit variable in the TurkStat sources is not readily available. Therefore in my related studies I define profit by subtracting wages from the value added in each sector. So profit is defined indirectly in the form of nonwage income. The results of one these prior study is given in Table 3 below.

Table 3. Concentration ratio and profit relationship, 1983

Dependent variable: PRO

	Coefficient	Std. Error	t- Statistic	Prob.
Constant	0.1630	0.0274	5.9483	0.0000
InCR4	0.0997	0.0313	3.1844	0.0020

InCLR	-0.0422	0.0122	-3.4550	0.0000
PPD	0.1690	0.0471	3.5917	0.0000
R-squared	0.2560			
Adj. R-squared	0.2281			
F =	9.1800			
Obser =	84			

In this table:

PRO: The ratio of profit (measured as nonwage income) to total sales.

InCR4: logarithm of 4-firm concentration ratio.

InCLR: logarithm of capital- output ratio.

PPD: Private/public dummy variable

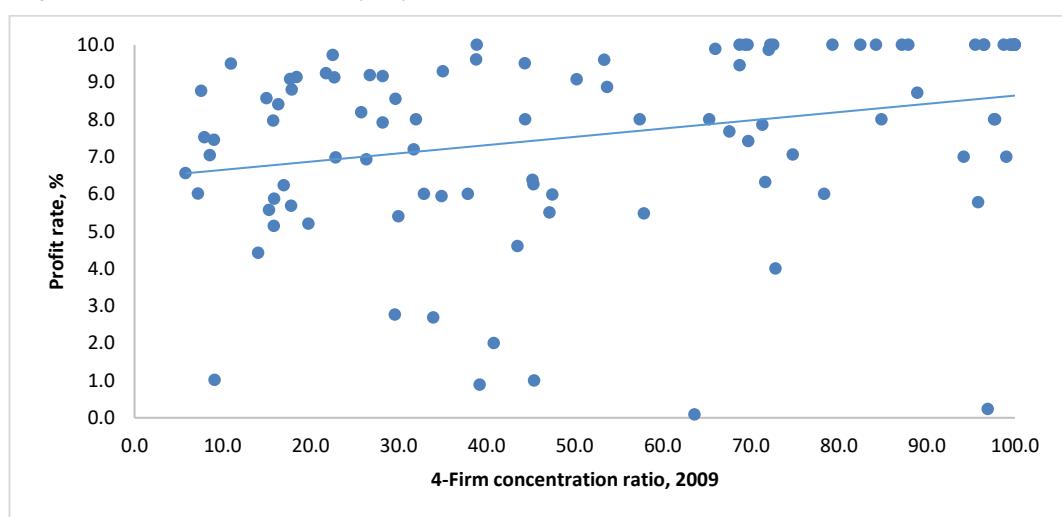
Although the results of this semi-logarithmic model presented in Table 3 are statistically significant (due to high t-values) the model explains only about 23 percent of variation in profit ratio. The model captures the positive relationship between the level of concentration and profitability.

In the same model the negative sign of capital-labor ratio implies that as capital intensity increases, the share of profit in value added falls. This negative relationship can be attributed to the diminishing marginal productivity as capital per labor increases.

To test the relationship between profit and concentration with the new set of data I tried three linear regression models. In the first model I selected a set of industries ( $n = 99$  out of 224 four-digit industries) for 2009 with a profit rate of less than 10 percent. The scatter chart

of the data in this sample is given in Figure 3.

Figure 3. 4-Firm Concentration Ration (CR4) and Profit Rate, 2009



The chart reveals that a slight positive relation does exist between profit ratio and four firm concentration ratio (CR4). This is shown in a dark line with a positive slope in the same figure.

For the same set of data the results of a simple two-variable linear regression model are given in Table 4.

Table 4. CR4 and Profit rate for industries with profit rate less than 10 percent

**SUMMARY OUTPUT (Model 1)**

Dependent variable: PRO

*Regression Statistics*

Multiple R	0.274382
R Square	0.075285
Adjusted R Square	0.065752
Standard Error	2.420936
Observations	99
	51.5
	7.6
	0.150712

**ANOVA**

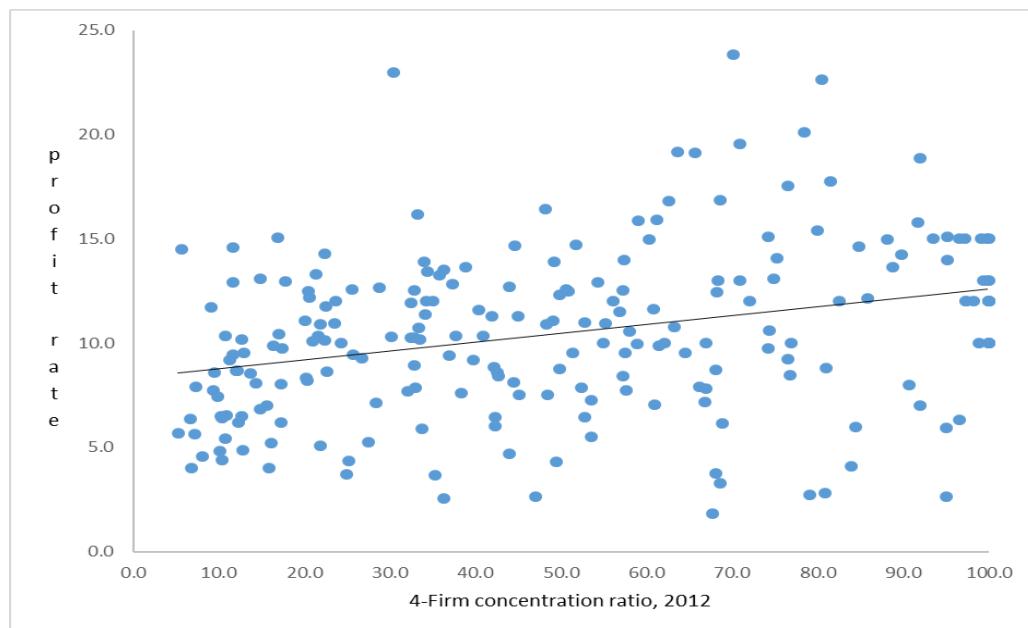
	df	SS	MS	F	Significance F
Regression	1	46.2851	46.2851	7.897229	0.00599
Residual	97	568.5102	5.860929		
Total	98	614.7953			

	Coefficients	Std Error	t Stat	P-value
Intercept	6.429023	0.473305	13.58327	3.59E-24
CR4	0.022152	0.007883	2.810201	0.00599

The regression results support hypothesis stating the positive correlation between concentration and profitability. However the model explains only a small portion (about 7 percent) of the variation in profitability is explained by CR4. From the same regression results it is also possible to calculate that the elasticity coefficient of midpoint is 0.1507. That is to say that a one percent increase in CR4 leads to 0.1507 percent increase in the profit rate.

The second regression model is also estimated with a larger set of data covering 193 sectors for 2012. The scatter chart of the second model is depicted in Figure 4.

Figure 4. Profit rate and CR4 for 193 industries in year 2012



The regression results are given in Table 5.

Table 5. Regression results for profit rate for 193 industries in year 2012

#### SUMMARY OUTPUT (Model 2)

Dependent variable: PRO

#### Regression Statistics

Multiple R	0.315954
R Square	0.099827
Adjusted R Square	0.095114
Standard Error	3.24761
Observations	193

#### ANOVA

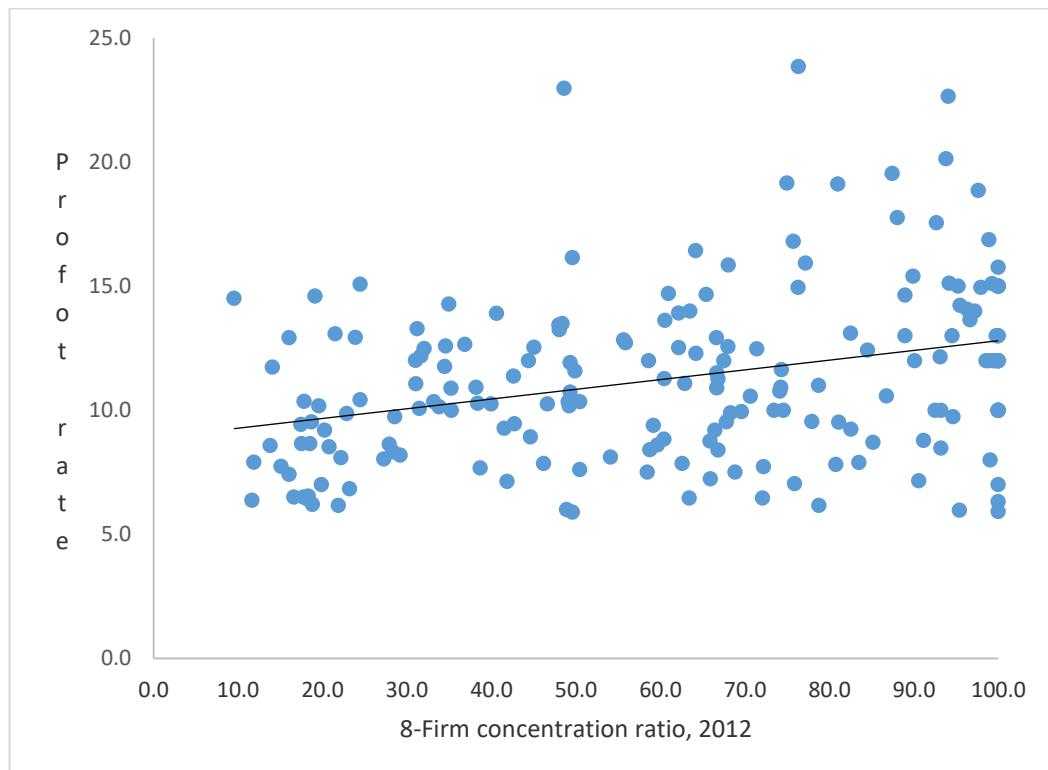
	df	SS	MS	F	Significance F
Regression	1	223.3998	223.3998	21.18141	7.6E-06
Residual	191	2014.472	10.54697		
Total	192	2237.872			

	Coefficients	Std Error	t Stat	P-value
Intercept	9.41701	0.476021	19.78277	4.07E-48
CR4	0.037551	0.008159	4.602327	7.6E-06

In the second model with increase number of observations the adjusted R<sup>2</sup> is slightly increased to about 10 percent and the t value for CR4 is also increased from 2.8 to 4.6. The mean of CR8 is 49.5 percent and the mean of profitability is 11.3 percent. Accordingly, the elasticity of profitability at the midpoint is 0.1645. It means that as the 8-firm concentration ratio increases by one percent around its mean profitability ratio increases by 0.165 percent.

Finally, a third model is constructed for the relationship between CR8 and profitability with 195 data points (sectors). The scatter chart of the model is given in Figure 5.

Figure 5. Scatter chart for CR8 and profit rate 2012 for 194 industries



The results of the third regression model are given in Table 6.

Table 6. Regression results for CR8 and profit rate 2012 for 194 industries

## SUMMARY OUTPUT (Model 3)

*Regression Statistics*

Multiple R	0.32496
R Square	0.105599
Adjusted R square	0.100941
Standard Error	3.249804
Observations	194

## ANOVA

	df	SS	MS	F	Signif F
Regression	1	239.4106	239.4106	22.66884	3.78E-06
Residual	192	2027.755	10.56122		
Total	193	2267.165			

	Coefficients	Std Error	t Stat	P-value
Intercept	8.884798	0.557874	15.92618	5.95E-37
CR8	0.039149	0.008222	4.76118	3.78E-06

Although the R<sup>2</sup> is still relatively (about .10) it is the highest among the last three models. Briefly, the model shows that about 10 percent of the variations in the mean value of profitability is expressed by the variations in CR8. The remaining 90 percent variations are attributed to other variable which are not included in the model. Finally, the mean of CR8 is 61.6 percent and the mean of profit rate is 11.3 percent. So the elasticity for the 8-firm concentration ratio at the average of both variables is 0.214. This figure shows that as CR8 increases by one percent the profit rate in that industry increases by 0.214 percent.

## 5. Conclusion

Using the TurkStat data for the 224 four-digit manufacturing industries it has been observed that that there is a slightly decreasing trend in the overall level of concentration. This result is also supported by looking at the data collected from the Turkey's top 500 industrial enterprises by the Istanbul Chamber of Commerce. Both of these statistics indicate a falling tendency in the dominant role of large firms in the Turkish economy which is a sign of increased level of competition.

Economists accept that concentration disturbs social welfare, because in concentrated industries the profit margin of firms is relatively higher than unconcentrated industries. In the related literature many researchers adhering to the SCP approach found a positive relationship between concentration and profitability. In the Turkish manufacturing industries there is a falling tendency of overall concentration from 2009 to 2012. However about 100 industries (40 percent) out of 224 industries CR4 is above the critical level of 50 percent. This study also shows that there is a positive and statistically significant relationship between concentration and profitability.

The reasons for this high level of concentration is common to most developing countries. At the beginning of industrialization process governments encourage big size firms and do not regulate markets by anti-trust policies. In Turkey antitrust law is put into force in 1994. On the other hand because of indivisibility and the small size of the domestic market, the firms are born in an uncompetitive environment. For most of the industries the minimum efficient scale (MES), is the natural explanation of this structure. But, the concentration above this technically required level is not acceptable for economic and social reasons. Still there is a need for further study to provide more comprehensive results in the field. In the light of new research the government can apply antitrust policy vigilantly.

## References

- Blair,J.M. (1972) *Economic Concentration: Structure, Behavior and Public Policy*. Harcourt Brace Jovanovich Inc.
- Gujaraty, D.N. , Porter, D. C. (2009) *Basic Econometrics*, 5/E.
- ICC (Istanbul Chamber of Commerce) (2015), *The 500 Largest Industrial Firms*.
- Martin, S. (2010) *Industrial Concentration in Context*, OUP.
- Ozhan, M. (2001) Concentration in the Turkish manufacturing Industry (Istanbul, conference presentation?).
- , (1986) "Türk İmalat Sanayinde Yoğunlaşma" Asomedya, Ankara.
- , 1989, "Karlılık, Verimlilik ve Yoğunlaşma İlişkisi" Verimlilik Dergisi, MPM, Ankara.
- , 1990, "Avrupa Sanayi Yapısı ve Türk İmalat Sanayi" Kalkınma Bankası Dergisi, Ankara.
- Thomas R. Berry-Stölzlea, Mary A. Weissb, Sabine Wendec, (2011) Market Structure, Efficiency, and Performance in the European Property-Liability Insurance Industry.
- TurkStat: [www.tuik.gov.tr](http://www.tuik.gov.tr)
- Waldman, D.E. and Jensen,E.J. 2014, *Industrial Organization*, Addison Wesley.

