



ICSS IX

9th International Conference on Social Sciences

8-9 April 2016

Dubrovnik

Proceedings Book

Volume III

Edited by

Prof. Dr. Siniša Opić

ISBN 978-88-909163-7-3



9 788890 916373

REVISTIA
PUBLISHING AND RESEARCH

9th International Conference on Social Sciences
8-9 April 2016, Dubrovnik

Proceedings Book Volume III

ISBN 9788890916373

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 by EUSER in cooperation with MCSER, Rome-Italy

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

International Scientific and Advisory Board

- Ewa Jurczyk-Romanowska**, PhD - University of Wrocław, Poland
- M. Edward Kenneth Lebaka**, PhD - University of South Africa (UNISA)
- Sri Nuryanti**, PhD - Indonesian Institute of Sciences, Indonesia
- Basira Azizaliyeva**, PhD - National Academy of Sciences, Azerbaijan
- Federica Roccisano**, PhD -
- Neriman Kara** - Signature Executive Academy UK
- Thanapauge Chamaratana**, PhD - Khon Kaen University, Thailand
- Michelle Nave Valadão**, PhD - Federal University of Viçosa, Brazil
- Fouzi Abderzag**, PhD
- Agnieszka Huterska**, PhD - Nicolaus Copernicus University in Toruń
- Rudite Koka**, PhD - Rīgas Stradiņa universitāte, Latvia
- Mihail Cocosila**, PhD - Athabasca University, Canada
- Gjilda Alimhilli Prendushi**, PhD -
- Miriam Aparicio**, PhD - National Scientific and Technical Research Council - Argentina
- Victor V. Muravyev**, PhD - Syktyvkar State University of Pitirim Sorokin, Russia
- Charalampos Kyriakidis** - National Technical University of Athens, Greece
- Wan Kamal Mujani**, PhD - The National Universiti of Malaysia
- Maria Irma Botero Ospina**, PhD - Universidad Militar Nueva Granada, Colombia
- Mohd Aderi Che Noh**, PhD - National University of Malaysia
- Maleerat Ka-Kan-Dee**, PhD
- Frederico Figueiredo**, PhD - Centro Universitário Una, Belo Horizonte, Brazil
- Iryna Didenko**, PhD - Taras Shevchenko National University of Kyiv, Ukraine
- Carlene Cornish**, PhD - University of Essex, UK
- Sadegh Ebrahimi Kavari**, PhD
- Mohammed Mahdi Saleh**, PhD - University of Jordan
- Andrei Novac**, MD - University of California Irvine, USA
- Ngo Minh Hien**, PhD - The University of Da Nang- University of Science and Education, Vietnam
- Kawpong Polyorat**, PhD - Khon Kaen University, Thailand
- Haitham Abd El-Razek El-Sawalhy**, PhD - University of Sadat City, Egypt
- Ezzadin N. M.Amin Baban**, PhD - University of Sulaimani, Sulaimaniya, Iraq
- Ahmet Ecirli**, PhD - Institute of Sociology, Bucharest, Romania

Dominika Pazder, PhD - Poznań University of Technology, Poland

Sassi Boudemagh Souad, PhD - Université Constantine 3 Salah Boubnider, Algérie

Lulzim Murtezani, PhD - State University of Tetovo, FYROM

Ebrahim Roumina, PhD - Tarbiat Modares University, Iran

Gazment Koduzi, PhD - University "Aleksander Xhuvani", Elbasan, Albania

Sindorela Doli-Kryeziu - University of Gjakova "Fehmi Agani", Kosovo

Nicos Rodosthenous, PhD - Aristotle University of Thessaloniki, Greece

Irene Salmaso, PhD - University of Florence, Italy

Non Naprathansuk, PhD - Maejo University, Chiang Mai, Thailand

TABLE OF CONTENTS

THE IMPACT OF MODERN TRENDS IN THE SOCIAL WORK AND SOCIAL CARE IN THE REPUBLIC OF MACEDONIA	13
PHD. BILJANA NACKOVSKA – VELJKOVIKJ	13
USING BENEFIT SOUGHT VARIABLES FOR SOFT DRINKS CONSUMERS SEGMENTATION-CASE STUDY CITY OF PRISTINA.....	21
ARSIM BEGUNCA	21
THE COMPARISON OF MCDM METHODS INCLUDING AHP, TOPSIS AND MAUT WITH AN APPLICATION ON GENDER INEQUALITY INDEX.....	28
LATIFE SINEM SARUL	28
ÖZGE EREN.....	28
THE INVESTMENT AND NET INTEREST MARGIN: CASE STUDY COMMERCIAL BANKS IN KOSOVO	43
FIDANE SPAHIJA.....	43
THE ROLE OF TAXES IN ECONOMIC DEVELOPMENT OF KOSOVO.....	53
ARTAN NIMANI	53
TEACHING FOREIGN LANGUAGES THROUGH CULTURE	58
PHD. CAND. ARTI OMERI	58
COMMUNICATION AS THE CENTER OF TEACHING/LEARNING PROCESS OF FOREIGN LANGUAGES (THE CASE OF FRENCH LANGUAGE)	63
DR. LEONARDA MYSLIHAKA	63
A STUDY ON THE IMPACT OF RU-486 ON WOMEN’S HEALTH IN THE ALBANIAN CONTEXT.	71
ADELINA KAKIJA.....	71
GENERATING POSITIVE ORIENTATION IN THERAPY OR CONSULTATION: A PERSPECTIVE THROUGH AN ARTICLE REVIEW ON POSITIVE PSYCHOLOGY	81
MEHMET ASLAN	81
THE DIDACTIC OF SUSTAINABLE DEVELOPMENT TERMS IN SCIENCE EDUCATION	85
FATIH SEKER.....	85
BAHATTIN AYDINLI	85

BIG DATA USING CLOUD COMPUTING - OPPORTUNITIES FOR SMALL AND MEDIUM-SIZED ENTERPRISES.....	95
DR. NARASIMHA RAO VAJJHALA	95
DR. ERVIN RAMOLLARI.....	95
PROGRES OF THE PUBLIC PROCUREMENT SYSTEM IN ALBANIA AND IN THE EUROPEAN UNION	104
EMALITA DOBRA.....	104
COOPERATION AND IMPORTANCE OF SCHOOL AND FAMILY ON VALUES EDUCATION	117
ASSIST. PROF. DR. CIHAT YAŞAROĞLU	117
IMAGOLOGY OF IRANIANS IN ONE THOUSAND NIGHTS AND ONE NIGHT	123
EHSAN GHABOOL.....	123
MINA RAVANSALAR.....	123
ECONOMIC GROWTH, POLICIES AND INFLUENCING FACTORS: THE CASE OF ALBANIA.....	130
DR. ELENI VANGJELI	130
DR. ANILA MANCKA.....	130
TRANSPARENCY AND EDUCATIONAL IMPROVEMENT – FRIENDS OR FOES? THE CASE OF CROATIA	139
IVANA ĆOSIĆ, PHD.....	139
MARIAN NINČEVIĆ.....	139
GRANDPARENTS OF AUTISTIC CHILDREN - THE BEST SUPPORT SYSTEM.....	142
ELONA MANO	142
COUNCIL OF EUROPE AND ITS PRIORITIES ON THE REFORM OF THE LEGAL SYSTEM IN ALBANIA	146
DR. LORENC DANAJ.....	146
LISIEN DAMINI (MSc)	146
EVIS CELO (PH. D)	146
STUDENTS’ POINTS OF VIEW ABOUT LEARNING ENGLISH AS A FOREIGN LANGUAGE THROUGH COMMUNICATION AND INTERACTION IN 9-YEAR ELEMENTARY SCHOOLS (ALBANIAN CONTEXT)	151
EVIS KAPURANI.....	151

MARITIME ENGLISH - TEACHING COMPETENCIES IN FACILITATING DIFFICULTIES WITH STUDENTS	158
Evis CELO (PHD)	158
DR. LORENC DANAJ	158
JONIL CELO MSc.	158
ESTIMATING BARRO MISERY INDEX IN DEMOCRATIC STATES WITH APPLICATION IN ALBANIA: 2005 – 2014	168
PROF. DR FEJZI KOLANECI.....	168
JUXHEN DUZHA	168
ENXHI LIKA	168
INTERACTIONS BETWEEN LEXICAL AND ASPECTUAL MEANINGS IN ALBANIAN	187
PROF. DR. GJILDA ALIMHILLI PRENDUSHI	187
KOSOVO – UNIQUE CASE OF THE PARALLEL JUSTICE SYSTEM	194
HAKI KABASHI	194
HELPING WOMEN COPE WITH LIFE BEHIND BARS	203
KHAMSI AH ISMAIL, PH.D.....	203
NOR FARIDAH ABD. MANAF, PH.D	203
FARIZAH JAAFAR, PH.D	203
CHE NORAINI HASHIM, PH.D	203
HERZBERG'S MOTIVATION- HYGIENE THEORY APPLIED TO HIGH SCHOOL TEACHERS IN TURKEY	211
ATALIÇ HILMI	211
CAN ALI	211
CANTÜRK NIHAL	211
HUMAN RIGHT EDUCATION AS PART OF EDUCATION FOR DEMOCRACY: THE CASE OF ALBANIA	219
GENT SINANI.....	219
NATIONAL CULTURE AND THE MODEL OF BUSINESS ORGANIZATION FOR THE CASE OF KOSOVO	225
PROF. ASS. DR. HYSNI TERZIU	225
ECONOMETRIC MODELING AND FORECASTING OF FOOD EXPORTS IN ALBANIA	235

PROF. ASSOC. DR. ALMA BRAIMLLARI (SPAHO)	235
OLTIANA TOSHKOLLARI	235
THE ESP TECHNOLOGY-SUPPORTED LEARNING ENVIRONMENT.....	244
SLAĐANA ŽIVKOVIĆ, PHD	244
REVALUATION OF THE LOCAL PRODUCT, A GOOD OPPORTUNITY FOR THE RURAL DEVELOPMENT IN ALBANIA	253
PROF. EDLIRA LLAZO PH. D.....	253
THE LEGAL POSITION OF NATIONAL MINORITIES AND THE FORMATION OF STATE IN YEARS'20	260
PHD. CAND. MARENGLÉN COBO	260
THE ROLE OF PRINTED MEDIA REGARDING THE POSITION OF WOMAN IN ALBANIA	267
ISIDA HOXHA	267
NORMATIVE AND PRACTICAL ASPECTS RELATED TO THE CAUSES OF DISSOLUTION OF MARRIAGE IN ROMAN LAW	273
SULEJMAN AHMEDI, PH. D. CAND.	273
JOB DISCRIMINATION AND ETHICS IN THE WORKPLACE	277
PHD CAND.. GENTISA FURXHI.....	277
PROF. AS. DR. SONELA STILLO	277
MSC. ENSLEMVERA ZAKE (FURXHI)	277
PROPHETIC MEDICINE (AL-TIBB AL-NABAWĪ): IS HISTORICITY OR FICTION?.....	285
PROF. DR. LEVENT ÖZTURK	285
MEDICAL NEGLIGENCE DISPUTE IN MALAYSIA: CHOOSING MEDIATION AS THE BEST CONSTRUCTIVE APPROACH TO ADDRESS THE PARADOXES IN MEDICAL NEGLIGENCE CLAIMS	290
MAIZATUL FARISAH MOHD MOKHTAR.....	290
THE POLICY FOR MAINTENANCE OF NATIONAL AND RURAL ROADS NETWORK IN ALBANIA ..	300
DR. ALMA GOLGOTA	300
MSc. DIANA BARDHI.....	300
THE IMPACT OF AVOIDABLE MORTALITY ON THE LIFE EXPECTANCY IN BULGARIAN POPULATION.....	315
ASSIST. PROF. DR. MARIANA MOURGOVA, PHD	315

DEVELOPMENT THROUGH GOOD GOVERNANCE	320
ASS. PROF. DR. MARSIDA ASHIKU	320
ASS. PROF. DR. NADA KRYPA (TAPIJA).....	320
DOES ENHANCING OF THE COMPETITIVENESS INFLUENCE ON FOREIGN DIRECT INVESTMENTS IN WESTERN BALKAN COUNTRIES?	326
MATEA ZLATKOVIĆ.....	326
SOCIAL IMPACT OF THE URBAN TRANSFORMATION (DIYARBAKIR SAMPE)	336
MEHMET SEYMAN ÖNDER	336
INTERNATIONAL CHILD ABDUCTION IN CIVIL MATTERS PURSUANT TO KOSOVO LEGISLATION	347
MA. SC. NEHAT IDRIZI - PHD	347
THE CHURCH, THE PULPIT, AND THE POOR. THE ROLE OF PREACHING IN POOR RELIEF EFFORTS IN THE THINKING OF SAMUEL MCCOMB (1864-1938)	355
SIMUÇ CIPRIAN, PHD.....	355
THE PENSION SYSTEM OF BOSNIA AND HERZEGOVINA: PROBLEMS AND PERSPECTIVES	364
NIKOLINA BOŠNJAK	364
APPLYING SOCIOLOGICAL KNOWLEDGE TO PRODUCE POSITIVE SOCIAL CHANGE. - NEW FORMS OF EMPLOYMENT AND THE CASE OF FLEXICURITY	373
NIKOS NAGOPOULOS.....	373
KOSTAS RONTOS.....	373
IMPORTANCE OF SCHOOL SOCIAL WORK IN WAR AND CONFLICTS ZONE	385
PROF. DR. NURDAN DUMAN	385
YASER SNOUBAR	385
THE REPRESENTATION OF WOMEN IN TURKISH LOCAL GOVERNMENTS.....	389
PINAR SAVAŞ-YAVUZÇEHRE.....	389
MISRA CIĞEROĞLU-ÖZTEPE	389
INVESTMENT PROPERTY IN THE FINANCIAL STATEMENTS OF CAPITAL GROUPS LISTED ON THE WARSAW STOCK EXCHANGE.....	399
PIOTR PREWYSZ-KWINTO	399
GRAŻYNA VOSS	399

SELF PRESENTATION OF COMMUNIST ALBANIA THROUGH THE ANTAGONIST DISCOURSE.....	407
ROMIRA MUKA	407
QUALITY OF SERVICE TO THE REGIONAL ROAD TRANSPORT SERVICE	413
SUELA E. SHPUZA.....	413
YOUTH CATEGORIES AND DRUGS IN KOSOVO (2001-2014).....	419
MSC. RRAHMAN SYLEJMANI, PHD CAND.	419
SOCIAL CIRCUMSTANCES OF DEVIANT PEOPLE, CASE STUDY IN GJAKOVA REGION.....	425
BEKIM AVDIAJ	425
HOW DOES TECHNOLOGY INFLUENCE ON EDUCATION IN NOWADAYS?.....	436
PHD CAND. SONILA TATILI.....	436
PROF. ASOC. DR TOMI TRESKA.....	436
MSC. BELINDA MERO	436
STATE FAILURE AND THE POLITICAL VIOLENCE PHENOMENON: A COMPARATIVE ANALYSIS OF IRAQ AND SYRIA CASES.....	440
K. EYLEM ÖZKAYA LASSALLE.....	440
THE APPRAISAL OF COMMITMENT IN ORGANIZATIONAL ENVIRONMENTS- DIFFERENTIATING ORGANIZATIONAL COMMITMENT FROM EMPLOYEE SATISFACTION	448
PHD CAND. RADU FLOREA	448
THE RELIGIOUS TOLERANCE OF ALBANIANS AS SOCIAL VALUES.....	453
PROF. DR. GJERGJ SINANI	453
POETICS OF SLOGANS IN YACHTING ADS	460
TOMISLAV SKRAČIĆ, MA	460
MARKO BORAK, MSC.....	460
RELATIONSHIP OF EMOTIONAL INTELIIGENCE AND EMOTIONAL AND BEHAVIOR PROBLEMS SCALES OF CHILDREN 10-12 YEARS OLD – PARENTS REPORT	478
EVIS FILI.....	478
SOCIOLOGY BY TEACHERS, SENIOR STUDENTS AND PROFESSIONAL MASTER STUDENTS FOR TEACHING	484
MA/MSC AIDA SERJANAJ	484

PRICE COMPETITIVENESS OF INTERNATIONAL TOURISM DESTINATIONS AND TOURISM DEMAND, TOURISM RECEIPTS RELATIONSHIP	491
RAMAZAN GÖRAL	491
ABOUT THE METHODOLOGY OF TEACHING MATHEMATICS.....	500
PROF. DR. OLGA YANUSHKEVICHIENE	500
CORRUPTION, THE CHALLENGE FOR KOSOVO INSTITUTIONS.....	503
MR.SC. RESHAT MALIQI, PHD CAND.....	503
THE STRESS IN THE WORKING ENVIRONMENT: A GENERAL POINT OF VIEW OF THE EFFECTS OF STRESS ON THE PRODUCTIVITY OF NURSES	509
VIOLETA SADIKU(ALTERZIU).....	509
MEASURES TO PROTECT PATIENT RIGHTS BY MONITORING THE EUROPEAN PHARMACEUTICAL MARKET	517
CRISTINA-LUIZA ERIMIA	517
RODICA SÎRBU	517
MELAT CHERIM.....	517
STELIAN PARIS.....	517
OBTAINING OF COLLAGEN BIOMATERIALS AND THEIR USE IN THE MEDICAL FIELD	523
RODICA SIRBU	523
CRISTINA-LUIZA ERIMIA	523
ALEF MUSTAFA.....	523
ANETA TOMESCU.....	523
ELEMENTS OF NATIONAL IDENTITY IN NOWADAYS SOCIAL MEDIA.....	532
PHD. LECT. OANA BARBU-KLEITSCH.....	532
CHARACTERISTICS OF HUMAN RESOURCE MANAGEMENT IN SMES IN SERBIA	541
AZRA HANIĆ	541
ŽIVKA PRŽULJ.....	541
MARIJA LAZAREVIĆ-MORAVČEVIĆ.....	541
THE ADVANTAGES OF THE ACQUISITION OF IDIOMATIC UNITS IN TERMS OF BILINGUALISM .	551
ASSOC. PROF. DR. ELONA ÇEÇE.....	551
SARA ÇEÇE	551

A STUDY OF INTERNATIONAL STUDENTS' EXPOSURE ACCULTURATION IN TERMS OF FOOD, CLOTHING, ORNAMENTATION: THE CASE OF KONYA.....	553
RAMAZAN ÇAKIR	553
THE UNIVERSITY ROLE IN THE POST-TOTALITARIAN SOCIETIES: INFLUENCE OF EU AND INTERNATIONAL INSTITUTIONS IN ALBANIAN HIGHER EDUCATION.....	554
ELONA MEHMETI.....	554
CHALLENGES FOR A POPULATION POLICY IN ROMANIA.....	555
DR. IULIAN STĂNESCU.....	555
PUBLIC SPACES AND RELATIONS BETWEEN INDIVIDUALS	556
ERJONA FUSHA.....	556
ASSIST. PROF. DR. FERIHAN POLAT	557
ÖZLEM ÖZDEŞİM SUBAY.....	557
PARLIAMENTARY CONTROL FUNCTIONS: KOSOVO CASE	559
<i>Msc. VAIT QERIMI, PHD (c)</i>	559
MINIMUM INCLUSION INCOME, ROMANIA'S NEW SOLUTION FOR SOCIAL BENEFITS.....	560
CODRIN SCUTARU, PHD	560
MIGRATION AS A SOCIAL PROBLEM, TODAY	561
MONA SIMU, PHD. CAND.	561
MEANS OF EVIDENCE IN THE CONTESTED PROCEDURE.....	562
M.SC. ARTAN QERKINI	562

The Impact of Modern Trends in the Social Work and Social Care in the Republic of Macedonia

PhD. Biljana Nackovska – Veljkovikj

nackovska@gmail.com

Abstract

Social care is an organised network of institutional and non-institutional facilities designed to meet the needs of citizens. The reforms that are taking place in social protection are influenced by modern trends in social work, expressed through decentralization, de-institutionalization, pluralism, strengthening of civil society and the possibility of providing private services, affecting and enriching the content of social work. These change the relationship to the client's position and improve the professionalism of social worker. Changes in social policy, resulting from diverting from central to local level, influence and give direction to the overall social activity. The paper describes the three components thereof (areas): the state of social work and social protection in the Republic of Macedonia, rights and services in the social protection system in the Republic of Macedonia and research part. Starting from the assumption that modern trends affect reforms in the social protection system of the Republic of Macedonia, this paper aims to determine the state of social protection in the Republic of Macedonia. The aim is to gain knowledge about the situation and the changes occurring in the social institutions of public character, influenced by modern trends. Also this paper makes analysis of the legislation in the Republic of Macedonia in the field of social protection. Ultimate goals of the implementation of reforms in the social protection are the welfare of the beneficiary, improving the quality of work and professional development of social workers.

Keywords: social work, social care, reforms, decentralisation, de-institutionalisation, pluralisation, rights and services in the social protection.

Introduction

Internationalisation and globalisation do not avoid any country in the world, and this continuous process is also reflected in the Republic of Macedonia, which is a signatory of several international conventions declarations, charters and strategic documents. Hence, the state social policy implemented by the Ministry of Labour and Social Policy is in line with European trends and values, based on which a number of laws, regulations, national strategies and programs have been developed and implemented. New trends in social work cause changes in the organizational structure, management and activities, i. e. changes in the socio-structural and personal orientations methodical action of social work.

The state of social work and social protection in the Republic of Macedonia

Development trends in modern social work are connected with the establishment of specialised services for social activities that employ large number of professionals from different profiles, such as social workers, pedagogues, psychologists, lawyers and others. In the Republic of Macedonia, besides the institutions of closed type, intended for certain categories of beneficiaries depending on age and social problem, the only institutions of open type operating in the area of social protection are the Centres for social work.

Social work has its application in various areas, but when it comes to social work in the Republic of Macedonia and beyond, it is often understood as social protection, an area in which the social work is formed and has the oldest tradition. Hence the most frequently used working method is social work with an individual and family. Also in the literature, the social protection is often pointed out as a primary social work, therefore when talking about social work, primarily meant is the area of social protection and the mention working method.

The state ensures the social protection and security of citizens, according to the principles of social justice, but also it provides special care and protection of the family. Humanism, social justice and solidarity are fundamental values underlying the constitutional order of the Republic of Macedonia. According to constitutional provisions, the Law on social protection was adopted in 1997, undergoing several amendments and supplements, and represents the cornerstone of state laws on social protection in our country

The system of social protection is a complex system operating on the basis of interconnected sub-systems:

Sub-system of social protection conducted by the Centres for social work

Sub-system of non-institutional care, conducted by the Daily centres for protection of elderly and infirm persons, adults at social risk and persons with disabilities

Sub-system of institutional care conducted by the Institutions for accommodation of persons at social risk

Sub-system of financial assistance that guarantees the necessary means for the persons at risk and is implemented through the Centres for social work. (Amicin, 2004)

The Republic of Macedonia as a signatory of a number of international declarations, agreements and conventions is obliged to ensure respect and realisation of the fundamental human rights and freedoms and realisation of social rights of every citizen in the country. The principles of social solidarity, the principle of assistance, the principle of authorisation and various principle related to the management (adequate administration, equal treatment, legal security, trust in administrative bodies) are implemented in the Law on Social Protection (1997). The reforms in the social protection system consist of retaining the good practices and introducing new principles, such as pluralism in the social protection, social inclusion and decentralisation of the supply in the social protection.

Pluralism in the social protection means creating conditions for various entities to provide certain services in the social protection. According to the Law on Social Protection of 2007, article 47 paragraph 5, besides the Government of the Republic of Macedonia, that is the Ministry of Labour and Social Policy, other physical and legal entities and the local self-government units may establish institutions for social protection. Also, this Law regulates the participation of the non-governmental sector in social services provision. The amendments to the Law on social protection in 2004, provide an opportunity for all interested civil organizations in the field of social protection to be registered in the register kept by the Ministry of Labour and Social Policy (MLSP), and implement a part of the programmes for social protection. In addition to associations, certain individuals have the opportunity to carry out certain activities in the field of social protection as a professional activity. This enables self-employment of persons who meet the criteria for performing activities of social protection, in cooperation with the competent Centres for Social Work. In this regard Pejkovski points to the need to create legal and systematic basis for developing social entrepreneurship, whereas potential forms of social enterprises would be: social enterprises, NGOs, cooperatives or social cooperatives, foundations and trusts, religious and humanitarian organizations (Pejkovski 2014).

The principle of decentralisation means planning and implementing social policy at local level according to the needs and possibilities of the specific local community. (Amicin, 2004) Decentralisation process in the area of social protection in our country started in 2004 and is implemented through a transfer of certain institutions for social protection into competence of the municipalities and also inclusion of the local self-government in the identification of the needs for social protection for the citizens from its area. Namely, when it comes to the planning of the activities for decentralised social protection, then the policy is specific and corresponds exactly to the needs and interests of the citizens who participate in it. Therefore, the municipalities have a responsibility to prepare development programmes for the specific needs for social protection for the citizens of their areas. The objective of the programmes is to determine the exposure of citizens to social risks, to determine the number of beneficiaries in the system of social protection, rights and services of social protection being used, the availability of social services and institutions to the citizens and the possibilities of the municipality to carry out specific measures to reduce and mitigate the situation. Within the program, and depending on funding provided by the municipality, the immediate care for citizens can be achieved through the establishment of appropriate institutions or the development of non-institutional forms of social protection.

Social inclusion implies inclusion of vulnerable groups in social and economic life, building human capital and increase the potential of people at risk. (Amicin, 2004). The process of deinstitutionalisation of the social protection system in our country is carried out by taking measures and activities for the promotion of alternative forms of social services, expanding the opportunities for assistance and support to the beneficiaries and their families by providing social protection in the place of residence of the person and his/her biological family. In this regard, apart from the possibility of using cash benefits in accordance with the beneficiary needs, other forms of social inclusion of people who need assistance and support from the community are being constantly developed.

Rights and services in the social protection system in the Republic of Macedonia

The Law on Social Protection regulates the system and organization of social protection, the right to social protection, funding and procedures for exercising the right to social protection. Social protection is a system of measures, activities and policies for preventing and overcoming basic social risks to which citizens are exposed throughout life, reducing poverty and social exclusion and strengthening its capacity for its own protection. Social risks include: health risks (illness, injury and disability), old age and aging, single parent family, risks of unemployment, loss of income support on the basis of job, risks of poverty and other kinds of social exclusion.

The social protection is an activity of public interest. On the basis of rights to social protection, and under conditions stipulated by the Law on Social Protection from 2009, measures are undertaken through which social prevention, non-institutional and institutional protection and financial assistance for social protection are realised.

The system and organisation of social protection consist of the institutions, measures, activities and forms that are realised within the realisation of citizens' rights in the area of social protection. The Government determines the network of public institutions for social protection. Social protection is accomplished through professional work in institutions for social protection, implementation of development programmes, professional development of staff depending on the user needs and international standards, monitoring the conditions and work planning, record-keeping, as well as conducting surveillance and research in this area. The public servants in the public institution for social protection are personally responsible for the performance of duties and tasks in the workplace. The Law on Public Servants of 2013 except the violations committed by a public official in a public institution for social protection also considers disrespect for the Code of experts in social protection institutions (adopted by the Commission for licensing) or failure to provide the social protection of the person in social risk, as disciplinary offense.

By determining measures and activities for social prevention (Articles 24 and 25 of the Law on Social Protection, 2009), the occurrence of social risks is prevented, early detection and early treatment of citizens exposed to social risk is done. The aim of social prevention is to overcome or mitigate the adverse effects of exposure to social risks. Measures to prevent social risks for the citizen, family or group of people, are implemented in particular through education and counselling, development of forms of self-help, voluntary work with personal engagement, as well as through implementation of other methods that suit the needs of the beneficiaries of social protection.

According to Article 26 of the Law on Social Protection (2009), non-institutional care is provided in or through the Centre for Social Work and covers: the right of first social service of social protection, assistance to an individual, assistance to family, home care and assistance to an individual and family, daily and temporary care to help an individual or family, placement in a foster family, placement in a small group home and organized supported living. Institutional care includes the right to training for working-production activity and the right to accommodation in an institution for social protection (Article 41). The right to accommodation in an institution of social protection is provided to: children without parents and parental care until being enabled for independent life and work, and latest until the completion of secondary education, if there are no possibilities to provide care and education otherwise; children with educational and social problems, ignored, neglected, abused and financially insecure; children victims of domestic violence, with disorderly conduct; pregnant women a month before delivery and single parents with a child up to three months of age; people with moderate and severe mental disabilities sent to training for employment and productive activity; people with profound mental disabilities and people with permanent physical disability who need permanent care, the elderly, adults with physical disabilities and mental disabilities who are unable to take care of themselves, and who due to the and family situation are unable to provide protection otherwise; and asylum seekers.

According to Article 132 of the Law on Social Protection of 2009, institutional care is performed by the institutions for: accommodation for infants and young children without parents and parental care until the age of three; orphans and children without parental care over three years of age and youth; children and youth with educational and social problems; children and youth with behavioural problems; children and youth with moderate and severe mental disabilities; children and youth with physical disabilities; elderly, adults with physical disabilities; people with mental disabilities; and asylum seekers. Institutions for non-institutional social protection are: centres for social work; daily centres and clubs for elderly and adults; daily centres for street children; daily centres for people who use or abuse drugs and other psychotropic substances and precursors; daily centres for people who abuse alcohol or are being treated for alcohol addiction; centres for homeless persons; centres for persons - victims of domestic violence; centres for persons - victims of trafficking; daily centres for people with mental or physical disabilities; centres for assistance at home; centres for social rehabilitation of persons abusing drugs and other psychotropic substances and precursors, i. e. therapeutic community; small group homes and counselling centres.

With the amendments to the Law on social protection in 2011 and 2013, the right to financial assistance for social protection includes: social financial assistance, permanent financial assistance, financial assistance to a person who until the age of 18 years had the status of a child without parents and parental care, financial assistance to a mother who gave birth to a fourth child, financial assistance to foster, allowance for assistance and care by another person, one-off financial assistance and assistance in kind, salary compensation for reduced working hours for care of a child with physical or mental disabilities, financial assistance for social housing, right to health care and allowance for blindness, mobility and deafness.

Research

In order to determine the impact of modern trends in social work on the reforms in the social protection system of the Republic of Macedonia, research was conducted in 2014 and it included interviews with experts from the Ministry of Labour and Social Policy, Institute for Social Affairs and the Institute for Social Work and Social Policy and surveyed of 100 social workers employed in eight centres for social work in the Republic of Macedonia. The research was conducted as a part of the doctoral dissertation "Ethical profile of the social worker and modern trends in the social work".¹

Combined qualitative-quantitative methodology was applied. The research method is exploratory, and in that context, the applied research techniques were: survey questionnaire, interview and content analysis. Data processing used mainly statistical methods, while analytic-synthetic method, comparative method and the method of generalisation were used in the theoretical analysis. Social workers were included in the research as research unit. The research sample has been combined with intended and random choice. The research was conducted in in eight towns in the Republic of Macedonia, considered to be typical representatives of the basic regions (Eastern, Western, Central and the City of Skopje) – Skopje, Bitola, Prilep, Tetovo, Veles, Kumanovo, Ohrid and Strumica, which represents an intended sample of territorial units and then a total of 100 social workers were chosen at random (from all eight municipalities), employed in public social institutions, and they represent the final sample that was surveyed. The choice in these towns for the survey was designed to cover all the regions of the Republic of Macedonia and include the larger Centres for social work. Also, expert interviews were conducted with employees of the Ministry of Labour and Social Policy, Institute for Social Affairs and the Institute for Social Work and Social Policy. Interviewed employees were selected at random, and a random sample was institutions that employ interviewed.

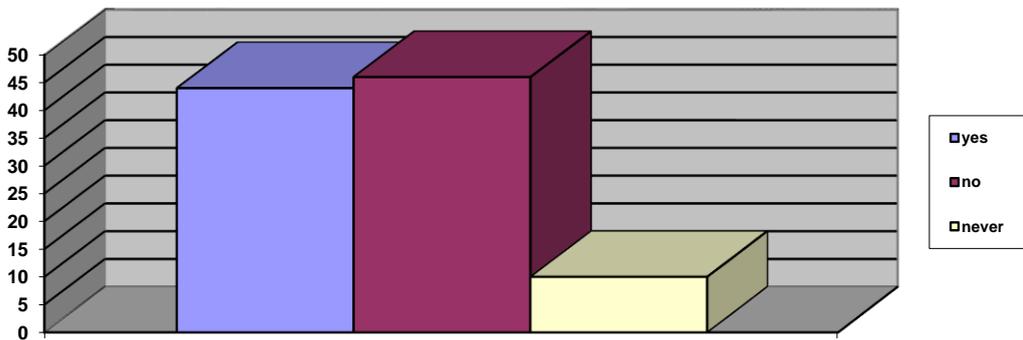
Following the analysis and comparison of theoretical scientific materials, legislation and survey results, it can be concluded that they largely coincide, and baseline assumptions are confirmed. Namely, from the conducted research, it can be concluded that the research results fully confirm the hypothesis that modern trends affect the reforms in the social protection system of the Republic of Macedonia.

¹ The research was conducted as a part of the doctoral dissertation "Ethical profile of the social worker and modern trends in the social work" of Biljana Nackovska – Veljkovikj, defended on 29.02.2016 at the Faculty of Philosophy at the University "Ss. Cyril and Methodius" Skopje.

The purpose of the questions in this section is to get knowledge about the changes happening in the public social institutions under influence of the modern trends.