## What is the Stage of Development of Albania in the Information Society?

**Fatos Salliu, PhD Cand.**

Communication Science, Journalist at TV Klan & ABC Lecturer of Journalism at  
“Aleksandër Xhuvani” University in Elbasan.

e-mail: tossalliu@gmail.com

### **Abstract**

*Information society is a new stage of the social order. It is based on knowledge and offering services on the production of goods. A characteristic of the information society is the quick mass communication development, internet and digital innovation. It creates, distributes, uses and integrates information which is exposed an important economic, political and cultural activity. Ahead to this initiative are the western developed countries. Albania aspires to become part of EU. But in order to achieve this aspiration it should fulfill some standards. This study intends to define in which level toward information society Albania is? If there are implemented the signed agreements with the countries of the Region and EU. If the country is going toward virtual capitalism and which are the concrete steps and problems? So the indicator in this case is measured with the online services offered by the country for its own citizens which are conditioned from the scale of the penetration of internet and digital technology. In order to identify this fact there will be consulted distinguished researchers of the field, specialized monitors, National Strategy document for IT and communication in Albania. At the same time data and statistics from Internet World Stats, and the Agency of the Electronic and Postal Services Agency, Web pages of the Ministries, Prime-Ministers Office, directorates, institutions and agencies dealing with e-services in general, from the Audiovisual Authority of Media, Alexa.com etc. As a conclusion all the data will be compared to the indicators of the EU countries.*

**Keywords:** Information society, Internet, e-services, penetration, active cards.

### **1. General concepts on Information Society**

In the post-industrial society, the human society has evolved into the Information Society, with the developed western countries, North America being at the leading edge. Unlike the pre-existing types of society, the main goal of Information Society is to gain competitive advantages in an international level, through the Information Technology (IT), based on creativity and productivity. This type of society, creates, distributes, makes use of, and integrates information, which is subsequently manifested as an important economical, political and cultural activity. These advantages involve rapid and efficient technological, economical, occupational, spatial, cultural changes, or with any combination of such components.

The Information Society is considered as the successor of the Industrial society. Fritz Machlup (1962) introduced the concept of the knowledge economy, as the economic successor of the Industrial society, whereby wealth is created through the economic use/exploitation of understanding. Alain Touraine has defined as the post-industrial society, subsequently the Information society as an area where the cultural reproduction including aspects such as information, consumption, health, research, education would also be industrialized, in the framework of information technology and information services.<sup>1</sup> For Daniel Bell the number of employed people offering services and information is an indicator for the informative nature of a society. A post-industrial society is based on services. Similarly, post-industrial society has serviced the creative culture...<sup>2</sup>

Similarly Bell, Peter Otto and Philipp Sonntag (1985) contend that in the Information Society the majority of the working individuals are information-led, so they deal more with information, signals, symbols and images rather than with energy and other issues.<sup>3</sup> Nico Stehr (1994, 2002 a, b) asserts that the majority of occupational vacancies involve working with knowledge.<sup>4</sup> Also Alvin Toffler argues that knowledge is the primary determinant of power and its distribution and

<sup>1</sup> Machlup, Fritz (1962) The Production and Distribution of Knowledge in the United States. Princeton: Princeton University Press.

<sup>2</sup> Bell, Daniel (1976) The Coming of Post-Industrial Society. New York: Basic Books, 127, 348

<sup>3</sup> Otto, Peter/Sonntag, Philipp (1985) Wege in die Informationsgesellschaft. München: dtv

<sup>4</sup> Stehr, Nico (1994) Arbeit, Eigentum und Eissen. Frankfurt/Main: Suhrkamp. Stehr, Nico (2002a) A World Made of Knowledge. Lecture at the Conference “New Knowledge and New Consciousness in the Era of the Knowledge Society”, Budapest, January 31, 2002. Online: [4].

knowledge-production and information-processing is the primary economic activity in the Information society. (Toffler 1994).<sup>1</sup>

In this context, Webster distinguishes chronologically, the various types of the capitalism, respectively: "The capitalism of the 19-th century, the corporative capitalism in the 20-th century, and the Information capitalism of the 21-st century<sup>2</sup>(Webster 2006). (Christian Fuchs 2008, 2007). "Computer networks are the technological foundation that has allowed the emergence of global network capitalism. These networks are complex due to the high number of nodes (individuals, enterprises, teams, political actors, etc). This segmentation is an expression of the overall competitive character of contemporary society."<sup>3</sup>(Fuchs 2008: 110 + 119)

High-tech capitalism or informatic capitalism (Fitzpatrick 2002) – to focus on the computer as a guiding technology that has transformed the productive forces of capitalism and has enabled a globalized economy.<sup>4</sup> Antonio Negri and Michael Hardt argue that contemporary society is an Empire that is characterized by a singular global logic of capitalist domination that is based on immaterial labour.<sup>5</sup>

As steam power was the technology standing behind industrial society, so information technology is seen as the catalyst for the changes in work organization, societal structure and politics occurring in the late 20th century.

In this context, Albania is a developing country that aspires to become a member country of the European Union. Therefore, one of the greatest challenges ahead is keeping pace with the Information society, which is a main feature of the western countries.

## **2. The goal and objectives of this study**

The main goal of this study is to define the actual stage of Albania in the Information society. To what extent have the mutual agreements entered between Albania with the Regional and European Union countries, been implemented? Is Albania profressing in the virtual capitalism? What are some of the main issues? What measures are taken to solve them?

## **3. Hypothesis and methodology**

This study is based on the hypothesis that if Albania as a country makes more efforts towards the improvement of its actual digital technology infrastructure, internet penetration, and especially in the curbing of the "brain drain" phenomenon, then it will manage to keep pace with the rapid technological changes, improve its socio-economical conditions by properly adapting itself in the nowadays Information Society.

The findings of this study are based on the methodology established by various renowned scholars of the field, special monitoring and evaluation studies, on the National Strategy document of the Information Technology and Communication in Albania. They are also supported by various relevant data and statistics retrieved by Internet World Stats, by the Electronic and Postal Control Agency, by the Audio-Visual Media Authority, Alexa.com., etc.

## **4. How is Albania implementing its integration strategy in the Information Society? (Analysis and Synthesis)**

Albania has undertaken many reforms in the framework of its aspired membership in the European Union membership. The European model of social development is based on knowledge and information society. In this context, since 2002, in Lisbone, Portugal, Albania became one of the signatory member states of the Initiative on the electronic South Eastern Europe (electronic South Eastern Europe), holding the development and use of new technology as a main feature of the rapid social and economical development.<sup>6</sup>

<sup>1</sup> Dyson, Esther / Gilder, George / Keyworth, George / Toffler, Alvin (1994) Cyberspace and the American Dream: A Magna Carta for the Knowledge Age. In: Future Insight 1.2. The Progress & Freedom Foundation.

<sup>2</sup> Webster, Frank (2006) Theories of the Information Society. 3rd edition. London: Routledge

<sup>3</sup> Fuchs, Christian (2007) Transnational Space and the 'Network Society'. In: 21st Century Society. Vol. 2. No. 1. fq. 49–78. Fuchs, Christian (2008) Internet and Society: Social Theory in the Information Age. New York: Routledge. ISBN 0-415-96132-7.

<sup>4</sup> Fitzpatrick, Tony (2002) Critical Theory, Information Society and Surveillance Technologies. In: Information, Communication and Society. Vol. 5. No. 3. fq. 357–378.

<sup>5</sup> Hardt, Michael/ Negri, Antonio (2005) Multitude. War and Democracy in the Age of the Empire. New York: Hamish Hamilton.

<sup>6</sup> <http://www.isgtw.org/feature/south-east-european-e-infrastructures-european-2020-vision>

In October 2007, Albania reconfirmed its course towards Information society by becoming a signatory member of the sEEE Agenda+ among other South Eastern states. This common Regional agenda was signed in the light of European Union action plan in 2010, on the Information Society. The commitments stipulated in these two documents are rather challenging for Albania, considering its current position in the sector of Information Technology and Communication (ITC).

The National Strategy of ITC was approved through a VKM (Albanian for: Decision of the Council of Ministers/or Executive Order), as of 10.04.2003, which consists of 14 objectives and several measures on the development of the ITC in Albania.<sup>1</sup> Such objectives have been partially reached, thus urging for a new strategy to be more responsive to the needs of the reality ahead.

In the recent years substantial progress has been made towards e-governing, enhancing access for business partners through the use of online services, reforms have been implemented in the framework of the improvement of the regulatory regime, businesses registration through the establishment of National Center of Registration (QKR), towards education through the information technology classrooms, information systems set in custom houses, tax offices, etc. Also, a higher level of awareness is observed, on the benefits of the Information Technology and on the extensive use of the internet by businesses, citizens and especially by the younger generation.

The Departmental Strategy for Information Society in Albania from 2008, has until recently been supported by the best models and practices in Europe. Its purpose has been to review and coordinate the obligations Albania has endorsed in the framework of Information Society. The underlying aims to success of this strategy are: the development of Information society in Albania, increasing the use of Information Technology and views the development of information technology infrastructure as the key to a successful implementation of this strategy.

The main fields of the implementation are infrastructure, e-governing and public services, knowledge and education, e-business, and the legal framework.

The National Agency of the Information Society is a main central institution established in the Council of Ministers of Albania, and plays an important role in the coordination of policies for the development of the Information society, as well as for the implementation and monitoring of the strategy.

According to the Internet World Statistics, Albania with a population of 3.020.2019 inhabitants, shares the following statistics for 2014: Internet users until 30 June 2014: 1.815.146 inhabitants. The penetration of internet is 60.1%. Facebook users by 31 December 2012: are 1.097.800 inhabitants. With a broadband connection downloading speed 7.56 Mbps by September 2014.<sup>2</sup>

With regards to internet use, Albania is ranked lower than Kosovo, Croatia, Bosnia and Macedonia; it is only higher than Serbia, and Montenegro, Bulgaria, and Romania. In the Balkans, the highest rate of Internet use is held by Kosovo, with 76.6%, followed by Croatia with 70.9%, while Facebook në Croatia is used by 1.6 million people. In Bosnia Herzegovina, the penetration of internet reached 67.9% (with 1.3 million Facebook users); in Macedonia 62.2% (with 962,000, Facebook users). In Serbia, the penetration of internet was 57%; in Montenegro 56.8%, in Bulgaria 53.2%, and in Romania 49.8%. On the top of the list is Iceland, with an internet penetration of 96.5%; Norway with 95%. Albania makes for only 0.3% of internet users in the European Union.<sup>3</sup>

#### **4.1 E-government and e-services**

The e-government has continued as a process of several stages such as information being shared electronically through the world wide web, up to the full transformation of the ways of governing through the offering of online public services, which are secure, reliable, easily accessible and with the active participation of the citizens and businesses. Some of these achievements are:

Electronically shared information has had positive effects in increasing government transparency. The reforms aims against corruption and accountability. In the last 7 years, a much greater importance has been given to the building of the Information society infrastructure, especially to providing the citizens with biometrical ID cards and electronically traceable passports. E-services was powered by the support of organizations such as UNDP and/or European Commission in

---

<sup>1</sup> [http://www.inovacioni.gov.al/files/pages\\_files/strategja\\_versioni\\_i\\_printuar\\_shqip\\_2.pdf](http://www.inovacioni.gov.al/files/pages_files/strategja_versioni_i_printuar_shqip_2.pdf).

<sup>2</sup> <http://www.internetworldstats.com/stats4.htm>

<sup>3</sup> <http://www.internetworldstats.com/stats4.htm>

Albania. The government net or GovNet; the ministries and the governmental bodies in Albania, are interconnected through a high speed optical fiber link system.<sup>1</sup>

Such access has made possible governmental activities such as: budget planning, management of the human resources, a transparent judicial reform. All of the ministries have their own internet homepage, populated with all the laws and legal dispositions, news on the activities of each ministry, strategic documents, whereby managing the sharing of information electronically.

This has made possible the electronic publishing in the official notebook of the government of all the legislation; the offering of the electronic information on the criminal record file for the individuals; also the computing and monitoring of the engagements endorsed by the government, in the framework of the integration in the European Union.

With the support of GTZ,<sup>2</sup> an information system has been set, offering updated information on the agricultural products, in several districts of Albania, but this system does not offer online services for the majority of the rural parts of Albania. Boarder and custom houses operations are also provided electronically. An up-to-date system of information is in place, and provided by the civil registrar offices.<sup>3</sup>

The platform of the electronic procurement is considered as one of the greatest achievements nowadays in Albania, the application is made available via the internet, it is based on automation of the bidding activities. This system makes possible the transactions among the Albanian public institutions and the national and/or international business. The Albanian government has in place a computing system of the public finances. Information on markets, insurance policies, pension schemes, is entered into a special database. The General Tax Directory offers the online (e\_filing) of taxes for the legal persons".<sup>4</sup>

A customs electronic system "ASYCUDA++ (Automated System for Customs Data) has also been deployed in Albania, appreciating the benefits in terms of increased revenue, speedy clearance of goods, and the processing of customs declarations in real time. Such a system is operated by all the customs houses in Albania, with the latter being linked to the General Tax Directory network system. Approximately 99% of the transactions in Albania are made via this system.<sup>5</sup>

In the Health System (e-health), the Management of the Health Statistics Package information system has been applied, by the Ministry of Health in collaboration with ISKSH (Albanian acronym for: The Institute of the Health Care Insurances).<sup>6</sup>

In the field of culture (e-culture) all the subordinate departments of the ministry are internet connected. This has made possible the information sharing within the country, and worldwide. Still, much work needs to be done towards identifying, cataloguing, and publishing, as well as information delivering, in order to have a proper exploitation and a better management of the recourses for both locals and tourists alike<sup>7</sup>.

With regards to the employment, obvious progress has been made during the recent years by computing all employment offices, by connecting governmental bodies and businesses online.<sup>8</sup>

From 2008 to 2015, in Albania concrete steps have been taken towards low-cost internet access and use, which is fast and secure. This lowering of costs has been made possible by the high competitiveness of the ISP companies operating in the market. At the same time, there have been implemented projects like Albtelecom,<sup>9</sup> municipalities offering free wireless connection in the centers of the cities, communes or urban areas, as well as in schools, universities etc.

The mobile telecommunication networks have also launched smart cards, 3-G and 4-G access for the internet and social networks for all the citizens, etc. Thus, it can be contended that the first stage of information sharing via electronic means has been successfully been completed, and over 50% of the population (mainly that in the urban area) has already been

---

<sup>1</sup> <http://www.govnet.net/>

<sup>2</sup> [http://www.tirana.diplo.de/Vertretung/tirana/sq/04/WZ-Projekte/GTZ\\_Nordalbanien\\_Seite.html](http://www.tirana.diplo.de/Vertretung/tirana/sq/04/WZ-Projekte/GTZ_Nordalbanien_Seite.html)

<sup>3</sup> [www.moi.gov.al](http://www.moi.gov.al)

<sup>4</sup> <https://www.tatime.gov.al/sq-al/us/Drejtoria%20e%20P%C3%ABrgjithshme%20e%20Tatimeve/Pages/default.aspx>

<sup>5</sup> <http://www.dogana.gov.al/sq/dpd>

<sup>6</sup> <http://www.isksh.com.al/>

<sup>7</sup> <http://www.kultura.gov.al/>

<sup>8</sup> <http://www.sociale.gov.al/>

<sup>9</sup> <http://www.albtelecom.al/al/>

provided with internet access. Until the end of 2013, public electronic services were offered, based on the best European practices.<sup>1</sup>

The vision of the Albanian governments to build the information society goes hand-in-hand with the regional developments to this direction. By the end of 2014, is observed the standardization of the introduction of internet services by the institutions of all levels. The public services that are offered online are associated with their description and the necessary documents which are downloadable at a mouse-click. The most successful experience in Albania has been the public procurement, avoiding corruption; the latter has been a typical phenomenon in Albania in the years of transition, thus fulfilling one of the main criteria for Albania's integration in the EU.