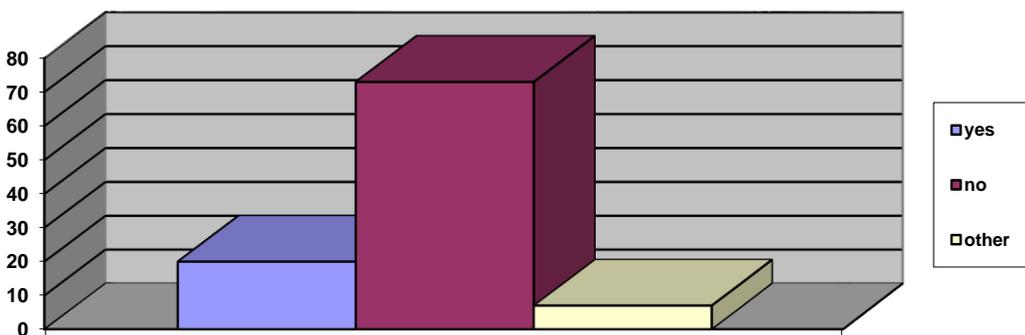
Overview no. 1 About the possibility of providing private services in the area of social protection, 83% of the social workers think it would be a good reform, which should be carried out by experts, but they point out that such services should be provided in counselling offices. According to them in this way would increase competitiveness, service quality and efficiency. 17% of social workers do not know what effect private services would cause.

Chart no. 1 Answers of the social workers on the cooperation of the social workers with the non-governmental (NGO) sector



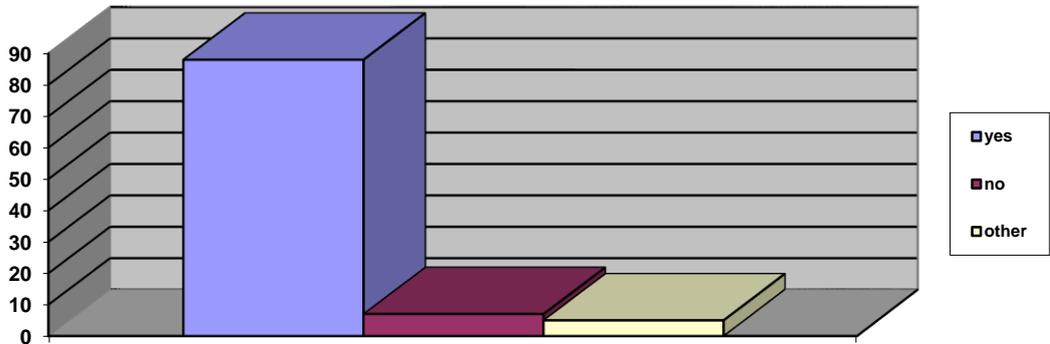
As for the cooperation of social workers with the NGO sector, the analysis of the data shows almost equal fragmentation among respondents, significant number of the social workers (44) cooperate with the NGO sector and almost the same number (46) do not have such cooperation, and 10 had no answer.

Chart no. 2 Cooperation of the social workers with colleagues the other Centres for social Work or organisations/agencies of social character from other countries



Data in Chart no. 2 show low level of international cooperation of the social workers. Only 20 social workers, compared to 73, have established direct international cooperation with social workers from other countries, and 7 did not answer the question.

Chart no. 3 Effects of the reforms in the system of social protection



As to welfare reform - decentralisation, deinstitutionalisation, pluralism and the possibility of providing private services for social protection, the data in Chart 3 clearly indicate that they positively influence practical social work, and which was answered by 88 social workers. Only 8 respondents believe that reforms do not have a positive impact, and 2 did not answer this question

When asked about the influence of the decentralisation, deinstitutionalisation and pluralism in the social work, the interviewed experts emphasised the following:

Decentralisation of the social work is a response to the local needs; hence the processes of adoption of laws and by-laws in our country are aimed at its implementation. In these processes, a smaller number of municipalities are in the third and final phase of decentralisation, a significant part in the second stage, and there are municipalities where decentralisation is the first stage. The fiscal and functional decentralisation has not yet been implemented in full, which in turn, according to experts interviewed, limits the opportunities for development and implementation of programmes and measures at local level. They also identify a problem in many municipalities which are not staffed and in their organisational and structural set up have not provided special units and posts for professionals in the field of social work. With the decentralisation as a step forward, each local community should take care of their citizens, and provide support to people who need social protection.

Deinstitutionalisation has also commenced. As pointed out by the interviewees, some beneficiaries already have the opportunity to use non-institutional services. Such is the case with the accommodation of some of the persons with disabilities from the Special Institution Demir Kapija, in residential communities intended for their independent living. As for pluralism in the social work, experts share the view that in our country it is necessary to support the private social work, which has not yet been elaborated. For example, for some of the services that can be provided privately, there is no price list and the work cannot start. According to them, the private social work would enable the overall improvement of quality of service.

In addition, some experts emphasise that non-governmental organisations should be mandatory involved in the implementation of policies and measures in the field of social protection, but those that meet certain programme standards for quality of managing processes and cases and at the same time to be registered, monitored and evaluated by relevant state institutions.

Conclusion

From the analysis of the results it can be concluded that social workers (surveyed respondents) and interviewed experts share the view that the private social work, pluralisation, decentralisation and deinstitutionalisation of social work positively reflect on the practical social work. However, it can be concluded that social workers are generally open to the changes in social work, but the main role for their full implementation into practical social work remains with the state.

As for the cooperation of social workers with non-governmental organisations and their involvement in the implementation of policies and measures in the field of social protection, it can be concluded that it is not satisfactory. It speaks of the closeness of the institutions and not in favour of promotion of overall social activity. The same situation can be stated in terms of international cooperation in the field of social work, which in our country is realised through the MLSP. In this regard, as pointed out by the interviewed experts, there is a need to reorganise the way of work and to allow direct communication and exchange of experiences of social workers with international institutions, and also to improve and intensify cooperation through joint development and implementation of programmes and projects in the field of social work and social protection.

Bibliography

- Amicin, G. (2004) *Social protection system in the Republic of Macedonia*. Skopje: Ministry of Labour and Social Policy.
- Bornarova, S. (2008) *Modern trends in the social protection and in the social work*. Skopje: Makedonska riznica – Kumanovo.
- Glazer, N. (2009) *The limits of the social policy*. Skopje: Prosvetno delo.
- Ife, J. (2009) *Human rights and social work*. Skopje: Akademski pečat.
- Law on equal opportunities of men and women* (2006). Official gazette of RM, 66/06. Skopje: Assembly of R. Macedonia.
- Law on child protection* (2013). Official gazette of RM, 23/13. Skopje: Assembly of R. Macedonia.
- Law on public servants* (2010). Official gazette of RM, 52/10. Skopje: Assembly of R. Macedonia.
- Law on social protection* (1997). Official gazette of RM, 50/97. Skopje: Assembly of R. Macedonia.
- Law on amendments and supplements of the law on social protection* (2000). Official gazette of RM, 16/00. Skopje: Assembly of R. Macedonia.
- Law on amendments and supplements of the law on social protection* (2003). Official gazette of RM, 17/03. Skopje: Assembly of R. Macedonia.
- Law on social protection* (2009) Official gazette of RM, 79/09. Skopje: Assembly of R. Macedonia.
- Law on amendments and supplements of the law on social protection* (2011). Official gazette of RM, 36/11. Skopje: Assembly of R. Macedonia.
- Law on amendments and supplements of the law on social protection* (2013). Official gazette of RM, 187/13. Skopje: Assembly of R. Macedonia.
- Law on social protection – consolidated text* (2013) Official gazette of RM, 148/13. Skopje: Assembly of R. Macedonia.
- Law on prevention and protection against discrimination* (2010). Official gazette of RM, 50/10. Skopje: Assembly of R. Macedonia.

Midgley, J., (2012) *Social welfare in global context*. Skopje: Ars lamina.

Nackovska – Veljkovikj, B., (2016) *Ethic profile of the social worker and modern trends in the social work*. (PhD thesis defended at the Faculty of Philosophy in Skopje)

National programme for social protection development 2011-2020. (2011) Skopje: Ministry of Labour and Social Policy.

National programme for elderly 2010-2020. (2010) Skopje: Ministry of Labour and Social Policy.

National strategy for reduction of poverty and social exclusion in the Republic of Macedonia 2010-2020. (2010) Skopje: Ministry of Labour and Social Policy.

National strategy for deinstitutionalization in the social protection system in the Republic of Macedonia 2008-2018. (2008) Skopje: Ministry of Labour and Social Policy.

Pejkovski, J. (2008) *Social development*. Skopje: University "Ss. Cyril and Methodius" and Faculty of Philosophy.

Pejkovski, J. (2014) *Social entrepreneurship*. Skopje: University "Ss. Cyril and Methodius" and Faculty of Philosophy.

Using Benefit Sought Variables for Soft Drinks Consumers Segmentation-Case Study City of Pristina

Arsim Begunca

PhD candidate, European University of Tirana, Albanian-Kosovo,

arsimi-75@hotmail.com

Abstract

Soft drinks market is a very large and important market where competition is very fierce. In recent years this market in global terms has not greatly increased. Thus for all the actors of this market without understanding (recognition) of the customer/consumer, they may lose a market share from competitors given the fierce competition. The purpose of this study is the identification of market segments within the city of Prishtina regarding soft drinks consumers based on required benefits /benefits sought. The result of this study supports the effectiveness of soft drinks consumer segmentation using the required benefit variables. Statistical Package for Social Science program (SPSS version 20) was used for data analysis. This study used a descriptive analysis, factor analysis and cluster analysis. Based on differentiating factors in selecting soft drinks (refreshments), social-demographic variables and soft drinks consumer behavior throughout these segments, the managers can modify their marketing strategies to fulfil the needs of these segments and at the same time maximize the profit.

Keywords: benefit sought, soft drinks

1. Introduction

The segmentation based on sought benefits is an approach with which it is possible to identify market segments through more causal factors than descriptive factors. The basic belief of this strategy is that the benefits that people are looking at the consuming of any product are the fundamental reason for the existence of real segments and are better determinants of behavior than other approaches (Haley, 1968). Benefits better predict behavior rather than personality and lifestyle variables, demographic and geographic measurements, that simply describe the behavior without explaining them (Haley, 1985; Young, Ott and Feagin, 1980).

Segmentation based on benefit sought is the consumer segmentation based on what special benefit from the product is attracting them. Different consumers require different benefits and marketers need to understand every segment and based on that develop their communication for each group.

According to Haley (1968) benefits that people look for in a particular product are the basic reasons for the existence of real market segmentation. Benefit sought segmentation is a technique that segments consumers based on benefit sought or required desires. These benefits when they are present as the attribute of the product, service or market supply, make consumers buy these products -rather than the simple description of who are the consumers in social-economic, demographic or psychographic terms. The benefit sought segmentation offers more benefits than traditional methods because it explains the reason why customers choose to buy a particular product or to hold to a particular supplier or a provider of services.

Important matter in this study is soft drink consumer segmentation based on required benefits (benefit sought)

Problem definition and formulation

Soft drinks market is a very large and important market where competition is very fierce. In recent years this market in global terms has not greatly increased. Thus for all the actors of this market without understanding (recognition) of the customer/consumer, they may lose a market share from competitors given the fierce competition. The purpose of this study is the identification of market segments within the city of Prishtina regarding soft drinks consumers based on benefits sought.

1. 2 The purpose of the study

The main purpose of this study is the soft drink consumer segmentation in Prishtina based on benefits sought.

Other study objectives are:

1. To Identify differences between the behavior of consumers in the market segmentation based on benefits sought/required.
2. To identify behavior features/ characteristics based on benefit sought approach.
3. To identify personal features based on benefit sought.
4. Providing a guide for the development of effective segmentation strategies.

1. 3 Research hypothesis

1. There is a significant relationship between consumer demographic characteristics and benefit sought during the purchase of soft drinks.
2. There is a significant relationship between the characteristics of consumer behavior (consumption and loyalty) and benefit sought during purchase.

2. 0 Research methodology

2. 1. Research method

This study intends to segment soft drinks consumers based on benefits sought testing proposed hypothesis based on current theories. Quantitative approach is used more in this study than the qualitative approach. Quantitative approach is more suitable to test and evaluate the assumptions/hypothesis and to follow standard procedures which are strict in the used instruments and allow the statistical data analysis to identify relevant information related to soft drinks consumer lifestyles in Prishtina.

The face to face survey with self-administered questionnaire was adopted in this study as a data collecting method. Alreck and Settle (1995) pointed out that self-administered questionnaires are an excellent way to ask responders and provide information, provided by an expert and when the appropriate instrument has been used.

2. 2 Data collection

Primary data on this topic are provided through various survey respondents in city of Prishtina. Through a self administered questionnaire we have surveyed a total of 200 responders, where the information obtained from these surveys is used as primary data and presents the essence of research.

The questionnaire consists of 27 questions; the series of questions are designed to have a range of responses focusing on the same general topic.

2. 3 Sample selection

A self-administered questionnaire is used in this study that is directly distributed by the researcher in randomly selected sample. The study uses one scale sampling method. Therefore, Prishtina residents of ages 18 and up have been randomly selected in conducting this study.

2. 4 Methods of analysis

Programm called Statistical Package for Social Science (SPSS version 20) is used for data analysis. This study used factorial analysis, independent samples, Chi square test, one way between groups ANOVA and K-means cluster analysis

3. 0 Data analysis

3. 1 Factor Analysis

Factor analysis is applied in this study to reduce the number of variables, in order to make the study interpreted easier.

Before applying the PCA - Principal Components Analysis data adequacy of factor analysis is assessed or reviewed. Any issues in correlation matrix having a coefficient of less than 0. 3 in any other matter were removed. Also the commonalities table is examined and any issue with less than 0. 50 was also removed as a low value of commonalities, since they show that these variables don't have any relation to other variables in the community. (Field,2005;Tabachnick & Fidell,2000). Factor analysis was performed using the Principal Component Analysis - PCA with orthogonal rotation(varimax). Orthogonal rotation was chosen because the resulting factors will be used in subsequent statistical analysis and this approach minimizes collinearity (Hair,Anderson,Totham & Black,1998). Two sources of information were examined in order to determine the number of factors that will be elected, Eigenvalue size and Eigenvalue screeplot. Only factors with an Eigenvalue of 1 or more are taken into account and Screeplot diagram is checked for the information on the number of factors. 15 sought benefit issues were used through the factor analysis to find essential dimensions of these issues. 15 sought benefits issues resulted with 6 factors having Eigenvalue more than 1. 0, counting 76. 494% of general variance in benefits. Benefits sought are consisted of six factors: consuming, health, sports-entertainment, economy, freshness and status of symbol factor.

Table 1. 1 Issues in the questionnaire regarding the benefits required from soft drinks

<i>Benefitet e kerkuara from soft drinks</i>	<i>I do not agree at all (1)</i>	<i>I do not agree 2</i>	<i>Neutral 3</i>	<i>I agree 4</i>	<i>Fully agree (5)</i>
<i>Taste</i>	1	2	3	4	5
<i>Low in calories</i>	1	2	3	4	5
<i>Low price</i>	1	2	3	4	5
<i>Popular brands</i>	1	2	3	4	5
<i>Energy</i>	1	2	3	4	5
<i>Quality</i>	1	2	3	4	5
<i>Being natural</i>	1	2	3	4	5
<i>Quenching thirst</i>	1	2	3	4	5
<i>Image of the drink</i>	1	2	3	4	5
<i>To be gassed</i>	1	2	3	4	5
<i>Package/wrapping</i>	1	2	3	4	5

<i>Freshness</i>	1	2	3	4	5
<i>Entertainment</i>	1	2	3	4	5
<i>Vitamins</i>	1	2	3	4	5
<i>Caffeine</i>	1	2	3	4	5

Table 1. 2 Factor analysis results

<i>Factor</i>	<i>Eigen values</i>	<i>Variance (%)</i>
<i>Consumption factor</i>	3. 101	19. 381
<i>Sport-entertainment factor</i>	2. 807	17. 540
<i>Health factor</i>	1. 733	10. 831
<i>Economy factor</i>	1. 683	10. 518
<i>Freshness factor</i>	1. 542	9. 637
<i>Symbol status factor</i>	1. 374	8. 587
<i>Total</i>		76. 494

3. 2 Cluster Analysis

Cluster analysis is one of statistical analysis that is used in many segmentation studies in defining groups. There are two main subdivisions of clustering procedures, when the number of clusters is default/determined then K-means Cluster method is used and hierarchy cluster analysis is used when the number of clusters is not predetermined. K - Means cluster analysis is used to identify relatively homogeneous groups of cases based on selected characteristics for this study. K - Means cluster analysis procedure requires that cluster number should be specified in order to continue with the analysis. K-Means attempts to identify relatively homogeneous groups of cases based on selected characteristics using an algorithm that can manipulate large numbers of cases

Table 1. 3 Cluster analysis results

<i>Market Segment</i>	<i>No. of people</i>	<i>Factor Results in each segment</i>					
		<i>Consumption</i>	<i>Health</i>	<i>Entertainment-sports.</i>	<i>Economy</i>	<i>Freshness</i>	<i>Symbol status</i>
<i>Segment 1</i>	53	0. 41	-0. 59	0. 27	0. 15	0. 19	-0. 57
<i>Segment 2</i>	43	0. 23	0. 19	0. 42	0. 11	0. 27	0. 13
<i>segment 3</i>	37	0. 12	0. 45	12	-0. 37	0. 22	0. 17
<i>Segment 4</i>	35	0. 32	0. 26	16	-1. 54	0. 47	0. 24
<i>Segment 5</i>	32	0. 35	0. 12	-0. 47	-1. 37	0. 28	0. 47

Five cluster selections are validated using ANOVA, resulting in significant differences through 5 clusters in all benefit factors. These results support the concept that there are benefit based segments that can be drawn throughout customers/consumers.

Segments are described as follows:

Segment 1: represents 26.5 % of the sample (responders). This segment includes responders who give more importance/attention to consumption factor (taste and thirst quenching), followed by sports and entertainment factor (entertainment, energy). Also the aspect of freshness that these drinks offer is important.

Segment 2: represent 21.5 % of the sample. This segment includes responders who give more importance/attention to entertainment and sports factor, followed by freshness and consumption.

Segment 3: represents 18.5 % of the sample. This segment includes responders who give more importance/attention to health aspects (low calories, to be natural, vitamins) followed by freshness and symbol status (image, quality, famous brands).

Segment 4: represents 17.5 % of the sample. This segment includes responders who give more importance/attention to freshness aspects (to be gassed, freshness, caffeine), followed by consumption factor and symbol status factor.

Segment 5 : represents 16 % of the sample. This segment includes responders who give more importance/attention to status of symbol (image, quality, famous brands), followed by consumption and freshness factor.

3.3 Testing hypothesis

In order to verify the research hypothesis we have used ANOVA and CHI SQUARE tests, and we achieved the following results that are reflected on the table.

Table 1.4 Result of hypothesis testing

<i>Variables</i>	<i>Type of test</i>	<i>The test Static</i>	<i>Degrees of freedom</i>	<i>significant level</i>	<i>test results</i>
<i>Age</i>	<i>Anova</i>	<i>0.51</i>	<i>1</i>	<i>0.173</i>	<i>rejected</i>
<i>Gender</i>	<i>Chi square</i>	<i>9.54</i>	<i>1</i>	<i>0.006</i>	<i>confirmed</i>
<i>Marital Status</i>	<i>Chi square</i>	<i>10.43</i>	<i>4</i>	<i>0.009</i>	<i>confirmed</i>
<i>Family Members</i>	<i>Anova</i>	<i>4.71</i>	<i>4</i>	<i>0.007</i>	<i>confirmed</i>
<i>Occupation</i>	<i>Chi square</i>	<i>1.13</i>	<i>3</i>	<i>0.001</i>	<i>confirmed</i>
<i>Education</i>	<i>Chi square</i>	<i>65.36</i>	<i>5</i>	<i>0.000</i>	<i>confirmed</i>
<i>Income</i>	<i>Chi square</i>	<i>58.74</i>	<i>4</i>	<i>0.000</i>	<i>confirmed</i>
<i>Consumption</i>	<i>Chi square</i>	<i>22.37</i>	<i>4</i>	<i>0.000</i>	<i>confirmed</i>
<i>Loyalty</i>	<i>Anova</i>	<i>3.72</i>	<i>4</i>	<i>0.004</i>	<i>confirmed</i>

From data given on the table we come to conclude that:

Hypothesis H1: There is a significant relationship between consumer demographic characteristics and benefits sought when purchasing soft/refreshment drinks- partially confirmed.

Hypothesis H2: There is a significant relationship between consumer behavior characteristics/ features (consumption and loyalty) and benefits sought during purchase- completely confirmed.

4. 0 Conclusions, Implications of the study, study limitations and suggestions for future studies.

4. 1 Conclusions

Through a series of analysis we have achieved through cluster analysis to group customers into five benefit sought/required segments. By putting consumers in 5 benefits sought segmentized groups we have provided answers to our main goal which has been soft drinks customer segmentation based on benefits sought variables. With these practical results of the study we have concluded that soft drinks consumers can be segmented according to benefits sought/required by supporting the conclusion of the existing theory that every industry needs its own instruments to conduct researches for effective market segmentation.

4. 2 Study implications

Results from this study can help the soft drinks industry in establishing marketing strategies by providing a clear picture of segmented groups. Having submitted our main goal that was segmentation of soft drinks consumers based on benefits sought/required, we provide a good analytical base for soft drink market segmentation, better positioning of the product on market and more effective advertising.

4. 3 Study limitations

Main limitations can be summarized in two issues; responders number or sample's size and study instrument construction. In order to accomplish the study we surveyed 200 responders soft drinks consumers. Therefore small number of responders represents the main limitation/constraint of the study and its applicability since it can not represent the entire population of Pristina city broadly, despite efforts for a right inclusion. Another constraint of the study relates to the construction of the survey instrument, where the scales used are not uniform. These varying scales/degrees are used because of the different references used for study questions in questionnaire.

4. 4 Sugestions for future studies.

Future research in this area should include various issues that are not included in this study. It is suggested that study instrument should include more issues/cases, this is because the more cases/issues are to be adressed and the more responders are to be interviewed the results are more accurate and their application in practice is easier and more effective, also responders number should not be under 1000.

Also it is suggested to carry out a thorough soft drinks market research in Kosova by using different variables including the benefit sought variables.

Literature

1. Kotler P (1997). *Marketing Management: Analysis, Planning, Implementation, and Control*. Prentice-Hall. Englewood Cliffs. NJ.
2. Kotler P (1999). *Marketing Management: The Millennium*. Prentice-Hall. Englewood Cliffs. NJ.
3. Kotler P (2002). *Principles of Marketing*. Prentice-Hall Europe. London.
4. Kuma N, Cheer L, Kotler P (2000), From market-driven to market-driving. *European Management. J.* 18)2(: 129-41).
5. Russell I, Haley (1968). Benefit Segmentation: A Decision-Oriented Research Tool. *J. Mark.* 32)3 (: 30-35
6. Calantone, J. and A. G. Sawyer (1978) "The Stability of Benefit Segments," *Journal of Marketing Research*, Vol. 15, pp. 395-404
7. Cermak, Dianne S. P., Karen Maru File and Russ Alan Prince (1994) "A Benefit Segmentation of the Major Donor Market," *Journal of Business Research*, Vol. 29, pp. 121-130.
8. Cholewka, Kathleen (2001) "Standing out online: The 5 best e-marketing campaigns," *Sales and Marketing Management*, Vol. 153, No. 1, pp. 51-57.
9. Chang, Tung-Zong and Su-Jane Chen (1995) "Benefit segmentation: A useful tool for financial investment services," *Journal of Professional Services Marketing*, Vol. 12, No. 2, pp. 69-77.
10. Culnan, Mary J. (1999) *Georgetown Internet Privacy Policy Survey: Repor to the Federal Trade Commission* (June), <http://www.msb.edu/faculty/culnanm/gippshome/html>, accessed July 27, 1999.
11. Dubow (1992) "Occasion-Based vs. User-Based Benefit Segmentation: A case study," *Journal of Advertising Research*, pp. 11-18.
12. Myers, J. H. (1976) "Benefit Structure Analysis: A New Tool for Product Planning," *Journal of Marketing*, Vol. 40, pp. 23-32.

-
13. Cohen, J. (1988). *Statistical Power Analysis for the Behavioral Sciences* (2nd edition). Hillsdale, N. J. : Lawrence Erlbaum Associates
 14. Field, A. P. (2005). *Discovering Statistics Using SPSS* (2nd edition), London: Sage.
 15. Pallant, J. (2001). *SPSS Survival Manual: A Step by Step Guide to Data Analysis using SPSS for Windows 9 version 10*. Crow Nest, N. S. W.,: Allen and Unwin.

The comparison of MCDM Methods including AHP, TOPSIS and MAUT with an Application on Gender Inequality Index

Latife Sinem Sarul

Özge Eren

School of Business/ Istanbul University, Turkey)

Vocational School/ Istanbul Aydin University, Turkey)

Abstract

Gender Inequality Index is a major indicator presenting level of development of the countries as Human Development Index, which is calculated regularly every year by UN. In this study, an alternative calculation has been proposed for measuring gender inequality index which is an important barrier for the human development. Each indicator in the index integrated as MAUT- AHP and also AHP-TOPSIS and these methods carried out again for the alternative ranking member and candidate countries of the European Union. The main objective here is to represent that the indicators form gender inequality index can be reclassified with different weights for each indicator.

Keywords: Development Indexes, Gender Inequality Index, AHP, TOPSIS, MAUT

Introduction

Gender inequality index (GII) which highlights women's empowerment is one of development indices to strengthen the information having from human development index. Human Development Report produces four composite measures which are Human Development Index, Inequality-adjusted Human Development Index, Gender Inequality Index and the Multidimensional Poverty Index since 2010. Gender Inequality Index presents the loss in potential human development due to distinction between females and males. GII ranges between 0 and 1 and higher GII values refers to higher levels of inequalities (HDR, 2015). It is a composite measure with three dimensions which are reproductive health, empowerment and the labor market. The maternal mortality ratio and the adolescent birth rate are the indicators of reproductive health. The share of parliamentary seats held by the woman and the share of population with at least some secondary school are dimensions for empowerment. And participation in the labor force is the measure for labor market (HDR, 2015).

Multi-Criteria Decision Analysis (MCDA) have a widespread applications area in the world. In recent years MCDA methods has been used by combining two or more methods to create more successful methods. Lai (1995) represented the relationship between AHP and MAUT and proved that AHP-MAUT is combined in a consistent structure. Supçiller and Çapraz (2011) realized supplier selection applications by using AHP-TOPSIS. Tyagia M. , Kumar P. , Kumar D. (2014) developed a hybrid model using AHP-TOPSIS for analyzing e-SCM performance. Zolfani, Jurgita and Inzinerine (2012) presented a hybrid model based on AHP -TOPSIS and perform personnel selection. Valim et. al. (2013) compared AHP and MAUT methods for suppliers selection for an industrial company. On the other hand, Safari and Ebrahimi(2014) ranked the countries in terms of Human Development Index by using modified similarity multiple criteria decision making techniques. In this study we developed and compared two hybrid models which based on AHP-TOPSIS and AHP-MAUT for ranking member and candidate of the European Countries in terms of Gender Inequality Index. It is concluded that AHP-MAUT hybrid model gives more reasonable results than AHP-TOPSIS model.

Research Methods:

In this study the methods commonly used in the literature TOPSIS&AHP and AHP&MAUT are integrated and proposed as an alternative methods doing fair classification for the indicators form gender inequality index.

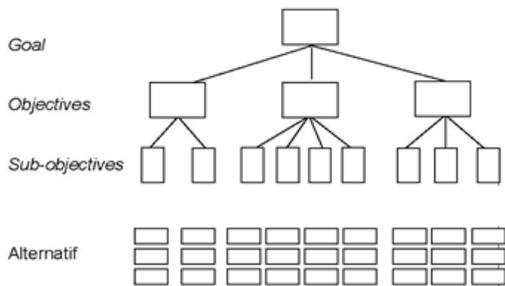
Methodology:

In this section we give brief explanations about the methods used in this study.

AHP:

The Analytic Hierarchy Process (AHP) introduced by Saaty is a multi-criteria decision-making technique to solve complex decision problems (1977 and 1994). This method uses a multi-level hierarchical structure of objectives, criteria, sub criteria, and alternatives (Figure 1). AHP is a preferable model due to its easy to use has been extensively studied and is used in a wide variety of decision situations by many researchers, in fields such as, business, industry, healthcare etc.

Figure 1: Hierarchical Structure of AHP



AHP methodology can be implemented in three steps. Each step needs to be performed to be resolved in a decision-making problem with AHP are described below. In the following m refers to the alternative numbers and n refers to the criteria numbers.

Step 1: It can be stated objective (goal) and in turn defined the criteria picked the alternatives.

Step 2: In this step firstly, elements can be compared to one another, two at a time, with respect to their importance on an element above them in the hierarchy and then structured the comparison matrix (a square matrix of size $n \times n$). All values of each cells that are on the diagonal are mathematical inverses of each other ($a_{ii} = 1$ and $a_{ij} = 1/a_{ji}$). The preference strength is expressed on a ratio scale of 1-9 (Saaty, 1980).

$$A = \begin{bmatrix} 1 & a_{12} & \dots & a_{1n} \\ \frac{1}{a_{21}} & 1 & \dots & \cdot \\ a_{21} & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot \\ \cdot & \cdot & \cdot & \cdot \\ \frac{1}{a_{n1}} & \cdot & \dots & 1 \end{bmatrix} \quad (1)$$

The *Standard Preference Scale* used in the AHP method is provided in Table 1 as follows. In the AHP method, the scale range 1–9 is assumed sufficiently representing human beings' perception.

Preference Level	Numerical Value
<i>Equally Preferred</i>	1
<i>Equally to Moderately Preferred</i>	2
<i>Moderately Preferred</i>	3
<i>Moderately to Strong Preferred</i>	4
<i>Strongly Preferred</i>	5
<i>Strongly to Very Strongly Preferred</i>	6
<i>Very Strongly Preferred</i>	7
<i>Very Strongly to Extremely Preferred</i>	8
<i>Extremely Preferred</i>	9

Table 1: Preference Scale for Pairwise Comparisons

Step 3: It has been normalized each matrix element by the sum of elements in each column and we calculate the sum for each row. B column vectors are utilized in the calculation of the equation (2). Priority vector which is specified below by W column vector is obtained by forming the arithmetic average of the each line of the B matrix.

$$W = \begin{bmatrix} w_1 \\ w_2 \\ \cdot \\ \cdot \\ \cdot \\ w_n \end{bmatrix}, w_i = \frac{\sum_{j=1}^n b_{ij}}{n} \quad (2)$$

Measuring consistency of the judgements, Saaty(1980) proposed Consistency Index (CI), which is a measure consistency of the subjective judgements. It is calculated given following formula below;

$$CI = \frac{\text{maks. eigenvalue} - n}{n - 1} \quad (3)$$

$$\text{maks.eigenvalue} = \sum_i w_i.c_i \quad (4)$$

Consistency Index is used by comparing a value called *Random Consistency Index* (RI). There are different *Random Consistency Index* values used by different researchers in the literature. In this study, the values given in the following table are used.

Table 1: Random Consistency Index Values (Malczewski, 1999)

n	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
RI	0,00	0,00	0,58	0,90	1,12	1,24	1,32	1,41	1,45	1,49	1,51	1,48	1,56	1,56	1,59

The consistency ratio (CR) is obtained by comparing CI with the set of numbers called random consistency index (RI) with the following formula given below.

$$CR = \frac{CI}{RI} \quad (5)$$

If Consistency Ratio is greater than 10%, test results are inconsistent ($CR \geq 10\%$), then the result from the AHP method will be of no use in decision making. The higher consistency ratio, the assessment result becomes more inconsistent.

TOPSIS Method:

The TOPSIS method was initially presented by Yoon and Hwang (Yoon and Hwang, 1981) and Lai, Liu and Hwang (Lai, Liu and Hwang, 1994). This method is a process of finding the best solution among all practical alternatives. TOPSIS is based on that the chosen alternative should have the shortest geometric distance from the positive ideal solution (PIS) (Assari, A. , Mahesh, T. , Assari, E. , 2012) and the longest geometric distance from the negative ideal solution (NIS). The TOPSIS method is expressed with six steps as follows:

Step 1: Firstly create an evaluation matrix consisting of m alternatives and n criteria, with the intersection of each alternative and criteria given as a_{ij} , therefore a matrix in form $(a_{ij})_{m \times n}$

$$A_{ij} = \begin{bmatrix} a_{11} & a_{12} & \dots & a_{1n} \\ a_{21} & a_{22} & \dots & a_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ a_{m1} & a_{m2} & \dots & a_{mn} \end{bmatrix} \quad (6)$$

Step 2: Calculate the normalized decision matrix. The normalized value r_{ij} is calculated as follows:

$$r_{ij} = \frac{a_{ij}}{\sqrt{\sum_{k=1}^m a_{kj}^2}} \quad i=1, 2, \dots, m, j=1, 2, \dots, n \quad R_{ij} = \begin{bmatrix} r_{11} & r_{12} & \dots & r_{1n} \\ r_{21} & r_{22} & \dots & r_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ r_{m1} & r_{m2} & \dots & r_{mn} \end{bmatrix} \quad (7)$$

Step 3: Calculate the weighted normalized decision matrix. The weighted normalized value v_{ij} is calculated as follows;

$$V_{ij} = \begin{bmatrix} w_1 r_{11} & w_2 r_{12} & \dots & w_n r_{1n} \\ w_1 r_{21} & w_2 r_{22} & \dots & w_n r_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ w_1 r_{m1} & w_2 r_{m2} & \dots & w_n r_{mn} \end{bmatrix} \quad (8)$$

Where w_j is the weight of the j^{th} criterion and

$$\sum_{j=1}^n w_j = 1$$

Step 4: Determine the ideal (A^*) and negative ideal (A^-) solutions.

$$A^* = \{(\max_i v_{ij} | j \in C_b), (\min_i v_{ij} | j \in C_c)\} = \{v_j^* | j = 1, 2, \dots, m\} \quad (9)$$

$$A^- = \{(\min_i v_{ij} | j \in C_b), (\max_i v_{ij} | j \in C_c)\} = \{v_j^- | j = 1, 2, \dots, m\}$$

Step 5: Calculate the separation measures using the m-dimensional Euclidean distance. Determine the worst alternative and the best alternative, respectively, are as follows:

$$S_i^* = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^*)^2}, j = 1, 2, \dots, m \quad (10)$$

$$S_i^- = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^-)^2}, j = 1, 2, \dots, m \quad (11)$$

Step 6: Calculate the relative closeness to the ideal solution.

$$(12)$$

Step 7: Rank the alternatives according to s_{iw} ($i=1, 2, \dots, \dots, m$)

MAUT (Multi Attribute Utility Theory):

Utility is a measure of desirability and gives to a uniform scale to compare and/or combine tangible and intangible criteria (Ang, Tang, 1984). Utility function is a device which quantifies the preferences of a decision-maker by assigning a numerical index to varying levels of satisfaction of a criterion (Mustafa, Ryan, 1990). For a single criterion (X), the utility of satisfaction of a consequence x' is denoted by $u(x')$. The utility is generally calculated as the sum of the marginal utilities that each criteria assigns to the considered action (Figueira, Greco, Ehrgott, 2005). Multi Attribute Utility Theory takes into consideration the decision maker's preferences in the form of the utility function which is defined over a set of attribute (Pohekar, Ramachandran, 2004). In this method both quantitative and qualitative criteria can be used. The most common method of multicriteria utility function is the additive model (Keeney, Raiffa, 1993).

There are two important MAUT categories discrete and continuous alternative problems. Discrete type alternative problems set of alternatives consist limited alternatives. Continuous alternative problems called multiple optimization problems feasible sets of alternatives usually consist of a very large number of infinitely many alternatives (Wallenius, J. et. al., 2008)

The utility functions can be either additively separable or multiplicatively separable with respect to single attribute utility. Additively form;

$$U_i = \sum_{j=1}^m w_j U_{ij} \text{ for all } i \quad (13)$$

where,

U_i = Utility value(overall) of alternative i

U_{ij} = Utility value for the alternative of i (criteria for the j)

n = Total number of criteria

m = Total number of alternatives

The multiplicative form of equation for then utility value is defined below(Keeney, Raiffa, 1976).

$$1 + ku(x_1, x_2, x_3 \dots x_n) = \prod_{j=1}^n (1 + k k_j u_j(x_j)) \quad (14)$$

j = attribute (alternative) index

k = scaling constant

u = overall utility function

u_j = utility function for each operator

In this studying, It has been used the additive type model. In the MAUT method, it can be used six important steps(Alp İ. et. al. , 2015);

Step 1: Generate the criteria (C_1, C_2, \dots, C_n) and alternatives

Step 2: Determination of the weight values (with AHP)

$$\sum_{i=1}^m w_j = 1$$

Step 3: Form the decision matrix

Step 4: Calculate the normalized utility values;

$$u_i(x_i) = \frac{x_i - x_i^-}{x_i^+ - x_i^-} \text{ (for criteria to be maximized)}$$

$$u_i(x_i) = \frac{x_i^+ - x_i}{x_i^+ - x_i^-} \text{ (for the criteria to be minimized)}$$

where;

x_i^+ = the best value of the alternatives

x_i^- = the worst value of the alternatives

Step 5: Calculate total utility

$$U_i = \sum_{j=1}^m w_j U_{ij} \text{ for all } i$$

Step 6: Rank the alternatives, Choose an alternative which gain the most utility.

Findings:

In this article, we studied on Gender Inequality Index (GII) Indicators for the Candidate and Member countries of European Union. This index measures reflecting inequality in achievements between women and men in three dimensions: reproductive health, empowerment and the labor market as seen Table 2 given below.

Table 2: Explanations of Indicators used in the analysis

Indicators	Explanations
Maternal mortality ratio	(deaths per100, 000 live births)
Adolescent birth rate	(births per 1, 000 women ages 15–19)
Share of seats in parliament	(% held by women)
Population with at least some secondary education (for men)	(% ages 25 and older)
Population with at least some secondary education(for women)	(% ages 25 and older)
Labour force participation rate(for men)	(% ages 15 and older)
Labour force participation rate(for women)	(% ages 15 and older)

When examined GII calculations, it can be seen that all of the indicator's importance is in the same level. However, it has criticisms from some scholars and policy makers about indicators since they are not equal each other, as in the human development index (Safari, Ebrahimi, 2014). By thinking these critics, it has been created as an alternative method of ranking countries in terms of gender inequality index.

This study is compromised two important stages. Firstly by using analytical hierarchical process method, it can be achieved the comparing elements (indicators) to one another, two at a time, with respect to their importance with in the hierarchy and structured the comparison matrix (a square matrix of size $n \times n$). Weights given below in Table 3 have been created randomly in order to set an assignment for the criteria.

Table 3 Comparison Matrix for the criteria of the GII

	C1	C2	C3	C4	C5	C6	C7
C1	1	2	3	4	5	6	7
C2	0,5	1	2	3	4	5	6
C3	0,33	0,5	1	2	4	5	6
C4	0,25	0,33	0,5	1	2	3	3
C5	0,2	0,25	0,25	0,5	1	2	3

C6	0,17	0,2	0,2	0,33	0,5	1	2
C7	0,14	0,17	0,17	0,33	0,33	0,5	1

Table 4 represents normalized values for each element of the comparison matrix. The last column of the Table 4 called Priority vector (Criteria Weights) obtained by forming arithmetic average of each line.

Table 4: Normalized values for the comparison matrix

	C1	C2	C3	C4	C5	C6	C7	Criteria Weights
C1	0,39	0,45	0,42	0,36	0,3	0,27	0,25	0,35
C2	0,19	0,22	0,28	0,27	0,24	0,22	0,21	0,23
C3	0,13	0,11	0,14	0,18	0,24	0,22	0,21	0,18
C4	0,1	0,07	0,07	0,09	0,12	0,13	0,11	0,1
C5	0,08	0,06	0,04	0,04	0,06	0,09	0,11	0,07
C6	0,06	0,04	0,03	0,03	0,03	0,04	0,07	0,04
C7	0,06	0,04	0,02	0,03	0,02	0,02	0,04	0,03

According to the Table 4, Consistency Ratio (0.03) has been calculated by using formula (5), which represents that AHP is reasonable for the analysis. Further, countries are listed with TOPSIS and MAUT method after defining weights with AHP.

In the TOPSIS method, initially evaluation matrix is formed consisting of 32 alternative countries and 7 criteria. Table 5 given below represents evaluation matrix for TOPSIS method partially.

Table 5: Evaluation matrix for TOPSIS Method

	C1	C2	C3	C4	C5	C6	C7
Denmark	5	5,1	38	95,5	96,6	58,7	66,4
Netherlands	6	6,2	36,9	87,7	90,5	58,5	70,6
Germany	7	3,8	36,9	96,3	97	53,6	66,4
Ireland	9	8,2	19,9	80,5	78,6	53,1	68,1
Sweden	4	6,5	43,6	86,5	87,3	60,3	67,9
.....
.....
Serbia	16	16,9	34	58,4	73,6	44,5	60,9
Turkey	20	30,9	14,4	39	60	29,4	70,8
The F. Y. R. Macedonia	7	18,3	33,3	40,2	55,6	43,1	67,5
Bulgaria	5	35,9	20,4	93	95,7	47,9	59

Table 6 represents weighted normalized evaluation matrix, which is calculated by multiplying criteria weights with each column of the Table 5.

Table 6: Weighted normalized evaluation matrix

	C1	C2	C3	C4	C5	C6	C7
Denmark	0,07	0,07	0,8	6,39	0,55	0,7	0,47
Netherlands	0,1	0,1	0,76	5,38	0,48	0,7	0,53
Germany	0,14	0,04	0,76	6,49	0,56	0,59	0,47
Ireland	0,23	0,18	0,22	4,54	0,37	0,58	0,49
.....
.....
Romania	3,04	2,56	0,08	5,19	0,5	0,48	0,45
Serbia	0,72	0,76	0,64	2,39	0,32	0,4	0,39
Turkey	1,12	2,56	0,12	1,06	0,21	0,18	0,53
The F. Y. Macedonia	0,14	0,89	0,62	1,13	0,18	0,38	0,48
Bulgaria	0,07	3,45	0,23	6,06	0,54	0,47	0,37

Table 7 represents the ideal (A⁺) and negative ideal (A⁻) solutions of weighted (with AHP) normalized decision matrix.

Table 7: The ideal and negative ideal solutions of weighted normalized values

A positive	3,04	3,45	1,06	7,00	0,59	1,01	0,64
A negative	0,03	0,00	0,06	1,06	0,14	0,18	0,35

Separation measures (S⁺, S⁻) are measured by using the m-dimensional Euclidean distance Formula (10)(11) thus it's determined the worst alternative and the best alternative. Finally the relative closeness to the ideal solution is obtained. Separation measures of each countries and relative closeness to the ideal values has been given at Table 8.

Table 8: Separation measures

	S ⁺	S ⁻	TOPSIS values	Ranking
Denmark	4,56	5,42	0,543	13
Netherlands	4,77	4,43	0,482	17
Germany	4,54	5,51	0,548	12
Ireland	5,06	3,52	0,41	21
Sweden	4,83	4,35	0,474	19
United Kingdom	3,43	6,22	0,645	3
Croatia	4,52	4,08	0,475	18

.....
.....
Serbia	5,88	1,8	0,235	30
Turkey	6,44	2,79	0,302	28
The F. Y. Macedonia	7,09	1,09	0,133	32
Bulgaria	3,29	6,09	0,65	2

After getting the ranking with TOPSIS, it has been performed MAUT method. Marginal Utility Scores, which is the identification of best and worst values in the MAUT method, is given as follows.

Table 9: Marginal Utility Scores

	C1	C2	C3	C4	C5	C6	C7
	Min.	Min.	Max.	Max.	Max.	Max.	Max.
Denmark	5	5,1	37,99	95,54	96,56	58,7	66,4
Netherlands	6	6,17	36,89	87,68	90,47	58,5	70,6
Germany	7	3,8	36,86	96,29	97,03	53,6	66,4
Ireland	9	8,24	19,91	80,52	78,56	53,1	68,1
Sweden	4	6,53	43,55	86,54	87,27	60,3	67,9
United Kingdom	8	25,76	23,53	99,82	99,9	55,7	68,7
Iceland	4	11,49	41,27	91	91,58	70,5	77,4
Luxembourg	11	8,35	28,33	100	100	50,7	64,6
Belgium	6	6,71	42,38	77,5	82,88	47,5	59,3
France	12	5,74	25,73	78,01	83,21	50,7	61,6
Austria	4	4,13	30,33	100	100	54,6	67,7
Finland	4	9,21	42,5	100	100	55,7	64
Slovenia	7	0,62	27,69	95,78	98,03	52,3	63,2
.....
.....
Macedonia	7	18,26	33,33	40,16	55,6	43,1	67,5
Bulgaria	5	35,9	20,4	93	95,7	47,9	59

Total utility values have been calculated for each country after normalized values are obtained by multiplying with AHP coefficients (Table 10).

Table 10: Final Utility Scores

	C1	C2	C3	C4	C5	C6	C7	Total utility	Rankings
Denmark	0,93	0,87	0,83	0,93	0,93	0,71	0,45	0,88	4
Netherlands	0,9	0,84	0,8	0,8	0,82	0,71	0,66	0,84	7
Germany	0,87	0,91	0,8	0,94	0,94	0,59	0,45	0,85	6
Ireland	0,8	0,78	0,29	0,68	0,59	0,58	0,54	0,66	17
Sweden	0,97	0,83	1	0,78	0,75	0,75	0,53	0,88	2
United Kingdom	0,83	0,29	0,4	1	1	0,64	0,57	0,64	19
.....
.....
Montenegro	0,87	0,59	0,21	0,74	0,9	0,33	0	0,62	23

Romania	0	0,14	0,06	0,77	0,85	0,47	0,38	0,21	32
Serbia	0,57	0,54	0,71	0,32	0,49	0,37	0,18	0,54	29
Turkey	0,43	0,14	0,13	0	0,23	0	0,67	0,24	31
Macedonia	0,87	0,5	0,69	0,02	0,14	0,33	0,51	0,58	26
Bulgaria	0,93	0	0,31	0,89	0,92	0,45	0,08	0,55	28

Results and Discussion:

Gender inequality index (GII) which highlights women's empowerment is one of development indices to strengthen the information having from human development index. In this study we monitor development of the countries in terms of Gender Inequality index to highlight the importance of gender equality for the countries development. On the other hand, the main purpose of this study is to develop an alternative method to rank countries based on gender inequality index by taking into account the suggestions of critics defending not to give equal value of all indicators used in the ranking. In that reason, it is developed AHP-TOPSIS and AHP-MAUT hybrid models.

The weights obtained by AHP method is listed with TOPSIS and MAUT Method respectively. It is seem that ranking obtained by TOPSIS method is quite different according to the countries' level of development given report by UN while MAUT Method gives much more meaningful results. Correlation between total utility value and GII index values for 2014 is quite high (0.94) obtained by MAUT Method while it is very low (0.007) obtained with the TOPSIS method. It is reasonable to say MAUT gives more preferable results according to the correlation test. According to the ranking with AHP-MAUT hybrid model, Finland is most advanced country while Sweden is the second and Island is the third advanced country based on GII.

In this study, we have given random weight to the criteria in order to perform as an example. We will be attempted to ranking again based on expert opinion for further study.

References

- Alp, I. et. al. , (2015), Corporate Sustainability Performance Measuring with Entropy based MAUT Method: A Case Study, The International Journal of Economic and Social Research, Vol. 11, No. 2, 65-81.
- Ang, A. H. S. , Tang, W. H. , (1984), Probability Concepts in Engineering Planning and Design, Volume II-Decision, Risk and Reliability, John Wiley & Sons.
- Assari, A. , Mahesh, T. , Assari, E. , (2012), Role of public participation in sustainability of historical city: usage of TOPSIS method. Indian Journal of Science and Technology, 5(3), 2289-2294.
- Freitas L. V. , Freitas, A. P. B. R. , Veraszto E. V. , Marins F. A. S. , (2013), Decision-Making with Multiple Criteria Using AHP and MAUT: An Industrial Application, European International Journal of Science and Technology, Vol. 2, No. 9, 93-100.
- Figueira, J. , Greco, S. , Ehrgott, M. , (2005), Multiple Criteria Decision Analysis: State of the Art Surveys, Springer, p. 17.
- Hatush, Z. and Skitmore, M. R. , (1998), Contractor Selection Using Multicriteria Utility Theory: An Additive Model, Building and Environment 33(2-3), pp. 105-115.
- Keeney, R. L. , Raiffa, H. , (1993), Decisions with Multiple Objectives: Preferences and Value Tradeoffs, Cambridge University Press

- Lai Y. J. , Liu T. Y. and Hwang C. L. , (1994), TOPSIS for MODM, *European Journal of Operational Research*, vol. 76, pp. 486-500.
- Lai S. , (1995), Preference-based interpretation of AHP, *International Journal of Management Science*, 23(4), p. 453-462.
- Malczewski, J. , (1999), *GIS and Multicriteria Decision Analysis*, John Wiley&Sons, New York.
- Mustafa, M. A. & Ryan, T. C. , (1990), Decision support for bid evaluation, *Project Management*, 8(4), 230-235.
- Olson, D. L. , (1995), *Decision aids for selection problems: Springer Science & Business Media*.
- Pohekar, S. D. & Ramachandran, M. , (2004), Application of multi-criteria decision making to sustainable energy planning: A review, Vol. 8, No. 4, 365-381.
- Saaty, T. L. , (1977), A Scaling Method for Priorities in Hierarchical Structures, *Journal of Mathematical Psychology* 15(3), 234-281.
- Saaty, Thomas L. , (1994), Homogeneity and clustering in AHP ensures the validity of the scale, *European Journal of Operational Research* 72(3), pp. 598-601.
- Safari H. & Ebrahimi E. , (2014), Using Modified Similarity Multiple Criteria Decision Making technique to rank countries in terms of Human Development Index, *Journal of Industrial Engineering and Management JIEM*, 7(1), pp. 254-275.
- Supçiller, A. A. & Çapraz, O. , (2011), AHP-TOPSIS Yöntemine Dayalı Tedarikçi Seçimi Uygulaması, *Ekonometri ve İstatistik Sayı:13 (12. Uluslararası Ekonometri, Yöneylem Araştırması, İstatistik Sempozyumu Özel Sayısı)*, pp. 1–22
- Taylor B. W. , (2002), *Introduction to Management Science, Seventh Edition*, Upper Saddle River, New Jersey: Pearson Education, Inc.
- Tyagia, M. , Kumar P. , Kumar D. , (2014), A hybrid approach using AHP-TOPSIS for analyzing e- SCM performance, *Dinesh Procedia Engineering* (97), pp. 2195 – 2203.
- Yoon K. & Hwang C. L. , (1981), *Multiple Attribute Decision Making: Methods And Applications: A State of the Art Survey*, Germany: Springer-Verlag.
- Wallenius, J. , et. al. , (2008), Multiple Criteria Decision Making, Multiattribute Utility Theory: Recent Accomplishments and What Lies Ahead *Management Science*, Vol. 54, No. 7, pp. 1336-1349.
- Zolfani S. H. & Inzinerine J. A. , (2012), Team Member Selecting Based on AHP and TOPSIS Grey, *Ekonomika-Engineering Economics*, 23(4), pp. 425-434.

APPENDIX 1

	S ⁺	S ⁻	Topsis sıralaması	Sıralama
Denmark	4,56	5,42	0,543	13
Netherlands	4,77	4,43	0,482	17
Germany	4,54	5,51	0,548	12
Ireland	5,06	3,52	0,41	21
Sweden	4,83	4,35	0,474	19
United Kingdom	3,43	6,22	0,645	3
Iceland	4,48	4,93	0,524	15
Luxembourg	4,31	5,99	0,581	7

Belgium	5, 29	3, 31	0, 385	24
France	5, 16	3, 27	0, 388	23
Austria	4, 59	5, 99	0, 566	10
Finland	4, 42	6, 05	0, 578	9
Slovenia	4, 62	5, 41	0, 539	14
Spain	5, 86	2, 25	0, 278	29
Italy	5, 78	2, 55	0, 306	27
Czech Republic	4, 61	5, 95	0, 563	11
Greece	6, 32	1, 5	0, 192	31
Estonia	3, 93	6, 03	0, 606	4
Cyprus	5, 37	3, 05	0, 362	25
Slovakia	4, 14	5, 88	0, 587	6
Poland	5, 11	3, 41	0, 4	22
Lithuania	4, 48	4, 57	0, 505	16
Malta	5, 46	2, 42	0, 307	26
Portugal	6, 88	0, 96	0, 123	33
Hungary	4, 13	5, 71	0, 58	8
Latvia	4, 04	5, 86	0, 592	5
Croatia	4, 52	4, 08	0, 475	18
Montenegro	4, 68	3, 97	0, 459	20
Romania	2, 32	5, 74	0, 712	1
Serbia	5, 88	1, 8	0, 235	30
Turkey	6, 44	2, 79	0, 302	28
The F. Y. Macedonia	7, 09	1, 09	0, 133	32
Bulgaria	3, 29	6, 09	0, 65	2

APPENDIX 2

	C1	C2	C3	C4	C5	C6	C7	Total utility	Rankings
Denmark	0, 93	0, 87	0, 83	0, 93	0, 93	0, 71	0, 45	0, 88	4
Netherlands	0, 9	0, 84	0, 8	0, 8	0, 82	0, 71	0, 66	0, 84	7
Germany	0, 87	0, 91	0, 8	0, 94	0, 94	0, 59	0, 45	0, 85	6
Ireland	0, 8	0, 78	0, 29	0, 68	0, 59	0, 58	0, 54	0, 66	17
Sweden	0, 97	0, 83	1	0, 78	0, 75	0, 75	0, 53	0, 88	2
United Kingdom	0, 83	0, 29	0, 4	1	1	0, 64	0, 57	0, 64	19
Iceland	0, 97	0, 69	0, 93	0, 85	0, 84	1	1	0, 88	3
Luxembourg	0, 73	0, 78	0, 55	1	1	0, 52	0, 36	0, 73	13
Belgium	0, 9	0, 83	0, 96	0, 63	0, 67	0, 44	0, 1	0, 81	9
France	0, 7	0, 85	0, 47	0, 64	0, 68	0, 52	0, 21	0, 66	16
Austria	0, 97	0, 9	0, 6	1	1	0, 61	0, 52	0, 86	5
Finland	0, 97	0, 76	0, 97	1	1	0, 64	0, 33	0, 89	1
Slovenia	0, 87	1	0, 53	0, 93	0, 96	0, 56	0, 29	0, 82	8
Spain	0, 97	0, 72	0, 83	0, 46	0, 48	0, 56	0, 42	0, 77	11
Italy	0, 97	0, 91	0, 6	0, 53	0, 62	0, 25	0, 11	0, 76	12
Czech Republic	0, 93	0, 88	0, 26	1	0, 99	0, 53	0, 55	0, 78	10
Greece	0, 93	0, 68	0, 33	0, 34	0, 36	0, 36	0, 26	0, 62	22
Estonia	0, 73	0, 54	0, 29	1	1	0, 65	0, 58	0, 65	18
Cyprus	0, 77	0, 86	0, 07	0, 61	0, 65	0, 65	0, 69	0, 63	20

Slovakia	0, 87	0, 57	0, 26	0, 99	0, 99	0, 53	0, 56	0, 68	15
Poland	1	0, 67	0, 36	0, 66	0, 72	0, 47	0, 38	0, 72	14
Lithuania	0, 73	0, 72	0, 4	0, 82	0, 89	0, 64	0, 5	0, 68	16
Malta	0, 8	0, 5	0, 09	0, 48	0, 58	0, 21	0, 45	0, 52	30
Portugal	0, 83	0, 66	0, 63	0, 14	0	0, 62	0, 44	0, 61	25
Hungary	0, 63	0, 67	0	0, 97	0, 98	0, 37	0, 13	0, 56	27
Latvia	0, 67	0, 63	0, 24	0, 98	0, 98	0, 62	0, 51	0, 63	21
Croatia	0, 67	0, 66	0, 47	0, 75	0, 88	0, 37	0, 05	0, 62	24
Montenegro	0, 87	0, 59	0, 21	0, 74	0, 9	0, 33	0	0, 62	23
Romania	0	0, 14	0, 06	0, 77	0, 85	0, 47	0, 38	0, 21	32
Serbia	0, 57	0, 54	0, 71	0, 32	0, 49	0, 37	0, 18	0, 54	29
Turkey	0, 43	0, 14	0, 13	0	0, 23	0	0, 67	0, 24	31
Macedonia	0, 87	0, 5	0, 69	0, 02	0, 14	0, 33	0, 51	0, 58	26
Bulgaria	0, 93	0	0, 31	0, 89	0, 92	0, 45	0, 08	0, 55	28

The Investment and Net Interest Margin: Case Study Commercial Banks in Kosovo

Fidane Spahija

Lecturer, University "Haxhi Zeka", Kosovo
fidane.spahija@unhz.eu

Abstract

In Kosovo, but in all developing countries, the foreign investment is the locomotive of the country that considered as the most important economic sectors. In general it can be concluded that most of the investment originates from developed countries and that these investments return to these places. Origin of investments in Kosovo mainly comes from countries such as Austria, Germany, Slovenia, Great Britain, Switzerland, Turkey, the Netherlands, Albania, Serbia, USA, France, Macedonia, Croatia, Cyprus, Norway, Italy, Greece etc. The banking sector in Kosovo has been very attractive to the foreign investors. A total of nine commercial banks, seven are foreign owned. Foreign investments are primarily generated as investments in shares of foreign shareholders from different countries of the world. Investments in securities have increased by the banking sector in 2014. With the change of the interest rate it has also changed net interest margin of the banking sector. Interest on loans and deposits has continued to decline. Especially interest rates on deposits in 2014 have fallen to 1. 1%. This linked to the investment bank in securities of our government as the initiator in this area but cannot be denied to the investment of foreign governments. With the decrease of credit interest rate will be the development of sustainable economic growth and boost investment.

Keywords: Commercial banks; Investments; Net interest margin

Introduction

The foreign investments are the main segments of the economic activity of a country. The most attractive sectors for FDI in developing countries and countries in transition are the mining, minerals, metals, food production and the traditional sectors of industry, chemical industry, services and public infrastructure (especially energy and telecommunications).

The banking sector in Kosovo also has been very attractive to foreign investors. A total of nine commercial banks, seven are foreign owned. And three major banks in Kosovo that consistently generate high profits are from foreign-owned banks. Foreign investments are mainly generated as investments in shares of foreign shareholders from different countries of the world. In general it can be concluded that most of the investments originate from developed countries and that these investments return to these places. Origin of investments in Kosovo mainly comes from in Kosovo mainly come from countries such as: Austria, Germany, Slovenia, Great Britain, Switzerland, Turkey, the Netherlands, Albania, Serbia, USA, France, Macedonia, Croatia, Cyprus, Norway, Italy, Greece etc. In the financial account of the balance of payments under liabilities, the main category continues to be the category of FDI, whereas the main category are assets are the other investments (mainly deposits and commercial loans) outside Kosovo's economy. Analysis of investment in shares in commercial banks in Kosovo shows that foreign-owned banks continue to dominate with higher amounts in the financing of capital stock although their amounts were constant continuously while analysis of net interest margin that is calculated with ex-post method, as the difference in interest rates on loans and deposits that banks specify in the contract from the outset. This indicates that banks play an important role in the economic development of a country but without leaving aside their own benefits. If we would decrease the interest rate on loans will have to further develop sustainable economic growth, increased foreign investment, increase funding capital stock, increasing investment in securities but also risk greater for banks and they undertake, due to reduction of their net margin.

Literature review

Broadly understand collaborating with investment of funds, real estate, securities (stocks, bonds, etc.), studies and scientific research, education of personnel, etc., and the goal of all these investments is to maximize profit. So we recognize investment in real assets and financial assets. The purpose of investing is to ensure the existence of unsafe surroundings, increasing the level of efficiency and well-being now and in the future, etc. Investment needs arising from the hinterland through the competition and this dictates the need to improve the technology, the ability of personnel, increasing the range of products, market occupation in the country and abroad, etc. Investments can be defined as commitment of funds, or other material goods be expressed financially, for the realization of development goals and the investments represent an act of conscious withdrawal from the consumption of current in the name of hope for the greatest effects serial in the future (risk and profit are inseparable and are proportional to the rational investor but minimizes risk and requires adequate return). (Kadareja, 2012) During the investment should be considered serial effects that are expected from investment in the future and the uncertainty and risk that accompany the investment. Regarding investments Massa says "investment represents parts of a good safe from consumption of which waived, with the hope that we have the facility of investing" while SHARPE says "investment is sacrificing value to the current value to the future with great potential," he Also it makes the difference between saving and investment. While savings represents waiver of consumption, investment made for output could be achieved in the future. Keeping money disengaged or spending it on consumption, is a waiver of return on investment. The desire of investors is much greater profit, but faced with the risk of investment. Foreign direct investments are one of the main economic activities Tucked country, especially in developing countries such as Kosovo. According to OECD (2007), FDI reflect the intention of securing a lasting interest in either direct or indirect economy. They work out of the territory of the country of the investor. That an investment be considered FDI subsidiary parent should invest at least 10% of the usually shares from its foreign subsidiaries. (Zoto, 2012) Investments in shares are owned by the assets of a joint stock company and have virtually no predetermined maturity date. Shares are divided into: common shares and preferred shares. (Asllanaj, 2010) The advantages are that investors in stocks, dividends benefit, the size of which is variable according to economic conditions and the progress of the corporation; Open the possibility for capital gains, i. e. They can bring extra benefits; In case of bankruptcy or liquidation of the corporation have limited liability to the creditors until the settlement of the value of investing in shares. Maximum loss is the value that shareholders invested in stocks; Lower cost of service for their possession; Maintaining high security (currently in book-entry form). Currently not verified ownership of shares in the form of materialized (with certificate), but in the form of computer records. Investor will be issued a receipt (document) that proves ownership to ownership. Book-entry system protects investors from losses, forgery, theft, etc. securities. The rate for buy and sell them, etc. Bernanke was determined by the cost of mediation as the difference between the costs paid by the borrower's gross and net returns obtained by savers. (Bernanke, 1983)

Although there is no single definition of the interest margin in the empirical literature, one that prevails is the net interest margin (ratio of net interest income to earning assets). Often times, this indicator is calculated in relation to total assets and the changes are not very significant if earning assets comprise a significant part of total assets. There are two ways of measuring the net interest margin, and ex-post ex-ante. Under the first approach, the net interest margin is calculated as the difference between interest rates on loans and deposits that banks specify in the contract from the outset. These are the rates that the public sees and that are readily comparable among them. Under the second, the indicator is calculated as the difference between the interest income and expense that the bank has realized during the period, according to data from financial statements (once attained). The difference between the two margins is related to the loans. Another treatment determinants margin is the theoretical interests. For the first time such a treatment is performed by Ho and Saunders (1981) and was named model of intermediation.

Methodology

Theoretical paper for the primary data are scientific works published in international journals and conferences and secondary data are other publications, books and articles by local and foreign authors. For the practical part of the paper records are investiture central bank reports, the financial statements of commercial banks, from data Monetary Fund International and the World Bank for Kosovo, the ministry of research reports, agencies and institutions operating in the country. Research methods are used, the method of statistical analysis, and comparative. The data presented cover the period 2011-2014.

The foreign direct investment in Kosovo

FDI are the main segments of the economic activity of a country. Kosovo but also in the developing countries, considered as the locomotive of the country that focus on important economic sectors.

In general it can be concluded that 92% of investments originating from developed countries and 72% of them return to these places. (Rinvest, 2002). The most attractive sectors for FDI in developing countries and countries in transition are the mining, minerals, metals, food production and the traditional sectors of industry, chemical industry, services and public infrastructure (especially energy and telecommunications). Sector Banking and Insurance were among the most attractive sectors for foreign investment in postwar Kosovo. These sectors have absorbed € 30. 6 million, of which 19. 3 (63%) is the share of foreign capital which consists of 13 million € of the banking sector and € 6. 3 million of insurance. (Rinvest, 2002). The origin of investment mainly comes from countries as indicated in table below.

Table 1. Investment by countries

(In million of Euros: State on 31 December 2014)

Code	Countries	Total Inward Direct Investment			Total Outward Direct Investment		
			Equity capital	Other capital transactions		Equity capital	Other capital transactions
	European Union	987.0	755.0	232.0	74.3	62.4	11.9
AT	Austria	149.9	133.4	16.4	3.6	3.3	0.3
BE	Belgium	12.8	9.5	3.3	2.7	2.7	0.0
BG	Bulgaria	31.6	3.8	27.8	0.6	0.6	0.0
CY	Cyprus	6.7	2.0	4.7	3.7	3.7	0.0
FR	France	14.4	15.2	-0.8	3.1	3.1	0.0
DE	Germany	253.5	249.2	4.3	21.2	21.2	0.0
GR	Greece	9.5	8.8	0.7	1.9	1.9	0.0
IT	Italy	16.9	16.9	0.1	3.3	3.3	0.0
NL	Netherlands	164.1	145.8	38.4	15.1	3.5	11.6
RO	Romania	3.8	3.7	0.1	0.3	0.3	0.0
SI	Slovenia	216.7	87.5	129.2	7.5	7.5	0.0
SE	Sweden	17.3	17.0	0.3	1.2	1.2	0.0
GB	United Kingdom	38.7	35.2	3.5	6.4	6.4	0.0
	Other EU Countries	31.2	27.2	4.0	3.8	3.8	0.0
	Other European Countries	644.3	442.6	201.6	85.5	84.7	0.7
AL	Albania	98.5	60.3	38.2	39.8	39.2	0.6
HR	Croatia	11.8	9.6	2.3	3.3	3.3	0.0
MK	Macedonia, FYR	24.5	14.5	10.0	10.5	10.4	0.0
NO	Norway	16.1	14.9	1.2	0.6	0.6	0.0
RS	Serbia, Republic of	14.3	10.6	3.6	6.4	6.4	0.0
CH	Switzerland	178.6	158.1	20.4	10.3	10.2	0.1
TR	Turkey	291.6	166.8	124.8	3.8	3.8	0.0
	Other European Countries	9.0	7.8	1.2	10.8	10.8	0.0
	Other countries	128.5	104.9	23.5	14.8	14.8	0.0
US	United States	69.0	51.5	17.5	7.9	7.9	0.0
AE	United Arab Emirates	37.4	32.8	4.6	1.5	1.5	0.0
	Other Countries	22.1	20.6	1.5	5.4	5.4	0.0
ZZ	Not Specified	1,199.3	936.5	262.8	0.0	0.0	0.0
	Grand Total	2,959.1	2,239.2	720.0	174.6	161.9	12.6

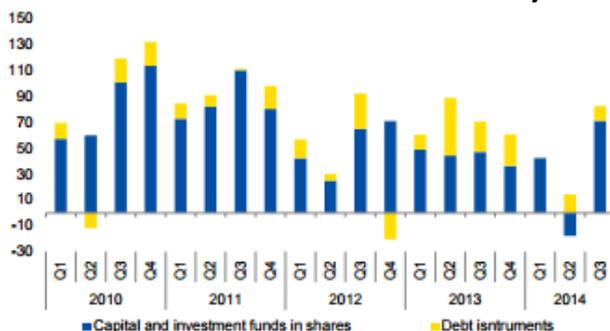
In the financial account of the balance of payments under liabilities, the main category continues to be the category of FDI, whereas the main category are assets and other investments (mainly deposits and commercial loans) outside Kosovo's economy. FDI balance was characterized by deterioration in 2014, mainly determined by the decline of FDI in the country, which was reduced to 151. 3 million euros from 280. 2 million euros as they were in 2013. (CBK, 2015)

Table 2. Financial account

(In million of Euros)

Description	Balance	Investments abroad	Investments in reporting economy	Direct investments		Portfolio investments		Other investments		Financial derivatives	Reserve assets			
				Abroad	In reporting economy	Abroad	In reporting economy	Abroad	In reporting economy					
2004	-57.6	47.4	165.0	-42.9	...	42.9	32.1	32.1	...	66.0	108.0	62.0	-	-102.7
2005	-53.8	126.5	180.3	-107.6	...	107.6	17.5	17.5	...	66.7	141.3	72.6	-	-32.4
2006	35.7	367.5	331.8	-269.2	5.6	294.8	65.4	65.4	...	81.6	218.7	37.0	-	77.9
2007	5.8	508.5	502.7	-431.0	9.7	440.7	34.5	34.5	...	108.0	170.0	61.9	-	294.3
2008	-188.4	231.2	519.8	-341.5	28.4	309.9	109.9	109.9	...	-75.1	74.7	169.7	-	18.2
2009	-109.0	230.6	339.7	-378.9	10.5	287.4	104.4	104.8	0.5	108.3	90.1	51.6	-	-94.8
2010	-375.8	405.6	681.4	-331.1	37.4	388.5	48.6	48.6	...	-46.7	266.2	312.9	-	53.4
2011	-377.5	63.7	461.2	-378.9	5.5	384.4	57.8	57.8	...	4.8	81.7	76.8	-	-61.2
2012	-141.0	316.6	457.6	-215.3	15.8	229.1	165.7	165.7	...	-374.9	-146.3	228.5	-	261.4
2013	-132.2	217.2	346.4	-250.2	30.0	280.2	109.3	109.3	...	14.4	83.5	69.1	-	-35.7
2014	-145.1	90.4	235.4	-123.9	27.3	163.3	13.3	13.3	...	22.8	106.8	84.2	-	-57.0

FDI in Kosovo are mostly concentrated in sectors of the economy such as real estate to 142. 1 million euros from 151. 2 million euros in total FDI carried out in Kosovo in 2014, financial services with 41. 9 million euro, energy by 13. 4 million euro, trading 8. 4 million. (CBK, 2015) The value of investments in real estate has steadily increased (4. 5 percent increase in 2014) and the financial sector who noted that in previous years has decreased in 2014 increased significantly. The important component within the balance of payments is the category of Foreign Direct Investments (FDI). In 2014, the balance of FDIs was euro 123. 9 million, which represents a significant decline compared to the value of euro 250. 2 million in the previous year. This decline in FDIs can be attributed mainly to the sale of shares of some of the foreign companies operating in Kosovo to the Kosovo residents and distribution of the super dividend of some of the foreign companies operating in Kosovo.