Public finances on procedures like fund transfer, in all urban areas as well as communes, is being implemented electronically. The General Tax Directory offers all its services online. The customs system performs 100% of its transactions electronically.

In the Health System, e-health has taken meaningful steps towards improving the quality and efficiency in the Health Care system through the e-health applications. In the avant-garde of this initiative are the private hospitals operating in the country. One of the achievements is 'Telemedicine' which has been installed in several hospital centers.

Another objective that has been fulfilled by the end of 2014, was equipping all schools with IT cabinets, and the ratio 1 computer for 25 students. It has already been integrated in the school curricula of the primary schools, the subject of Information and Communication Technology; also, the curricula of all high/secondary schools have been improved with the integration of ICT subject, in congruence with the European Union standards. During the 2008-2014 period has been completed the training of all ICT (Information Technology and Communication) teachers as well as school administrators, on the teaching of ICT.

The universities and research centers are connected in a high-speed broadband system with many universities of the world. Also, students of different faculties accomplish their internship in the public administration offices.

Information technology and communication, in the recent years have molded new forms of relationship among companies offering goods or services and the customers on the other hand. Meanwhile, special departments fighting cybercrime are already established, in order to allow users a safer internet use.<sup>2</sup>

#### **4.2 Some other e-services which offered in Albania are:**

Driving license application (driving instruction schools) designated by; my driving license application, my automobiles, my businesses, my income taxes, my family, tracing of cases by protocol numbers, tracing of cases of the National Licensing Center, tracing cases of the public procurement, preliminary application for obtaining a pension, application for electronic excerpts for the citizens, businesses, pension schemes, supplementary pension insurance payments for the military personnel, file transfer or pension eligibility, the automated final high/secondary school examination (a.k.a., matura shtetërore), start-up business registration, and other business or personal data, etc.<sup>3</sup>

#### **4.3 Top searched webpages:**

- Final High School Examination - (Matura Shtetërore)
- Application for Driving License - Aplikim për leje drejtimi (qytetarët)
- Hosting services for web pages - Shërbim hostimi për portale web<sup>4</sup>

The current developments towards offering electronic public services (e-services) show that Albania has taken important steps towards the building of an Information society. However, much work is to be done further in important fields like, Health Care, Agriculture, Industry, Trade, Employment, Culture etc.

<sup>1</sup> [http://www.inovacioni.gov.al/files/pages\\_files/strategjia\\_versioni\\_i\\_printuar\\_shqip\\_2.pdf](http://www.inovacioni.gov.al/files/pages_files/strategjia_versioni_i_printuar_shqip_2.pdf)

<sup>2</sup> <http://akshi.gov.al/sherbime>.

<sup>3</sup> <http://www.e-albania.al/Pages/eServicesList.aspx#.VLOrA9LF-n0>

<sup>4</sup> <http://www.e-albania.al/Pages/default.aspx>

In the framework of building a more efficient Information society, in order to have a social and economical prosperity, three priorities should be considered: Government-Citizens, Government-Businesses and Government-Government, Citizens-Citizens, Citizens-Government, Citizens-Massive Communication.<sup>1</sup>

#### **4.4 e-Education**

In Albania there are approximately 485,000 in the primary and middle high education and 67,000 students in the high/secondary school education system. There are approximately 2,900 primary schools and 522 high/secondary schools. There are at least 732 functional ICT cabinets. The digitalization of the all archive registers has already been implemented. In the framework of "Albania in the digital era" motto, the majority of schools nationwide have been equipped with computers Local Area Networks, with internet access, even though this project is unsatisfactory in the schools situated in the countryside, where there is a lack of facilities, infrastructure and internet.<sup>2</sup>

#### **4.5 Projects on scientific research**

In the context of processes of Euro-Atlantic integration, the academic community is involved in several important regional projects financed by the European Commission. These projects represent an achievement in the development of the European scientific research in the Balkans and its border countries. Tangible examples are projects like SEEREN and SEEREN2<sup>3</sup> on the connection of national research in the field of Education in the Balkans, with its pan-European academic research network GEANT.<sup>4</sup>

Similarly, projects like SEE\_GRID and SEE\_GRID2, which aim at the integration and development of the South Eastern European region, aim at having tangible results of the projects implemented in the technological field, GRID, as a main component in the European Research Area (ERA)<sup>5</sup>. GRID technology enables the use of resources through pan-European networks of research in education, through the participation in such virtual European research organizations.

#### **4.6 Educating the Public and businesses on ICT**

Current developments have increased the number of internet users, indicating among other things an increased awareness of the public appreciating the benefits and the opportunities offered by ICT. From 2008 until 2015 the government has already integrated in the school curricula the subject of ICT. The purpose is for every student to use make use of information and electronic services.

A special emphasis is given to the education on small business companies and partnerships, as in Albania this type of business covers the employing 77% of the work force. Small companies in Albania, count for 95% of the total entrepreneurship.

#### **4.7 Online business and trade**

Electronic business deals mainly with the trade performed electronically, which is a new way that the companies operate through an active use of Information Technology and Communication and through the digitalization process of the businesses in general. Based on an observation performed by IDRA<sup>6</sup> involving around 300 legal individual/large companies, showed that 84% of the interviewees have full access in their official websites, 68% of these businesses have high-speed connection.

In the recent years online purchases have become more and more frequent, purchases made by citizens themselves amount to tens millions of Euros a year. In order to have high internet speed and access, Albania has signed its obligations of digital signature, electronic documentation, e-safety, etc. Recently, it has been already approved the Law no. 9880, as of 25.2.2008, "On Electronic Signature"<sup>7</sup>

#### **4.8 Internet banking in Albania**

<sup>1</sup> <http://akshi.gov.al/>

<sup>2</sup> <http://www.arsimi.gov.al/>

<sup>3</sup> <http://ICT.upt.al/qkzh.html>

<sup>4</sup> <http://www.geant.net/Pages/default.aspx>

<sup>5</sup> [http://ec.europa.eu/research/era/index\\_en.htm](http://ec.europa.eu/research/era/index_en.htm)

<sup>6</sup> <http://www.idra-al.org/>

<sup>7</sup> [http://akce.gov.al/arkiva/documents/FLETORJA\\_ZYRTARE\\_rregullorja.pdf](http://akce.gov.al/arkiva/documents/FLETORJA_ZYRTARE_rregullorja.pdf)

This practice bridges the gaps of the timetables, eliminates procrastination and long queues and other bureaucratic aspects of the traditional banks, allowing a fast and efficient management of personal finances. All banks in Albania offer their services online, providing general information on the bank and the services it offers.<sup>1</sup>

Banks have coordinated their operations with the mobile companies offering services concerning the: information on salaries, bank interests, bank offers, bank credits, invoice payments. The number of electronic cards and credit cards has increased a lot. Also, they are offered with the standards of their mother banks in Europe.

### **1. Main documents upon which Albania has based its Departmental Strategy for the Development of Information Society 2007-2013, were:**

The Joint Declaration of South European Countries signed in the framework of Stability Pact, in June 2002<sup>2</sup>

The Agenda for the Development of the Information Society, signed in October 2002.;<sup>3</sup>

The bSEE Memorandum for a bSEE (broadband South Eastern Europe);<sup>4</sup>

The Action Plan of the World Summit on the Information Society;<sup>5</sup>

eEuropa Action Plan and the i2010 Initiative of the EU;<sup>6</sup>

The National Strategy for Development and Integration 2007-2013 (SKZHI);<sup>7</sup>

The e-SEE plus Agenda, signed in October 2007;<sup>8</sup>

### **2. The legal framework for the Information Society**

Albania has signed and continues to compile the legal framework for the achievement of European standards and practices, concerning the development of the Information Society in the country. In the field of cybercrime, Albania has already signed and rectified the Cybercrime Convention<sup>9</sup> in 2002, the latter, has also been introduced in the country's Penal Code<sup>10</sup> also, the requirements of this Convention are stipulated in the Code of Penal Procedure.<sup>11</sup>

### **3. The means of mass communication**

The means of mass communication have seen a considerable development during the last 15 years in Albania. Furthermore, several of the digital platforms are as up-to-date as they can be anywhere else in the world.

The market of audio-visual media is managed by AMA (The Authority of AudioVisual Media). This is an independent body which operates based on the dispositions of Law no. 97/2013 as of 04.03.2013..<sup>12</sup> One of the significant projects in the recent years is the South-East European Digital Television. AMA has become part of this project 'South-East European Digital Television <sup>13</sup>(SEE Digi TV)', in the framework of Inter-National Cooperation of South-Eastern Europe Programme, financed by the European Union.<sup>14</sup>

<sup>1</sup> <http://www.bankofalbania.org/previewdoc.php?crd=3242>

<sup>2</sup> <http://www.akshi.gov.al/strategjia>

<sup>3</sup> [http://www.dap.gov.al/images/Arkiva/SKZHI\\_2007-2013.pdf](http://www.dap.gov.al/images/Arkiva/SKZHI_2007-2013.pdf)

<sup>4</sup> <https://www.yumpu.com/sq/document/view/15569392/sfida-drejt-nje-shoqerise-te-informacionit-mitik/33>

<sup>5</sup> <http://www.akep.al/informacion/pages/283-samiti-botero-i-shoqerise-se-informacionit-wsis10>

<sup>6</sup> <http://ec.europa.eu/digital-agenda/en/european-egovernment-action-plan-2011-2015>

<sup>7</sup> [http://www.dap.gov.al/images/Arkiva/SKZHI\\_2007-2013.pdf](http://www.dap.gov.al/images/Arkiva/SKZHI_2007-2013.pdf)

<sup>8</sup> <http://www.art-ks.org/repository/docs/Politikat%20e%20Sektorit%20te%20Komunikimeve%20Elektronike%20-%20Akhenda%20Dixhitale%20per%20Kosoven%202013-2020.pdf>

<sup>9</sup> <http://www.infocip.org/al/?p=3655>

<sup>10</sup> <http://www.hidaa.gov.al/lige/kodi%20penal%20%20rsh.pdf>

<sup>11</sup> [http://www.pp.gov.al/web/kodi\\_proc\\_penale\\_202.pdf](http://www.pp.gov.al/web/kodi_proc_penale_202.pdf)

<sup>12</sup> <http://ama.gov.al/>

<sup>13</sup> [http://www.southeast-europe.net/en/projects/approved\\_projects/?id=124](http://www.southeast-europe.net/en/projects/approved_projects/?id=124)

<sup>14</sup> [http://ama.gov.al/index.php?option=com\\_content&view=article&id=215%3Arreth-projektit-digi-tv&catid=25%3Atelevisioni-dixhital-i-europes-juglindore&lang=sq](http://ama.gov.al/index.php?option=com_content&view=article&id=215%3Arreth-projektit-digi-tv&catid=25%3Atelevisioni-dixhital-i-europes-juglindore&lang=sq)

In Albania there is a Public Television (landline and satellite TV), TVSH. Two other privately owned channels, TV Klan and Top Channel TV are also licensed as national TV. There are two satellite privately owned channels: Vizion + and ALSAT. The private numeric satellite platforms are: Digitalb, Tring TV and Supersport.

In Albania there are 71 privately owned television stations and 83 cable TV operators.<sup>1</sup> Albania has also a periodical of 23 national journals and dozens of local newspapers.

Online media has been progressing at a fast pace during the recent years. Albanians can be considered frequent internet users, at the level of 61%. Blogs, web 2.0, mobile media has also made possible what is known today as citizen journalism and community reporting, due to the social media developments over the last decade or so. According to the Union of Journalists, only during the 2014, 250 sites of citizen journalism were built only for 2014. Albanians do use Facebook a lot, followed by Youtube, Instagram, Twitter, LinkedIn, MySpace etc. One of the mostly used search engine is Google, followed by Yahoo.

Newspapers, magazines, radio and television stations have gone online, too. Mobile operators offer alternative live streaming media and their own internet apps, for the “third screen” mobile phone devices.

### **7.1 The following is the ranking of Albanian sites according to internet monitoring of Alexa.com**

1. Gazetaexpress.com
2. Telegrafi.com
3. Facebook.com
4. Google.com
5. Google.al
6. Youtube.com
7. Merjep.com
8. Yahoo.com
9. Balkanweb.com
10. Koha.net<sup>2</sup>

### **8. The general picture of internet penetration, fixed and mobile telephony in Albania from the year 2010 until June 2004. (Based on the data published AKEP (Albanian acronym for: Authority of Postal and Electronic Communication)<sup>3</sup>)**

As above mentioned, the basis for an Information society is the means of massive communication, such as: internet, digital technology, mobile and wireless technology. The number of mobile telephony subscribers' of active SIM cards went to 4.9 million and the number of subscribers measured according to the active mobile users (subscribers who have used their mobile services in the last 3 months) was 3.5 million. The penetration of fixed and mobile telephony was respectively 9.2% and 123%.

The number of subscribers having fixed and mobile access (using 3G using portable USB/modem) by the end of June reached 324 thousand, which makes for a 10.4% increase, compared to the end of 2013. Both access broadband network segments, fixed and 3G (using portable USB/modem) have seen an increase of 3.3% and 22% compared to 2013.

#### **8.1 The Mobile Telephony Market**

The number of mobile telephony users from 2010 and on, has been monitored by AKEP in two ways, according to the active users and SIM active card users. The number of active users for four mobile companies Plus, Alb (EM), Vodafone and AMC until the end of June 2014 was 3.5 million users and the number of SIM card users 4.9 million. (See figure 1)

#### **8.2 The fixed telephony Market**

<sup>1</sup> [http://ama.gov.al/index.php?option=com\\_content&view=category&id=21&Itemid=75&lang=sq](http://ama.gov.al/index.php?option=com_content&view=category&id=21&Itemid=75&lang=sq).

<sup>2</sup> <http://www.alexa.com/topsites/countries/AL>

<sup>3</sup> <http://www.akep.al/>

The number of subscribers in the fixed telephony in the first 6 months of 2014 has decreased by 9.2%, compared to the end of 2013. In Albania the fixed telephony service is offered to 255.358 subscribers against 337.885, maximum level of subscribers of this service during 2009.<sup>1</sup> (See figure 2)

### **8.3 The Internet**

The internet service access is offered by both fixed and mobile networks. By the end of the first 6 months of 2014, the number of subscribers having broadband access, has been increased. The number of subscribers in the fixed networks has been 188.668. The fixed network segment access for several operators has been offering this service as the following:

During the first six months of 2014 the number of subscribers with broadband access via fixed networks had an increase of 3.3% compared to 2013, and the majority of operators has the number of their subscribers.