Chart No. 1. Structure of FDI by components, in millions of euro

Source: CBK (2015)

In general for banking sector in Kosovo

Reform of the banking system in Kosovo after the war began in 1999, led by the Banking and Payments Authority of Kosovo (BPK), as the forerunner of the Central Bank of Kosovo (CBK). The banking system plays a very important role in the financial system in Kosovo, whose assets account for about 90 percent of the assets of the entire financial system. Banks have become key actors in channeling funds from lenders to borrowers, source of funding for businesses, individuals and economic development in general. Therefore, it is very important that their intermediary role to ensure a higher welfare for society, possibly much lower cost.

The structure of the banking sector in Kosovo in 2014 was similar to previous periods. According to the ownership structure of the banking sector continued to be dominated by foreign-owned banks, whose assets make up 90.4 percent of total assets of the banking sector, while the remainder is managed by the local banks. (CBK, 2015) The table number 3, which indicated that commercial banks operating in Kosovo and their filial. Besides Bank for Business (No. 4 in the table) and the Economic Bank (no. 5 in the table) which are locally owned, all other banks are foreign owned.

Table No. 3. Commercial banks and their branches

No.	Name of bank	Branches
1.	Procredit Bank	55
2.	Raiffeisen Bank Kosovo J. S. C	52
3.	NLB Prishtina	50
4.	Business Bank	41
5.	Economy Bank	40
6.	TEB	26
7.	National Commercial Bank	24
8.	Komercijalna Banka – Mitrovica	9
9.	Turkiye is bankasi – Pristina	1
	Total	298

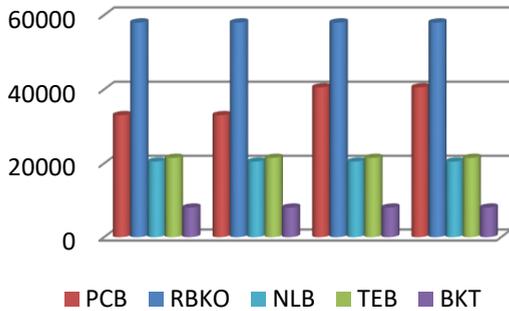
CBK (2015)

Investments in shares in foreign-owned banks in Kosovo (2011-2014)

Investments in shares are owned by the assets of a joint stock company and have virtually no predetermined maturity date. Shares are divided into: common shares and preferred shares. Advantages of investments in shares are ambitious. The following analysis shows investment in shares for the five foreign-owned banks in the four quarters of the years 2011-2014, issued by the balance sheets of commercial banks in Kosovo.

Chart no. 2. Investments in shares 2011 Chart no. 3. Investments in shares 2012

Investments in shares 2011



Investments in shares 2012

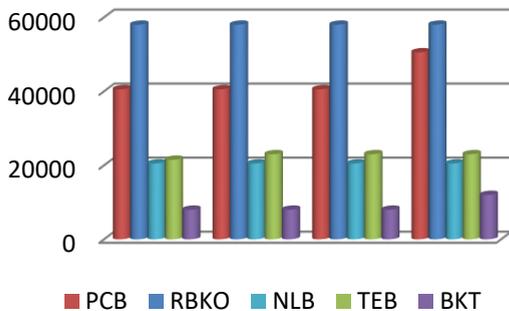
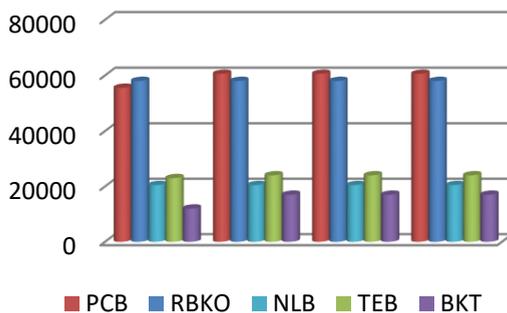
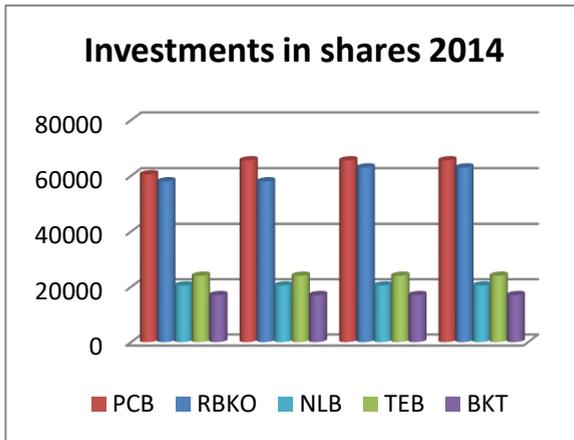


Chart no. 4. Investments in shares 2013 Chart no. 5. Investments in shares 2014

Investments in shares 2013



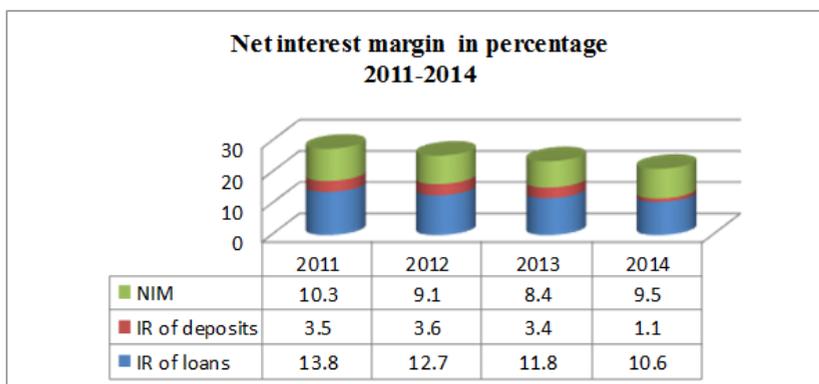


From the charts we see that two foreign banks and the largest in the country (Raiffeisen Bank and ProCredit Bank) have the largest investment shares. In 2011 and 2012 leads Raiffeisen bank and in 2013 and 2014, Procredit Bank reaches and exceeds 2550 Raiffeisen for more shares. Then the investment is participation in Turkish bank TEB shares following the NLB Prishtina, while smaller participation in National Bank has shares trading.

Net interest margin on commercial banks in Kosovo

Net interest margin is called NIM (Net Interest margin) represents the cost of mediation between interest income and interest expenses. Interest income includes amounts arising from credits that banks grant a customer and get paid every month in the form of installments, while interest expenses include amounts arising from savings as a result of the deposit to the bank by private, where the amounts exceed the amounts deposited represent interest expense that the bank must give them to customers. There are two ways of measuring the net interest margin, and ex-post ex ante. Under the first approach, the net interest margin is calculated as the difference between interest rates on loans and deposits that banks specify in the contract from the outset. Under the second, the indicator is calculated as the difference between the interest income and expense that the bank has realized during the period, according to data from financial statements (once attained). In the analysis it was evaluated with the net interest margin ex ante method for commercial banks in Kosovo in four-year period 2011-2014.

Chart no. 6. Net margin interest rate in percentage



From the picture we see that effective interest rates of loans issued by the Central Bank data to Kosovo since 2011-2014 have continued to decline, from 13.8% in 2011 to 10.6% in 2014. In comparison with rates deposits of which also declined notably in 2014 with 1.1% in the interest rates in 2012 and 3.6% in the interest rates.

The difference between the interest rate on loans and deposits gives us the net interest margins of commercial banks in Kosovo.

From the chart we can see that the net interest margin was lower in 2013 by 8.4%, while in 2014 rose to 9.5%, which was due to the decline in deposits at 1.1%. This shows that the banks have created liquidity to adequate and that there is more need for deposits.

If you give a look at the graph of investment in shares of commercial banks in Kosovo, then we can say that investing in shares have remained constant from year to year, they more have helped banks to start immediately to after opening their branches, we these last four years we noticed that most banks were generates more from retained earnings and net profit for the year is shown by margins net of interest and less deposits. Because the rate of interest for deposits has fallen in 2014. Fall of the deposit interest rate to be compared with the graph of investment in securities from commercial banks where it is noted that banks have had an increase of 8.3% in 2014.

Results & Discussions

The investments whatever are like as firm or country, whether made directly or indirectly for the purpose of profit growth or sustainable development. From analysis to see FDI in Kosovo in the past year they have decreased, not as generous thing for our country. Investments in shares of commercial banks in Kosovo have remained constant and dominated by foreign-owned banks. Investments in securities of commercial banks in Kosovo have increased in 2014.

The analysis of net margin, effective interest rates on loans have continued to decline, from 13.8% in 2011 to 10.6% in 2014. In comparison with the deposit interest rates, which also declined notably in 2014 with 1.1% in the interest rates in 2012 and 3.6% in the interest rates? Net interest margin was lower in 2013 by 8.4%, while in 2014 rose to 9.5%, which was due to the decline in deposits at 1.1%. This shows that the banks have created liquidity to adequate and that there is more need for deposits. Fall of the deposit interest rate to be compared with the graph of investment in securities from commercial banks where it is noted that banks have had an increase of 8.3% in 2014.

More or less expected results have known that we are a developing country and battling every day.

Evidently interest rate interconnection with net margin, as higher is the interest rate the higher will be the net margin, and it is clear that the interest of commercial banks is to maximize profits.

Conclusions

With this paper, we came to the conclusion that what investments will have an impact on whether the sustainable development of a country. Kosovo but also in the developing countries, FDI is considered as the locomotive of the country after that focus on important economic sectors. In general it can be concluded that most of the investments originate from developed countries and that these investments return to these places. The origin of investment by state in Kosovo mainly come from countries such as: Austria, Germany, Slovenia, Great Britain, Switzerland, Turkey, the Netherlands, Albania, Serbia, USA, France, Macedonia, Croatia, Cyprus, Norway, Italy, Greece etc. The banking sector in Kosovo has been very attractive to foreign investors, immediately to the war. A total of nine commercial banks, seven are foreign owned. And three major banks in Kosovo that are constantly generating high profits are from foreign-owned banks. Foreign investments are mainly generated as investments in shares of foreign shareholders from different countries of the world. Investments in shares have been constant from year to year, but dominated by foreign-owned banks. Banks which have much larger shares of investments in Kosovo are Procredit and Raiffeisen bank. The Turkish bank TEB, NLB and BKT then comes. Net interest margin which indicates the difference in interest rates on loans and deposits continued to grow, this variable shows how interlinked and direct effect of interest rates, changing their changing the margin. Interest on loans and deposits has continued to decline. Especially interest rates on deposits in 2014 have fallen to 1.1%, it can also be related to banks'

investment in securities of our government as the initiator in this area but cannot be denied the investment of foreign governments. Most of the investments and development activities by the banks is accomplished by retained earnings or net interest margins, especially from interest income on loans. With the decline of interest rates on deposits of banks have received have sufficient liquidity and their focus is on securities, rather than in public deposits. Loans interest rates continue to remain high for our country, there is no risk but also the desire for higher profits. The market is saturated with credit and has no direction to hold. So if you have a decrease in the interest rate on loans we will have on sustainable economic development, increase in foreign investments, growth capital financing in shares, and increasing investment in securities.

REFERENCES

1. Asllanaj, Rustem. Dr. (2010). Kontabiliteti financiar.
2. Bernanke, B. (1983). Nonmonetary effects of the financial crisis in the propagation of the Great Depression. *American*, 73-76.
3. BQK. (2015). Raporti vjetor. 30.
4. Dhamo, Sotiraj. Dr. (2011). Kontabiliteti financiar i avansuar. 35.
5. Kadareja, Arjan. Dr. (2012). Leksione nga lenda Financat nderkombetare.
6. Kalluci, I. (2010). Percaktuesite e marzhit neto ne sistemin bankar shqiptar. *Banka e Shqiperise*, 12.
7. Luboteni, Gazmend. Dr. (2008). Financat e korporatave. 64.
8. Riinvest, I. (2002). INVESTIMET E JASHTME DIREKTE NË KOSOVË. *Raport hulumtues*, 13.
9. Zoto, O. (2012). Punim doktorature.
10. ASK (2013-2014): Statistikat e tregtisë së jashtme: <http://ask.rks-gov.net/tregtia-e-jashtme/publikimet>
11. Llogaritë kombëtare: <http://ask.rks-gov.net/llogarite-kombetare/II-kombetare>
12. Buletini Mujor Statistikor: <http://www.bqk-kos.org/?cid=1,129> Statistikat zyrtare të BQK-së, Seritë kohore: <http://www.bqk-kos.org/?cid=1,124>
13. CNB (2014): Global Economic Outlook
14. European Commission (2011 - 2014): Eurostat Database;
15. European Central Bank (2011-2014): Monthly Bulletin, European Central Bank, Frankfurt
16. IMF (2014): World Economic Outlook April 2014, International Monetary Fund (IMF): <http://www.imf.org/external/pubs/ft/weo/2013/02/weodata/index.aspx>
17. IMF (2014): World Economic Outlook July 2014, International Monetary Fund (IMF): <http://www.imf.org/external/pubs/ft/weo/2014/update/01/pdf/0114.pdf>
18. Bernanke, Ben. 1983. "Nonmonetary effects of the financial crisis in the propagation of the Great Depression", *American Economic Review*, 73, 25 7-76.
19. Berger, A. 1995. "The relationship between capital and earnings in banking". *Journal of Money, Credit and Banking*. Vol. 27.

-
20. Brock, Philip and Helmut Franken. 2003. "Measuring the Determinants of Average and Marginal Bank Interest Rate Spreads in Chile, 1994-2001". Mimeo Central Bank of Chile.
21. C laessens. Stijn, Asli Demirgüç-Kunt and Harry Huizinga. 1997. "How Does Foreign Entry Affect the Domestic Banking Market?". World Bank, Policy Research Department.
22. C laeys, Sophie and Rudi Vander Venet. 2004. ""Determinants of Bank Interest Margins in Central and Eastern Europe: A Comparison with the West". Ghent University Working Papers, 316.
23. Saunders. A. and L. Schumacher. 2000. "The determinants of bank interest rate margins: an international study". Journal of International Money and Finance, 19.
24. Ho, Thomas S. Y and Anthony Saunders. 1981. "The determinants of bank interest margins: Theory and empirical evidence". Journal of Financial and Quantitative Analysis, Vol. XVI, Nr. 4, 1981.
25. Demirgüç-Kunt, Asli and Harry Huizinga. 1999. "Determinants of Commercial Bank Interest Margins and Profitability: Some International Evidence", The World Bank Economic Review, Vol. 13, No. 2, 379-408.

The Role of Taxes in Economic Development of Kosovo

Artan Nimani

artanimani@gmail.com

Kolegji Biznesi Gjakovë, Kosovë

Abstract

To achieve prosperity and political stability, national governments aimed at achieving economic equilibrium. The government uses various instruments to stimulate economic growth, reduce unemployment and to achieve macroeconomic objectives. In the context of slow economic growth in recent years and fiscal pressures, Kosovo faces the complex challenge of economic development. Unemployment remains at a high level. Demand for labor is still very low and create an environment that will favor the formation of stable work places is a challenging task that requires a multidimensional reforms in the economy. This paper addresses the impact of fiscal policy on reducing unemployment, increasing investment and consumption to generate sustainable economic growth.

Keywords: *fiscal policy, unemployment, investment, consumption, economic growth.*

Introduction

Kosovo is one of the last countries in Europe to switch to a market economy. The transition process started from a very difficult starting point. Kosovo has a long history of state domination of economic and financial systems, which led to a degree, volume and limited experience of the private economy. During the years after the war, an economic growth of symbolic character, which have been attributed mainly remittances, investment in infrastructure and privatization. Investment, despite continued growth, deemed insufficient to boost domestic production. This pattern of growth has not been able to meet the development needs of the state and failed to dismantle the better standard of living for citizens considering that unemployment or poverty or are not reduced. (Progress Report on Kosovo, European Commission 2011) However, Kosovo needs to significantly accelerate its growth to reach regional income levels. According to World Bank estimates 18, Kosovo's economy should have increased by 10 percent per year for a decade in order to reach the level of earnings Albania, always claiming that Albania's economy continues to growth of 5.5 percent on an annual basis during this period.¹

SHORT PRESENTATION OF FISCAL POLICY

Fiscal policy consists in the use of taxes and government spending as a means to influence the macroeconomic indicators of the country. Government spending affect the overall level of spending economy, including the level of GDP and consequently the level of employment, inflation, etc. Fiscal policy affects directly or indirectly in the domestic economy.

Decisions taken in fiscal policy are not easy because changing one variable can change cause other variables and takes the wrong direction, so fiscal policy is regarded as a complex area which is necessary to analyze in detail. The tax system in Kosovo is faced with ideas on various challenges. Free to highlight any specific problem within the system, some of the flaws are quite evident and do not require significant input to resolve.

¹ World Bank, *Doing Business Report / 2013*

Others require radical reform in general proportions. Tax cuts made by this government has been a good place in postwar Kosovo. Such a decision has helped the development of businesses and the distribution of the tax burden to all participants. Higher positivity comes from the reduction in corporation tax from 20 to 10%.

It made Kosovo more attractive in the global market. However, the wave of optimism remained oblivious of the VAT increase from 15% to 16%. Although the increase was proclaimed as "only 1%" the truth is that VAT increased by 1 percentage point and it is equal to 6.6%.¹

Taxes in Kosovo consists of three types of taxes:

Value Added Tax

Tax Corporate Income

Personal Income Tax

These types of taxes are amended in order to simplify and providing tax relief, reducing and adjusting tax rates to the level of countries in the region. It is the harmonization of legal provisions between species in Personal Income Tax and Corporate, as well as the harmonization of the VAT Act, the European Community Directive on VAT. They drafted and adopted bylaws for implementation of tax laws.

To understand the context of decision making taxpayers to meet their tax obligations, you will need to identify the main elements behind this decision. The OECD has carried out a study, which showed that the decisions of taxpayers affected primarily by five factors:

The economic situation: Taxes are ultimately money, however, it is important not to forget that the economy overall is not decisive factor, as people generally think. The decision to meet or not to meet obligations may also be obtained for non-economic reasons.

Rates: personal and social norms play a major role in decision making process. Therefore, it is important that TAK be able to create debate and knowledge among the public regarding the fulfillment of tax obligations.

Remedy: By making an example of those who violate the rules, is a very important push for the fulfillment of tax obligations and historically was used by tax administrations. However, it is important to remember that the controls and setting the fines are limited numerous instruments fulfilling, because they rarely reach fulfillment in the long run. Also, the controls are very costly to the tax administration.

Opportunities: The ease or difficulty that accompanies the respect or disrespect of taxes is very important in choosing who makes the taxpayer. So, whether it becomes easy fulfillment of obligations and the hard failure, it plays a central role in the work of the TAK.

Justice: The impression that taxpayers about the tax system and the implementation of tax legislation by the tax administration, it is important for the readiness to implement the tax rules. Taxpayers should feel they are treated well and ensure that TAK take measures against those who try to avoid compliance.

Fiscal Business

Fiscal cash registers are only one of many elements that help fight against tax evasion. Above all he is a human factor that determines the spread or stop this phenomenon. Kosovo Tax Administration has the lowest number of tax inspectors per capita in all of Europe. The same multiple take lower wages than their counterparts in the region and more towards the

¹ 2. *Tax Administration, Performance Strategy 2012-2015*

power of businesses in the absence of financial police administrators are simply helpless. Besides human capital and factors such as law enforcement voluntary willingness, trust in institutions, government spending, corruption²⁰ and different rates are elements that define social business decision whether or not to meet fiscal obligations.

Understanding fiscal obligations and business community

Results of studies undertaken by Ri-invest show that tax compliance has a positive relationship with the size of firms. Large firms tend to be more in line with taxes than small firms.

In addition, women entrepreneurs tend to be less evasive than their counterparts, businesses with high cash transactions evade more, while corruption tends to affect a considerably as well as negatively levels of compliance with taxes. Institutional weakness undermines compliance with taxes. On average, business is inspected for four days in the whole year of tax administration, customs and two days of nearly five days by municipal officials. Kosovo has the lowest number of tax inspectors in 1,000 people in the region. Only 350 inspectors working in the field. Kosovo, recently entered into a costly process and fiscalisation complex, with the aim to provide each business with apparatus for recording the money - quite opposed by business owners and is still less than a quarter of the way along during the implementation phase. (Ri-invest 2011).

Acute problems of fiscal policy

Firm size is related to the positive correlation in terms of fiscal barriers to business development. Average firms see tax administration and tax rates quite high barrier than see small firms and micro-firms.

This reinforces the general belief that the tax administration is targeting large companies due to insufficient human resources at their disposal, with the aim of optimizing revenue collection with a certain capacity. Interviews with business associations in Kosovo reveal that larger companies complain far more about unfair treatment, lengthy inspections or unfair sentences by tax inspectors, as opposed to small firms who are rarely in direct contact with tax collectors. In connection with tax requirements, large companies highlight the importance of VAT collection as a barrier to their expansion¹.

VAT related matters on the basis of Kosovo, the majority of investment and raw materials are required to carry a burden of 16 percent of VAT at the border, before going any operation that investment results. According to business associations, such a burden increases difficulties with cash flow to businesses and, consequently, the need to go into borrowing obligations with high interest rate (14-16 percent on average). This, in turn obstructs cash flow sustainability, growth potential and the creation of new jobs. Such a burden, however, is less present²¹ among small firms, as they are obliged by law to pay a fixed fee. Therefore, tax rates and tax administration appear at the bottom of the list of barriers for small firms, and higher ranking among larger firms (UNDP, 2012).

EVASION OF TAXES

Results of the study show that the level of tax evasion in Kosovo is around 39%, roughly the same as other countries, the most in Albania and Bosnia during 1999 -2005. However, it is significantly beyond well-established post-transition countries and their average of 12.4%.

Firms which generally deal with less visible transactions, and focused on money (given the lack of control / audit sufficient and fine mechanisms in Kosovo) are the most frequent evaders taxes - and evasion / avoidance It connects well with the degree of informality in the sector.

The largest rate of evasion is the tertiary sector (so far wider sector in Kosovo) and in the primary - showing again the challenges facing agricultural growth and rural worker protection. Tax evasion / tax in Kosovo is equally damaging portfolio / public financial feasibility, market expansion and contract. This is mainly the result of two factors - the high cost of financial

¹ The Central Bank of Kosovo financial sector report, 2012

and psychological violence in accordance with the rules too complicated, and a large informal economy, which operates outside the system secure.

Chamber of Commerce considers tax evasion to be one of the generators of the single most important unfair competition (Rukiqi 2011). General reflection on fiscal trends in Kosovo GDP for 2012 was 4. 911 billion €, while for 2013 is expected to be 5. 234 billion €. This upward trend will continue in the same course and for 2014 according to World Bank projections. The value of GDP in Kosovo is 0. 01% of the world economy (The World Bank Group). According to the World Bank, Kosovo's GDP amounted averaged 4. 13 billion US dollars from 2000 to 2011, reaching a record high total on 6. 45 billion in December 2012 and the lowest on record 1. 86 billion in December 2000¹.

Termination

The government uses various instruments to stimulate economic growth, reduce unemployment and to achieve macroeconomic objectives. Fiscal policy is one of the most important policies that can positively affect the reduction of unemployment. Kosovo and Albania are the expansion to slow, so every decision has a huge impact on the progress of economic activity across the country. It is worth mentioning that while failure to pay taxes critically negatively affects economic stability, about 9% of business taxpayers consider tax evasion as a weapon ever to survive.

Fiscal developments during the first quarter of 2013 were more positive in the regular budget revenues. Total revenues at the end of the first quarter of the year recorded about 274 million €, a figure that is lower to about 4. 6% compared with the first quarter of 2012. Revenues from customs, as the main source of total revenues, over the first quarter of the year marked 147. 2 million, a figure which is higher by about 3. 3% compared with the same period last year. It reduces the capacity of the government to distribute revenues effectively, and to make capital investments. Creates an unfair advantage for companies of non-compatible, expands investment incentives to operate outside the law. This has a secondary effect on defenses odd employees and the creation of decent work. It is also an indicator of the quality of the relationship between the private sector, government and society. Being connected to form a chain of addressing these issues deserve the right to improve the business climate. Fiscal policy held in Kosovo, as well as in Albania is expansive fiscal policy. Government expenditures are too high and the budget deficit is not small. The state budget allocated to different areas in the country where the main subject of years now is infrastructure. Kosovo has not paid attention to public debt-raising because the consequences are long term and can lead to state bankruptcy. When asked whether fiscal policy can mitigate unemployment, the classical economists think otherwise, while they Kejnsey say yes. Fiscal policy can alleviate but not solve the unemployment problem. If we do not take into account potential problems as "Crowding Out" in an economy in recession, expansionary fiscal policy to reduce taxes and government spending can increase GDP, creating jobs, prosperity and economic welfare. ²

REFERENCES AND BIBLOGRAPHY:

1. Elmer G. Wiens: *Classical and Keynesian AD-AS model*;
2. *Tax Administration, Performance Strategy 2012-2015*
3. *World Bank, Doing Business Report / 2013*;
4. *The Central Bank of Kosovo financial sector report, 2012*;
5. *CBK Balance of Payments, 2012*;
6. *Statistical Office of Kosovo, the Report for 2012*;

¹ *The Central Bank of Kosovo financial sector report, 2012, page 17-19*

² *RIINVEST, Industry Strategy, 2010*;

-
7. *Statistical Office of Kosovo, Foreign Trade Statistics 2012;*
 8. *Hansen, Bent (2003): The Economic Theory of Fiscal Policy, Volume 3;*
 9. *RIINVEST, Industry Strategy, 2010;*
 10. *Ri-invest Enterprise Barriers Survey, 2011;*
 11. *Romer, David (2000) - Advanced Microeconomics;*
 12. *UNDP Public Pulse Report, 2012;*
 13. *UNDP, Kosovo Human Development Report, 2012*
 14. *World Bank, Doing Business 2014 Economic Profile - South, 2013*

Teaching Foreign Languages Through Culture

PhD. Cand. Arti Omeri

Department of English Language and Literature,

Faculty of Philology and Education

Bedër University, Tirana, Albania

artomeri@hotmail.com

aomeri@beder.edu.al

Abstract

The world is becoming globalized in every aspect. As a result, people are encountering everyday many foreign languages and cultures either through mass media, social media, schools, books etc. Living in this type of environment gives us the opportunity to learn and study many foreign languages and cultures. The importance of the relation between language and culture has been studied and assessed since a long time. This study is focused on how foreign languages are taught through culture. There can be raised several important question regarding the relation between language and culture. Is there any connection between language and culture? Do they influence one another? Can someone learn a language without knowing the culture and vice versa? In order to answers such questions there was revised the most modern literature on this topic. After revising the literature, a survey was also conducted to the lecturers and students of foreign languages faculty at "Aleksander Xhuvani" University in Elbasan. The purpose was to approach the topic from both perspectives and get the results and opinions from different point of views. The number of students participating in the survey was higher than lecturers, so percentages are given separately for both categories. Then the results were analyzed and compared with one another.

Keywords: *Language, Culture, Foreign languages, Effective communication, Cultural barriers, Education.*

Introduction

The relation between language and culture has long been studied and analyzed. According to Timpe it is essential to consider the relationship between language and culture in order to obtain a better idea of the close and mutually-influential interconnectedness between language and culture. It is only through language that a person is able to access the foreign culture and enter the realm of the new cultural territory (Timpe 2014, p. 13). Hence, both language and culture are inextricably linked, as one does not function without the other (Timpe 2014, p. 15). So, here the importance of studying both language and culture is highly emphasized. Timpe claims that one cannot study the foreign culture without studying the language. They are very closely connected an inseparable from one another.

Kinginger claims that there is great interest in 'teaching culture' as a part of the second language learning project. Even though, he continues that language and culture are not included in the same second language curricula, study abroad programs, and other learners and researchers programs. Kinginger insists that in the broader field of teacher education, the attention should be focused on the barriers that culture can create on effective teaching while teaching a foreign language. It influences the teacher's performance. (Kinginger, 2013, p. 76). As a result culture and language should be studied in the same language curricula. To avoid the barriers in teaching performance the teacher should be well aware of cultural differences and should include culture in their everyday language teaching activities.

Hager suggests that culture and language are closely knit and that they need to be taught/learned simultaneously (Hager 2011, p. 3). The semantics of grammar are loaded with cultural values and ideas; this can be found in the social structures speakers use, e. g. the social organization of speech communities (Hager 2011, p. 37). So, it is of great importance to study them at the same time. You may not understand the language without the culture as culture takes part in all aspect of the language including grammar and social structures.

It is impossible to translate the languages word for word. According to Reid all languages have idiomatic expressions which carry cultural connotations that are beyond the meanings of the individual words. As such it becomes impossible to translate appropriately without any cultural knowledge. Reid also claims that each language and culture is concerned with gestures and body movements which also importantly convey meaning. Gestures and body movements do not always mean the same in different languages and cultures (Reid 2014, p. 25). So in order to avoid misunderstanding one should also study other aspect of communication such as body language.

If we are unfamiliar to a language and culture it would be even more difficult to understand a text in that language. Matos emphasizes that if the readers we have in mind are reading in a foreign language and that if both the culture and the language are foreign in the perspective of these readers, learners may experience greater difficulty in identifying potential meanings in a given context (Matos 2012, p. 59). Being unfamiliar with both language and culture makes it quite difficult to understand a context in that foreign language.

Some people show interest on a language just because of its culture. If it is a dominant or a popular culture people may be encouraged to start learning the language of that culture. James and Georgieva said that speaking the language of a popular culture may be associated with prestige, and be valued by younger people (James & Georgieva, 2010, p. 5).

According to Pütz teachers are unaware of the culture they transmit while teaching a language. After conducting a survey with several lecturers he concluded that all lecturers are of the opinion that language teachers are generally un-aware of the culture that they transmit when they teach a language. As one lecturer put it, "We think in our culture and we transmit this in our teaching, but we are unaware" (Pütz, 1997). The teachers should be aware of the culture and messages they transmit and should be aware of the culture of their students.

Zarobe, Y., & Ruiz de Zarobe, L argue that contemporary linguistics and communication practice have shown that cultural contact occurs simultaneously with language contact, and therefore understanding cultural contact is essential for setting up efficient communication among members of different cultures Ruiz de Zarobe, Y., & Ruiz de Zarobe, L. 2012, p. 337). As a result knowing the culture is a key factor for achieving effective communication.

Method

This research was conducted at "Aleksander Xhuvani" University in Elbasan. A questionnaire composed of ten questions was prepared and distributed to students and lecturers of the foreign language faculty of this university. There were asked the same questions for both categories in order to get the answers and opinions from different point of views. The results of both groups could be contrasted and compared. Some of the questions were open ended and some closed ended, so that it made it possible to conduct a qualitative and quantitative analysis on this topic. This study was about teaching foreign languages through culture, so the students and lecturers involved were not just part of one department. It included students learning English, French, German, and Italian. For the study it did not matter what department belonged each student as the culture and language relation is almost equally important for all languages. The questionnaire was anonymous and each participant was given enough time and explanation to complete the survey. In total there were 100 students and 10 lecturers involved in the research. Each of them answered and submitted the following questionnaire.

Do you think culture and language are connected with each other?

Can someone learn the language without learning the culture or vice versa?

Can language and culture function without each other?

Can culture be a barrier to language learning performance?

When learning a foreign language, is it necessary to learn culture and the language simultaneously?

Does culture influence the grammar of a language?

Is the body language the same in all cultures?

Will you ever study a foreign language because of its culture?

Can a language be translated word for word?

What do you think about the role of culture in effective communication?

Results

Analyzing the questionnaire was the next step in this research. Regarding the question about the connection between culture and language all the lecturers and 85% of the students agreed that there is a connection between the two. The rest of the students either claimed that they did not know the answer or they said that there was no connection between them. As it is shown from the results the vast majority of student and lecturers believe that there is a relation or a strong relation between language and culture that is worth studying.

The next question asked for the opinion whether a language or culture could be learned separately. Most of the lecturers 80% think that language cannot be learned without culture and 90% of them think that a culture cannot be studied without knowing that language. The percentages were a little lower when it came to students results. 60% of students think that a language cannot be learned without culture and 65% think that a culture cannot be learned without knowing the language.

Again all the lecturers agreed that language and cultures cannot function without each other. Surprisingly here even the number of students who think the same way as their lecturers was too high. 97% of students declared that both language and culture do not function without each other.

The following question was about barriers that a culture can cause in language learning. Most of the teachers agreed that a culture can be a serious barrier 60% to language learning whereas other 30% said that it can cause some difficulties. Only one lecture, 10% responded that the culture cannot be a barrier to language learning. On the other side only 40% of students said that the culture can be a real barrier to language learning. The other 35% claimed that it can cause some problems and the remaining 25% did not consider culture as a barrier at all.

The answers of the following questions were not easy to be analyzed as there were various types of responses. Nevertheless, most of lectures, 70% insisted on learning language and culture simultaneously. On the other hand the students did not produce solid results like lecturers. If answers without any relevance to the study are excluded then the result was 37% declaring that language and culture should be studied simultaneously, 28% said that it does not matter which one you study first and another 25% did not know or did not answer the question.

In the question asking about the influence of culture in the grammar both students and lecturers, 83% and 90% respectively, were certain that there was a kind of influence coming from culture. Most of the lecturers also gave concrete examples were culture influenced grammar as in the example of gender categories.

The only question which had a unanimously response was whether the body language was the same in all cultures. Here lectures and students all agreed that body language differed from culture to culture. Body language is a very import aspect of communication. As a result one should know very well the body language of another culture in order to communicate appropriately. The importance of culture in language and communication is best understood from the results to this question.

The next question asked lecturers and students whether they will study a foreign language just because of its culture. Only 40% of lecturers and 26% of students claimed that they will study a language in the future just because they are interested or encouraged by its culture. Even though the results may seem low, still there are a significant number of students and lecturers who want to study a language just to know or become familiar to its culture. Considering that there is an unlimited number of reasons to study a foreign language cultural reasons seems to be considered quite high.

The following question asked the two groups whether a foreign language can be translated word for word in the mother tongue. All the lecturers unanimously responded that a foreign language cannot be translated word for word as you need to know the culture, idioms and expressions of both languages in order to make an appropriate translation. 82 % of students also claimed that word for word translation is either wrong or impossible. Only 18% of the students agreed that word for word translation is possible or is the same in different languages. The results of this question show once again the importance of knowing language and culture at the same time in order to have a better understanding or translating a foreign language.

Regarding the last question we may say that the responses varied considerably as it was an open ended questions. Most of the lecturers, 90%, considered the role of culture in communication either as important or very important. As they defined communication as something larger than language which includes it, they declared that the role of culture in communication was even higher. 75% of students also defined the role of culture in communication as important. Even the rest of the students, who did not emphasize the role of culture, accepted that there is some importance of cultural knowledge in communication.

Discussion

After analyzing the results, based on the majority of the responses, it can be said that the language and culture are closely connected with one another. As a result a language cannot be learned without knowing the culture and vice versa. They cannot function without one another. Not knowing a culture can be a barrier when studying a foreign language. In order to avoid such problems one should study also the culture related to that language. So, when learning a foreign language it is necessary to study both the language and the culture simultaneously.

The culture of a nation can influence the grammar of the language, its vocabulary, and the body language. As it can be seen the impact of the culture in the language is enormous. There cannot be an appropriate communication or understanding without knowing both of them. We may misunderstand other people just by not being familiar to their culture. It would be impossible to translate a foreign language to a mother tongue without any knowledge about the culture as word for word translation most of the times is impossible. Culture has a great influence in learning a foreign language. Many people start learning a new language just because they are interested about the culture of that nation.

Conclusion

To conclude it can be said that language and culture relation is very important when considering studying a new language. One may not succeed in learning a language without studying its culture simultaneously. Cultural aspects can be the main barriers of communication between individuals. Body language, grammar, vocabulary, idioms, and politeness they all change from culture to culture. It is almost impossible to have a good knowledge of language without all these components. Even if you know a lot of vocabulary of a foreign language you are most likely going to misunderstand and misinterpret their language if you do not have any knowledge about their culture and tradition.

It is strongly advisable that someone should study both the language and the culture of a target language as they cannot function separately. It is very important to become familiar with the culture in order to progress or improve the language capabilities. Nowadays many texts include cultural aspects when designing the curricula of a language program. Language and culture are said to be mutually influential and very closely connected to one another.

Bibliography

- Timpe, V. (2014). *Assessing Intercultural Language Learning : The Dependence of Receptive Sociopragmatic Competence and Discourse Competence on Learning Opportunities and Input*. Frankfurt: Peter Lang AG.
- Kinginger, C. (2013). *Social and Cultural Aspects of Language Learning in Study Abroad*. Amsterdam: John Benjamins Publishing Company.
- Hager, M. (2011). *Culture, Psychology, and Language Learning*. Oxford: Peter Lang AG.
- Reid, E. (2014). *Intercultural Aspects in Teaching English at Primary Schools*. Frankfurt: Peter Lang AG.
- Matos, A. G. (2012). *Literary Texts and Intercultural Learning : Exploring New Directions*. Oxford: Peter Lang AG.
- James, A., & Georgieva, M. (2010). *Globalization in English Studies*. Newcastle: Cambridge Scholars Publishing.
- Pütz, M. (1997). *The Cultural Context in Foreign Language Teaching*. Frankfurt am Main: Peter Lang AG.
- Ruiz de Zarobe, Y., & Ruiz de Zarobe, L. (2012). *Speech Acts and Politeness Across Languages and Cultures*. Bern: Peter Lang AG.

Communication as the Center of Teaching/Learning Process of Foreign Languages (the Case of French Language)

Dr. Leonarda Myslihaka

Lecturer of internal University "Aleksander Xhuvani"

Humanities faculty, the french branch Elbasan, Albania

leomyslihaka@yahoo. it, leomyslihaka@hotmail. com

Abstract

Knowing at least one foreign language has become almost a necessity. However, in learning a foreign language, communication definitely plays a crucial role. Moreover, without communication there is no interaction, language teaching or learning. Communication is considered as very important and more and more is used as a useful tool to organize a pupil – centered lesson. In this article is treated the need to strengthen and highlight the communicative aspects in teaching foreign language, in our case French language, for a better learning of the language. The objective of learning a foreign language is to develop at pupils the communicative competences in this language. More and more we are going towards a method where communication is the one that realizes successfully the process of teaching and learning. The hypothesis that is set in the article is: Is communication the core element in teaching and learning a foreign language? Other research questions and cases that will be treated are: Communication methods of the foreign languages. What communicative skills are required to develop at pupils/students who learn a foreign language and the strategies of their lessons?; Linguistic competences and their communication role; Communication and the importance of interaction; Oral communication in teaching / learning French language, in the French and Italian language department, in "Aleksander Xhuvani" university, Elbasan.

Keywords: communication, foreign language, teaching/learning, teacher/student, strategy, interaction.

Introduction

Everyone, living in a society, tries to learn how to communicate in a foreign language, using different techniques and methods to achieve this goal. It is difficult to define which the proper method to learn a new language is but we can draw some conclusions on previous experiences. The most used method nowadays is the communicative teaching method, which is considered to be more of an achievement than a real method. As a method it emphasizes the interaction among students and it is called also "communicative achievements in a foreign language". We can classify them in three stages:

Stage 1. Traditional methods (till the 60')

Stage 2. Classical communicative methods (70's – 90's)

Stage 3. Communicative teaching method (90's – nowadays)

We can trace the roots of this method in 1970, in France as a substitute of the previous structuralist method called "Situated language learning". There have been a lot of discussions on the ways we should teach French and how students can use it in their communication and from the observations, we noted that students were capable to articulate sentences correctly during the lesson hours but we had no idea if that happened in real life as well? Some teachers noted that the capability to

communicate required more than the simple acquaintance with the grammar structures because students are familiar with these rules but not able to communicate according to these rules. So communication required that pupils/students to acquire some lingual functions within a social context. In other words the ability to communicate requires more than a simple lingual competence and it means to know when and how to say something to someone.

1. Communicative teaching methods in foreign languages

All communicative teaching methods used today in Albania focus in the communicative acts and the connection with lingual functions. The communicative acts fulfill some functions that represent the aims of the communicator. That said, the learning a language for communicative purposes, aims to apply the theoretical perspective of communicative approach, making the communicative competency the final goal of learning a language. This methods aims as well to go further than simple grammar capacities, in a point where students are able not only to understand a language but to use it in a personal dialogues, so to use the language to achieve a goal. And this is known as a communicative capacity. By encouraging the communicative capacity, the lingual level improves considerably because a language that is used for personal goal is time-resistant in comparison with a language learned by grammar and translation. It emphasizes communication in real life situations and it is quite important in learning a foreign language because it sets a number of important principles to improve students communicative abilities such as:

- Pupils/ students learn the language by communicating it;
- authentic communication and understanding is the final goal of the class;
- Fluency is an important aspect of communication;
- Communication integrates different language abilities;

Another important principle of this method is that the student is in the center of the teaching process and the role of the teacher/ lecturer is quite different than the role in a more traditional class. In traditional classes the teacher/ lecturer has the duty to control while in communicative classes he is more of a facilitator. While in traditional classes is taught more grammar, in communicative classes are created real life situations; grammar is still important but in function of communicating the messages. So as we see, apart the language being studied, the aims remain the same; to develop the communicative competencies. Another aspect is to know the functions in which language is used. Meaning earns the main importance. There are several communicative activities (games, role plays, team work, simulations, solving problems and tasks etc.) that offer to students a chance to practice their skills in different context and roles, while teachers create the chances for students to use language in a meaningful way. Xhevat Lloshi, in his book "Stilistika dhe Pragmatika e Gjuhës Shqipe (2001:287)": *explains that language serves to communicate. Language serves to a number of social functions. When communication happens in social, formal, official or public circumstances, the interaction of lingual factors and social ones brings an organism that is different from discourse.* According to him, lingual behavior changes based on social relationships in the moment of conversation, so in the moment that we communicate through speaking or by writing.

Gjovalin Shkurtaj in his book "Etnografia e të Folurit të shqipes (2004:40)" *says that the ethnography of speaking follows these questions: Who speaks, with whom, when, for what and what language? Each communicative act, in specific social communities, has had and still has specific norms on which are performed the speech acts.* This means that if we do not act as mentioned above, we create a gap between speakers.

2. What are the required communicative abilities acquired by a student that learns a foreign language and what are the proper strategies to learn them?

The reason why we learn a foreign language today is mainly concentrated in earning communicative competency, which is developed through teaching and learning of main lingual abilities. "The Common European Framework for lingual references uses the terms: speaking, reading, listening and writing. Each lingual level is described according to the type and level of expressions that students should own in a given level, through communicative and functional examples. To increase these communicative capacities, is important to integrate successfully all these elements with no differences

among them. Further is stated that in order to accomplish the communicative task, the language users should participate in communicative activities and in this case we can include all lingual competencies. The successful integration and learning depends upon teachers and students, the teaching environment, teaching styles, strategies and the aims of the teacher on how to achieve his objectives. Bardhyl Musai (2003: 22, 30) argues that "the main problem of interactive teaching and learning is that all discursive acts such as listening, speaking, reading and reading should be respected, used and balanced, with the objective that students should participate equally, with all their discursive acts. When students are taught language, they are taught how to listen, read and speak fluently and how to write different texts". That said, the role that these abilities play in the communicative competency is quite important.

We have receiving language abilities (reading and listening) and giving language abilities (speaking and writing) and when we study a language, teachers tend to focus only in the language that has to do mainly with grammar, vocabulary, spelling and the development of lingual competencies. The aim of studying a language is to increase the lingual knowledge on receiving and giving lingual abilities.

Meanwhile other studies focused on French curricula as a foreign language, researchers have noted that the lingual competencies are treated separately because they think that it is impossible to treat all these competencies together. This does not help students to improve and use communication outside the class, in real life situations. According to researches, lingual competencies in texts are divided based on learning strategies; reading, listening, speaking and writing. On the other side, grammar is taught inductively and not deductively as in other methods because here the goal is to use grammar to communicate. Same happens with the teaching of vocabulary and pronunciation.

The teaching process and the teacher aims to bring everything into practice, enabling the students to create complete and meaningful sentences and expressions and that is why it is important for them to complete numerous listening and reading task that would help them illustrate the meaning of the vocabulary in a given context. Games, paintings, gestures etc can be used to make the process interesting and fun for the students. "*Literary activities are another interesting form for the students to expand their vocabulary and learn syntax*" (Trehearne, 2006, p. 31).

We can use different strategies to teach lingual competencies such as self-assessment, questionnaires, analysis, planning and forecasting. Teaching students to improve their learning strategies means to increase their capacities in all lingual competencies and the practical integration of all these competencies through activities and communicative task would improve students' ability to communicate. In a given task could be combined listening, speaking, writing and the use of words and expressions in specific contexts and in this way the students could practice all competencies in simple, practical and communicative way.

3. Lingual competencies and the role of communication.

- *The importance of reading in communication*

In all French classes reading holds a special place. It is a receiving competency through which students develop their cognitive capacities. In the national language curricula, reading is described as a competency that increase students capacity to communicate and that is why the level of reading in foreign language texts includes the type of expressions that students possess according to their language level. In the same document is stated that students should be exposed with different communicative examples and lingual functions based on their level and this means that reading should not be seen as a simple process but it has to be communicative and to create spaces for students where they can use it.

- *The importance of speaking in communication.*

"*Speaking is a strong support for reading and writing. It holds a privileged place of personal expression and the first place in the lingual development. The child is developed in the moment when all his lingual capacities to communicate orally are developed too*" (Tochon, 1997, p. 11). In CEFR is stated that "the lingual competency to communicate is achieved through the diverse activities that are related with the receiving, production and interaction, completed orally or by text. In the same document is stated the level of speaking that students should possess in each lingual level and in each of these levels the students should be exposed to different communicative examples. In the lower level, students are expected to give short

answers, to be capable to describe people and places, to use expressions such as permission, requests for help etc while in higher levels students are expected to participate in conversations, to be capable to discuss facts and ideas, to expand their vocabulary and to pronounce words and expressions correctly. Learning French as a second language, requires students to improve their lingual competencies because to speak is one thing, but to communicate is something else and that is why to acquire lingual competencies means to develop receiving and giving capacities.

- The importance of listening in communication

The majority of people that study French face many difficulties in listening and speaking compared to other competencies. Listening is an important competency in acquiring a new language and it is defined as a key competency for students to be taught effectively. "Students do not listen equally; some stand sit tranquilly, some other move and some other need to see and to listen" (Trehearne, 2006, p. 34). In the national language curricula, listening is given an immense importance. In each language level students have to be exposed to concrete examples and lingual functions. In lower levels students are expected to understand short questions, orders, clear speaking based on non-verbal language as well, while in higher levels students are expected to understand a variety of spoken language from different sources such as: news, journals, documentaries, movies, dramas etc, knowing how to extract conclusions and notice emotional attitudes.

- The importance of writing in communication

In the national language curricula, writing is again based in the students' level. In each writing level, the students have to be exposed with communicative and functional examples of language. In the lower levels students are expected to reproduce exactly words and sentences, to label objects and to choose words while in the higher level students have to write about real or imaginative topics. They have to be capable to connect sentences, paragraphs and to adapt language. For writing to be functional in communication, the teacher has to use diverse strategies and techniques. To develop creative writing, we need to use all language competencies, critical thinking, and socio-linguistic and cultural competencies. *"Actually students acquire 80% of a competence when they have had the chance to practice it at least 24 times (Anderson, 1995; Newell et Rosenbloom, 1981)".* (Hill et Flynn, 2006, p. 10).

4. Communication and the importance of interaction

There have been conducted several studies on the role that interaction plays in increasing the communicative competencies in French language. The most important fact is that pupils/ students have to be active in the class and this activism obliges the teacher to speak less and students more. Nowadays, teachers try to direct the teaching process towards students to achieve their objectives and to improve communication among them. Communication teaching oriented methods are based on interaction and one of the main roles of the teacher is to give or create a situation where communication is needed and it is important for students to communicate. They involve themselves actively in communication to create meaning among them even in those situations where they lack complete language competencies. It is the duty of the teacher to incite and motivate them because *"Group discussions enhance more the cognitive strategies and in a higher level than individual reasoning practiced during individual learning or competitions"*(Giasson, 2003, p. 83).

Types of class interaction

Interaction is defined as the inclusion of students in the learning process and the cooperation teacher-student and student-student.

- Interactive dialogue teacher- students.

There are two types of interactions: teacher –student and peer-to- peer. The first type of interaction happens between the teacher and many students. The teacher is the one who negotiates with students through explanation, questions, the use of ideas of students etc. This helps students to benefit from the teacher's experience to interact effectively. During this interaction students try to prove their capacities to speak and understand language and how does it help their learning.

- Interactive dialogue student –student / peer –to- peer

Every teacher should pay the right attention to the relations among students. The communication is achieved through interaction and that is why the activities are chosen wisely to fulfill this objective. Team work and couple work is quite effective and after the teacher defines roles, he/ she monitors them how to complete the task and not to make mistakes. Students are expected to interact with the language system, which is included in the given material. The teacher is responsible to specify the language that students have to use and he/she has to give concrete guidelines because in the contrary the results will not be satisfactory. If this interaction is well-coordinated, it might turn to be a key factor in developing students' cognitive capacities, the development of education, social and cooperation competencies.

- Communicative activities in teaching French as a foreign language.

Given that speaking is limited within the class, not all students are capable to communicate and not always the tasks are connected with communication, teachers have to find teaching strategies and communicative activities, based on students' age and language level that learn.

Language games, team work and role play

Games are often used to teach foreign languages because the students' capacity to communicate in this second language. Games require interaction and help to acquire lingual competencies. It is important to stress that in all language level students have to be included in the process of speaking. Pupils/ Students are happy, attracted to these games and if they are built in the right way, they endow students with valuable and practical communicative abilities. Games could be a powerful tool to learn a second language because they encourage, entertain and increase fluency in communication.

- Role play

Role playing is quite important because students are given the chance to practice communication in different social context and social roles. Using this technique, students are involved in an activity where completing the task is much more important than using the right words and when fluency in speaking dominates over accuracy. In order to be successful the teacher should give clear guidelines and each student should know what he/ she has to do, according to the signed role.

- Couple work

Work in two makes possible the interaction among students in completing the tasks. Based on this technique, students learn from each other, classify and develop new structures and new discursive models.

- Team work

One of the main teaching principles is to create an active class environment. To secure interaction it is advised to divide the class in small groups that can work harmoniously, expand their learning methods and to create a positive atmosphere where students can exchange information. Same as in role playing team work is quite important and often teachers divide the class in groups to complete specific tasks. The studies have shown that this technique increases efficacy in the teaching process.

5. Oral communication in French teaching/ learning process, in the department of French and Italian language, in the "Aleksander Xhuvani" University, Elbasan.

Oral communication plays an essential role in teaching and learning a foreign language. It incites reflection and helps pupils/ students to get included in a constructive dialogue. Oral communication favors phonetic and syntax cognitive development, expands the vocabulary on which students base their understanding, reading, writing and communication in French. That is why those who have good oral skills develop more their competencies in reading and in writing.

"Oral communication is a process of learning and improving that evolves while we experiment techniques and skills that then are put into action, again and again" (Miyata, 2004, p. 113).

Being conscious about the role and importance that oral communication plays, we conducted some observation hours in the French department, in all bachelor years, in the university "Aleksander Xhuvani" Elbasan. The results of these observations are mentioned below

- First year students' speaking competencies in French language:

* First year students are capable to participate in short conversations in different situations that are similar with their personal life. They make and understand questions and they can answer with full answers; they communicate by using simple syntax structures.

* In this stage, students continue to develop their auditory and expressing capacities. They understand the message being communicated and try to interact when the other speaker speaks slowly and articulates in a clear way, given time to reflect.

* Students try to explore a variety of topics. They use a simple vocabulary and this helps them to communicate to each other their desires and needs.

* First year students communicate by using the present tense, the past and the future and they try to improve their pronunciation, intonation and rhythm

* They take long pauses with the aim of finding the right words in French and use the proper structures to communicate their message.

- Results of the sophomore students

* Sophomore students are capable to participate in much more consolidated conversation that are not only related with their personal but also with social life. They understand difficult questions and they try to answer them

* In this stage their capacity to listen and to use oral expressions allows them to participate in different real and interactive situations, communicating easily in French.

* They explore much more complex topics in comparison to first year students and they continue to deepen their vocabulary knowledge and lingual structures. This allows them to express ideas, thoughts and their opinions.

* Sophomore students communicate by using the present, past and future tense more easily than first year students and they try to use other tenses and model verbs to communicate. They have a better pronunciation, rhythm and intonation in French.

* Even though they try to find the right words, they take short pauses and sometimes they correct themselves to speak language more autonomously.

- Last year students:

* Last year students are capable to participate in more complex and spontaneous conversation connected with personal, social and global aspects of life.

* In this stage, their auditory and oral competency, allows them to communicate among each other in numerous, complex and real situations.

* Students tend to express and justify their opinions and sentiments, giving advices and discussing about different approaches.

* They use tenses and forms based on the context, respecting the pronunciation, rhythm, intonation and syntax structures in French.

* In this stage they own a rich vocabulary and they try to choose their words attentively. They speak French in a more elaborated language structure and completely autonomous.

Conclusions

Oral communication is the basis of teaching and learning a foreign language. Only a solid basis of speech enables students to develop better their reading and writing competencies. To learn how to communicate in French the student needs to express his interests and need in original interactive context and firstly he/ she needs to develop the auditory and understanding competencies and to know the purpose of oral communication.

The acquisition of a second language is possible only when the students use language to fulfill any given task with the aim of creating an original communication, having in mind the clarity, fluency and accuracy with which the student expresses his/her ideas.

The student has to use language, structures and vocabulary in different communicative situation, in which social interaction is needed.

Listening is important in this process. "Short, interactive and well- organized activities by the teacher help students to experiment language in a communicative context" (Stewart Cogswell and Kristmanson 2007:24). More, team work creates a spontaneous atmosphere, where the teacher can adapt these activities based on their needs. In this way the student feel much freer and "maximizes his/ her way of using language more independently" (Stewart Cogswell et Kristmanson :24).

Still the teacher/ lecturer remains the principal lingual model that pupils/ students is refereed too, as he/ she is the one who can achieve to create an oral communication by using is personal variations. In the same time, oral presentations such as: (songs, radios, televisions, videos etc) serve as authentic language models.

Last but not least we should emphasize that oral communication is done in two main:

1. Contextualization (input)
2. Use (output)

In the first stage pupils/ students learn language unconsciously by listening and understanding real messages that are a bit difficult for them. In this stage the teacher/ lecturer has to be attentive and have in mind their language level in order to progress. Said this, the input should be original and reasonably difficult in order for the student to use language in a proper and meaningful way.

In the second stage, pupils/ students need to be granted the chance to use and re use language in a reasonable level of difficulty and to concentrate on their interests and personal lives. This stage enables pupils/ students to earn oral and linguistic competencies with the objective of communicating their messages independently and effectively.

References

- Giasson, Jocelyne. 2003. *La lecture : de la théorie à la pratique*, 2e édition. Boucherville, Gaëtan Morin Éditeur Ltée.
- Hill, Jane D. et Kathleen M. Flynn. 2006. *Classroom Instruction that Works with English Language Learners*. Virginie (États-Unis), Association for Supervision and Curriculum Development.
- Loshi, Xhevat. *Stilistika e gjuhës shqipe dhe pragmatika, botimi dytë*. Tiranë, 2001.
- Musai, B., *Mjeshtëritë themelore të mësimdhënies*, Tiranë, 1997

Miyata, Cathy. 2004. *L'art de communiquer oralement*. Montréal, Les Éditions de la Chenelière.

Tochon, François Victor. 1997. *Organiser des activités de communication orale*.

Sherbrooke, Éditions du CRP.

Trehearne, Miriam P. 2006. *Littérature en 1re et 2e année – Répertoire de ressources pédagogiques*. Mont-Royal (Québec), Groupe Modulo.

STEWART COGSWELL, Fiona, et Paula Lee, KRISTMANSON (2007). *French is a Life Skill, A Summary of Research, Theories and Practices*, Toronto, Ontario, Nelson.

Shkurtaj Gj. "Etnografia e të Folurit të shqipes", SHBLU Tirane,, 2004 (277f)

"Kuari i Përbashkët Evropian i Referencave për Gjuhët" <https://www.coe.int/t/dg4/linguistic/Source/CEFR%20Albanian.pdf>

<http://www.botimeshqip.com/liber-mesuesi/190799-kuadri-perbashket-europian-i-referencave-per-gjuhet.html>

Kurrikula per Gjuhët e Huaja http://www.arsimi.gov.al/files/userfiles/kurrikula/PROGRAMI_GJUHE_SHQIPE,_shkalla_3.pdf

A Study on the Impact of RU-486 on Women's Health in the Albanian Context.

Adelina Kakija

Lecturer, SHLUJP "Wisdom University"

kakijaadela@yahoo.com

Abstract

Women of all ages, races, religions, economic status, married, single or lesbian, having a relationship or not, may have an abortion for various reasons. Decision-making whether to have a child or an abortion is always a difficult choice. There are several ways that accompany the process, but the focus of this paper will be the induced abortion with drugs and specifically with RU-486 or "pills of abortion". In the Albanian context, it would be called "the ghost pill", a naming that was coined by women themselves. In this paper, 65 women who have experienced a voluntary abortion, are interviewed and 21 of them have used the pill at their homes. They told about their experiences during the process and in the days after. What it makes the paper interesting, it is the way of taking the pill and its use. RU-486 in most cases is purchased without visiting the doctor, privately, from unlicensed private clinics (from assistant clinic) and the process is performed in family environments, in complete contradiction to the Albanian legislation. The question raised in this study is: Does the use of RU-486 (the original name of the pill) put women's mental health at risk? "Pro-life" or anti-abortion groups, have opened a "war front" against RU-486. After determining the pill as "human pesticide" and "pill of death", the aim is to show the risk that women experience. However, on the other hand, a "pill of death" that respects the choice of the woman, by accessing the "pro-choice" can not bring about psychological risk. The debate continues so long, and so far and we can not see winners or losers on the horizon. From the received answers, women have experienced and continue to experience a sense of anxiety, guilt, visual hallucinations. From the findings obtained, what affects the mental health of women is failure of necessary information for this procedure and facing with the embryo as well, which results in deterioration of her current and later mental state.

Keywords: RU-486, medical abortion, experience, approved information, embryo

1-How is the Abortion Law drafted in Albania?

In order to have a complete study is important to give a clear overview of the way how the Albanian law on abortion is drafted.

In Albanian, abortion is regulated accordance to the Ministry of Health's law and ordinances for abortion, No. 8045, dated 07. 12. 1995, based on the article of law no. 7491 of year 1991 "For major constitutional provisions" with the proposal of the Council of Ministers, adapted in the Albanian Parliament. This law consists of 21 articles which are divided into three parts. In accordance with Article 3, the voluntary pregnancy termination can be carried out by a medical specialist i. e. a an obstetrician\ gynecologist who is an employer in state and private institutions that meets the conditions laid down in the instructions of the Ministry of Health.

The medical specialist from whom the voluntary termination of pregnancy is requested, is obligated to inform the person (woman) about all risks and complications that the termination of pregnancy can bring about to her, the rights that are ensured by law for family, mother and child, for the institutions and organism that can offer to them moral and financial support and for the clinics that carry out pregnancy termination (article 4). After receiving all relevant instructions and the appropriate information, the doctor asks for written confirmation of the request, 7 days after the first request. When the

request is performed by an infant girl, except from her request, the approval of a person who practices her parental authority or a legal caregiver, is required (article 8). Pregnancy termination can be carried out up to the 22nd week of pregnancy and anytime, in case that the commission comprised of 3 doctors, after the examination and consultation, judges that the fetus has malformation incompatible with life or invalidizing diseases with unsure treatment (article 9). Whereas in the case when the woman evaluates that her pregnancy causes psycho-social problems, she can carry out the termination at week seven but also week 22 if the commission comprised of 3 specialists a) doctors, b) social worker and c) lawyer decides on it. After the examination and consultation, the decision whether the pregnancy is a result of rape or another sexual crime and other proved reasons, which are proved and adopted by the Ministry of Health and Environment Protection (article 10). As far as the doctor is concerned, he is not obligated to carry out terminations against his will (article 6).

According to the data (that we aforementioned), it seems that the Law on the abortion is liberal regarding women. Criminal persecution, under this law, can be applied only for the medical specialist if he has violated the provisions of the law adopted by Ministry. Unfortunately, there is no criminal law in the Republic of Albania that can describe in detail and more precisely the abortion regulation namely when a woman can violate the legal provisions with her abortion or when the termination is privately performed without doctor consultation? If yes, then is the sentence prescribed or how is such an act regulated by law?

2-Theoretical perspective on voluntary abortion

The formal studies about the psychology of abortion have gained a considerable momentum over the last decades, but simultaneously the scientific severity of studies has drastically increased.

These researches are reflected in their findings whether the elected abortion has influence on the women's health. Some of the most important recent findings are presented as follows:

The latest reports from the American Psychological Association (2008) and the Royal College of psychiatrists (national Collaborating Centre for Mental Health, 2011) in the U. K have arrived at the conclusion that an abortion carried out in the first three months does not risk the women's mental health compared this with the choice of giving birth to a child. According to them, the cause of psychological concerns can not be attributed to the abortion through every valuable scientific method.

These evaluations are in a strong contrast to two recent meta-analysis and the best researches available which objectively found out: Women with an abortion story, have experienced an 36-81 % increased risk of mental health problems in general (Coleman, 2011 and Ferguson, Horwood and Boden, 2011). Actually, a recent study carried out by (Mota, Burnett & Sareen, 2010) reported that in the middle of 5. 8%-24. 7 of lifetime prevalence, certain mental disorders in the United States can be prevented if women do not opt for abortion in the process of their life.

In 1987, Rue, Spekhard, Rogers and Franz provided a systematic review of mental health and abortion literature and a meta-analysis. They arrived at the conclusion that : (1) the negative psychological effects of abortion exist up the mildest to the severest level, (2) the meta-analysis of the best studies including those studies that are characterized by: enough measures of champion, the use of a comparison group, standardized instruments and the inspection of confounding variables taken for study, suggested more negative psychological consequences, which are linked to the women who have chosen abortion as an option in contrast to the women of inspection group who have given birth to a child, (3) all psychological studies on abortion, have provided evidence on some negative consequences, at least on a part of women observed; (4) the clinical literature is more convergent than divergent in the identification of the reality of post-abortion trauma for some women. The two recent meta-analysis, Coleman (2011) and Fergusson, Horwood and Boden (2011) identified an increase in the risk to mental health and anxiety disorders, misapplication of substances, abuse and suicide. Coleman (2011) found out also other risks to the mental health in the emergence of post-abortion depression.

Abortion can be surgical or medical. The study is focused on the medical abortion with RU 486 pill, due to the fact that recently the use of such method has spread in Albania at staggering speed.

This is also based on experiences of the interviewed women.

3-What does RU 486 stand for?

Ru-486 is an abortion pill. Its use ends a pregnancy. Its name derives from the initials of the lab where it was produced (Raymond, 1991). Actually it is produced by the "Exelgyn" French company.

Ru-486 is known with a variety of different names including:

Mifepristone (the common name)

Mifegyne (European trade name)

Mifeprex (U. S. trade name)

"Early option" pill (the euphemized name)

As a matter of fact, RU-486 is an alternative method of medical abortion that terminates pregnancy of women up to the seventh week.

It is important to emphasize the fact that: RU-486 should not be confused with contraceptive pills. It is not a contraceptive because its application undoubtedly occurs after recognizing pregnancy so it is not a way that can avoid pregnancy.

A Brief History

It was found out in 1982 by Etienne-Emile Baulieu in "Roussel-Uclaf" labs during some experiments conducted on progesterone derivative (Raymond, 1991). In 1980, experiments were conducted in different European countries and in the U. S. The aim was to avoid the clinical abortion. In 1988, Ru- 486 was approved in France and China, in 1991 in England and in 2000, it was introduced in the United States.

Function:

Ru- 486 can be used up to the seventh week of pregnancy. Ru- 486 is an acronym used for testing of mifepristone, steroid and anti-progestin hormone. This is a proved method which is used in many countries and has received assent from WHO (the World Health Organization) and from EMA i. e. the European Medicines Agency.

It is applied at first seventh weeks of pregnancy. The doctor uses for the medical abortion a mifepristone tablet, which obstructs progesterone, which is necessary for pregnancy fixation in the uterus and its development. 24-36 hours after taking the mifepristone pill, the doctor gives two other tablets which are called misoprostol (cytotec). This serves to stimulate the uterine contractions and to outpour from the pregnancy parts. Many women experience bleeding up to the day 13 after its use or it can continue for many weeks.

4-What happens with Ru-486 medical abortion? Does the use of this procedure has an impact on women's health?

The ex-CEO of Roussel-Uclaf (i. e the French company which developed RU-486), Edouard Sakiz, stated for the French newspaper Le Monde, " the abortion procedure of RU-486 it is not easy at all to be used... It is true that the anaesthetist is not needed. For a woman who wants to terminate pregnancy, she has to live with the process of abortion for at least one week using such technique. This constitutes a bitter and awful psychological experience.