Even the broadband network segment of mobile 3G networks, has had positive developments, whereby the number of subscribers through cards/modems/keys (not mobile portable devices) was increased with 22% in comparison to the end of 2013. The number of users with 3G broadband access is approximately 923 thousand, by the first half of 2014, which is a reduction by 18% in comparison with 2013. In total, the number of users having broadband 3G access (mobile devices and USB cards), amounts to 1.06 million.

Further detailed information on the network segment of broadband access provided by both networks can be found in figure 3; this figure provides a detailed description on the internet penetration in the Albanian families and population. There is a notable increase in internet penetration in both cases. The scale of internet penetration in the Albanian population by both fixed and mobile networks is 11.46% per 100 inhabitants. As for a given number of families it reaches 45%. Consequently, despite the great progress of the recent years, Albania is still behind the European Union countries in this respect, where the scale, according to World Stats is 70.5%. (See figure 3)

In the rural areas live 50% of the population, the scale of internet penetration is much lower than in the city. Due to the lack of fixed telephony, this service is offered only by the mobile telephony companies, but still the form is limited to Gigabytes usage made available, according to the amount of payment.

The ultimate and most frequently used form of communication in Albania remains that of the social networks, which are offered free of charge by these companies. Thus, the “third screen” or “the mobile media” has more advantages than internet in Albania.

### **9. The government electronic services in Albania according to a survey made by the United Nations in 2012**

Albania is ranked in the 86-th position, in the South Eastern Europe index for its online government services with a quotient of 0.5161 assessment made in a recent survey carried out by the United Nations in 2002. The online services index and its components according to the same report in Albania is 0.4248 or 37%. As for the infrastructure and telecommunication, Albania's index is 0.3370. (See figure 4)

#### **Albania**

The index of the human capital in Albania is 0.7863. The index of electronic collaboration is better and Albania comes in the 28-th position along with some other countries having a quotient of 0.1053. Albania is in the 43-rd place for its environmental index, together with some of the best countries, surpassing countries like Slovakia, Spain, Cyprus, Czech Republic, etc. Albania is not in the list of the European Countries whose web pages are provided with the statement: Follow us on Facebook or twitter.<sup>2</sup>

### **10. Conclusions**

1. Albania comes last in the list of 86 South Eastern European countries, concerning the index of government services, according to the survey carried out by the United Nations.

<sup>1</sup> <http://www.akep.al/images/stories/AKEP/statistika/TREGUESIT-STATISTIKORE-6-MUJORI-I-re-2014-301014.pdf>

<sup>2</sup> <http://unpan3.un.org/egovkb/Portals/egovkb/Documents/un/2012-Survey/unpan048065.pdf>.

2. -The Albanian government has taken concrete steps towards the Information Society, but its actual achievements still lag behind the indicators set by the European Union, whereby Albania aspires to join as a member state.
3. -According to the National Agency of Information Society (AKSHI) the public administration in Albania needs to be further sensitized on the use of technology and information, as a part of the e-government process for good governance.
4. There is a need for improving the information and technology infrastructure of the public administration
5. There is a need for increasing the human resources dealing with information and communication technology and providing ongoing qualification.<sup>1</sup>
6. -The availability of E-services (electronic services) and finally m-services (mobile services) are considered as one of the greatest challenges in the development of Information Society in Albania, as well as it's the social and economical development. But in this field, much work remains ahead
7. -The scientific research activities in Albania have been limited due to the lack of infrastructure and the scarce financial resources. A considerable number of specialists have abandoned the scientific research institutes and the majority of them have migrated abroad. -The specialized departments of ICT have suffered a massive "brain drain". For the same reason the public institutions have great difficulties in finding the necessary experts for the everyday maintenance of the ICT infrastructure.
8. -Internet penetration in Albania remains still under the EU norms. The reason for this is the low scale of know-how on ICT as well as the lack of proper knowledge on the benefits that come with the use of information and communication technology.
9. -According to the monitoring specialists, the internet penetration scale in Albania is 45% while the average of all the European Countries is 75%.
10. -The 3 and 4 G high speed broadband services are still limited in the more developed urban downtowns. In the rural areas there is a lack of this service which implies that more investments are needed in the infrastructure are still to be made by the companies operating in this field, and the situation calls for more strategies and policies in favour of such services.

## References

- Bell, Daniel. The Coming of Post-Industrial Society. New York: Basic Books, (1976) pp.127, 348
- Dyson, Esther/ Gilder, George/Keyworth, George/Toffler, Alvin: Cyberspace and the American Dream: A Magna Carta for the Knowledge Age. In: Future Insight 1.2. The Progress & Freedom Foundation. (1994)
- Fitzpatrick, Tony: Critical Theory, Information Society and Surveillance Technologies. In: Information, Communication and Society. (2002) , Vol. 5. No. 3. fq. 357–378.
- Fuchs, Christian, Transnational Space and the 'Network Society'. In: 21st Century Society. (2007), Vol. 2. No. 1. pp. 49–78.
- Christian Fuchs Internet and Society: Social Theory in the Information Age. New York: Routledge. ISBN 0-415-96132-7. (2008)
- Hardt, Michael, Negri, Antonio: Multitude. War and Democracy in the Age of the Empire. New York: Hamish Hamilton. (2005)
- [http://akce.gov.al/arkiva/documents/FLETORJA\\_ZYRTARE\\_rregullorja.pdf](http://akce.gov.al/arkiva/documents/FLETORJA_ZYRTARE_rregullorja.pdf)
- <http://akshi.gov.al/>
- <http://akshi.gov.al/sherbime>.
- [http://ama.gov.al/index.php?option=com\\_content&view=article&id=215%3Arreth-projektit-digi-tv&catid=25%3Atelevisioni-dixhital-i-europes-juglindore&lang=sq](http://ama.gov.al/index.php?option=com_content&view=article&id=215%3Arreth-projektit-digi-tv&catid=25%3Atelevisioni-dixhital-i-europes-juglindore&lang=sq)

<sup>1</sup> <http://akshi.gov.al/>

[http://ama.gov.al/index.php?option=com\\_content&view=category&id=21&Itemid=75&lang=sq](http://ama.gov.al/index.php?option=com_content&view=category&id=21&Itemid=75&lang=sq)  
<http://ec.europa.eu/digital-agenda/en/european-egovernment-action-plan-2011-2015>  
[http://ec.europa.eu/research/era/index\\_en.htm](http://ec.europa.eu/research/era/index_en.htm)  
<http://itc.upt.al/qkzh.html>  
<http://unpan3.un.org/egovkb/Portals/egovkb/Documents/un/2012-Survey/unpan048065.pdf>  
<http://www.albtelecom.al/al/>  
<http://www.albtelecom.al/al/mobile/informacion-i-pergjithshem-telefonia-celulare/882-telefonia-celulare>  
<http://www.alexa.com/topsites/countries/AL>  
<http://www.akep.al/>  
<http://www.akep.al/images/stories/AKEP/statistika/TREGUESIT-STATISTIKORE-6-MUJORI-l-re-2014-301014.pdf>  
<http://www.akep.al/informacion/pagesa/283-samiti-boteleror-i-shoqerise-se-informacionit-wsis10>  
<http://www.akshi.gov.al/strategjia>  
<http://www.art-ks.org/repository/docs/Politikat%20e%20Sektorit%20te%20Komunikimeve%20Elektronike%20-%20Akhenda%20Dixhitale%20per%20Kosoven%202013-2020.pdf>  
<http://www.arsimi.gov.al/>  
<http://www.bankofalbania.org/previewdoc.php?crd=3242>  
[http://www.dap.gov.al/images/Arkiva/SKZHI\\_2007-2013.pdf](http://www.dap.gov.al/images/Arkiva/SKZHI_2007-2013.pdf)  
<http://www.dogana.gov.al/sq/dpd>  
<http://www.e-albania.al/Pages/default.aspx>  
[http://www.e-albania.al/\\_layouts/Services/Service.aspx?shld=689#.VOrUNLF-n0](http://www.e-albania.al/_layouts/Services/Service.aspx?shld=689#.VOrUNLF-n0)  
<http://www.e-albania.al/Pages/eServicesList.aspx#.VOrA9LF-n0>  
<http://www.geant.net/Pages/default.aspx>  
<http://www.govnet.net/>  
<http://www.hidaa.gov.al/lige/kodi%20penal%20i%20rsh.pdf>  
<http://www.idra-al.org/>  
<http://www.infocip.org/al/?p=3655>  
[http://www.inovacioni.gov.al/files/pages\\_files/strategjia\\_versioni\\_i\\_printuar\\_shqip\\_2.pdf](http://www.inovacioni.gov.al/files/pages_files/strategjia_versioni_i_printuar_shqip_2.pdf)  
<http://www.internetworkstats.com/stats4.htm>  
<http://www.isgtw.org/feature/south-east-european-e-infrastructures-european-2020-vision>  
<http://www.isksh.com.al/>  
<http://www.kultura.gov.al/>  
[http://www.pp.gov.al/web/kodi\\_proc\\_penale\\_202.pdf](http://www.pp.gov.al/web/kodi_proc_penale_202.pdf)  
<http://www.projektiqytetar.org/gtz.php>  
<http://www.qkl.gov.al/>  
<http://www.sociale.gov.al/>

- [http://www.southeast-europe.net/en/projects/approved\\_projects/?id=124](http://www.southeast-europe.net/en/projects/approved_projects/?id=124)
- <https://www.tatime.gov.al/sq-al/us/Drejtoria%20e%20P%C3%ABrgjithshme%20e%20Tatimeve/Pages/default.aspx>
- [http://www.tirana.diplo.de/Vertretung/tirana/sq/04/WZ-Projekte/GTZ\\_\\_Nordalbanien\\_\\_Seite.html](http://www.tirana.diplo.de/Vertretung/tirana/sq/04/WZ-Projekte/GTZ__Nordalbanien__Seite.html)
- <https://www.yumpu.com/sq/document/vie%C3%A9/15569392/sfida-drejt-nje-shoqerje-te-informacionit-mitik/33>
- Machlup, Fritz: The Production and Distribution of Knowledge in the United States. Princeton: Princeton University Press. (1962)
- Otto, Peter/Sonntag, Philipp: Wege in die Informationsgesellschaft. München: Dtv (1985)
- Stehr, Nico: Arbeit, Eigentum und Wissen. Frankfurt/Main: Suhrkamp. (1994)
- Stehr, Nico: A World Made of Knowledge. Lecture at the Conference "New Knowledge and New Consciousness in the Era of the Knowledge Society", Budapest, January 31, 2002a. Online: [4]
- Webster, Frank: Theories of the Information Society. 3rd edition. London: Routledge. (2006)
- [www.moi.gov.al](http://www.moi.gov.al)

## Figures

Figure 1 Mobile telephony performance during 2010-2014 period

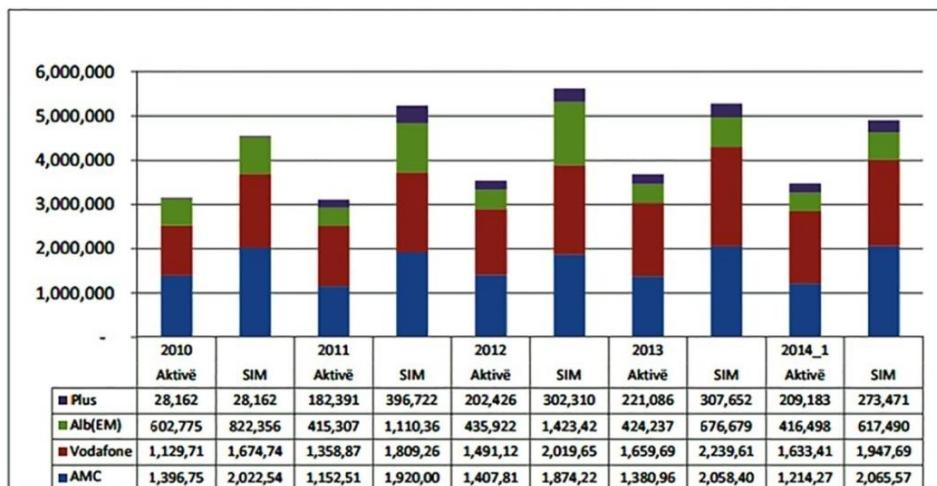


Figure 2 Number of fixed telephony subscribers in 2000-2014\_1

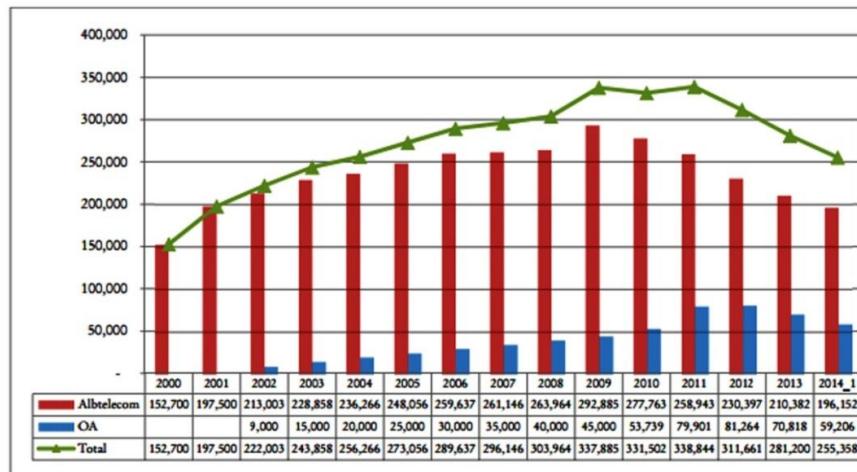


Figure 3 Subscribers with broadband access via fixed and 3 G networks

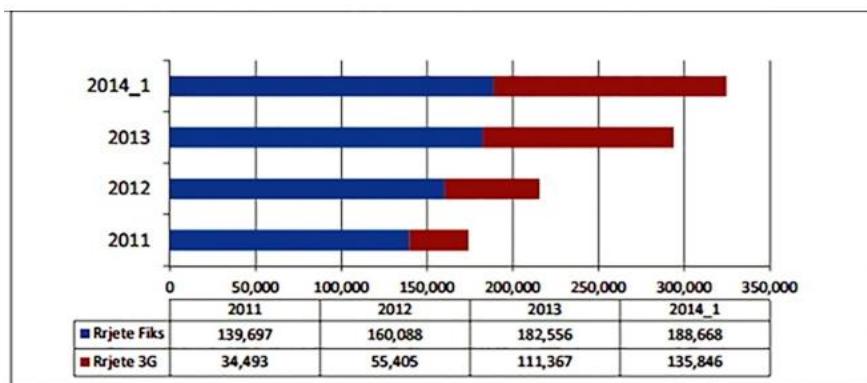
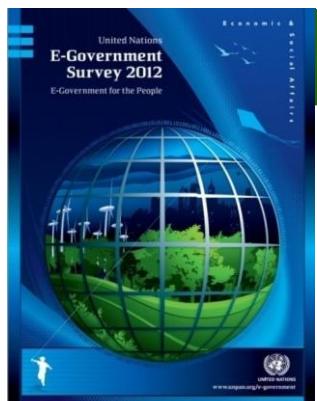


Figure 4 Albania's classification in the index of electronic government services in the South\_East European countries.