In a 1998 study, which was published by British Journal of Obstetrics and Gynaecology (Soderberg, Janzon & Sjoberg,1998), 56 % of women, who have undergone the medical abortion, declared that they have seen the embryo and 18% of them complained of anxiety consequences, repeated thoughts and retrospective return (flashback).

The ex-spokeswoman of Roussel-Uclaf, Catherine Euvrard, who hold the same position for the new French produces of RU-486, Exelgyn, said, "When the woman takes a pill, she has the feeling that she is really responsible for abortion and this can bring about greater psychological pains.

Agence France Presse,(29 gusht 2001), reported in a British weekly article in Scientist, on September 1, 2001 "if the pregnancy has not terminated", there is a chance of having a birth defect. Misiprostol is responsible for a "a small epidemy of birth defects" in the developing countries. According to this report, "Doctors have discovered a high rate of birth defects among the babies exposed in uterus in Misoprostol, such as fused tissues, growth retardation and facial paralysis that is Moebius syndrome.

The FDA (U. S. Food and Drug Administration) in its instruction on a drug use warns:

Rare cases of serious infections and sometimes fatal and bleeding as well, has happened after spontaneous, surgical and medical abortions including also after the application of mifepristone. The obstetrician & gynecologist before the swallowing the drugs, should inform the patient about the risk of these serious occurrences, the discussion and explanation of medicament instructions and the patient agreement. It should be ensured that in unfavourable cases, there should a number available to the patient where she should call to notice what she should do. If none of the provided contacts are not achieved, if she experiences constant temperature, stomach ache, long -term and serious bleeding or faint, or she experiences stomach ache and vomiting or a general bad state including weakness, nausea, vomiting, diarrhea for more than 24 hours after drug use, they should be presented urgently in the emergency department.

6-An information summary between arguments for and against the use of Ru-486 pill

Arguments for:

<i>The anaesthetic equipment is not necessary.</i>
<i>Women make their choices voluntarily.</i>
<i>It minimizes the time of hospital bureaucracy.</i>

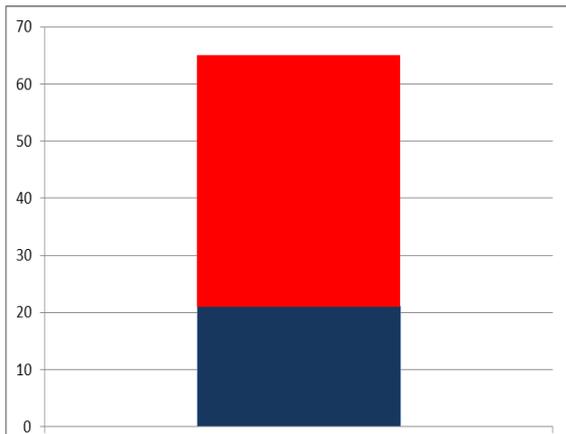
Arguments against:

<i>The risk of the banalization of abortion</i>
<i>The time to decide is too short (49 days)</i>
<i>Every opportunity to reflect, to prevent abortion decreases.</i>
<i>Women live with abortion stress as the pill consumes 3-4 days.</i>
<i>Embryo exposure. Vivid memories exist because they face with embryo.</i>
<i>Anxiety consequences, recurrent thoughts, flashback.</i>
<i>Exposure or being part of an abortion experience which is perceived as a traumatic and intentional murder of an unborn child</i>
<i>Giving control to women over her abortion, can calm the sense and guilt of abortionist but on the other hand, it enhances the woman's sense of responsibility for abortion</i>

Kluger-Bell (2000, p. 96), has noticed that "many women tend to put themselves unsolved senses of blame and humiliation. They experience senses appear in thoughts and self-punishing behaviours." For instance, a woman that has been consumed by the sense of blame that is related to abortion, she may feel as if she does not deserve to be happy or to take benefit from the love of her partner. Consequently, she can commit consciously or unconsciously antagonist behaviours that result in relationship problems.

7- Study Methodology

In this paper, the semi-structural interview is used. Taking into account that the topic is delicate and unexplored in the Albanian context, the use of this method was considered reasonable for the purpose of this study. The interview contains questions with open-ended and close-ended answers. It should be mentioned the role of the researcher as counseling psychologist and the professional experience in this domain, which influenced on getting the appropriate information and besides this their psychological support. In this study, 65 women from different ages, marital status, education profiles, profession and religious beliefs were interviewed. From the 65 interviewed women, 21 had an abortion with RU-486 at home.

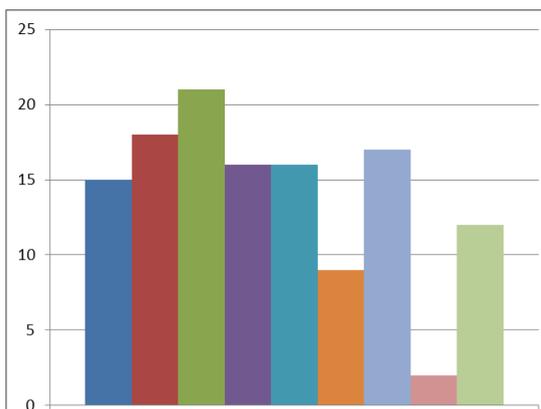


Total (65)

Abortions performed at home (21)

The ration of abortions performed at home to abortions at other environments

Findings of interviewed women about their abortion experiences with RU-486



Avoidance, thoughts discussions and denial (15)

Recurrent memories of experience (18)

Intensive anxiety of exposure on occurrence (21)

Low self-esteem (16)

Loss of sexual interest (16)

Eating disorder (9)

Nervousness or holding grudge with themselves and others (17)

Substance abuse (2)

Psychological, emotional symptoms after abortion.

8-The confession of four from twenty interviewed women is presented below, which reflects clearly the negative effect of the use of RU-486 pill at home on Albanian women with lack of information or in the most extreme case alone. (The names are false).

7. 1 First Case (Mira)

I have experienced two abortions as a result of a superficial relationship. My partner was a liar and manipulator. I ask myself: How is it possible that I allowed that person to be part of my life? I have two different experiences, one was surgical when I was 8 weeks and the second abortion was medical with use of Ru-486 which was less painful or no painful at all. From the two abortion, the first was accompanied with physical pains but they passed quickly and soon were forgotten. On the other hand, the abortion with the pill help was not painful but I would not suggest to anybody. I did not have any kind of information about it. Nobody was there to help me.... Nobody! It was a secret procedure, which remains a secret even today. I would not prefer to talk about the physical pains or about the terror that I have experienced when I saw a strong object which was fetus and I touched. It was like a piece of meat. It looks as it chases me everywhere while I suffer and mourn in silence. Now and again, the thoughts disturb me, the appetite is not as it was before, the sexual relations have turned out into horror. I would like to tell every woman not to let anyone decide on your life against your will. You should be careful to make fair decisions and to use the birth control. Everybody has sin and commits sin but God breaks us free from the sin. There are different methods of birth control. The pain of abortion must never be part of my life.

Second Case (Valbona)

I got pregnant. I was eight month. I got worried too much because I have two children and the economic status is too difficult. My husband is immigrant and is able to see us twice a year. I told my husband and he did not agree on the abortion (where two children are fed, can be fed three as well, was his expression). Nevertheless, I headed for a private clinic. As soon as I entered the hall, the receptionist immediately told me, " Are you for tablets?". Yes, I said. She told how to take the medicine. I made the payment (100 thousand old lek) and left for home. I started the procedure. I had endless pain, dizziness and I could not sit on feet. My children started. They asked me, "What happened? You were fine? At a moment I almost called my husband to make the last will. I thought I would die. What was more terrible were the distributed parts in the bathroom which however I opened the discharge of water in the bathroom, they did not vanished. I could not get out off mind although it has passed one year and half. I knew nothing before about the way it functioned.

She continues that her cousin Meri left her home with her boyfriend (in the Albanian context it constitutes a very problematic act) and we was pregnant without her parents agreement. The relation has not worked out because her parents did not accepted in the family. Her partner asked her to abort. I told her about the pill but I did not tell that I have used it but a friend of mine. She pleaded with me to buy her because she was in big trouble. I instructed her in detail how it functioned. I went to the same place. The receptionist has been changed but the way of functioning was the same. She did not ask how

many weeks I was or about the symptoms of the procedure. However, at least she did a good thing, she reduced the price from 100 thousand leke to 80 leke.

Third Case (Sara)

Mifepristone is a terrible thing. Dizziness, stomach spasms, pain, bleeding. I wanted this child, I was happy for what was happening. I am a sole child and I would have the missing sister or brother. The doctor said that the embryo was developing because of a chromosomic defect and for that reason I have to abort. I aborted at home (with doctor's order) because of the conditions in the hospital (too cold and dirty environment). After the strong pains, the embryo came out, tells M sobbing. The doctor had informed me about the symptoms during the procedure, but facing to embryo was indescribable. I took a solid instrument and tried to remove it from coverage (placenta) but it was too strong and I failed. I wanted definitely to see it. The sorrow had involved me fully. I was shocked. My mother was fortunately at home otherwise I would have got crazy. The blame is totally mine. I would not underestimate the family prior to career. I feel very bad and guilty. God has punished me.

Fourth Case (Viola)

I was 43 years old. The older boy was 21 and the younger one was 17. Menstruation stopped and I started to experience vomiting and dizziness. I took the pregnancy test and it was positive. I did the echo in a private clinic. The gynecologist said that I was 6 month pregnant. I found myself in a heavy psychological situation. The children were grown, I was old and I just had started a job about which I have dreamed and worked a lot. My husband and I decided not to keep the child. We visited the doctor who was waiting for our decision. I should say, continues Vjola that the doctor said to us that the embryo was in a good position and I would be rejuvenated but we had decided. Then, the doctor guaranteed us that the abortion would be carried out very simply and without consequences with a pill which we had to take from a doctor in another hospital. The termination was conducted at home. I got closed at home and as the people said to me that I was too pale, I told that I have had an intervention (I had removed a cyst). Although I did not desired pregnancy, I can not get out of my mind the moment when embryo detached. It seemed as a part of my soul was detached from me.

My husband standed by me in every moment. Nobody else besides us knows about it.

Despite having passed almost two years, I have had and continue to have different problems. I have repulsion of sexual relationships, allergy has appeared, I can not talk about abortion and watch programmes, fetus picture. I get angry and over all I am happy that these are happening to me because I think I should have been punished.

As it is seen in the transcripts of the interviews (4 of them), the women that have carried out this procedure, show symptoms which are present for 6 months and longer like Mira and Viola case.

Conclusions

From the above results, it is noticed that the lack of approved information is one of the main reasons for the later consequences in women's mental health. Having unfortunately no full and accurate information, many women that decide on abortion, they carry out the act without having full knowledge of the procedures.

The studies suggest that the misleading feeling or the denial of the appropriate information in most of cases precipitates difficulty in post-abortion (Congleton & Calhoun, 1993; Franz & Reardon, 1992). Sometimes the unclear use of language fraudulently violates women's right to make a decision being fully informed and leaves her unprotected in her loneliness, accompanied by negative results which are unpredictable at the decision-making moment.

According to abortion law, in Albania, the termination of voluntary abortion (article 3) can be carried out by an obstetrician gynecologist, who is an employer in public and private institutions and who meets the criteria laid down in the instructions of the Ministry of Health, which does not result from the majority of the interviews.

In accordance with article 4, the medical specialist from whom the voluntary termination of pregnancy is required, is obligated to inform the person (woman) about all risks and complications that termination of pregnancy brings about, the rights that are ensured by law for family, mother and child, for institutions and organisms that can offer moral and financial support and for the clinics that perform termination of pregnancy. After taking the relevant instructions and the appropriate information, the doctor asks for written confirmation of the request, 7 days after the first request. The termination of pregnancy is possible up to the 22nd week of pregnancy and anytime in case that the commission is comprised of 3 doctors, after examination and consultation, considers that the fetus has malformation incompatible with life or invalidizing diseases with unsure treatment (article 9). On the other hand, in case the woman evaluates that her pregnancy creates psycho-social problems, she can carry out termination at week 12 but also at week 22 if the commission comprised of 3 specialists a) doctor, b) social worker and c) lawyer decides.

Most of women have declared that they have not undergone an examination, approved information or consultation about their pregnancy falling in contradiction to law in the Republic of Albania.

Consequently, the majority of women experience abortion negatively but nobody talks about their feelings, their experiences. "All can not see and hear" when is talked about them. These psychological effects are added with an extra amount when she has to decide on the method to apply for an abortion. Finally, by using such method, she spends more days waiting for the occurrence. Women see expulsion of embryo and fetal membranes. Think about what does it mean to be alone at home, in the bathroom because in fact that is what occurs, as the interviewees declared. A woman can be quite sure to opt for such method. It can be physically more natural but psychologically much more difficult. It looks as if she undertakes "courageously" the murder of baby. For women that are confused, undetermined, without support, or at risk, this method is really painful.

Recommendations

From the findings obtained by this study, we should be focused on some important aspects:

To overcome psychological problems linked to medical abortion, a therapeutic support is needed. In order to have a greater focus on protection of women's mental health, it would be more suitable to organize open discussion through a preventive strategy that accompany decision-making and by giving sufficient information regarding the psychological risks that result from pregnancy termination.

To end pregnancy with RU-48, hospitalization is needed. World Health Organization does not recommend any shelter. Different regions do not exclude the use of RU-486 as an outpatient without hospitalization but the approved information should be given.

According to the effective legislation, abortion in our country should be carried out in hospitals within the criteria and regulations laid down clearly in the law for pregnancy termination. This means that abortion can not be performed in private clinics, which are not licensed by Ministry of Health, making possible the elimination of a considerable number of phantasm clinics which operate in the capital city and are located in hiding places such as apartment entrance where abortions are performed easily.

Women should have professional information about practical issues, procedure, preparation, measures and consequences that may appear.

They should have information about what is happening and what is possible to happen.

About the issues that can be left open including full exploration of decision options, pressure| obligation, risks and advantages of each option, the exploration of risk factors in general and the being focused on factors of individual risks.

Examination of past pregnancies and psycho-social story.

The clarification of facts, presumptive information, in order to make decisions clearly.

Women who terminate a pregnancy, have specific need for clarity and information for continuation.

Women need self-respect for what they have experienced and are experiencing, for their feelings. Their dignity is too important especially at moments when they are vulnerable.

The professionals should be ready for implementation of their knowledges to support women and to minimize the harmful effects of abortion.

References

World Health Organization, "Pregnancy Termination with Mifepristone and Gemeprost: A Multicenter Comparison Between Repeated Doses and a Single Dose of Mifepristone," *Fertility and Sterility*, 56:1, 1990, at 40.

"Abortion in the Form of a Pill. " *News Week*. 17 April 1989: 61.

Lader, Lawrence. *RU-486 The Pill That Could End the Abortion Wars and Why American Women Don't Have It*. Addison-Wesley, 1991.

Lake, Alice. "The New French Pill. " *McCall's* March 1990: 58-63.

Stetson, Brad, ed. *The Silent Subject*. Westport: Praeger, 1996

Abortion Pills Account For 5% of U. S. Abortions. " *Medical Letter on the CDC and FDA* February 9, 2003: 7

"The Abortion Pill's Grim Progress. " *Mother Jones* 24 (January 1, 1999).

Grimes, David A, Mitchell D. Creinin. "Induced Abortion: an Overview for Internists. " *Annals of Internal Medicine* April 20, 2004: 620-627.

"Low-dose Mifepristone Blocks Pregnancy by Altering Ovarian Function. " *Drug Week* March 5, 2004: 107.

"Treatments for Depression with Psychosis. " *Harvard Mental Health Letter* August 2003.

The Elliot Institute at: <http://www.afterabortion.org>; and WE CARE at: <http://www.wecareexperts.org>.

Depression and unintended pregnancy in the National Longitudinal Survey of Youth: a cohort study. *British Medical Journal* 2002; 324:151-152.

Fergusson DM, Horwood LJ, Ridder E. Abortion in young women and subsequent mental health. 2006

Steinberg JR, Russo NF. Abortion and anxiety. What's the relationship? *Social Science and Medicine* 2008; 67:238-252.

Coleman PK, Coyle CT; Shuping M et al. Induced abortion and anxiety, mood and substance abuse disorders: isolating the effects of abortion in the national comorbidity survey. *Journal of Psychiatric Research* 2009; 43:770-776.

Council of Representatives of the American Psychological Association (APA). Report on the Task Force on Mental Health and Abortion. American Psychological Association. Washington, DC, 2008.

Coleman PK. Abortion and mental health: quantitative synthesis and analysis of research published 1995-2009. *The British Journal of Psychiatry* 2011; 199:180-186

Induced abortion and mental health. A systematic review of the mental health outcomes of induced abortion, including their prevalence and associated factors. Academy of Medical Royal Colleges. National Collaborating Centre for Mental Health. London. December 2011.

Fergusson DM, Horwood LJ and Boden JM. Abortion and mental health disorders: evidence from a 30-year longitudinal study. *British Journal of Psychiatry* 2008; 193:444-451.

Ferguson DM, Horwood LJ, Boden JM. Reactions to abortion and subsequent mental health. *The British Journal of Psychiatry* 2009; 195:420-426.

Coleman PK. There are major problems with study showing no link between abortion, mental health problems. *Life Site News. com.* (Accessed on 27-1-2011)

Fergusson DM, Horwood LJ, Boden JM. Abortion and mental health *The British Journal of Psychiatry* 2009; 194:377-378.

<http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM107976.pdf>.

Generating Positive Orientation in Therapy or Consultation: A Perspective Through an Article Review on Positive Psychology

Mehmet Aslan

'Hëna e Plotë' Beder University

Tirana/Albania

maslan@beder.edu.al

Abstract

Psychology -considering a positive subjective, to some extend objective, practice of science- has been restrained and defined as a field advocated to pathological diseases, significantly when the queries for life are emerged together with feelings of desperation and pessimism, conjointly fruitfulness and senseless of life; psychological principles that we implement in therapy and consultation today weren't much appreciated thus far. The preeminence of pathology concluded in a model of individual that is short of positive fundamentals like "hope, wisdom, creativity, future mindedness, courage, spirituality, responsibility, and perseverance" which are furthermore crucial for one's psychological and physical well-being. Such values were disregarded or characterized as simple variations of credible negative motives. The authors are sketching an infrastructure as well as pointing our gaps in knowledge of positive psychology, and anticipating forthcoming future; expecting communities, societies, and individuals that will thrive through science and the key role of positive psychology. The aim of this study is to excavate principles, inquiries, and definitions of positive psychology to search for means and/or perspectives in generating positive orientation in regard with therapy and consultation, thus reviewing the article: "Positive Psychology, An Introduction" formed by two authors: Martin E. P. Seligman and Mihaly Csikszentmihalyi.

Keywords: *Positive psychology, orientation, therapy, consulting, pathology, positive fundamentals*

Introduction

Psychologists, since foundation of APA in 1940 have exclusively scanted information on pathology in terms of reaching a life worth of living, but since the inquiry was centered on corporal well-being, they brought up some valuable data in understanding how people can survive or endure adverse conditions. 3 decades of research have shown that an optimistic explanatory style (i. e., attributing negative outcomes to factors that are temporary and specific, rather than to factors that are persistent and pervasive) is associated with better mental and physical health, academic achievement, athletic performance, and performance in many career domains (Hershberger, 2005). However, psychologists have very limited cumulative data on how normal people flourish in peaceful, tranquil conditions. "Psychology has, since World War II, become a science largely about healing..." *This almost exclusive attention to pathology neglects the fulfilled individual and thriving community.* (Seligman at. al, 2000) On the other hand, the aim of positive psychology is depicted as: "... to begin to catalyze a change in the focus of psychology from preoccupation only with repairing the worst things in life to also building positive qualities." (Seligman at. al, 2000) At this point, we are presented with individual and group level of positive psychology. For individual level, it's about positive traits as in capacity for love and vocation, courage, forgiveness, originality, future mindedness, spirituality, high talent, and wisdom. At the group level it is about civic virtues and the institutions that move them toward better citizenship. The field of psychology at the subjective level is categorized into three: *"in the past, well-being, contentment, and satisfaction, for the future, hope and optimism, in the present, flow and happiness."* (Seligman at. al, 2000)

Context of Positive Psychology

Positive psychology as a scientific study deals with questions like; what makes life worth living? How can we reach the utmost in human potential? How can we make the happy happier? It is an approach and practice of psychology that gives importance not only to the weakness but also to the strength, not only problems of pathology but also mental and psychological well-beings of individuals as well as communities. A positive psychologist according to Martin Seligman and Mihaly Csikszentmihalyi is the one that seeks "to find and nurture genius and talent", and "to make normal life more fulfilling" as the outline of this branch of psychology was first drawn by its founders in 1998.

METHODOLOGY

"Positive Psychology, An

Introduction," by Martin E. P. Seligman and Mihaly Csikszentmihalyi was the main source of article review with a perspective of generating positive orientation in therapy or consultation together with secondary sources in reference to articles written on the same issue by psychologists of the same field. More different than other reviews the focus is on orientation of positive psychology in therapy or counseling, moreover the understanding of human potential and using positive emotions to their utmost potential were some other perspectives driven from positive psychology, particularly from the article written for American Psychologist by Martin E. P. Seligman and Mihaly Csikszentmihalyi in January, 2000.

GENERATING POSITIVE ORIENTATION IN THERAPY OR CONSULTATION

The essence of problem solving has continued to show its vitality in vocational and career psychology. For example, to solve the possible unfit and conflicts in the workplace, individuals have to find three possible solutions. They make themselves adjust to the working environment, and vice versa, they make the working environment more agreeable to their personal needs. (Burwell, R. at. al, 2006) This way of holding matters would be quite helpful in breaching the problems of the clients in counseling as suggested in another article; with a positive orientation and focus on helping clients in a minimum amount of time, the solution-focused therapy can offer an alternative useful model for career counseling intervention. (Burwell, R. at. al, 2006)

What we may infer from given principles and practices of positive psychology is that we have quite little knowledge on positive approach and its advantages in reaching achievement in terms of amplified or nurtured talent of the actual human potential. We infer the very essence of the actual potential of human being through comprehension of positive approach as it is given in the following lines of the article; also referred to as "the science of happiness," positive psychology is striving to be rigorous and evidence based in its endeavor to identify interventions that promote mental health and quality of life. (Hershberger, P. J. at. al, 2005) In our schools we may possibly adopt this approach as it is showing parallel values of enriching individuals, and concentrating on their positive values rather than negativities as they may buffer against mutual understanding, dialogue, tolerance, forgiveness, love, and such universal values which are essential in reaching a universal tranquility.

Using Positive Emotions to Their Fullest Potential

The article formed by two authors named: Martin E. P. Seligman and Mihaly Csikszentmihalyi present two personal stories that are also involved in the article which come to be the essence of the article in understanding positive psychology. Another perspective is depicted as so; a common perception has been that positive psychology emphasizes the positive at the expense of the negative (Held, 2004; Lazarus, 2003). Regarding the definition, Seligman's story takes place in his garden with his five-year old daughter, Nikki while he was weeding. Her input about learning for not whining, and his being grouchy makes him realize that raising Nikki was not about correcting whining, because she did it herself. "I realized that raising Nikki is about taking this marvelous strength she has - I call it "seeing into the soul" – amplifying it, nurturing it, helping her to the storms of life." (Seligman at. al, 2000) This profound insight for Seligman is an epiphany as it gives a new course to his life in terms of raising children with positive impulses on their talents, like identifying and nurturing their strongest qualities, and helping them find niches in which they can best live out these strengths.

The story is also a realization of the downsides of the psychology which is likened victimology that the two fundamental missions of psychology – *making the lives of all people better and nurturing genius* – were all but forgotten. ” (Seligman at. al, 2000)

Mihaly Csikszentmihalyi, like Seligman, realized the need for positive psychology in Europe during World War II: in his story of self-realization. The striking, profound viewpoint is his noticing many adults as successful and self-confident became helpless and dispirited once the war removed their social supports. Yet there were a few who kept their integrity and purpose despite the surrounding chaos. Their serenity was a beacon that kept others from losing hope. (Seligman at. al, 2000) The question that draws him into profound research of reading different branches like philosophy, religion, history etc. is *“What sources of strength were these people drawing on?”* (Seligman at. al, 2000) The very same question brings him into understanding the need for positive psychology. In his expectation of a science related with human being there should be understanding what is and what could be as to open a pathway to a highway for clinical and behavioral approaches which should stop clinging on those of 10 shelves of psychology related with mere healing, weakness, or damage, and should also stop limiting itself by only fixing what is broken. Treatment related with human being should consider nurturing what is best, work, education, insight, love, growth, and play. This inquiry shouldn't be limited to a mere wishful thinking. In many ways this would be a mark of the movement's success. Also, we use the terms positive and negative as shorthand for describing the two poles of the human condition. (Linley, A. P. at. al, 2006)

Actual Human Potential

Psychologists come to form the disease model with a struggle of 50 years, perfectionists, on the other hand, discovered human strengths that act as buffers against mental illness as in courage, future mindedness, optimism, impersonal skill, faith, work ethic, hope, honesty, perseverance, and the capacity for flow and insight, to name several. (Seligman at. al, 2000) In a society, the most important sect should be young people, thus the main task of the prevention in our age is to create a science of human strength with a mission of understanding and valuing how to foster these virtues in young people which can be done through positive psychology and positive comparison methodologies. To reach above mentioned task:

“Psychologists need now to call for massive research on human strengths and virtues. Practitioners need to recognize that much of the best work they already do in consulting room is to amplify strengths rather than repair the weaknesses of their clients. Psychologists, working with families, schools, religious communities, and corporations, need to develop climates that foster these strengths.”

They both realized that psychology needs to make people more positive and prevent people from getting mental illnesses altogether as psychology will be reoriented to back its two neglected missions; making normal people stronger and more productive and making high human potential actual (Seligman at. al, 2000). Some of the subheadings which give more detailed information on positive psychology and its ways of practice, given in the article are also worth to mention as they are forming the pillars of positive approach in psychology.

DISCUSSIONS AND LIMITATIONS

Developmental psychology; cognitive development, developmental therapy etc. have long been conceptualized with counseling by psychologists and practitioners (e. g. Blocher, 1966, 1980; Miller-Tiedeman & Tiedeman, 1985; Mosher and Sprinthall, 1971; Van Hesteren & Zingle, 1977) as counselors and therapists see themselves oriented in development while practicing their professions. Haley's family life cycle (1963); Erikson's life-span theory (1973); and Kohlberg's moral development (1981); are three significant examples of orientations in development. In this regard, psychologists must search for links between developmental psychology and positive psychology to assist counselors in helping their clients reach best possible treatment. On the other hand, it can be discussed that positive psychology, as a relatively new branch, may not be the key to this issue yet; it is an open ended field that needs further study which can be considered as a limitation of this paper as well.

CONCLUSION

As an approach, generating positive orientation in therapy or consultation we certainly need to train practitioners through a series of assessments and get them ready for the afore-mentioned task of the positive psychology. The ultimate purpose of career counseling is about helping clients become more effective agents in solving problems in their vocational aspects of life. This very same ideology has guided the career development practice and vocational guidance for the past 100 years (Burwell, et. al, 2006). The two authors are eagerly clinging on the idea of reorientation of psychology, as a science, to its two main missions of evaluating normal people and actualizing the high human potential which are great achievements when realized, but how are they to be realized? Who are to realize them? Limiting it to psychologists might lead it to a dead end. On the other hand if we can manage to implement principles of positive psychology in therapy or consultation we may achieve more fruitful, desired results of nurturing what is best, helping the happy to become happier etc. which are also expected results of positive psychology when applied correctly by practitioners, psychologists and consultants.

REFERENCES

- Blocher, D. (1966) *Developmental counseling*. New York: Roland.
- Blocher, D. (1980) Some implications of recent research in social and developmental psychology for counseling practice. *Personnel and Guidance Journal*, 58, 334-336
- Burwell, R. & Chen C. P. (2006). *Theory and Practice, Applying the principles and techniques of solution-focused therapy to career counseling*.
- Erikson, E. (1950) *Childhood and society*. New York: Norton.
- Haley, J. (1973) *Strategies of psychotherapy*. New York: Grune & Stratton.
- Held, B. S. (2004). The negative side of positive psychology. *Journal of Humanistic Psychology*, 44, 9-46.
- Hershberger, P. J. (2005). *Prescribing Happiness: Positive Psychology and Family Medicine*.
- Kohlberg, L. (1981) *The philosophy of moral development*. San Francisco: Harper & Row.
- Linley, A. P. & Stephen J. & Harrington, S. & Wood, M. A. *The Journal of Positive Psychology*, Positive psychology: Past, present, and (possible) future.
- Miller-Tiedeman, A., & Tiedeman, D. (1985) Educating to advance human career during the 1990's and beyond. *Vocational Guidance Quarterly*, 34, 15-30.
- Mosher, R., & Sprinthall, N. (1971) Psychological education: A means to promote personal developmental during adolescence. *The Counseling Psychologist*, 2 (4), 3-82.
- Seligman, M. E. P. & Csikszentmihalyi M. (2000) *American Psychologist (Positive Psychology, an Introduction)*.
- Van Hesteren, F. & Zingle, H. (1977) On stepping into the same river twice: The future of school counseling. *Canadian Counselor*, 11, 105-116.

The Didactic of Sustainable Development Terms in Science Education

Fatih SEKER

Kastamonu University, Faculty of Education

sekerrfatih@gmail.com

Bahattin AYDINLI

Kastamonu University, Faculty of Education

baydinli@gmail.com

Abstract

Nowadays, sustainable development is frequently recited in science education also. There are various definitions which are distilled and extracted from educational research. However, the definitions are ambiguous and somehow contrary to each other. Generally, sustainable development was settled on the triangle of ecology, economy and society. Additionally, it has participation with biodiversity, energy resources, recycling and clean environment. Beside these, socioeconomic issues are one of the functional part of it. Here, it is handled with didactic perspective for incorporation to educational program. And it is concluded that sustainable development has participatory democratic structure. And it opens a new road in decision making.

Keywords: Sustainability, ecology, energy, society, development, educational program.

1. Introduction

Various environmental problems have arisen due to industrial development, waste amount, rapid population increase, technological advances, urbanization increasing with migration from rural area to urbans, and skyscrapers. Competition between the countries in terms of technologic information and economy has led to the development of trade and resulted in crossing the national borders. This has deteriorated the resource and needs analysis, and efforts to reach social welfare have begun to pose a threat for the future of people (Sewilam, McCormack, Mader & Raouf, 2015). While fulfilling the needs in terms of individuals, communities and countries, pressure on the nature has increased and ecological carrying capacity of the world has been exceeded. People still assume that natural and available resources are limitless (Ruff & Olson, 2009). Countries that developed rapidly in 1900 and afterwards had used the natural resources for economic development and they had provided the economic development. Natural resources were used inefficiently so as to increase the welfare level, and natural balance had continuously changed through advancing technology. Using the resources continuously and changing the environment with the aim of raising the welfare level had caused it to reach a level posing a risk for the future of all living creatures. However, as the natural resources are limited and the number of living creatures is constantly decreasing, resource consumption, environmental degradation and pollution have arisen (Tıraş, 2012). In this period, natural environment issues have stayed in the background for the countries that provided economic development. Ecological problems are regarded as the issues that will be addressed after economic development and industrialization processes are completed. According to this understanding, the development will be provided and solutions for the pollution arising from the development will be searched after they arise (Appleton, 2006). However, ever-increasing ecological problems have become the most important agenda of modern societies. Developing and implementing actions for problem

solutions will be possible with the cooperation of all the countries. This, considering the future of the world, should be the primary target of all the modern societies (Akıllı, Kemahlı, Okudan, & Polat, 2008). Ecological problems have already crossed the country borders and it has become a global problem which will influence the lives of next generations. Ever-increasing ecological problems have become the most important agenda of modern societies. Sensitivity to the problems that will influence the world and lives of all the living creatures is of high importance (Aydın & Ünalı, 2013). In line with the common goals of the countries, people have been in the search of maintaining the natural balance since 1970s. It has led to the dilemma of: Economic development? Or maintenance and development of ecological balance? Instead of solely economic development understanding involving production and consumption, an understanding that states production takes place in a limited ecosystem and that emphasizes the importance of environmental protection should be adopted. The term of "Sustainable Development" has been coined to overcome climate and ecology problems (Dixon & Carrie, 2016).

The term of "Sustainability" has been used in English recently. In addition, this term was defined and it became an English word in 1987. However, the word "sustain" has been used since 1250s. Traditionally, the word "sustain" was derived from "sustenance". It means "sustaining life". Furthermore, "sustentation" means the activeness of life through vital processes (Appleton, 2006).

As sustainable development is an interdisciplinary term and it is associated with each discipline, individuals have defined and interpreted this term in accordance with their priorities. The term of sustainable has been regarded as an economy-prioritized field and it has been assessed by focusing on the first economic development size. When the increased ecological problems are addressed as a priority, sustainable development has become a central issue as an ecological dimension and assessed accordingly. No matter in which period, sustainability is a term that involves economic, social and ecological fields, that is in interaction with each other and that has various dimensions (Özgenç, 2015).

2. Sustainable Development

While definition of sustainable development is used by many stakeholders, definitions and interpretations may vary. Because structures and conditions of each country, society and individual are different. Therefore, the need for a new "Sustainable Development" definition, which is based on integration, has arisen (Summers, Corney & Childs, 2004). Sustainability means the endurance of a thing. When considered as a term of time, it is a term which covers both present and future time. Sustainable development understanding focuses on human. (Karabıçak & Özdemir, 2015). In scientific terms, sustainability is to ensure diversity and productivity of the systems (Aliyev & Aslanlı 2015).

Although the essentials of sustainable development dates back to 19th century, the term first came to be known with Brundtland Report of United Nations World Commission on Environment and Development that was organized in 1987. In 1987, Sustainable Development was defined in "Brundtland Report", also known as "Our Common Future". According to this report, sustainable development is: "the development that meets the needs of the present without compromising the ability of future generations to meet their own need." (WCED, 1987). Nowadays, various definitions are made while the definition of "Sustainable Development" is difficult and its content is continuously improving (Kilinc & Aydın, 2013).