Chapter One  
World e-government rankings

United Nations E-Government Survey 2012

Some other Northern European countries also fortified their e-services, providing greater access and inclusion to citizens. Though they did not maintain their global ranking, other countries such as Lithuania (0.733–29<sup>th</sup>), Ireland (0.7149–34<sup>th</sup>), and Latvia (0.6604–47<sup>th</sup>) also improved e-government applications, networking and other web services. The e-government gateway of Lithuania (<http://www.e-gov.lt/langs/>) has been developed under the auspices of the Information Society Development Committee for the purpose of providing seamless public administrative services and information to residents and business. Covering content in both the Lithuanian and English languages, the gateway provides 211 first-level public services, 167 second-level services, 33 third-level services and 17 fourth-level services.<sup>11</sup> The one-stop-shop portal of Ireland approaches the delivery of e-services in such a way that enables users to take those services to their needs at a place and time that suits them, together with an overview of the extent of public services online. Latvia's one-stop-shop portal (<http://www.e-kraja.lv>) offers 29 e-services and online banking (e-payments). Points of

Table I.25 E-government development in Southern Europe

Country	E-gov. development Index		World e-gov. development ranking	
	2012	2010	2012	2010
Spain	0.7776	0.7516	23	9
Slovenia	0.7401	0.6243	25	29
Croatia	0.7218	0.5858	30	35
Italy	0.7191	0.5803	32	38
Portugal	0.7165	0.5787	33	39
Malta	0.7131	0.6129	35	30
Greece	0.6872	0.5708	37	41
Serbia	0.6512	0.4985	51	81
San Marino	0.6305	N/A	52	N/A
Montenegro	0.6218	0.5101	57	60
Andorra	0.6172	0.5148	58	57
The former Yugoslav Republic of Macedonia	0.5987	0.5261	70	52
Bosnia and Herzegovina	0.5528	0.4036	79	74
Albania	0.5161	0.4519	86	85

Sub Regional Average

0.6574 0.5564

World Average

0.4882 0.4406

## Belgrade Pride Parade 2014.: Tabloidization and Parody of the Process of EU Integration

Prof. Tatjana Rosic Ilic

Faculty of Media and Communications, University Singidunum

[tatjana.rosic@gmail.com](mailto:tatjana.rosic@gmail.com)

### Abstract

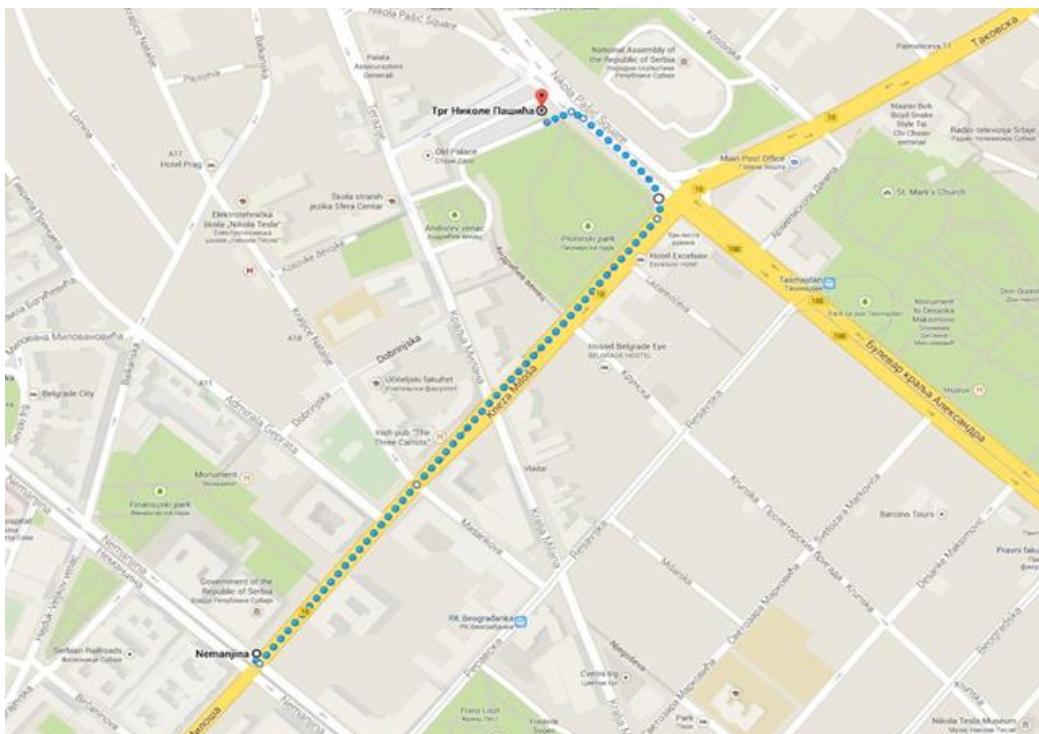
*Print Serbian media presented Belgrade Pride Parade 2014 in an ambivalent way - as a successful state project, on the one hand, and as a threat to the national security, on the other. Contradictory media discourse related to the promotion of human rights favored the tabloidization of almost all contents related to the Belgrade Pride Parade 2014. In this way in the focus of tabloidization was put wider cultural and social contexts including issues such as the process of EU integration, the effort of redefining national identity in the context of EU, and, finally, the very role of the LGBT community in organization of Belgrade Pride Parade. Tabloidization of the issue of EU integration was achieved mostly through indirect reporting on Belgrade Pride Parade by the combination of the articles which - in the same issue and often within the same section - reported on the Pride mutually quite contradictory for the audience, in sensationalist and confusing ways. The result of such reporting is, quite unexpectedly, the strategy of constant parody of topics which are declaratory considered to be policy priorities of Republic of Serbia while in the Serbian cultural and media practices are called into question and ridiculed. This kind of parody is based on a hidden affirmation of (in) equality and discrimination, as well as on the violation of journalistic ethics codes. The aim of the paper is to analyze – in the case of reporting on Belgrade Pride Parade 2014 - the narrative forms and the communication effects of this populist-based media parody, as well as to deconstructs its ideological reception and consequences.*

**Keywords:** parody; discrimination; media discourse; tabloidization; Belgrade Pride 2014, EU integrations

### INTRODUCTORY EXPLANATION: ORGANIZATION OF 2014 BELGRADE PRIDE PARADE, THE MATTER OF SECURITY AND THE ROLE OF MEDIA REPORTING ON SECURITY MATTERS

Belgrade Pride Parade 2014 was realized after intensive public debate about the Pride as the event of the high risk. After one month long debate about security of the Belgrade and Serbia citizens, in which right wings parties strongly opposed Pride in the name of the public peace and security, none transparent political conclusions were brought: all options (*pro et contra*) stayed open during the whole debate as well as during the very night before Pride Parade, the night between 27<sup>th</sup> and 28<sup>th</sup> of September 2014. Although expected and waited from all media official allowance for Belgrade Pride Parade 2014 was not given by government who was holding session of the Bureau for Coordination during the whole night: „Even after five hours of the start of the session Bureau for Coordination of Security has not said whether the Pride Parade approved. On the other hand Parade organizers say that the parade be held because the legal deadline for the ban on public gatherings has expired.“ (1) However, the Ministry of Police has previously reserved the right to cancel the Pride at any time if security is threatened. (2)

After the midnight Goran Miletic, activist for human rights and member of Pride organizational committee, said that the Pride board did not receive information that at the meeting of the Bureau for Coordination of Security holding Pride is prohibited. He gave the statement to all media in front of the organizational board of 2014 Belgrade Pride Parade that Pride would be held in accordance with Constitutional rights on free gathering of citizens of Republic of Serbia. (3) Even after this statement government did not confirm that the Belgrade Pride Parade 2014 could be held. But on 28<sup>th</sup> of September seven thousands policemen were on Belgrade streets protecting participants of the Parade and politicians who support Parade by their presence and speeches. The path of the Pride march start in front of government buildings in Nemanjina street in the center of Belgrade and ends in front of the building of Serbian Parlament at the Square of Nikola Pasic (Illustration nb. 1)



#### Illustration nb. 1.

The march lasted almost one hour, and at the end, in front of the Serbian Parliament members of organizational board, LGBTQ activists from Serbia and ex-Yugoslav region, as well as Serbian and foreign politicians delivered speeches in which Pride Parade and EU support to this event was celebrated. Michael Davenport, the EU ambassador to Serbia, addressed the Pride saying it is "very good that this parade took place. It sends a strong message to everyone, especially the LGBT community, but also a message to those who use hate speech that such a behavior in Serbia is not acceptable." (4) Mayor of Belgrade, Sinisa Mali told reporters in front of the government that he came to show his support to Pride and that it is a very important to show that: "Belgrade is an open city, which means it is open to all and that everyone here is equal." (5) Great kiss between Boban Stojanovic and his partner, Adam Puskar, finalized the celebration. (6) Premier Aleksandar Vučić speech in which he pointed out that he would not join the 2014 Belgrade Pride Parade participants himself - instead he planned to visit households in the flooded areas and then went on a family Sunday lunch – seemed forgotten. (7) But the metaphor of family Sunday lunch used in Aleksandar Vučić speech symbolizes persistent resistance to Pride Parade as something deeply opposed to traditional Serbian values. As symbol of heterosexual family and coherent national attitude this metaphor reveals hidden discursive strategies of political rhetoric on GMG social inclusion in Serbian public discourse.

What was claimed in Serbian media to be the utmost political will of the new, pro EU oriented Vučić government (8) was, however, annihilated by the social and cultural practices presented by the very same media. Thus official statements on Belgrade Pride Parade 2014 given both by politicians and LGBTQ activists are shaped by the same ambivalent discursive strategies; they praised the role and importance of the state instead of carnival joy of differences and power of love characteristic for the Pride as cultural, social and political event. The policy of media reporting on GMG is marked by the very same ambiguity which could be detected in speeches of official representatives of Serbian political institutions: on power is the secret rule which asks hidden stigmatization of GMG *versus* declarative advocacy for GMG rights as transparent political will of Serbian government and people.

In the paper is analyzed the case of media reporting which is considered as representative example of reporting on gender minority groups (GMG) rights in Serbian print media during Belgrade Pride Parade 2014. Case is taken from daily tabloid

Kurir and can be seen as paradigmatic discursive practice of tabloidization of media reporting on GMG in Serbian media *in general*, characterized by ambiguity and strong tension between support and conviction of GMG community. The case also raises question about the real role of LGBT activist elite in organization of Belgrade Pride 2014 as a state project intended to be implemented at all costs. The paper aims to explore what is the real role of LGBTQ elite in tabloidization of the media reporting on Belgrade Pride Parade 2014 and how does the EU integrations narrative function in the context of media discourse tabloidization.

### **INTERTEXTUALITY AND MONTAGE AS STRATEGIES OF MEDIA REPORTING: DAILY TABLOID KURIR, 23<sup>rd</sup> September 2014**

On 23rd September 2014 two articles considering GMG and LGBTQ population were published in daily tabloid "Kurir". (9) Articles were published five days before Belgrade Pride Parade was held, in the midst of public debate about the Pride as the event of high risk. The two texts were published on the same page, side by side. The first one is interview with Boban Stojanovic, one of the organizers of Belgrade Pride, in which he describes his impressions after his meeting with Ministry of Police, Nebojsa Stefanović. In this interview Stojanović emphasis his belief in the importance of the state support to organization of upcoming Belgrade Pride.(10) The second article describes the protest against "gay tourism" which is planned to be improved by opening touristic resort on Goli otok (in literaaly translation: Naked Island) in Croatia – the infamous jail built in Titos regime. (11) It was a place where many people were tortured and murdered during and after 1948., the historical moment of breaking up of SFRJ and USSR. The text also quotes the President of the Association of Detainees who survived the jail torture. He states that, unfortunately, the Association cannot do anything on this issue although there were mostly Serbs at Goli otok. He also notes that Goli otok is now a part of Croatian territory and therefore Serbia has no jurisdiction to seek memorial park on the island instead of the tourist resort. While in the first text struggle for GMG rights is given in the light of the optimistic visions of successful cooperation between the LGBTQ community and Serbian state in the second text stigmatization of GMG groups occurs through the activation of various stereotypes about LGBTQ community as dangerous entity that jeopardizes that same state.

It is obvious that there is hidden intertextual connection between the two texts. Existing social and political tensions are activated by this editing montage: nationalist tensions between Serbian and Croatian nation / state; class prejudices about gay people as a very rich; resistance to EU, which in this case is represented by its new member, the Republic of Croatia, which contempt both history of a communist-guerrilla struggle and history of, now non-existent, SFRJ. But, this kind of the connection should influent reader in quite opposite way from the connection which is usually implied by the usage of the term intertextuality in the postmodern theory of the discourse in which this term marks „that demands of the reader not only the recognition of textualized traces of the literary and historical past but also the awareness of what has been done-through irony-to those traces. The reader is forced to acknowledge not only the inevitable textuality of our knowledge of the past, but also both the value and the limitation of that inescapably discursive form of knowledge, situated as it is "between presence and absence". (12) In tabloid media intertextual connection should stay hidden, and should „work“ or connect two texts on subconscious level: from reader is not asked or demanded to become more critic but to become more biased, more committed to its own prejudices. The strategy of tabloid intertextuality is to stay unconscious, and to influent reader in discursive form which is not form of knowledge but of misinterpretation.

The official rhetoric of advocating for the rights of GMG is completely canceled by the second text published in Kurir in which GMG community is put in a problematic historical and social context, and accused for immorality, historical irresponsibility and lack of class empathy. The issue of gay tourism on Goli otok actually activates both class and ethnic stereotyping about GMG as social threat. GMG community is represented as community devoid of any respect for the traditions and historical scruples, being shaped by influence of the foreign and hostile political (Croatian/Western) forces. Gay population stands out in the text as one that spends an extremely high amount of money on travel and entertainment per year all around the world which is in social contrast with economic crisis which heavily strakes Serbia under Vučić governance.

The logic of tabloid editing policy is based in binary opposed codes - reader should choose one option; reader is booster who should confirm his/her loyalty. In this way, many target groups of readers are caught in the process of potential identifications that are actually located on the line long advertised strategy against Pride in Serbian public sphere which claimed that gender minority groups usurp the rights of the majority and thus implemented violence over public space. The comparison between these two minority groups, one that presented as repeatedly sacrificed (firstly in 1948,than followed

by the breakup of Yugoslavia and globalization) and the other presented through Stojanovic activist negotiating optimism put the reader of „Kurir“ in the situation of political choice. The members of the first group do not speak to journalist but to own representatives and representatives of related groups in the name of abolishing historical injustice and return to the position they unjustly seized. “Minority” that speaks in this text represents public opinion that gladly represent Serbia as a country deprived of its historical autonomy, so the voice of this minority is actually a majority voice of the Serbian society, who requires return to seemingly deprived decision-making position, the position on which no minorities should threaten the majority. Empathy and identification with gender minority groups cannot take place since these groups are seemingly about to realize their rights while the Serbian people as the only minority group in Serbia is always again deprived from its own rights – the fact that 2014 Belgrade Pride Parade is going to be held is, for reader of „Kurir“, just one reason more which leads to such political conclusion.