Definitions of sustainable development included in different studies are as follows:

It is a system which stipulates that natural and cultural resources be consumed by taking the needs of next generations into consideration while fulfilling the economic and social needs of the population (Tıraş, 2012). Primary subject of sustainable development is to enhance the quality of life and to ensure the continuous protection of environment with the quality of human life while increasing the social welfare and economic growth (Aliyev & Aslanlı, 2015). It considers the production values by maintaining the natural resources, and it is based on the utilization through the process of resources (Öztürk Demirbaş, 2015). In another definition, it is described as the use of world resources without consuming them, which redresses a balance between the current human needs and the ecosystem, and as a term which has environmental, institutional and social indicators and which enables next generations to meet their own needs (Demirci Güler, 2013). It is sustainable development when human activities are included in nature's carrying capacity in relation to a population or the natural environment in which this population lives or maintains their lives (Keleş, 2010). These various different definitions have created a need for a new definition based on global integration.

"Sustainable Development" is the increasing production of new resources by using the available ones in an efficient and productive way so as to ensure that a system or an entity proceeds without being interrupted; the maintenance of natural balance while realizing this function; and a term which directs the system that supports the improvement and reinforcement of generational and intergenerational life standards, social solidarity and the increase of equality of opportunity.

2.1 Dimension of Sustainable Development

It is described in Brundtland Report that Sustainable Development has, in general terms, three dimensions. These dimensions are Economy, Ecology and Society. Although it is unlikely to distinguish these three dimensions, some countries attach importance to economic dimension considering their own production and consumption while some other countries place emphasis on environmental dimension as species are becoming extinct and they try to save these species (Alkış, 2007). According to World Commission on Economic Development, we should coordinately adopt environment, economy and social principles so as to ensure sustainable development (Sarıkaya & Kara, 2007). Sustainable Development reaches both social, economic and environmental dimensions, and the dimensions of global responsibility and political participation (Alkış, 2007). Dimensions of sustainable development are demonstrated in Figure 1 (Benli Özdemir & Arık, 2013).

Figure 1: Dimensions of sustainable development are demonstrated



According to Figure 1, economic dimension of sustainable developments involves the use of resources. At this point, economic dimension covers the issues such as fulfillment of individuals' basic needs, financially fair share, savings, profits, economic growth and research and development. Economic sustainability covers the sustainability of the nature as well. The goal of economic development is to ensure that all individuals have employment opportunities and to improve the life standards. For some countries, it means the consumption of more natural resources while for others it means solidarity and life styles protecting the new resources (Alkış, 2007). The environment should be considered as the overall factors that have influence on the lives of living creatures. (Tıraş, 2012). Environmental dimension means effective and economical use of natural resources; prevention of air, soil and water pollution; ecological capacity; biological production and environmental management. Social dimension of sustainable development covers the issues such as cultural diversity, social sustainability, social justice, increase of participation, equality of opportunity and education. Social sustainability means equal living chance for everybody (Barbier, 1987).

2.2. History of Sustainable Development

The term sustainable development was coined in late 1980s. World Commission on Environment and Development supported the creation of this term. The term of sustainable development first defined in Our Common Future Report (Brundtland Report) by United Nations World Commission on Environment and Development that was organized in 1987. Before the creation of this term, environment and development trainers had concerns at two levels. First one was to support the development and the second one was to protect the environment (Kilinc & Aydin, 2013). Before this report, Club of

Rome 33 had prepared a report called "Secrets of Development" in 1972. According to this report, the world would reach "the limits of growth". United Nations Conference on Environment and Development was organized in Brazil, Rio De Janerio in 1992. Primary agenda topic of that conference was "Sustainable Development". In that conference, poverty took an important place and it was stated that poverty should be eradicated so as to ensure a sustainable development. Sustainable development focused on human, and it was agreed that people spend nature compatible, healthy and productive lives (UNESCO, 2010). The World Summit on Sustainable Development was organized in The Republic of South Africa, Johannesburg in 2002. In that world summit; Sustainable Development, social development and environmental protection were declared in local, national, regional and global terms, and it was decided that this term would be popularized at social development level and in terms of environmental protection (Kilinc & Aydin, 2013). The conference involves an implementation plan and a political notification signed by heads of states and governments. Water and public health, energy, health, agriculture and biological diversity were the issues that became priority during the conference (Uçak, 2010).

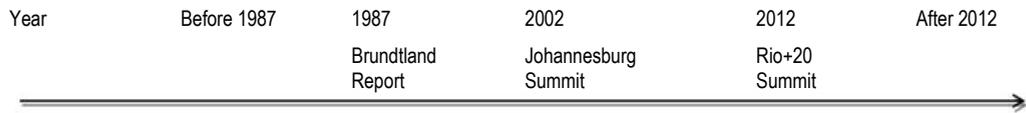
The goals of the abovementioned implementation plan can be summarized as (MFA, 2002):

- To reduce the number of people who are not provided with clean and waste water services by 2015.
- To reduce the loss of biological diversity by 2015.
- To reach the highest productivity level in the field of fishery by 2015.
- To improve the access to the shelters, territories and lands as well as other issues so as to ensure that lives of minimum 100 million people who live in unfavorable conditions are improved, and, to that end, to ensure that local authorities implement programs by 2020.
- To provide 2 billion people, who still do not have access to the energy, with energy and to increase the share of renewable energy resources.
- To reduce adverse effects of use and production of chemicals on human health and environment by 2020.
- To develop a cooperation so as to reduce air pollution at international, regional and national levels and to encourage countries to approve Kyoto Protocol.
- To support mechanisms that bring innovation in terms of addressing debt problems of countries in the development process comprehensively.

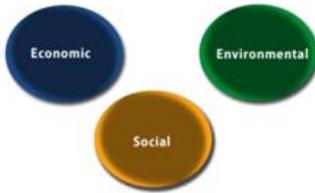
United Nations Conference on Sustainable Development (Rio+20) entitled "The future We Want" was organized in Brazil, Rio De Janerio in 2012. The previous notification was strengthened during that conference. The primary goal of the conference was to address sustainable development with economic, ecological and social dimensions, and the conference had emphasized that each country could adopt different approaches in accordance with their national conditions and priorities. Eradication of poverty, achievement of economic growth, reinforcement of social content, improvement of human welfare level and contribution to create employment opportunities for everybody and esteemed employment chances were adopted (UNCSD, 2012).

Many steps were taken for sustainable development in international arena. From the emergence of the term of sustainable development in the international arena until now, dimensions of sustainable development have changed and developed. The diagram which demonstrates the relationship between the steps of sustainable development that were taken in the international arena and its dimensions is stated below in Figure 2.

Figure 2. The Evolution of Dimension of Sustainable Development



Şekil 2.a



Şekil 2.b



Şekil 2.c



Before 1987 Brundtland report, three dimensions of sustainable development - ecology, economy and society - were considered independent of each other (Figure 2.a). In the aftermath of Brundtland report, dimension of sustainable development were improved and categorized. First of them is also known as "Russian Doll" diagram (Figure 2.b). According to this diagram, even though economic dimension seems to be at the center, it is actually dependent on the society and the environment. The environment covers the dimensions of economy and society, and it can continue its existence independently, without economy and society. The diagram demonstrating the coordination of dimensions of sustainable development is the most sought-after (Figure 2.c). In this model, it is stated that sustainable development can be ensured with coordinated implementation of its three dimensions. It is also known as the most-adopted model (Wu, Liou, & Su, 2014)

3. Sustainable Development in Science Education

In 21st century, people encounter social, economic and environmental problems. A livable world cannot be ensured only with measures taken in the field of technology, law, policy and economy. People should change their life styles for a sustainable life, too. These changes can only be ensured through education (Allen, Emery, Nailon, Dyment, Getenet,

McCrea & Davis, 2014). For Sustainable Development, education should start at preschool level and should continue for a lifetime. It should have a quality to transform the education provided to the individuals into a behavior. Awareness, approaches and values of individuals that can be transformed into behavior for a sustainable life and world can be turned into a life style (Öztürk Demirbaş, 2015). Even though education alone is not adequate, it is a primary obligation in achieving a sustainable universe. It is expected that people take actions for a more sustainable world in a system that is created with the contributions of educators from all over the world (UNESCO, 2010).

Education given to individuals is a must for people to absorb the achievements regarding their concerns on sustainable development. It has been stated that education is a must for changing life styles and value judgments that can meet the sustainable development needs of individuals who will be a model and guide for next generations, and that it is possible to realize this change in the educational institutions (Keleş, Uzun and Özsoy, 2008; Burmeister & Eilks, 2013). In this sense, it is not possible that science education is not included in the education of tomorrow's citizens for the future of the world. Science education is based on the creation of information society, industrial production and technological developments. Science plays a key role in protection of human life, economic development and natural balance, in other words sustainable development. Therefore, science education and sustainable development are complementary elements (Birdsall, 2013).

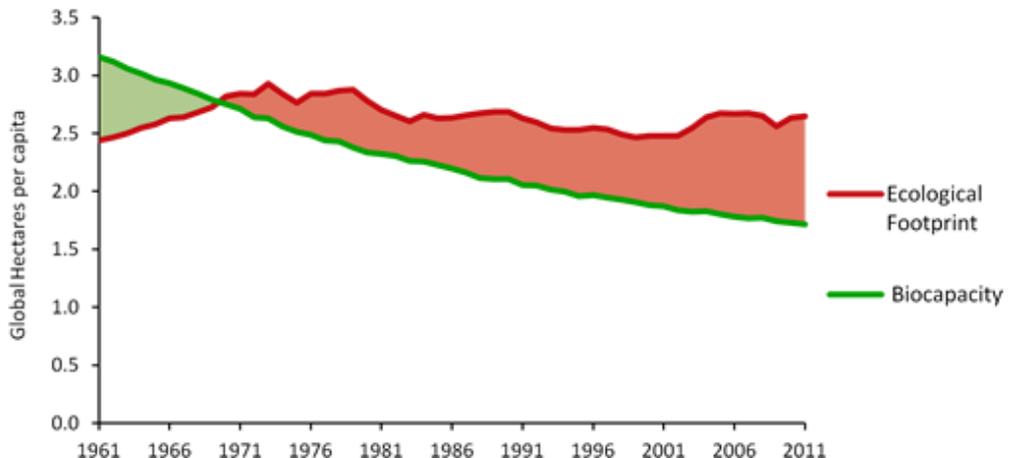
A significant science education has the quality to guide us in philosophical thinking, logical and model thinking, behavior and actions. Students' problem solving, decision-making, questioning, critical thinking, development of high cognitive skills are important elements of sustainable development, and they are directly connected to the science. People who face various complicated problems in the world encounter decision-making mechanisms to solve these problems. They may not respond to these duties excluding cognitive ones (Zoller, 2012). Science education may help individuals in giving the right decision in such socio-scientific issues as reduction in the biological diversity, consumption of energy resources, recycling and clean environment. Although science education helps individuals make decisions on sustainable development, sustainability is still a difficult term. Even though science education is an auxiliary element in realizing sustainable development, it remains insufficient. In addition to science education, economic and financial structuring is required. Considering sustainability for science education, we see that socio-scientific issues such as biological diversity, energy resources, recycling and clean environment dominate. As well as being interrelated, these issues are related to the dimensions of economy, culture and policy (Bögeholz & Barkmann, 2014). Individuals' attitude and behaviors in these issues can only be changed through science education that is provided in a qualified way (Eilks & Hofstein, 2014). As an efficient education system provided in line with the goals of Sustainable Development ensures individual and collective responsibility and provides behavioral changes, it has an important role in understanding and interpreting sustainable development (Tanrıverdi, 2009; Mills and Tomas, 2013). Education given to individuals is a must for people to absorb the achievements regarding their concerns on sustainable development. It has been stated that education is a must for changing life styles and value judgements that can meet the sustainable development needs of individuals who will be a model and guide for next generations, and that it is possible to realize this change in the educational institutions (Keleş, Uzun ve Özsoy, 2008; Burmeister & Eilks, 2013). In this sense, it is not possible that science education is not included in the education of tomorrow's citizens for the future of the world. Science education is based on the creation of information society, industrial production and technological developments. Science education plays a key role in protection of human life, economic development and natural balance, in other words sustainable development. Therefore, science education and sustainable development are complementary elements (Birdsall, 2013). The term sustainable development lies behind how students should take responsibility for the society they live in now and in the future. The question here is: "How do people from every walk of life or individuals receiving education at school absorb the understanding of sustainable development?" The answer is hidden in an education program serving as a model for sustainable development within the scope of science education (Mogensen, F., & Schnack, K, 2010). Biological diversity, energy resources, recycling and clean environment - the primary subjects of sustainable development - are included in the subjects of this model program. The education to be provided to the individuals should be in line with constructivist approach, which enables students to absorb sustainable development and to transform it into a behavior. The individuals absorbing sustainable development have more qualified cognitive, emotional and psychomotor skills and they transform these skills into a behavior in their normal lives. When all the individuals absorb sustainable development, the world will reach a more livable and sustainable level (Armstrong, 2011).

4. Discussion and Conclusions

Negative effects of people on the nature are increasing day by day. There are three negative and critical factors which people have on the nature. These factors are industrialization, urbanization and rapid population growth. Especially growth of human population and thereby fast consumption and production has posed a threat for the future of the world (Chivu, 2015). However, people still assume that natural and available resources are limitless (Ruff & Olson, 2009). Countries gave priority to economic development and completed their industrialization especially during and after Second World War. In that period, world production had increased in early 1900s. Therefore, some countries become rich very quickly. As a result, use of natural resources had exceeded the replacement capacity, and serious problems such as forest destruction, reduction in the biological diversity and climate change had arisen (Appleton, 2006). In that period, priority was given to the economic development such as fast development, prevention of unemployment and control of inflation, and creation of environmental consciousness was delayed (Lupan, & Cozorici, 2015). Ecological problems have already crossed the country borders and it has become a global problem which will influence the lives of next generations. Ever-increasing ecological problems have become the most important agenda of modern societies. Thus, the term of "Sustainable Development" has been coined to overcome ecological problems. According to understanding of sustainable development; economic, social and environmental development should be advanced coordinately. However, economic development and growth was aimed in the traditional understanding and social and environmental dimensions were ignored. However, it caused overconsumption of resources, the widened gap between the rich and the poor, pollution of available resources, meaningless competition and tension between people and gaining momentum in the global warming (Aliyev & Aslanlı 2015). Researches have showed that more and more biologically productive fields are used as the development level of the counties increases. Overconsumption has risen with the enrichment of the countries and increase of their income level. Depending on the consumption; more energy was used, much more environmental pollution occurred and natural balance was upset (Akıllı, Kemahlı, Okudan & Polat, 2008). The below graphic (Figure 3) shows the biological capacity of the world and ecological footprints of individuals per capita, in other words the environmental damages (GFN, 2012).

Figure 3: Biological capacity of the world and ecological footprints of individuals per capita.

World



As understood from the graphic, people have exceeded the biological carrying capacity of the world. This poses a risk for the future of the universe. Countries should adopt the sustainable development understanding so as to make the world a more livable place. There are two aspects of sustainable development: strong and weak sustainability. According to strong sustainability, world resources can be protected with the use of renewable resources only and, thereby, resources can be

transferred to the next generations. In other words, non-renewable energy resources will lead to the decrease in the number of natural resources and they will disappear quickly. Weak sustainability argues that use of natural resources by the present generation is a right and that the capital to emerge as a result of its use will offer different alternatives (Kılıç, 2012). Developed countries have completed their industrialization, and thereby the environment has been polluted and its solution has been sought in "sustainable development". In addition to this, an environmental conference was organized with the participation of various countries under the leadership of developed countries and under the roof of United Nations, and certain decision were made. However, sustainable development understanding can be considered as an obstacle for less developed or developing countries in terms of their own development. Because basic needs of individuals in the countries having low national income should be met and their economic welfare level should be improved in order to carry their lives to a livable level. Industrial production and modernization of agriculture will be a prerequisite for development and modernization. While doing it, the waste will be a problem. When considering development and environmental pollution together, we will see that there is a paradox (Tıraş, 2012).

It may not be correct to say that low-income individuals are environmentally less conscious. The reason is that food and shelter, which are the basic needs of low-income individuals, are more prioritized than environmental pollution. As the development levels of the countries increase, productivity of the firms and personal income will increase, too. When the basic needs are met, individuals will become more sensitive to different fields. People will tend to demand products that will harm the environment less. However, less demand for products that will harm the environment more and more demand for environment friendly products will decrease the pollutants and environment friendly companies will carry on their production (Alagöz, 2007). Eradication of poverty is the biggest global challenge and it is an indispensable requirement of sustainable development UNCSO (2012). An industrial structure walking hand in hand with the natural environment is a must for all developed and developing countries. While developing economically, it should be an obligation that we raise awareness on the environmental risks for the world and next generations (Karabıçak & Özdemir 2015). Efficient use of international investment and financial mechanisms in the transfer and dissemination of new environment friendly technologies in developing countries is important (Aliyev & Aslanlı 2015). Another principle of sustainable development includes a common but differential responsibility principle. Thus, it imposes various obligations for all participants. In this sense, sustainable development may result in taking unintended decisions. Sustainable development has a democratic structure, too. If sustainable development does not have a democratic structure, it will be dogmatic and moralistic (Mogensena & Schnack, 2010).

REFERENCES

- Alagöz, M. (2007). Sustainable development in the environmental factor: A theoretical overview. *International Refereed Online Journal of Social Science*, 11, 1-12.
- Aliyev, E., & Aslanlı, K. (2015). Sustainable development performances of Muslim countries: *Concepts*, theories and measurements. *Eurasian Studies*, 47, 37-70.
- Alkış, S. (2007). The rising paradigm in teaching geography: A sustainable World. *Marmara Geographical Review*, 15, 55-64.
- Akıllı, H., Kemahlı, F., Okudan, K., & Polat, F. (2008). The content of ecological footprint concept and calculation of individual ecological footprint in the Akdeniz University Economics and Administrative Sciences Faculty. *Akdeniz University Journal of Faculty of Economics and Administrative Sciences*, 15, 1-25.
- Allen, H., Emery, S., Nailon, D., Dymont, J., Getenet, S., McCrea, N., & Davis, J.M. (2014). Exploring how adults who work with young children conceptualise sustainability and describe their practice initiatives. *Australasian Journal of Early Childhood*. 39(3), 14-22.
- Armstrong, C. M. (2011). Implementing education for sustainable development: The potential use of time-honored pedagogical practice from the progressive era of education. *Journal of Sustainability Education*, 2. Retrieved from: <http://www.jsedimensions.org/wordpress/wp-content/uploads/2011/03/Armstrong2011.pdf>

- Appleton, A.F. (2006). Sustainability: A practitioner's reflection. *Technology in Society*, 28, 3-18.
- Aydın, F., & Ünalı, Ü.E. (2013). Geography teacher candidates' attitudes towards sustainable environment. *Kalem International Journal Of Education And Human Sciences*, 3 (1), 11-42.
- Barbier, E. B. (1987). The concept of sustainable economic development. *Environmental Conservation*, 14(2), 101-110.
- Benli Özdemir, E., & Arık, S. (2013) The investigation self-esteem levels and attitudes towards a sustainable environment of the secondary school students. *Journal of History School (JOHS)*, 6(16), 641-655.
- Birdsall, S. (2013). Reconstructing the relationship between science and education for sustainability: A proposed framework of learning. *International Journal of Environmental & Science Education*, 8, 451-478.
- Bögeholz, S., & Barkmann, J. (2014). "...to help make decisions": A challenges to science education research in the 21st century. *Science Education Research and Education for Sustainable Development. A Collection of Invented Papers Inspired by the 22nd Symposium on Chemistry and Science Education Held at the University of Bremen, 3-14, Germany.*
- Burmeister, M., & Eilks, I. (2013). An Understanding of Sustainability and Education for Sustainable Development among German Student Teachers and Trainee Teachers of Chemistry. *Science Education International*, 24(2), 167-194.
- Chivu, R. M. (2015). Sustainable development, a solution to the ecological crisis. *Hyperion International Journal of Econophysics & New Economy*. 8(1), 227-232.
- Demirci Güler, M. P. (2013). The behavior levels of academic staff towards sustainable environmental education. [*International Journal of Eurasia Social Sciences*](#), 4(13), 67-82.
- Dixon, A., & Carrie, R. (2016). Creating local institutional arrangements for sustainable wetland socio-ecological systems: Lessons from the 'Striking a Balance' project in Malawi. *International Journal of Sustainable Development & World Ecology*, 23(1), 40-52.
- Eilks, I., & Hofstein, A. (2014). Combining the question of the relevance of science education with the idea of education for sustainable development. *Science Education Research and Education for Sustainable Development. A Collection of Invented Papers Inspired by the 22nd Symposium on Chemistry and Science Education Held at the University of Bremen, 3-14, Germany.*
- Karabıçak, M., & Özdemir, M. B. (2015). Conceptual basis of sustainable development. *Suleyman Demirel University Th eJournal of Visionary*, 6(13), 44-49.
- Keleş, Ö. (2010). The indicator of the sustainable life: The ecological footprint. *Nature and Men*. 3-10.
- Keleş, Ö., Uzun, N., & Özsoy, S. (2008). Measuring and evaluating pre-service teachers' ecological footprints. *Aegean Journal of Education*, 9(2), 1-14.
- Kilinc, A., & Aydın, A. (2013). Turkish student science teachers' conceptions of sustainable development: A phenomenography. *International Journal of Science Education*, 35(5), 731-752.
- Lupan, M., & Cozorici, A.N. (2015). Sustainable economic growth and eco-efficiency. *The USV Annals of Economics and Public Administration*, 15(1), 63-73.
- MFA, http://www.mfa.gov.tr/dunya-surdurulebilir-kalkinma-zirvesi_johannesburg_-26-agustos---4-eylul-2002_tr.mfa. (Accessed: 03.01.2016)

- Mills R., & Tomas, L. (2013). Integrating education for sustainability in pre service teacher education: A case study from a regional Australian University. *Australian Journal of Environmental Education* 29(02)152-164.
- Mogensen, F., & Schnack, K. (2010). The action competence approach and the 'new' discourses of education for sustainable development, competence and quality criteria. *Environmental Education Research*, 16(1), 59–74.
- GDN (2012). Global Footprint Network, The National Footprint Accounts, 2012 edition. http://www.footprintnetwork.org/images/article_uploads/National_Footprint_Accounts_2012_Edition_Report.pdf (Accessed: 03.05.2016).
- Öztürk Demirbaş, Ç. (2015). Sustainable development awareness levels of teachers pre-service. *Marmara Geographical Review*, 31, 300-316.
- Özgenç, N. (2015). Reunderstanding poverty notion under the concept of sustainability: Poverty knot. *Journal of Social Policy Studies*, 35, 101-136.
- Summers, M., Corney, G. & Childs, A. (2004). Student teachers' conceptions of sustainable development: The starting points of geographers and scientists. *Educational Research*, 46(2), 63-182.
- Ruff, C. L., & Olson M.A. (2009). The attitudes of interior design students towards sustainability. *International Journal of Technology and Design Education*, 19(1), 67-77.
- Sarıkaya, M., & Kara, F. Z., (2007), The role of business for sustainable development: Corporate citizenship. *Journal of Management and Economics Celal Bayar University The Faculty of Economic and Administrative Sciences Journal*, 14 (2), 221-233.
- Sewilam, H., McCormack, O., Mader, M., & Raouf, M.A. (2015). Introducing education for sustainable development into Egyptian schools. *Environ Dev Sustain*, 17:221–238.
- Tanrıverdi, B. (2009). Analyzing Primary School Curriculum in Terms of Sustainable Environmental Education. *Education and Science*, 34(151), 89-103.
- Tıraş, H.H. (2012). Sustainable development and environment: An examine in theory. *Kahramanmaraş Sütçü İmam University Journal of Faculty of Economics and Administrative Sciences*, 2(2), 57-73.
- Uçak, S. (2010). *Alternative energy in the regard of sustainable development and energy production growth relationship: Panel-data analysis*. Unpublished Doctoral Dissertation, The Enstitute of Social Sciences, University of Kocaeli, Kocaeli.
- UNCSD. (20112). United Nations Conference on Sustainable Development (Rio+20). "The Futur We Want" Outcome of the Conference. <http://www.cem.gov.tr/erozyon/Files/Rio20SonucBildirgesii.pdf> (Accessed: 04.01.2016)
- United Nations Educational, Scientific and Cultural Organization [UNESCO]. (2010). Education for Sustainable Development. Available at: <http://www.unesco.org/en/esd/> (Accessed: 13.01.2016).
- WCED. (1987). World commission on environment and development, our common future. Oxford: OUP. <http://www.undocuments.net/wced-ocf.htm> (Accessed: 05.02.2016).
- Wu, P.I., Liou, J.L., & Su, M.T (2014). Examination of the diverse views of sustainable development: An approach to monetize the environment, economy, and society. *Environmental Economics*, 5(1), 62-75.
- Zoller, U. (2012). Science education for global sustainability: What is necessary for teaching, learning, and assessment strategies? *Journal of Chemical Education*. 89, 297 – 300.

Big Data using Cloud Computing - Opportunities for Small and Medium-sized Enterprises

Dr. Narasimha Rao Vajjhala

Department of Computer Science, University of New York Tirana

narasimharao@unyt.edu.al

Dr. Ervin Ramollari

Department of Computer Science, University of New York Tirana

ervinramollari@unyt.edu.al

Abstract

Big Data has been listed as one of the current and future research frontiers by Gartner. Large-sized companies are already investing on and leveraging big data. Small-sized and medium-sized enterprises (SMEs) can also leverage big data to gain a strategic competitive advantage but are often limited by the lack of adequate financial resources to invest on the technology and manpower. Several big data challenges still exist especially in computer architecture that is CPU-heavy but I/O poor. Cloud computing eliminates the need to maintain expensive computing hardware and software. Cloud computing resources and techniques can be leveraged to address the traditional problems associated with fault tolerance and low performance causing bottlenecks to using big data. SMEs can take advantage of cloud computing techniques to avail the advantages of big data without significant investments in technology and manpower. This paper explores the current trends in the area of big data using cloud resources and how SMEs can take advantage of these technological trends. The results of this study will benefit SMEs in identifying and exploring possible opportunities and also understanding the challenges in leveraging big data.

Keywords: Big data, cloud, SMEs, technology, trends

INTRODUCTION

Big data has been listed as one of the current and future research frontiers by Gartner (Chen & Zhang, 2014). Companies, both large and medium-sized as well as small-sized companies can leverage big data to gain a strategic competitive advantage. However, several big data challenges still exist especially in computer architecture that is CPU-heavy but I/O poor (Chen & Zhang, 2014). Cloud computing eliminates the need to maintain expensive computing hardware and software (Hashem et al., 2015). Cloud computing resources and techniques can be leveraged to address the traditional problems associated with fault tolerance and low performance causing bottlenecks to using big data (Chen & Zhang, 2014). According to Assunção et al. (2015), the area of big data using cloud resources is moving at a rapid pace. Small- and Medium-sized businesses (SMEs) often lack the resources to invest significantly on technology needed to leverage big data. SMEs can take advantage of cloud computing techniques to avail the advantages of big data without significant investments in technology and manpower.

LITERATURE REVIEW

Big Data

Several definitions of big data exist in the literature. The multi-V model with four V's is often used to describe big data, namely, Volume, Velocity, Variety, and Veracity (Amerland, 2013). Some researchers have added a fifth "V" for Value (Baro, Degoul, Beuscart & Chazard, 2015). Volume is one of the key characteristics of big data as large amounts of data are now available because of which it is nearly impossible to set a threshold for defining the volume of big data. Rainer et al. (2013) provide some statistics to increase the huge volume of data that is produced on a daily basis. According to Rainer et al. (2013), Google was processing more than 24 million petabytes every day, Facebook members uploaded more than 10 million new photos every hour and the number of clicks on the like button totaled to more than 3 billion per day. The current data rate is estimated at 2.5 Exabytes of data every day, with each Exabyte approximately around 1,000,000 Terabytes (Bello-Orgaz, Jung, & Camacho, 2016). The sources of this data varies from a wide range of data sources, including sensors transmitting weather-related data, data generated from social networking sites such as Facebook and Twitter, and sites where digital content is shared such as YouTube (Bello-Orgaz, Jung, & Camacho, 2016).

After volume, variety is the next important characteristic of big data as different data sources make up big data. Big Data encapsulates data from several sources, including the traditional enterprise data, machine-generated sensor data, social data, and data from images captured from billions of devices (Rainer et al., 2014). According to Baro et al. (2015), big data can deviate from traditional structured data and could assume many forms including semistructured data such as XML or unstructured flat files that are not compliant with traditional data formats. The variety dimension also brings forward several challenges related to integrating diverse data sources into a common representation apart from several data cleaning problems as data in different sources is represented in different and incompatible ways (Knoblock & Szekely, 2015).

Velocity refers to not just the frequency at which data is generated but also includes the frequency at which the data is delivered and processed (Baro et al., 2015). Velocity is an important component of big data as customers expect to receive information on demand and expect real time updates in the data (Walker, 2015). According to Bello-Orgaz, Jung and Camacho (2016), some of the challenges related to velocity include the

Introduction of previously stored legacy collection of data and different forms of streamed data from multiple sources. Veracity refers to the level of trust and reliability associated with the data given its source (Assunção et al., 2015). According to Jamil et al. (2015), data veracity has four components, namely, trustworthiness, availability, accountability, and authenticity.

The fifth dimension of big data, value, refers to the monetary worth that employing big data technology can provide to a company. As with any other technology, not every company stands to benefit from deploying a new technology. An in-depth analysis of the benefits of the technology, its relevance, and alignment of deployment of this new technology with the strategic business objectives of the company needs to be conducted. Big data provides the ability to companies to analyze data and have a better understanding of the several key areas, including customer behavior, offer customized services and gain insights into issues to which they had no access before (Assunção et al., 2015). Several instances of failure of new technology initiatives in companies exist which demonstrate that new technologies cannot succeed unless there is a strategic alignment between the business and the technology objectives.

Cloud Computing

Cloud computing allows the delivery of computing as a service rather than as a product (Kumar, 2013). Companies adopting for cloud computing can benefit from shared resources, software, and information resulting in lower costs and higher availability and scalability. Cloud computing allows on-demand network access to computing resources provided by an outside entity. Cloud computing allows virtualization of resources, including processing, memory, storage, and network with the Web through the internet (Hsieh, Li & Yang, 2013). User applications can run on a virtual machine monitored by the cloud and the users are given access to the computing resources at relatively lower costs along with the flexibility of high scalability (Hsieh et al., 2013).

Cloud computing facilitates providing accessible, modular, and highly customizable solutions (Depeige & Doyencourt, 2015). Some of the key characteristics of cloud computing include agility, device and location independence, high availability, increased peak-load capacity, improved performance, scalability, low cost solutions, and easier maintenance (Depeige & Doyencourt, 2015; Hsieh et al., 2013; Kumar, 2013). Nekvapil (2015) adds additional characteristics of cloud computing include on-demand self-service, broad network access, resource pooling, elasticity, and measured service.

There are three primary cloud computing service models, namely, Software-as-a-Service (SaaS), Infrastructure-as-a-Service (IaaS), and Platform-as-a-Service (PaaS). SaaS allows cloud users to access and execute applications on the cloud infrastructure managed by the cloud provider (Branch, Tjeerdsma, Wilson, Hurley & McConnell, 2014). PaaS allows cloud users to deploy applications on the infrastructure provided and managed by the cloud provider. In all these three service models, the users do not have access to the underlying cloud infrastructure; the access is controlled and managed by the cloud provider (Branch et al., 2014). However, cloud users can be granted the ability to manage the underlying infrastructure of the cloud provider through IaaS. Sharma (2016) suggests that Database-as-a-Service (DBaaS) should be added as another cloud computing service model. Big data using cloud computing could be part of such a service model. Sharma (2016) gives the examples of providers who already use this model such as Amazon RDS and Microsoft Azure. The advantages of DBaaS service model is that it offers a shared and consolidated platform for provisioning database services along with flexibility in scaling back database resources coupled with pay-as-per-use mechanism for using database services.

There are four key cloud computing deployment models, namely, private cloud, community cloud, public cloud, and hybrid cloud (Nekvapil, 2015; Kumar, 2013). Private clouds allow the cloud infrastructure to be deployed exclusively for use by a single organization. Private clouds are suitable for organizations that require highest level of control over security and privacy (Assunção et al., 2015). SMEs would typically not require a private cloud. Private cloud would typically be suitable for large companies that can use this type of cloud infrastructure to share services and data across different departments in the organization.

Community cloud deployment on the other hand allows the cloud infrastructure to be used by a specific community of organizations or consumers sharing common concerns. Community clouds can be viewed as an intermediate form balancing the other two extremes of private and public clouds. Community clouds could be managed and hosted internally or externally by a third party (Kumar, 2013). Public clouds are open for general public and the infrastructure is open for the public. In a public cloud resources are provisioned dynamically to general public on a fine-grained self service basis and service is provided through web services or other alternative forms (Kumar, 2013). Public clouds can be deployed off-site over the Internet and are available to the general public. The advantage of public clouds is that they offer high efficiency and resources at low cost (Assunção et al., 2015). This type of cloud infrastructure could be quite useful for SMEs which often have limitations with budget and manpower. Public clouds could be beneficial for SMEs as the analytics and data management services are offered by the cloud service provider which is also responsible for the quality of service (Assunção et al., 2015).

Hybrid clouds as the name suggests allows a combination of the other three cloud deployment models bound together by proprietary technology allowing application portability. Hybrid clouds could be suitable when private clouds could need certain resources from public clouds. Assunção et al. (2015) give the example of a scenario when customers can develop and deploy analytics using a private environment and in this process benefiting from elasticity and higher degree of security associated with private clouds. This type of infrastructure could be beneficial for medium-sized companies which do not have the same level of scarcity of resources as small-sized companies but at the same time cannot afford investments that large-sized companies can.