### PARODY OF EU INTEGRATIONS NARRATIVE

The shocking montage characteristic for tabloid editing policy is applied both on visual and on verbal level of the media content. It is the most obvious on the „Kurir“ cover on which both above mentioned texts are merged in one gathered image printed in the lower left corner of the cover. (Illustration nb. 2) The image is supposed to be ironic and sarcastic toward the “enemies” – Croat state and gay population of the Serbia are merged in collage which represents hybrid strategies of tabloid reporting aiming to confuse the audience playing with the subconscious fantasies, desires and prejudices of the readers.



(Illustration nb. 2: Croats find a solution for gays (the first line on the image) forcing gays to Goli Otok (the second line) Serbian gays: the parade will be (the third line) Minister guarantees it to us (the fourth line))

The vivid images are juxtaposed in quite unusual and shocking way, in a good all manner of avant-garde montage: carnival photos of drag queens are mixed with black and white photographs of run-down building on Goli otok while Bojan Stojanović photo (left corner of the image) is opposed to the photo of the Ministry of Police of Republic of Serbia, Nebojša Stefanović (right corner of the image) in a mimicry of fragile political balance.

EU is represented through comparison and competition with Croatia, the youngest member of EU which is in post Yugoslav space geographically the closest one to Serbia and which enters EU with the burden of unclear relationship with Serbs related to the Second World War and concentration camps such as Jasenovac. The avant-garde strategy of shock and montage – same as the discursive strategy of intertextuality – should influent readers of tabloid print unconsciously, making parody of EU integrations narrative which dominates official political discourse of Serbian government. Through its embodiment as Croatia island of gay joy, island at which heroic past and epic tradition are annihilated, EU narrative is connected with recent communist i.e. Second World War past and represented as something false, hypocritical, nontransparent, autocratic, with the regime which does not deserve neither respect nor obedience. EU integration narrative is represented as narrative imposed from outside and it is nothing else except false fair-tale to mocking with, regime whose rules will be tricked by the same playful and resistant epic spirit of Serbian people which has been denied and defeated at Goli otok.

The photos of drag queens and transvestites have powerful meaning in this ideological battle. Represented as morally problematic, LGBTQ community is identified as usurper who will luckily, in the name of justified historical revenge, find its territory on the enemy Croatian land – hidden humor which shapes „Kurir“ cover has its roots in the parody of the political Otherness, either Croat or EU entity, who - in traditional, hyper masculinized Serbian patriarchal public space - represents unworthy opponent which will be punished by metamorphosis in the drag queen. Continuous exchange between the role of political enemy (Croat) with the role of gender otherness (gay/drag queen) is a kind of mockery in which both denial of the EU values and the rejection of the process of EU integrations as process of needed social and political change occurred. As all others discursive strategies parody used in tabloidization process loses its critical potential – parody is used as vulgar way of humiliation of the unwanted ideological Other.

## CONCLUSIONS AND QUESTIONS

What was response of LGBTQ elite to the text in tabloid „Kurir“ in which was manifested discrimination and homophobia together with the open hate speech and violation of the basic regulations of reporting on gender minority groups? Did Boban Stojanović react to this kind of tabloid editing, asking the withdrawal of his interview from „Kurir“ and apology from „Kurir“ editorial stuff to LGBTQ community in Serbia? Nothing similar happened. Melodramatic aspects of betrayed hope could be detected in such media situation – hope supported by the very interview which Boban Stojanovic gave for „Kurir“, assuring audience that Serbia is getting closer to the abolition of media stigmatization of GMG.

But the real relationship between official media rhetoric of advocating for GMG rights, on the one hand, and, on the other, simultaneous media stigmatization of GMG in Serbian media implied LGBTQ elite as hidden partner in the media strategy of stigmatization of GMG. These elite takes part , on its own, in the deliberate parody of EU narratives and tabloidization of media reporting on GMG. Therefore the following questions should be explored in further research of media discourse on GMG in Serbia: a) in which way LGBTQ elite is self-represented in the context of media reporting on Belgrade Pride Parade 2014 and b) in which way the media image of gender minority groups (which that elite try to advocate for) is really established?

(The paper is result of the research within the project *Representation of Gender Minority Groups in Media: Serbia, Montenegro and Macedonia* prepared within the framework of the Regional Research Promotion Programme in the Western Balkans (RRPP), which is run by the University of Fribourg upon a mandate of the Swiss Agency for Development and Cooperation, SDC, Federal Department of Foreign Affairs. The views expressed in this study are those of the author and do not necessarily represent opinions of the SDC and the University of Fribourg.)

## References:

1. I.D., „Organizatori tvrde da će Parade biti, vlast čuti“ („The organizers claim it will be the Parade, government silent“, the title and quotation translated by Tatjana Rosic Ilic)  
[http://www.danas.rs/danasrs/drustvo/organizatori\\_tvrde\\_da\\_ce\\_parade\\_bitи\\_vlast\\_cuti\\_55.html?news\\_id=289726](http://www.danas.rs/danasrs/drustvo/organizatori_tvrde_da_ce_parade_bitи_vlast_cuti_55.html?news_id=289726)
2. Ibid.
3. Ibid.
4. Belgrade Pride 2014: Live Blog, 28 Sep 2014  
<http://www.balkaninsight.com/en/article/belgrade-pride-2014-live-blog>
5. Ibid.
6. Prajd 2014: Poljubac za kraj (Pride 2014: Kiss for the End)  
<https://www.youtube.com/watch?v=P7KH6gDnLPY>
7. <http://www.time.rs/c/4d84488b57/vucic-ne-interesuje-me-parada-ponosa-srbija-ima-vaznijih-stvari.html>

8. John A. Goulda & Edward Moeb, „Problems of Post-Communism: Nationalism and the Struggle for LGBTQ Rights in Serbia, 1991–2014“, Published online: 30 Jul 2015.  
<http://www.tandfonline.com/loi/mppc20>
9. „Kurir“, 23dr September, 2014, pp. 6-7.
10. lbd.
11. lbd.
12. Linda Hutcheon, „The Politics of Postmodernism: Parody and History“, in: Cultural Critique, No. 5, Modernity and Modernism, Postmodernity and Postmodernism. (Winter,1986-1987), pp. 179-207.

Stable URL: <http://links.jstor.org/sici?sicid=0882-4371%28198624%2F198724%290%3A5%3C179%3ATPOPPA%3E2.0.CO%3B2-N>

## Using Stories as a Teaching Strategy for Low-Motivated 9th Grade Pupils

Elona Ziu, Phd Cand.

ziu\_elona@yahoo.com

### Abstract

*The teaching of foreign languages is a challenging and demanding process for teachers. Such a teaching requires skillful and qualified teachers in their linguistic and methodical knowledge with creative abilities to find, adapt, and present the teaching materials and use techniques that encourage motivation and learning of foreign languages especially with those pupils who have difficulties or don't show interest during classes. In contemporary teaching, teachers use a range of techniques for the acquisition of English as a foreign language. A technique that is viewed as very efficient is the use of narratives. This study shows the effectiveness of narration for the 9<sup>th</sup> grade pupils who at the end of the academic year have to sit A2 level English exam. The study was conducted in one of the secondary schools of Korca. 2 classes were chosen for the study. These pupils had a weak performance in English. The pupils of both classes took a test at the beginning of the study. For the next 3months with one of these classes, stories were used as a teaching strategy to help and motivate them to acquire English skills. At the end of the academic year both classes took another test which showed that pupils that used stories during English classes had better results.*

**Keywords:** motivation, stories, low motivated pupils, English skills

### 1. Introduction

Being a teacher is such a pleasant and difficult profession. Teaching offers the satisfaction of linking two generations; teachers and pupils. It is a profession which guides pupils towards their future. Being a teacher requires devotion and motivation. Achieving good results means equipping pupils with the necessary knowledge and what is the most important thing, finding ways of easing the process of learning, finding ways of motivating them. The best way is demolish the traditional and routine classroom and to find ways to motivate pupils, trying the best to teach them in the easiest and at the same time efficient way. So why not use stories?

#### 1.1 Stories

We must consider that the use of narratives increases motivation as language fulfills its communicative purposes which are the goal of a language class. Stories bring pupils closer to the authentic language. They help pupils in developing new learning strategies and thinking critically. Stories motivate pupils to communicate and help them to be positive towards the language which eases the process of learning and that of teaching too. Stories are widely used and accepted in the English language classroom which enables interaction between pupils furnishes them with a rich vocabulary. Stories focus on comprehension of the whole. It enables them to think creatively and make use of the language knowledge they have already gained. The story is a unique way for students to develop, respect, understand and appreciate other cultures too. Stories in the classroom build a close bond between the narrator and others, in our case teachers and, pupils. According to William Gasser and 'his choice theory' for the quality school teacher, there must be a warm, supportive classroom environment. Stories create this warm classroom involving atmosphere. Pupils feel good that they are the not lead by the teacher but they interact with one another, not compete and sometimes they choose to share their own narratives. By using stories the pupils are lead to learn useful material. They don't compete, but they collaborate with one another. According to Krashen, students can develop skills of a second language either by learning or acquiring them. Learning is regarded as a conscious process and students' attention is on the structure of the language. While acquisition, is viewed as a similar process to that of acquiring our mother tongue which represents the subconscious activity by putting emphasis on the message (rather than on the form). Acquisition is the naturalistic way. Krashen believes the productive skills (speaking and writing) evolve from the receptive skills (listening and reading) and, consequently, they should be given much more emphasis. He believes that acquiring a second language is better achieved through reading.

### 2. Research method

For the reasons mention above stories were used as a teaching strategy to motivate pupils to learn English as well as to improve their grades. The class, in which the stories were used as a teaching strategy, was the 9<sup>th</sup> class of a secondary

school. The class was composed by 26 pupils .They had been learning English since the 3<sup>rd</sup> grade, but their level of English was poor, and most of the were reluctant to learn English. They were passive during class. The 9<sup>th</sup> class had English class three times a week. Thus it was thought to use stories, once a week during the English class to make them be willingly active during classes and help them acquire English. It should be mentioned that for the first time the Albanian Ministry of Education passed a law that the 9<sup>th</sup> grade pupils had to sit an English exam. The level of the exam was approved to be A2 level according to the CEFR.<sup>1</sup> Stories were once a week for a 3 month period, beginning from March till the end of May.

At the end of February an A2 level test was completed by the 9<sup>th</sup> grade pupils. At the same time the test was done by the 8<sup>th</sup> grade pupils. (It consisted of 22 pupils) The reason why even the 8<sup>th</sup> grade pupils did the test was to compare the result between those two classes at the end of the 3 month period. The 9<sup>th</sup> grade was the experimental class and the 8<sup>th</sup> grade the control class. The test consisted of three sections: reading section which had 20 points, use of English section which had 20 points and writing section which had 10 points (The assessment of the pupils concerning the writing task was done based on the: task completion 2 points, mechanics 2 points, grammar 2 points, and vocabulary 2 points, organization 2 points) So, the whole test had 50 points. After both classes did the test, it was checked by the teacher and they got grades. The grades in accordance with the points were as follows. :0-12 points grade 4 13 -18 points grade 5 19-24 points grade 6 25-30 points grade 7 31-36 points grade 8 37-42 points grade 9 43 points-50 grade 10

## 2.1 Stories in an English classroom

9 stories were used by the teacher once a week from March till May. The titles of the stories used are as follows: 1) A tale with no name

- 2) The lizard and the damsel
- 3) The vain little mouse
- 4) Little red riding hood (a modern version)
- 5) The three feathers
- 6) Dear child
- 7) Hansel and Gretel
- 8) Never again
- 9) The selkie wife

Through these stories pupils reinforced different grammatical structures, enlarged their vocabulary got involved in various class activities, so as they could get the chance to use English. The activities used focused mainly on the communicative aspect of the language. Through stories exploitation pupils practiced all the four skills –speaking, writing, reading even listening. Their reading comprehension improved, but what is most important is that their motivation to learn English increased. When asked questions about the stories, or while trying to retell the stories, they used the language productively. Those questions were asked by the pupils themselves to their classmates. In pairs they wrote dialogues discussing the stories or pretending to be one of the characters. An interesting activity for them was when they were asked to write the end of the story, after having read only half of it. Those stories encouraged them to participate during the English class because the atmosphere at class was not that of a normal class where pupils are under constant observation. They felt free to express their opinions, to ask each other questions about the stories, to retell or rewrite the stories.

During each of these classes all the pupils got engaged in classroom activities. Those stories helped the teacher to work with all the pupils, from the ones who had a low level of English to those who had a good level of English. The ones who had a low level of English were the ones who read the stories during classes. Those stories were read aloud by them in turns twice or even three times .Stories entertained them and at the same time taught them English. The role of the teacher

---

<sup>1</sup> CEFR refers to the Common European Framework of Reference for Language

was to manage the class and the activities she introduced. Pupils were the ones who had the control, and this gave them confidence.

### 3. Results

After the three month period both classes, the experimental class and the control class, sat another A-level test which was structured in the same way as the 1<sup>st</sup> one. The reading part had 20 points, each correct answer one point, the use of English part 20 point and writing 10 points. The whole test had 50 points. The Albanian school assessment begins with the grade 4 which is the lowest grade and continues up to 10 which is the highest grade. After checking the tests of both classes, the pupils got the below results as shown in the tables.<sup>1</sup>

#### 3.1 Control class results

##### a) The results (points) of the control class for both tests

Pupils	1 <sup>st</sup> test	2 <sup>nd</sup> test
N1	10	0
N2	13	16
N3	27	32
N4	35.5	30
N5	39.5	40
N6	43	42
N7	18.5	20.5
N8	35	31.5
N9	45	46
N10	9	8
N11	12	6
N12	29	22
N13	4	8
N14	8	12
N15	8	7
N16	2	3
N17	9	9
N18	9	13
N19	2	6
N20	9	10
N21	12	8.5
N22	12	8
Average	17.79	18.02

The change of the result averages is calculated as below:

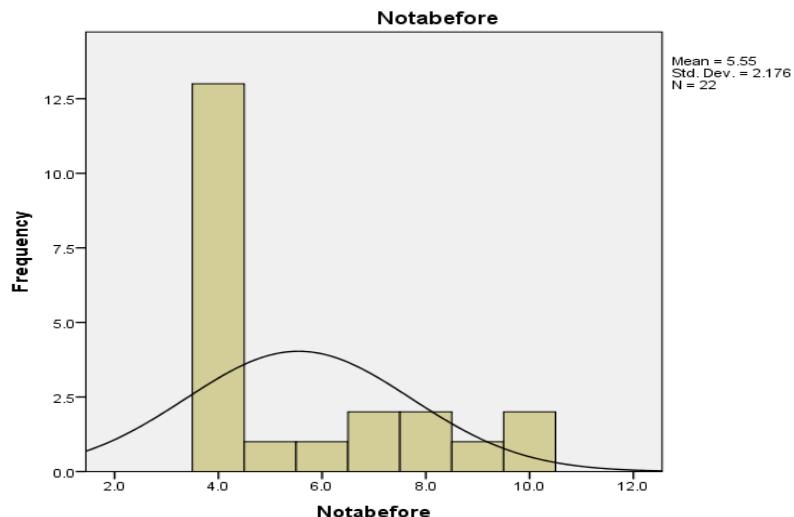
$$\text{Averages percentage change} = [(A\text{1st Test} - A\text{2nd Test}) / A\text{2nd Test}] * 100$$

$$\text{Averages percentage change} = [(18.02 - 17.79)/17.79]*100$$

$$\text{Percentage change averages} = 1\%$$

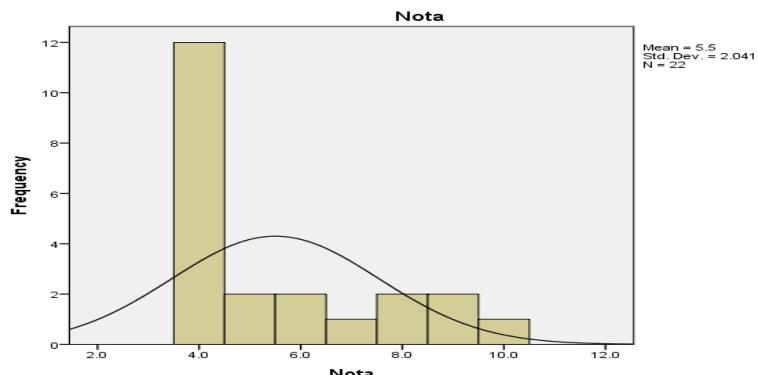
##### b) Grades of control group of the 1<sup>st</sup>test

<sup>1</sup> The SPSS Statistic (Statistical Package for the Social Sciences) was used to calculate the results



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	4.0	13	59.1	59.1
	5.0	1	4.5	63.6
	6.0	1	4.5	68.2
	7.0	2	9.1	77.3
	8.0	2	9.1	86.4
	9.0	1	4.5	90.9
	10.0	2	9.1	100.0
Total	22	100.0	100.0	

c) Grades of the control class for the 2<sup>nd</sup> test



	Frequency	Percent	Valid Percent	Cumulative Percent
...	...	...	...	...

Valid	4.0	12	54.5	54.5	54.5
	5.0	2	9.1	9.1	63.6
	6.0	2	9.1	9.1	72.7
	7.0	1	4.5	4.5	77.3
	8.0	2	9.1	9.1	86.4
	9.0	2	9.1	9.1	95.5
	10.0	1	4.5	4.5	100.0
Total		22	100.0	100.0	

### 3.2 Experimental class results

#### a) The results (points) of the experimental class for both tests

Pupils	1 <sup>st</sup> test	2 <sup>nd</sup> test
N1	17	24.5
N2	41.5	42
N3	39.5	42
N4	36	38.5
N5	46	48
N6	24	30
N7	39.5	44.5
N8	24	28
N9	29.5	37.5
N10	0	0
N11	11	20
N12	25	36
N13	11	8
N14	23.5	39
N15	8.5	10.5
N16	19	30
N17	3	2
N18	6	7
N19	6	20
N20	7	13
N21	20	30
N22	15	19
N23	15.5	23.5
N24	21	22.5
N25	21	33
N26	0	0
Average	19.59	24.94

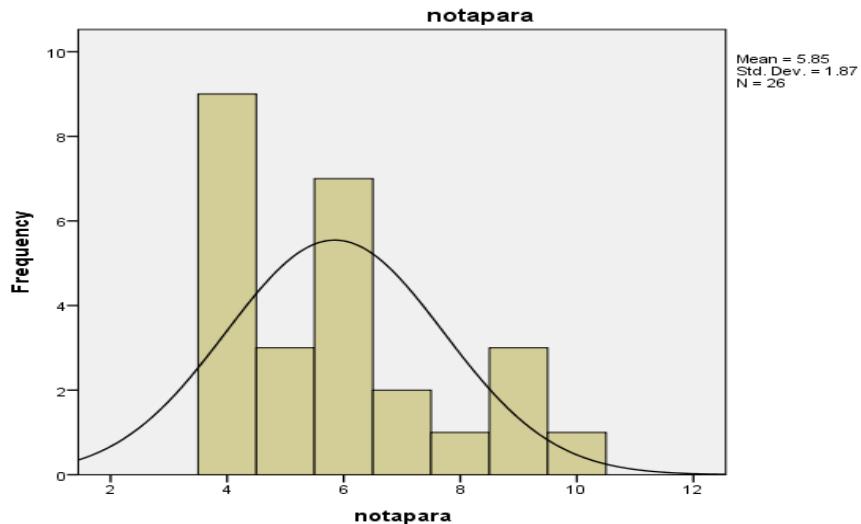
The change of the result averages is calculated as below:

$$\text{Averages percentage change} = [(A1\text{st Test} - A2\text{nd Test}) / A2\text{nd Test}] * 100$$

$$\text{Averages percentage change} = [(24.94 - 19.59) / 19.59]$$

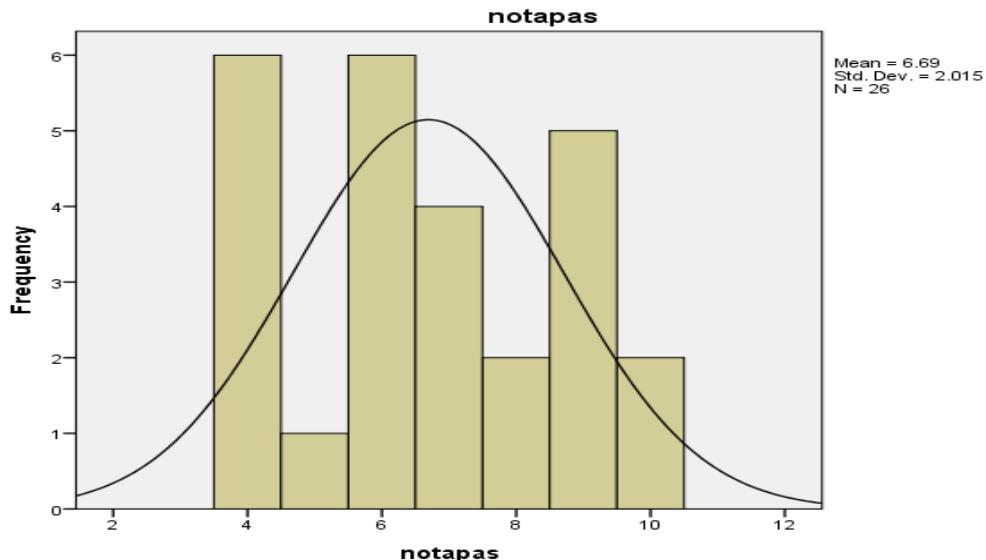
$$\text{Percentage change averages} = 27\%$$

	1 <sup>st</sup> Test	2 <sup>nd</sup> Test	Improvement
Experimental Class Average	19.59	24.94	27%
Control Class Average	17.79	18.02	1%

**b) Grades of the Experimental class for the 1<sup>st</sup> test**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid				
4	9	34.6	34.6	34.6
5	3	11.5	11.5	46.2
6	7	26.9	26.9	73.1
7	2	7.7	7.7	80.8
8	1	3.8	3.8	84.6
9	3	11.5	11.5	96.2
10	1	3.8	3.8	100.0
Total	26	100.0	100.0	

**c) Grades of the experimental class for the 2<sup>nd</sup> test**



		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	4	6	23.1	23.1	23.1
	5	1	3.8	3.8	26.9
	6	6	23.1	23.1	50.0
	7	4	15.4	15.4	65.4
	8	2	7.7	7.7	73.1
	9	5	19.2	19.2	92.3
	10	2	7.7	7.7	100.0
	Total	26	100.0	100.0	

#### 4. Conclusion

As it can be seen from the test results and the grades pupils got in the 2<sup>nd</sup> test, the pupils of the experimental class did much better than the pupils of control class. Their improvement is really significant. Using stories in our English classes is a very useful technique for our pupils to improve their language performance. It is a motivating teaching strategy which we need the most nowadays to encourage pupils to learn and use English. Stories give us the chance to exploit them and be better teachers and teach our students in the best way possible. Stories enable pupils to gain confidence and learn English easily .Stories teach and entertain pupils at the same time. Our classroom is in need of real situations. Stories are the ones which make it possible for us to be teachers who teach. Just like Bruner stated in his book "The culture of Education" the principle of narration which should be included in every school curricula.

#### References

- J. Brunner , (1997), "The culture of education", Harvard University Press
- J. Dewey, (1997), "Experience and Education", Touchstone
- K. Dibra and N. Varfi, (2008), "Gjuhesi Teksti", Albatros
- G. Ellis and J. Brewster, (2002), "Tell it Again! The Storytelling Handbook for Primary English Language Teachers", Pearson Longman
- H. Jeremy (2005), "The practice of language teaching", Pearson Longman
- W. Glasser, (1992), "The quality school teacher". HarperPerennial
- F. Haven Kendal, (2000) "Super Simple Storytelling", Teachers Ideas Press P. Karameta, (2014), "Arsimi i Gjenerates Tjeter", SaraS. Krashen, (1981), Second Language Acquisition and Second Language Learning, Oxford: Pergamon Press
- S. Krashen, (1982), Principles and Practice in Second Language Acquisition, Oxford: Pergamon Press
- S. Krashen, (1985), The Input Hypothesis, Harlow: Longman.
- F. Micheal, (2005), Fundamental change, Springer
- Williams et al., "The Art of Storytelling"

## E-Banking as a Tool for Competition Advantage in Albania

Prof.Assoc. Evelina Bazini

Faculty of Economy, University of Vlora "Ismail Qemali", Albania

[evelina.bazini@univlora.edu.al](mailto:evelina.bazini@univlora.edu.al)

### Abstract

*The adoption of e-banking is occurring quite extensively as a channel of distribution for financial services due to rapid advances in ICT and intensive competitive banking markets. E-banking offers a lot of benefits which add value to customers' satisfaction in terms of better quality of service offerings and at the same time enable the banks gain more competitive advantage over other competitors. Internet banking is either offered as a value added service of physical bank branches or a virtual bank where customers can only perform banking transactions through the Internet and it is important to mention that operating costs of a virtual bank are much lower compared to traditional banks. This study is designed to evaluate e-banking as a strategy and related methods adopted in banking sector in Albania to improve the customer satisfaction. The aim was to analyze customers' perception towards e-banking services, the quality of e-banking services provided by the banks and the constraints in achieving customer satisfaction. The study also recommends the possible and practical additional measures the banks should take in order to achieve maximum customer satisfaction. Data were collected from the bank customers through self designed structured questionnaires. Out of 100 questionnaires distributed, only 62% were returned/ responded back. Non-probability sampling was used due to the limitation of resources and time. Data management and analyses were done using SPSS program and Microsoft excel.*

**Keywords:** e-banking, competitive advantage, customers satisfaction, e-distribution channels.

### 1. Introduction

E-banking allows customers of a financial institution to conduct financial transactions on a secure website operated by the institution, which can be a retail or virtual bank, credit union or building society. Electronic or online banking is the latest delivery channel to be presented by the retail banks and there is large customer acceptance rate which means delivery of banking services to customers using electronic technology either at their office or home.

The E-Banking offers enormous opportunities in every sphere of business as the competitive advantage, member/ client retention increased revenues and reduced costs.

### 2. Literature review

#### 2.1. Definition of e-banking

Daniel (1999) described electronic banking as the provision of banking services to customers through Internet technology. Other authors (Daniel, 1999; Karjaluoto et al., 2002) indicated that banks have the choice to offer their banking services through various electronic distribution channels technologies such as Internet technology, video banking technology, telephone banking technology, and WAP technology. Karjaluoto et al. (2002) also indicated that Internet technology is the main electronic distribution channel in the banking industry. In more detail the author described e-banking as an online banking that involves the provision of banking services such as accessing accounts, transferring funds between accounts, and offering an online financial service.

E-banking is also called as "Virtual Banking" or "Online Banking". E-banking is a result of the growing expectations of bank's customers. E-banking involves information technology based banking. Under this I.T system, the banking services are delivered by way of a Computer-Controlled System. This system does involve direct interface with the customers. The customers do not have to visit the bank's premises. Popular services covered under E-Banking. The popular services covered under E-banking include:

- Automated Teller Machines
- Credit Cards
- Debit Cards
- Smart Cards
- Electronic Funds Transfer (EFT) System,
- Cheques Truncation Payment System
- Mobile Banking, Internet Banking
- Telephone Banking, etc.

## 2.2. Competitive Advantage – a conceptual framework

The concept of competitive advantage used by Porter (Porter's work - 1979, 1980, 1985, and 1990), is still the starting point for any discussion of competitive advantages even though there are many economists who used the concept of competitive advantage before him (Jones 2003). Straub and Klein (2001) and Barney (2002) argue that the term of competitive advantage did not appear in Porter's work until the year 1985, whereas Caves (1984), Day (1984), Spence (1984) and Barney (1986) used the term around the same times as Porter while Penrose (1959) and Ansoff (1965) used the concept of competitive advantage before that time.

Competitive advantage is recognized as a continuous concern for all companies. According to Dussauge et al (1992) technology could be considered as the core element that enables the company to identify the two major generic strategies: cost leadership and differentiation. Porter defined competitive advantage as the heart of a company's performance and it's reflects companies' ability to offer consumers greater value, either by means of lower prices or by providing greater benefits and services that justifies higher prices (Porter, 2000). Order-winning criteria include rate of innovation, fitness for purpose, volume flexibility, variety, extreme customization and, above all, rapid responsiveness (Berawi, 2004; Porter, 2000). In addition, companies can create competitive advantage by achieving or discovering new and better ways to compete in an industry and taking them to the market, which is ultimately an act of innovation (Abdul-Rahman & Berawi, 2002; Porter 2000). Moreover, Porter (2000) stated that, recently, companies try to build up distinctive strategies that result in realistic profitability. Thus, he recommended a continuous development in products and in approaches to competing by the innovative use of technology. Strategic innovation is considered as the basis for competitive advantage (Grant, 2005); it is recognized as a source of competitive advantage (Porter, 1980).

When two or more firms compete within the same market, one firm possesses a competitive advantage over its rivals when it earns or has the potential to earn a persistently higher rate of profit (Porter, 1980; Grant, 1997; Hill et. al, 2001). Competitive advantage then is the ability of the firm to occupy a superior position in an industry and outperform its rivals on the primary performance goal- profitability. A company's superior competitive position allows it to achieve higher profitability than the industry's average (Porter, 1985). Competitive advantage can arise from various sources. According to Porter (1985), a firm can achieve a higher rate of profit (or potential profit) over a rival in one of two ways: either it supplies an identical product or service at a lower cost, in which case the firm possesses a cost advantage; or it can supply a product or service that is differentiated in such a way that the customer is being able to pay a price premium that exceeds the additional cost of the differentiation advantage.

## 2.3. The advantages of e-banking<sup>8</sup>

E-banking has recently come to be considered as one of the most effective banking transaction methods because it possesses many advantages which offline banking channels cannot offer. E-banking managers aim to utilize these advantages to increase the online banking adoption rate.

Based to a certain extent on reasons offered by Lee, there are two main types of perceived benefits, which can be categorized as direct and indirect advantages. Direct advantages refer to immediate and tangible benefits that customers would enjoy by using online banking. For example, customers can benefit from series of services, as a wider range of financial benefits, faster transaction speed, and increased information transparency.

First, this wider range of financial benefits includes the lower transaction handling fees, higher deposit rates, opportunities to win prizes and extra credit card bonus points.

Second, the faster transaction speed obviously means that time can be saved since online banking does not need paper documents, the processing of which can give rise to errors and delays, and which also requires more personnel. Online banking automates this process by mediating transactions through websites and electronic data interchange, and can also reduce the need for customers to communicate with bank staff regarding transaction details because these can be obtained from a website.

Third, during the transaction, online banking allows customers to monitor contractual performance at any time, or to confirm delivery automatically. In other words, more relevant information is immediately available and transparent to customers.

Indirect advantages are those benefits that are more intangible and difficult to measure. For example, online banking allows customer to perform banking transactions anywhere in the world and enjoy 24-hour service, as well as offering customers more investment opportunities and services, such as stock quotations and news updates.

Another classification for the benefits of e-banking is that based on from the viewpoint of customers, banking organizations and economy in general. IT as an enabler has broken all bounds of cost, distance and time.

### **3. Current situation of using e-banking in Albanian banking sector**

In the Albanian banking sector today operate 16 banks, with fully private capital and foreign capital dominates. The number of banks began to increase after the '90, when in 1992, 4 new banks were licensed. And over the years, banking sector in Albania, began to improve, thus increasing the number of banks that compete in this market, which definitely brought the increase of influence of this sector in economic development, through increased funding to individuals and firms in the economy.

This can be considered as a relatively large number of banks compare with the number of population in Albania, which increases the competition and makes it difficult the cooperation between banks to increase the interest rate. However if we compare our banking system with other regional countries, in Albanian banking system operates the smaller number of banks<sup>11</sup>.

In Albania, electronic services became part of the banking system much later compared to developed countries. Security of transactions has been one of the main problem that has accompanied the performance of electronic services in developed countries. Over time banks gained experience while minimizing some of the problems previously encountered. In Albania, the range of products that commercial banks have added as electronic products and services has increased over the years. As in the world, even in Albania they were initially foreign banks who first introduced electronic services. Later, even local banks agreed to offer their products electronically. The facts show that electronic services are in their infancy. The main reason lies in the cost-benefit ratio. If there is a significant number of clients that will use e-banking as a service then the high costs associated with providing this service would cause losses for banks. Electronic banking is actually associated with both the traditional channels (like counters and affiliates) and also automatic channels (ATM and POS). Multi-channel tracking strategy is aimed to strengthen client-bank relationship day after day. Supervision Report of 2006 showed that electronic products and services used by commercial banks in customer service were adopted as the provision of ATM services, electronic cards of almost all banks by increasing the speed and quality of service (Surveillanc Report , 2006)<sup>11</sup>.

The first bank that has provided e-banking is the American Bank of Albania in 2002, with the introduction of ABAflex. It remains the only bank that offers a package of services inherent in the Internet. Efforts by other banks to offer e-banking service were made by other banks such as for example the Raiffeisen Bank, National Bank, Credins etc. (BoA, 2007: 28). Today, among 16 banks that contain banking system in our country, only nine of them offer electronic services<sup>11</sup>.

### **Research methodology**

This study is designed to evaluate e-banking as a strategy and related methods adopted in banking sector in Albania to improve the customer satisfaction. The aim was to analyze customers' perception towards e-banking services, the quality of e-banking services provided by the banks and the constraints in achieving customer satisfaction. The study also recommends the possible and practical additional measures the banks should take in order to achieve maximum customer satisfaction.

Data were collected from the bank customers through self designed structured questionnaires. Out of 100 questionnaires distributed, only 62% were returned/ responded back. Non-probability sampling was used due to the limitation of resources and time. Data management and analyses were done using SPSS program and Microsoft excel.

### **Research results**

Out of 100 questionnaires distributed, only 62% were returned/ responded back. Out of 62 questionnaires collected, about 71% were female and 29% were male. Besides, 92% of samples hold bachelors or higher university degree. In terms of occupation about 87% of them were found engaged in the private sector 13% of the respondents were engaged in the public sector. Around 93% of the respondents in our sample have heard about the e-banking, out of which around 87% were the female respondents. Among those who have not heard about the e-banking most of them were the housewives (62.3%). About the source of respondents' knowledge about e-banking, 93% who have heard about the e-banking, 32% have heard from the media (television, radio, or newspaper), and 41% have got the information from the bank itself. Similarly, 27% of the respondents have got the information from other users of e-banking.

Out of 62 respondents under surveyed, 82% indicated they do e-banking service with their banks compare to 25% that do not. Only 17% of them preferred the face to face or conventional banking. This means that 83% prefer e-banking to the traditional banking system. The major types of e-banking services enjoyed by the customers in the following order are ATM banking (76%); Money Transfer (83%); and all Internet banking facilities (12%). The reasons given by the respondents for preferring e-banking to traditional banking practice include: availability of banking facility anytime and anywhere; it is easy to use; time saving; it offers a convenient way of operating banking transactions; there is no need for queuing. A greater proportion (87%) of the respondents is very comfortable with the e banking choice while only very few of them are not comfortable (13%). The reasons given by the respondents that are not comfortable are: security concern, lack of knowledge, unreliability and preference for face to face contact. The most part of the them who use e-banking hold bachelors, higher university degrees or were representatives of private businesses that operate in the area or employ of public agencies. For the two last categories this was not a new practice since they use internet services for other reasons at their businesses or agencies. This helps to understand the fact that greater proportion (82%) of the respondents do e-banking themselves while 18% sort help when doing e-banking. There are 78% respondents that indicated they were satisfied with the e-banking services provided by their banks while 22% are not satisfied. The reasons given by those respondents who are satisfied include: easy access, customer friendly environment, faster than conventional banking that mean no long lines for making money transfers, using your account anytime and anywhere, even when they are abroad, and assistant from bank employs any time. Those respondents not satisfied with the e-banking services gave the following reasons: slow response of Internet connection and inaccessibility.

When asked for the benefits of using e-banking, the respondents gave the following list: speedy transfer; efficient transactions; regular check of transaction and statement details, easy access; saves transaction costs; lower transaction fees. The expected associated risks of e-banking identified by the respondents from the study are: cyber fraud; cyber theft; security concerns; risk of hackers; leaked customer information; making closed system open up; third party intervention ; transaction process and wrong information/code from sender and others such as card retrieval problem, delay due to wrong codes, unreliable power supply, slow Internet connectivity, system failure/error and lack of knowledge. When asked whether or not customers' bank choice is influenced by the quality of e-banking services and/or products provided, the majority of the respondent in all the five banks included in the research were answered that they are satisfied with the e-banking services. Only in two of the banks, customers were very satisfied with the facilities and assistants provided by the banks employers in using e-banking. This trend if sustained, may give to these two banks a competitive advantage over others in the nearest future.

### **Concluding remarks**

A competitive advantage is an advantage gained over competitors by offering customers greater value, either through lower prices or by providing additional benefits and service that justify similar, or possibly higher, prices.

This study attempts to examine whether customers' choice of banks is influenced by the quality of e-banking services and products provided. In Albania, electronic services became part of the banking system much later compared to developed countries. Security of transactions has been one of the main problem that has accompanied the performance of electronic

services in developed countries. Over time banks gained experience while minimizing some of the problems previously encountered. Banks should drown themselves in all the intricacies regarding e-banking to determine ways that will affect the customers satisfaction and use it to their maximum benefit. The salient dimensions of marketing orientation which are customer and competitor orientation, are considered important strategic orientations to achieve a competitive advantage (Sørensen, 2009; Zhou et al., 2005; Slater and Narver, 1994; Day and Wensley, 1988; Day and Wensley, 1983).

## References

- Basheer Abbas Al-alak, Saeed (M.Z) A. Tarabieh., Gaining competitive advantage and organizational performance through customer orientation, innovation differentiation and market differentiation. International Journal of Economics and Management Sciences, Vol. 1, No. 5, 2011, pp. 80-91.
- Bashi. E., The Advantages of E-Banking in the Albanian Banking Sector (Case of Shkodra). European Academic Research Vol. I, Issue 12/ March 2014. Impact Factor: 3.1 (UIF). DRJI Value: 5.9 (B+). ISSN 2286-4822 [www.euacademic.org](http://www.euacademic.org).
- Calabrese A, Costa R, Menichini, T (2013) Using Fuzzy AHP to manage Intellectual Capital assets: an application to the ICT service industry. Expert Systems With Applications 40 (9): 3747-3755.
- Calabrese A, Scoglio F (2012) Reframing the past: A new approach in service quality assessment. Total Quality Management & Business Excellence. 23 (11-12): 1329-1343.
- Capece. G., Campisi. D. A Behavioral Model of E-Banking Usage in Italy. Int. j. eng. bus. manag., 2013, Vol. 5, 16:2013. [www.intechopen.com](http://www.intechopen.com).
- Carignani. A., Seifert. F., Competitive Advantage, Online Brokerage and IT: evidence from Italian and German companies.
- Costa, R (2012) Assessing Intellectual Capital efficiency and productivity: an application to the Italian yacht manufacturing sector. Expert Systems With Applications. 39 (8): 7255-7261.
- Guendalina Capece1,\* and Domenico Campisi1 - A Behavioural Model of E-Banking Usage in Italy. International Journal of Engineering Business Management.
- Huang S-M, Hung Y-C, Yen DC (2005) A study on decision factors in adopting an online stock trading system by brokers in Taiwan. Decis Support Syst 40(2): 315–28.
- K.Saranya, K.S.Gunasri. "Challenges in E-Banking", International Journal of scientific research and management (IJSRM), Special Issue On e-Marketing Road Ahead Of India, Pages, 22.27.2013.Website: [www.ijsrn.in](http://www.ijsrn.in) ISSN (e): 2321-3418
- Kripa.E., Seita.M., Factors influencing the usage of e-banking service by individuals. European Academic Research Vol. III, Issue 2/ May 2015. Impact Factor: 3.4546 (UIF) DRJI Value: 5.9 (B+). ISSN 2286-4822. [www.euacademic.org](http://www.euacademic.org).
- Lee M-C (2008) Predicting behavioral intention to use online banking. In: Proceedings of the 19th International Conference on Information Management, Taiwan.
- Matraku. D., Gjoka. E., Competition in Albanian banking sector. International Journal of Business and Management Vol. II (1), 2014.
- Matraku. D., Gjoka.E., Competition in Albanian banking sector. International Journal of Business and Management Vol. II (1), 2014.
- Megha Arunkumar Jain, G. H Barhate - A Study on Emerging Opportunities & Challenges Towards E-Banking System in India. – international Journal of scientific research. Volume : 3 | Issue : 9 | September 2014 • ISSN No 2277 – 8179.
- Megha Arunkumar Jain, G. H Barhate. "A Study on Emerging Opportunities & Challenges Towards E-Banking System in India", International Journal of scientific research. Volume: 3, Issue:9, September 2014. ISSN No 2277 – 8179.
- Momeni.M., Kheiry.B., Dashtipou.M., Analysis the effects of Electronic Banking on Customer Satisfaction and Loyalty (Case study: Selected Branches of Mellí Bank in Tehran). Interdisciplinary journal of contemporary research in business. April 2013, Vol. 4, No. 12. [ijcrb.webs.com](http://ijcrb.webs.com).
- Naqellari.A., Pacukaj.S., Shahini.E., Development Of The Banking Market In Albania. European Journal of Sustainable Development (2014), 3, 3, 329-344 ISSN: 2239-5938.
- Omari.H., Bataineh. T., The Impact of e-Banking on Achieving Competitive Advantage for Banks in Jordan. Interdisciplinary journal of contemporary research in business. November 2012, Vol.4. No. 7.
- Salim Al-Hajri. International Review of Business Research Papers Vol. 4 No. 5 October-November 2008 Pp. 120-128

Salim Al-Hajri. The Adoption of e-Banking: The Case of Omani Banks. International Review of Business Research Papers. Vol. 4 No. 5 October-November 2008 Pp. 120-128

Shingjergji. A., Shingjergji. A. Analysis of the Albanian Banking System in the Transition Years. International Journal of Business and Commerce Vol. 2, No.4: Dec 2012[78-89] (ISSN: 2225-2436). www.ijbcnet.com.

Spaho. A., Ramaj. T., Electronic banking usage in Albani: A statistical analysis. IMPACT: International Journal of Research in Business Management (IMPACT: IJRBMI). ISSN(E): 2321-886X; ISSN(P): 2347-4572 Vol. 2, Issue 12, Dec 2014, 1-10. © Impact Journals.

Vadinaj. E., E-banking – The main perspective in developing the financial system in Albania. Economics Questions, Issues and Problems, ISBN 978-80-89691-07-4.

R.A. Gbadayan, O.O.Akinyosoye – Gbonda. Customers' preferences for e-banking services: A case study of selected banks in Sierra Leone. Australian Journal of Business and Management Research Vol.1, No.4, pg. 108-116. July-2011.

## Racial Discrimination in Albania - an EU and Albanian Legal Framework Analysis

Alma Hoti

European University of Tirana, Albania [ab.hoti@yahoo.com](mailto:ab.hoti@yahoo.com)

### Abstract

*Racial discrimination remains a sensitive issue in the level of academic debate as well as in the daily policy level. Although researchers identify various influencing factors on racial discrimination, they have different opinions about which of them is more important. This paper analyzes racial discrimination from a legal perspective, in the context of Albania, and the role of national factors, specifically the Albanian Legislature. The study attempts to clarify three issues: 1) the Albanian standards according to racial discrimination expressed in the legislature laws; 2) the degree of proximity of the Albanian standards with the international standards on racial discrimination, and 3) the impact of national legislation and its amendments on the extent of racial discrimination. Looking at the dynamics of racial discrimination and based on the laws approved by the Albanian legislature during the last fifteen years, the analysis concludes on three observations. Firstly, the laws enacted by the legislature are characterized by the tendency of change, approximation, and alignment with the international standards related to racial discrimination, specifically the standards of the EU legislation. Secondly, racial discrimination is still practiced in Albania despite the fact that the Albanian legislature has adopted laws that aim at the control and reduction of it's the levels. Thirdly, the fact that racial discrimination continues to be practiced and felt in Albania despite the legislative efforts to reduce it, shows that the role and impact of the national legal factor, although it may be considered a necessary condition and of a positive character, in the case of Albania still remains insufficient to control on its own the dynamics of racial discrimination.*

**Keywords:** Racial discrimination, Albanian legislation, international standards, Albanian Standards.