Big Data using Cloud Computing – Current Trends

The usage of big data offers companies the unique opportunity to achieve a sustainable competitive strategic advantage provided companies use the right mix of big data analytics to discover relationships and patterns that could not be discovered otherwise. Also, the complexity associated with big data including volume and variety make it quite complex for traditional data processing platforms to process big data (Vajjhala, Strang, & Sun, 2015). However, not all companies can take afford the investments that big data technology requires both in terms of financial and human resources. In such

scenarios, cloud computing provides a robust alternative as the burden of providing and maintaining expensive computer resources shifts to the cloud service providers (Sharma, 2016).

According to Tian and Zhao (2015), cloud computing and big data are complementary to each other and some of the big data problems can be resolved with cloud computing techniques and solutions. Cloud storage offers a robust, distributed, scalable, and fault tolerant infrastructure that can match the processing power associated with parallel and distributed processing models (Sharma, 2016). Assunção et al. (2015) state that cloud computing not only provides infrastructure and tools for big data but could also provide a business model that can be used in big data analytics, for instance either Analytics as a Service (AaaS) or Big Data as a Service (BDaaS). The scalability of clouds is possible because of the virtually unlimited resources in terms of processing power and memory (Krämer & Senner, 2015). The availability of commodity hardware, which include large data centres allows storing of big data and also perform complex computations associated with big data analytics.

Several researchers agree that cloud computing infrastructure can be used for effective big data storage and analytics (Fazio et al., 2015; Hashem et al., 2015; O'Driscoll, Daugelaite & Sleator, 2013; Sharma, 2016). Fazio et al. (2015) state that at an IaaS level, big data can leverage the storage capabilities of clouds and can rely on the computations inside the virtual machine. Hashem et al. (2015) states that big data and cloud computing are conjoined as big data provides the users with ability to use commodity computing to process distributed queries and cloud computing provides the underlying engine through the use of distributed data-processing environments, such as Hadoop. MapReduce is another example of big data processing in a cloud environment. Hadoop is an open source implementation that includes MapReduce and the Hadoop Distributed File System (HDFS) is based on strategy of co-locating data and processing to significantly improve the performance (O'Driscoll et al., 2013). Hadoop is optimized for big data processing using the MapReduce approach.

Hashem et al. (2015) illustrate several cases of how researchers have used cloud computing infrastructure and technology for big data projects. The cases include use of cloud computing in genome informatics and mining Twitter in cloud. Both these cases provide adequate illustration how cloud infrastructure can be used to solve some of the problems associated with complex big data analytics. Díaz et al. (2016) give the example of OpenNebula, an IaaS cloud platform providing an open source solution for management of virtualized data centres with private, public, and hybrid IaaS clouds. OpenStack is another IaaS platform which could also be used for big data analytics using the cloud computing infrastructure.

One of the key bottlenecks associated with the use of cloud computing for big data relates to the issue of rate of data transfer, both in and out of the clouds (O'Driscoll et al., 2013). The data transfer speed associated with networks, especially in developing countries has not advanced at the same rates as processing and data storage capabilities. This difference in networking infrastructure and data transfer capabilities is likely to pose significant problems while using big data with cloud computing infrastructure. Some of other technology-related challenges relate to using technologies such as Hadoop. According to O'Driscoll et al. (2013), programming Hadoop required high level of Java programming expertise apart from the complexities associated with visualizing the big data analytics.

Small- and Medium-sized Enterprises (SMEs)

SMEs form a significant proportion of the number of firms in most countries, for instance in Europe more than 99% of the firms are SMEs (Vajjhala, 2013). SMEs also contribute significantly to the gross domestic product (GDP) and act as sources of innovation and job creation. Although several different definitions of which companies could be categorized as SMEs exist, one of the most commonly referred to definition is the definition stated in the European Union recommendations. According to this definition, companies that have a staff headcount of less than 250 staff members and having either a turnover of less than 50 million Euros or having a balance sheet total of less than 43 million Euros (European Commission, 2016). Small-sized companies on the other hand have a staff turnover of less than 50 members and have either a turnover less than 10 million Euros or a balance sheet total of less than 10 million Euros (European Commission, 2016). Micro-sized companies include companies with a staff headcount less than 10 and either having a turnover or balance sheet total of less than 2 million Euros (European Commission, 2016). Micro-sized enterprises were not considered for this study as their staff headcount and size makes it hard for them to avail advantages of big data using cloud computing, however these enterprises might benefit from big data analytics which could be a direction for future research.

Several researchers have found positive correlation between growth and innovation. According to Love and Roper (2015), SMEs which have previous innovation experience are likely to export more and generate growth from these exports as compared to non-innovating SMEs. Because of their relatively smaller size, SMEs benefit from rapid decision-making, willingness to take risks and flexibility in responding to market opportunities. These advantages balance some of the disadvantages of SMEs, including resource constraints that inhibit the innovation capabilities of SMEs. Some of the enablers for SMEs gaining a strategic competitive advantage and improving their innovation capabilities, include ability to develop unique products and the flexibility in adopting new technology. Lin and Lin (2016) emphasize that the performance of the SMEs depends on how effectively the SMEs utilize the scarce resources and how effectively they utilize their external network relationships with other SMEs and entities.

Big Data using Cloud Computing – Opportunities and Challenges for SMEs

According to Bhat and Quadri (2015), proper analysis of big data combined together with drawing correct correlations can help in innovation, higher productivity, and profitability for companies. An organization intending to adopt big data technologies typically needs to acquire expensive software licenses, deploy expensive infrastructure and have trained and experienced manpower to take use these technologies effectively (Assunção et al., 2015). According to Frizzo-Barker et al. (2016), several digitally-savvy organizations are using big data in several strategic ways, though majority of the large- and medium-sized companies are struggling to integrate big data into their organizational cultures. states three reasons for SMEs to adopt big data technology implementations using cloud computing, including hardware cost reduction, processing cost reduction, and ability to test the value of big data. SMEs with limited resources might find it quite difficult to adopt big data technology implementation in-house. In such situations, cloud computing might allow SMEs to adopt big data as they could benefit from the low cost and reliable cloud computing infrastructure.

Cloud computing allows on-demand network access to computing resources provided by an outside entity (Purcell, 2013). Since computing capacity required for analyzing large data sets varies based on the amount of input data and the type of analysis, this characteristic of big data is ideally suited to the pay-as-you-go cloud computing model, where applications can easily scale up and down based on demand. As requirements change, organizations can easily resize their virtual resources (horizontally or vertically) to meet their demands, in a relatively short amount of time, and without having to wait for additional hardware (AWS, 2016). Finally, cloud providers, such as Amazon¹, provide a variety of SaaS big data services, helpful in activities from capturing and storing data, to processing and analysing it.

The advent of cloud computing has decreased the costs and resource usage for companies and also allowed them to deploy solutions with flexibility. However, concerns related to cloud computing include challenges associated with privacy, performance, reliability, and data security (Depeige & Doyencourt, 2015; Kumar, 2013). Cloud computing have of late been under the scanner following reports of privacy violations. The cloud computing model is often criticized for allowing possibilities of privacy violations as companies holding the control of cloud services and infrastructure could monitor the communication and data either legally or illegally. SMEs will have weigh the advantages with the potential risks before adopting the cloud infrastructure for big data related storage and analytics.

Security and privacy issues are a key challenge for big data applications using cloud computing. Concerns about lack of trust in the service provider, insufficient knowledge about service level agreements (SLAs), and possibility of attacks on distributed locations are some of the challenges that are hindering the adoption of cloud computing infrastructure (Botta et al., 2016). A key challenge associated with the use of cloud computing infrastructure is fault tolerance dealing with the ability of the cloud to detect and recover without any damage to the final output (Cheraghlo et al., 2016). Some of the practical difficulties associated with cloud computing technology include issues involved with interoperability and portability (Branch et al., 2013). Interoperability between cloud platforms in the context of communication is still an issue as multiple independent APIs that are used for communication between multiple clouds cause barriers in combining the functionality of these multiple clouds (Branch et al., 2013). Yet, in another study (451 Research, 2016), it was concluded that the cloud itself does not represent a major challenge in big-data deployments for the surveyed companies. Instead, difficulties

¹ <https://aws.amazon.com/big-data/>

encountered in usual on-premises deployments, such as lack of big-data skills, value perception and resistance from owners, were considered as more challenging.

RESEARCH METHODOLOGY

The aim of this paper is to explore the current trends in the area of big data using cloud resources and how SMEs can take advantage of these technology trends. Bearing this as the central focal point, three research questions were framed to assist in accomplishing this aim:

RQ1: What are the current trends in the area of big data using cloud computing?

RQ2: How can SMEs benefit from using big data using cloud computing?

RQ3: What are the technical challenges of using cloud computing in the processes of generation, acquisition, storage, and analytics of big data?

RQ3: What are the risks of using big data using cloud computing for SMEs?

In this study, a comprehensive literature review of big data, cloud computing as well as big data using cloud computing resources has been conducted by searching online computer databases as illustrated in Table 1. Several key databases, including IEEE, Science Direct, Proquest, EBSCO, and ACM Digital libraries were explored. Some of the keywords used for exploring literature to answer the first research question, include "big data using cloud computing", "current trends in cloud computing", and "current trends in big data using cloud computing". Several articles were found illustrating some of the current trends in the area of big data using cloud computing. The search was limited to articles published in 2015 and 2016. Some of the key articles that were cited in this study include the work of Assunção et al. (2015), Tian and Zhao (2015), Hashem et al. (2015), and Díaz et al. (2016).

The second research question involved identifying how SMEs could benefit from using big data technology using cloud computing infrastructure. Articles that were studied to answer this research question included articles identifying the key enablers on how SMEs could innovate and grow. One of the key factors identified during this search was the use of new technologies by SMEs. Several researchers identified the links between use of new technologies and innovation in SMEs. However, resource constraints often inhibit SMEs from investing on new technologies. Cloud computing technology could be a solution in such as case as SMEs can benefit from the low cost solutions offered by cloud providers and also do not have to invest on in-house solutions which are relatively expensive.

The third research question involved identifying the technical challenges of using cloud computing in the processes of generation, acquisition, storage, and analytics of big data. The fourth research question involved identifying factors that could be perceived as potential risks and challenges associated with the use of cloud computing infrastructure for big data problems by SMEs. This research question first involved identifying the risks and challenges associated with the use of cloud computing infrastructure for resolving some of the big data problems. After these factors were identified, the study narrowed down to identifying the key factors that would be applicable from the perspective of SMEs.

Table
Summary of Literature by Search Topic and Database

11

<i>Search term</i>	<i>ProQuest</i>	<i>EBSCOhost</i>	<i>ACM Digital Library</i>	<i>Sciencedirect</i>
<i>Cloud computing</i>	2,319	1,837	1,214	1,380
<i>Big data</i>	1,838	1,723	1,249	1,181
<i>Big data using cloud computing</i>	870	679	718	625
<i>SMEs using big data</i>	704	560	434	591
<i>SMEs using cloud computing</i>	715	803	575	325

<i>Big data using cloud computing challenges</i>	408	410	465	506
<i>Big data using cloud computing opportunities</i>	576	768	342	458

DIRECTIONS FOR FUTURE RESEARCH

The focus of this study was on identifying the current trends in the areas of big data using cloud computing and also exploring how SMEs can benefit from using big data using cloud computing. The research methodology involved an extensive study of literature on the key research theme of identifying how SMEs can benefit from adopting big data technologies using cloud computing infrastructure. Researchers could explore further identifying the key managerial and leadership challenges involved in adopting the big data technologies using cloud computing infrastructure. This paper identified the key technical challenges for SMEs in using cloud computing infrastructure in the processes of generation, acquisition, storage, and analytics of big data. Future studies could explore the managerial and leadership aspects involved in such an implementation strategy. Researchers could also explore the extent to which SMEs are currently using big data technologies, and if adoption of big data technologies in SMEs has been successful. Researchers could then identify the factors that contribute to the success or failure of big data initiatives using cloud computing infrastructure in SMEs. Future research could also include case studies identifying individual cases of SMEs which have attempted to implement big data technology using cloud computing infrastructure.

CONCLUSION

SMEs are the growth engine for most of the economies as they contribute significantly to the employment generation and also form a large chunk of the number of enterprises. The growth of economies depends to a large extent on the growth of SMEs and the growth of the SMEs is dependent on the ability of these enterprises to innovate. A key enabler of innovation in SMEs is the ability of these enterprises to adopt new technologies and use them as a source of innovation. Big data is a key technology that has the potential of helping managers in these enterprises access knowledge through analytics that was not previously available to a large number of companies. However, big data analytics is a complex process demanding experienced staff having knowledge of big data analytics and data science apart from significant investment in big technology-related infrastructure. Resource-constrained SMEs might find it difficult to find the appropriate human resources, in such a case cloud service providers with access to adequate human resources and technology could provide a viable alternative to SMEs seeking to take advantage of the big data technology. Cloud computing provides a robust alternative to SMEs shifting the burden of providing and maintaining expensive infrastructure to cloud service providers. Cloud computing infrastructure and resources provide a unique opportunity for resource-constrained SMEs to leverage big data not only to innovate but also gain a sustainable strategic competitive advantage. A few bottlenecks associated with using cloud computing infrastructure for big data include, the issue of rate of data transfer in and out of the clouds, security issues as the cloud computing provider handles key tasks, and sophistication involved in use of these technologies.

REFERENCES

- 451 Research (2016). *The Cloud-Based Approach to Achieving Business Value From Big Data*. February 2016. http://d0.awsstatic.com/analyst-reports/451_Advisors_BigData_White_Paper_2016.pdf.
- Amazon Web Services (AWS) (2016). *Big Data Analytics Options on AWS*. January 2016. https://d0.awsstatic.com/whitepapers/Big_Data_Analytics_Options_on_AWS.pdf.
- Amerland, D. (2013). *Google™ Semantic Search - Search Engine Optimization (SEO) Techniques That Get Your Company More Traffic, Increase Brand Impact, and Amplify Your Online Presence*. Pearson Education.
- Assunção, M. D., Calheiros, R. N., Netto A. S. & Buyya, R. (2015). Big Data computing and clouds: Trends and future directions. *Journal of Parallel and Distributed Computing*. 79(1), 3-15.

- Aziz, N. N. & Samad, S. (2015). Innovation and competitive advantage: Moderating effects for firm age in food manufacturing SMEs in Malaysia. *Procedia Economics and Finance*. 35(1). 256-266.
- Baro, E., Degoul, S., Beuscart, R., & Chazard, E. (2015). Toward a literature-driven definition of big data in healthcare. *BioMed Research International*, doi:http://dx. doi.org/10. 1155/2015/639021
- Bello-Orgaz, G., Jung, J. J. & Camacho, D. (2016). Social big data: Recent achievements and new challenges. *Information Fusion*. 28(1). 45-59.
- Bhat, W. A. & Quadri, S. M. K. (2015). Big Data promises value: Is hardware technology taken onboard?, *Industrial Management & Data Systems*, 115(9), 1577 - 1595.
- Botta, A., de Donato, W., Persico, V., & Pescapé, A. (2016). Integration of cloud computing and Internet of things:A survey. *Future Generation Computer Systems*. 56(1). 684-700.
- Branch, R., Tjeerdsma, H., Wilson, C., Hurley, R., & McConnell, S. (2014). Cloud computing and big data: A review of current service models and hardware perspectives. *Journal of Software Engineering and Applications*, 7(1), 686-693.
- Chen, C. P. & Zhang, C-Y. (2014). Data-intensive applications, challenges, techniques and technologies: A survey on Big Data. *Information Sciences*. 314-347.
- Cheraghloou, M. N., Khadem-Zadeh, A., & Haghparast, M. (2016). A survey of fault tolerance architecture in cloud computing. *Journal of Network and Computer Applications*. 61(1). 81-92.
- Depeige, A., Doyencourt, D. (2015). Actionable knowledge as a service (AKAAS): Leveraging big data analytics in cloud computing environments. *Journal of Big Data*. 2(12). 2-16.
- Díaz, M., Martín, C., & Rubio, B. (2016). State-of-the-art, challenges, and open issues in the integration of Internet of things and cloud computing. *Journal of Network and Computer Applications*. doi:10. 1016/j. jnca. 2016. 01. 010.
- Emani, C. K., Cullot, N., & Nicolle, C. (2015). Understandable big data: A survey. *Computer Science Review*. 17(1). 70-81.
- European Commission. (2016). *Small and medium-sized enterprises (SMEs). What is an SME?* Retrieved from http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm
- Fazio, M., Celesti, A., Puliafito, A., & Villari, M. (2015). Big data storage in the cloud for smart environment monitoring. *Procedia Computer Science*. 52(1). 500-506.
- Frizzo-Barker, J., Chow-White, P. A., Mozafari, M. & Ha, D. (2016). An empirical study of the rise of big data in business scholarship. *International Journal of Information Management*. 36(3). 403-413.
- Hashem, A. T., Yaqoob, I., Anuar, N. B., Mokhtar, S., Gani, A., & Khan, S. U. (2015). The rise of “big data” on cloud computing: Review and open research issues. *Information Systems*. 47(1). 98–115.
- Hsieh, J-C., Li, A-H., & Yang, C-C. (2013). Mobile, cloud, and big data computing: Contributions, challenges, and new directions in telecardiology. *International Journal of Environmental Research and Public Health*. 10(1), 6131-6153.
- Jamil, N., Ishak, I. B., Sidi, F., Affendey, S. & Mamat, A. (2015). A Systematic Review on the profiling of digital news portal for big data veracity. *Procedia Computer Science*. 72(1). 390-397.
- Kambatta, K., Kollias, G., Kumar, V., & Grama, A. (2014). Trends in big data analytics. *Journal of Parallel and Distributed Computing*. 74(1). 2561-2573.

-
- Knoblock, C. A., & Szekely, P. (2015). Exploiting semantics for big data integration. *AI Magazine*, 36(1), 25-38. Retrieved from <http://search.proquest.com/docview/1667668090?accountid=35812>
- Krämer, M. & Senner, I. (2015). A modular software architecture for processing of big geospatial data in the cloud. *Computer & Graphics*. 49(1). 69-81.
- Kumar, V. (2013), Cloud Computing, *International Journal of Computing and Technology*, 4(1a), 5-7.
- Lin, F.-J. & Lin, Y.-H. (2016). The effect of network relationship on the performance of SMEs. *Journal of Business Research*. 69(5). 1780-1784.
- Love, J. H. & Roper, S. (2015). SME innovation, exporting and growth: A review of existing evidence. *International Small Business Journal*. 33(1), 28-48.
- Nekvapil, V. (2015). Cloud computing in data mining - A survey. *Journal of System Integration*, 5(1). 12-25.
- O'Driscoll, A., Daugelaite, J. & Sleator, R. D. (2013). 'Big data', Hadoop and cloud computing in genomics. *Journal of Biomedical Informatics*. 46(1). 774-781.
- Purcell, B. M. (2013), Big data using cloud computing, *Journal of Technology Research*, 5(1), 1-8.
- Rainer, K. R., Prince, B., Cegielski, C., Chircu, A. M., & Marabelli, M. (2014).
Introduction to Information Systems. Supporting and Transforming Business: John Wiley & Sons.
- Sharma, S. (2016). Expanded cloud plumes hiding big data ecosystem. *Future Generation Computer Systems*. 59(1). 63-92.
- Tian, W. & Zhao, Y. (2015). *Big Data Technologies and Cloud Computing*. Optimized Cloud Resource Management and Scheduling. Theory and Practice: Morgan Kaufmann. 17-49.
- Vajjhala, N. R., Strang, K. D., & Sun, Z. (2015). Statistical modeling and visualizing open big data using a terrorism case study. *Proceedings of the Open Big Data Conference*, Rome: Italy. IEEE
- Vajjhala, N. R. (2013). *Cultural factors and knowledge sharing in medium-sized enterprises in albania: A qualitative, multisite case study* (Order No. 3577672). Proquest.
- Walker, R. (2015). *Benefits of Scale and Velocity in Big Data: The Movement to Now!*. In *From Big Data to Big Profits: Success with Data and Analytics* : Oxford University Press.

Progres of the Public Procurement System in Albania and in the European Union

Emalita Dobra

The first instance of Tirana District Court (procurement specialist)

emalitarama@hotmail.com

(0692602020)

Abstract

A proper estimation of the value of the public contracts is of major importance of the contracting authority. First, value of contracts governs the regime of rules under which the proceedings will be conducted. Second the decision of the contracting authority concerning the application of specific procurement procedure depends whether the value of contract is below or above specific threshold. For multi year contracts or contracts with renewal option, the contracting Authority must provide clauses for the revision of prices in accordance with published official inflation. In case of goods the contracts through renting or leasing of these, the estimated value of the public contract shall be based on the monthly rent or fee multiplied by the number of months the contract will last. The contracting Authority is responsible for comparing the above mentioned elements with a cost analyses of the goods, services or works. European Union rules provided in Article 9 of the directive 2004/18/EC of the European Parliament and of the council of 31 March 2004 on the coordination of procedures for the award of public works, supply and services and in contain also more detailed rules concerning methods of estimation of contract value which should be applied in specific case. The principle of the transparency of public procurement requires that all potential contractors have the same chances to compete for contracts being offered by public administration. (*Keywords; public contracts, procurement, goods, proceedings contracting Authority, etc.*)

1. Introduction

Public procurement is a process performed by the Contracting Authorities (CA), which select the Economic Operators (EO) through a public competition, to enter into public contracts for the provision of goods, services or works (construction), against payment from public funds¹. There lies a public purpose and a public task behind the public procurement, which the contracting authorities provide for by means of the procurement. The construction of a school is necessary for the education of pupils. The background to procurement can be cultural policy, commercial policy etc. The construction of a power station can be necessary for the maintaining of power on the electric grid. More detailed considerations of its construction, size, technology, location etc., can also involve issues such as the pollution of the environment, the competitiveness of the national economy, safety, national security and so on². This is a process conducted by the state administration to serve directly or indirectly the citizens, who are taxpayers at the same time. In other words, through this process a state authority "delegates" to a private entrepreneurship the right to perform activities mainly of a technical character (non policy-making), on behalf and on account of the state authority, such as for example, the service of cleaning the city, construction of rural or urban roads, etc. ³ Such "delegation" is based on a bilateral contract, for the awarding of which the state authority should follow the rules of public procurement.

1.1 Role of public procurement

If we visualized the public procurement process, we would imagine a chain composed by the need for a good, service or work (directly for the Contracting Authority and/or indirectly for the citizens), a source of financing (public funds, i. e. income created by different types of payments from citizens), the administrator of such need and its implementer (Contracting Authority) and the direct or indirect beneficiary of the product (citizens). The "public" or "government" procurement refers to the situation, in which it is the government (whether central or local), or some public body that purchases items from the market. Those purchases are made with a view to fulfilling the tasks of government in providing public services. Procurement is, therefore, also an "acquisition for public consumption", a statement, which neatly discloses the public

interest in procurement⁴. Such characteristic of public procurement is reflected in its two essential elements; the “public need” and the “public fund”. The “public” character makes the procurement process highly sensitive and naturally raises the need and the necessity for the special regulation of this process. Also, the need for special rules on the award of public contracts is based on the recognition that states, in contrast to commercial undertakings, are not disciplined by market forces when carrying out procurements. Selection of a certain economic operator, without considering optimization of price and quality, at the end of a procurement procedure, could result in costs for the budget of the state authority performing the procurement. However, in no case it bears the same risks and financial costs as a private undertaking would bear at the same conditions. A private undertaking can risk even bankruptcy in such situations, while a state authority never has this cost.

1 Article 3/1 of Law no. 9643, dated 20. 11. 2006 “On Public Procurement”, as amended (here and after referred as PPL).

2S. T. Poulsen, P. S. Jakobsen and S. E. Kalsmose-Hjelmborg, “EU Public Procurement Law; The Public Sector Directive, The Utilities Directive, 2nd Edition”, DJØF Publishing, Copenhagen 2012, pg. 26.

3 S. T. Poulsen, P. S. Jakobsen and S. E. Kalsmose-Hjelmborg, “EU Public Procurement Law; The Public Sector Directive, The Utilities Directive, 2nd Edition”, DJØF Publishing, Copenhagen 2012, pg. 27.

4 P. Trepte “Regulating Procurement- understanding the ends and means of public procurement regulation”, Oxford University Press Inc., New York, 2004 (reprinted in 2006), pg. 27.

Often, indeed in the majority of the cases (frequently as a result of internal budgetary, administrative or audit regulations), the different stages of the procurement cycles are carried out by different people⁵. All these three stages should be included under the “umbrella” of the procurement process, because there is a close connection and a strong impact of these stages to one another. This means that in practice the three stages need to be closely integrated and regarded as separate phases of a single cohesive “cycle”. It also needs to be understood that there is a significant connection between the regulatory measures that apply at the second stage and the first and third phases of the process – and that in certain cases the regulatory provisions that we consider will have a direct impact on the first and second stages⁶.

Besides the three stages of the public procurement process, as prescribed above, another division might be introduced as well, in the reference to these stages; stages before and after the conclusion of the contracts. Such concept does consider the steps in the procurement cycle up to and including the publication of the contract as “before conclusion”, and steps that are taken after the contract is “concluded”.⁶ This implies that the two initial stages described above, which prepare and direct the procurement process, stand before the

1. 2. The economic aspects of the public procurement system

Procurement regulation has been developed largely by societies, which rely on concepts based on welfare economics in the market economy and is currently being adopted in societies, which are embracing a market economy. The development of procurement regulations within a market economy implies that its purpose is in some way an instrument of the pursuit of economic welfare. In a market economy, economic welfare is achieved, in part by pursuing the objective of economic or “allocative” efficiency. This, in turns, gives rise to further considerations. First, regulation can be seen as an attempt to correct market and institutional failures in order to achieve the goal of economic efficiency. Secondly, this goal may be seen as insufficient in itself to achieve economic welfare because it is based on the assumption that optimal economic welfare will result from the perfect functioning of the free market and the achievement of allocative efficiency. But economic “welfare” may, however, be seen as something more than pure allocative efficiency. Thirdly, economic welfare may be formulated with the intention of achieving specific economic, social and political objectives, which will have an impact on the formulation of those instruments of policy employed to achieve economic efficiency. On the other hand, the public procurement process aims the management of public funds. Looking for the “best value for money” in public (and private) procurement, while keeping under control the process management costs, requires several important decisions. The issue whether centralization or decentralization is more appropriate, usually rises up when a certain organization or structure has reached a certain granditude and /or geographical expansion.

!Synergies (product of economy of scale, by avoiding duplication of efforts/work, through reduction of legal challenges); The more standardized the product/service, the bigger the advantage of contracting authorities to aggregate the request, as economic operators have the possibilities to make use of the economy of scale, by operating this way with a lower cost per unit.

5. The same regulation is applied also in the Albanian system; the three stages should be implemented from different people, to avoid the potential situations of conflict of interests. See for example articles 57-58 of the Decision of Council of Ministers No. 914, date 29. 12. 2014 "On approval of the public procurement rules".

6. See S. Arrowsmith "Public Procurement: Basic Concepts and the Coverage of Procurement Rules", Public Procurement Regulation-an Introduction, pg. 1, Available on-line at <http://www.nottingham.ac.uk/pprg/documentsarchive/asialinkmaterials/publicprocurementregulationIntroduction.pdf>. Retrieved on, 20. 12. 2014.

1. 3 Components of public procurement, scope of application and exclusions

To create the conditions for a procurement procedure, there should exist at the same time the following four elements:

- 1 The Contracting Authority (CA);
- 2 The Public Fund (state budget) available;
- 3 The need of the Contracting Authority for a public work, good or service;
- 4 The economic operators.

1. 3. 1. Contracting authority

In the perspective of a public procurement process, a contracting authority is the one which run the process, aiming at awarding a public contract for supplies, services, or public works. The modern state employs a wide variety of institutional forms to carry out its functions; and this may make it difficult and uncertain to establish an appropriate boundary for rules that apply to "public bodies" but not to the "private" ones, including defining the general scope of administrative/public bodies for states that adopt a general distinction between the administrative/public law and private law.

Nevertheless, once a body falls within the definition of a 'contracting authority', all of its purchases of goods, works and services will be subject to the procedural requirements, even if these purchases are made for the purposes of tasks that are not, or even mostly not, in the general interest⁷.

Once covered by the procurement regulations (the procurement Directive, or a national procurement law, such as the Albanian case), the authority is covered for all purchases within the definition of the given regulation.

Anyway, especially in the case of a body governed by public law, the status of a contracting authority can change over time as a result of a change of its functions or a change in its legal status. The financing of the contracting authority may also change over time. These all have an effect on the inclusion of the body within the definition of the procurement rules (a Directive, or a national law, in case of Albania), and therefore it is not possible to say, once and for all, whether a body is covered or not covered by these rules⁸.

The applicable rules on public procurement, generally, provide for the definition of the "contracting authority". So, for example, the Albanian public procurement law, provides in article 3, point 14 that the term 'Contracting authorities' (in the public sector) means all those entities subject to the PPL for the execution of their public contracts. Namely, the following:

- a. Constitutional institutions, other central institutions, independent central institutions and local governing units,
- b. Any bodies:

- (i) Established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- (ii) Having legal personality; and
- (iii) Financed, for the most part, by the State, regional or local authorities, or other public bodies; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other public bodies;

7 See Case C-44/96 Mannesmann Anlagenbau Austria AG and Others v Strohal Rotationsdruck GmbH ('Mannesmann') (1998) ECR I-73, paras 30-35.

8 See Case C-470/99 Univesale –Bau AG, Bietergemeinschaft: 1) Hinteregger & Söhne Bauges mbH Salzburg, 2) ÖSTÜ-STETTIN Hoch-und Tiefbau GmbH v Entsorgungsbetriebe Simmering GbmH ('Univesale – Bau') [2002] ECR I-11617.

1. 3. 1. 1 Central and joint purchasing

Public purchasers have recognized that they can benefit from economies of scale by buying their requirements in bulk. Even where the procurement needs of a single procuring contracting authority are relatively modest in respect of a given product or service, the combined needs of a number of such government purchasers may be significant. Government departments operating in similar sectors or in neighboring locations have often found it beneficial to group together jointly to purchase specific items. This is most likely to be the case of products used daily, where the various purchasers do not have any requirements that are specific to the contracting authority or differential technical requirements⁶¹. A central purchasing body is a 'Contracting authority', which 'acquires supplies and/or services intended for contracting authorities', or 'awards public contracts or concludes framework agreements for works, supplies or services intended for contracting authorities'⁹.

2) Legal personality

The existence of a legal personality is generally the clearest distinction between bodies that form part of the state, regional or local authorities and those that are considered to be bodies governed by public law¹⁰. Most government ministries, departments and divisions do not have a separate legal personality. If a separate body is created as a company or enterprise, then it will have a legal personality that is separate from the state and it is likely to be seen as a body governed by public law if the other two conditions are also met. It does not matter whether the body in question is subject to public or private law, the only issue is whether it has a legal personality¹¹.

3) Dependency on the state

This condition is used primarily to determine the degree of dependency of the body on the state. This dependency may, alternatively, be financial, - managerial, or - Supervisory. This condition is satisfied where only one of these three criteria is met.

4. Economic Operators

To make a public procurement procedure happen, two main stakeholders (parties) should be acting; a public buyer named as the contracting authority, on one side and a private provider, named as the economic operator, on the other side. The Albanian public procurement law does provide for a definition of the "economic operator" concept, which is as follows: 'Contractor', 'supplier' and 'service provider' means any natural or legal person or public entity or group of such persons and/or bodies, which offers on the market, respectively, the execution of works and/or a work, products or services. An 'economic operator' shall cover equally the concepts of contractor, supplier and service provider, without any kind of distinction.

5. 'Procurement' contracts

The procurement legislation (neither the Public Sector Directive 2004/18, nor the PPL) does not give any particular definition of a 'procurement' contract, but only certain contracts, in concrete three types of contracts fall within the scope of this legislation referring to them as 'public works' contracts, 'public supply' contracts and 'public services' contracts. On the other hand, the new Public Sector Directive 2014/24 in its article 1(2) does provide for a new definition:

9 See Art 1/10 of the Directive 2004/18/EC.

10Ibid, para 2. 60.

11See case C-283/00 Commission v Spain [2003] ECR I-11697 in which EJC held that it was necessary to establish only whether or not the body concerned fulfilled the three conditions for establishing the existence of a body governed by public law and that a body's status as a body governed by private law did not constitute a criterion capable of excluding its being classified as a contracting authority for the purposes of the Directives. 'Procurement within the meaning of this Directive is the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose'. The definition of procurement brings an additional requirement – 'acquisition' – to the definition of public contract as provided by the Directive¹².

5. 1Public works contracts

The procurement rules do give a definition of 'public works contracts', according to which works contracts are public contracts having as their object either the execution, or both the design and execution of works or a work, or the realization, by whatever means, of a work corresponding to the requirements specified by the contracting authority. A "work" means the outcome of building or civil engineering works taken as a whole, which is sufficient of itself to fulfill an economic or technical functionIt is clearly stated by the given definition, the 'design and build' contracts also fall within this definition, as the possibility of including design works into a works contract is also foreseen. This could include for example, contracts covering the designation of a project as well as its execution.

5. 1. 1 Mixed contracts

The public procurement legislation (both Public Sector Directive and PPL) contains provisions on how to categorize a contract containing elements of works and/or supplies and/or services. The distinctions are relevant in the case of mixed supplies and services contracts. It is an issue also in the case of works contracts that contain elements of supplies or services, given the much higher thresholds that apply to works contracts. The way in which mixed contracts are categorized depends on the subjects and types of contracts, which are mixed. On the other hand, the new Public Sector Directive 2014/24/EU, does provide in a specific article for a definition of "mixed procurement", according to which 'contracts, which have as their subject two or more types of procurement (works, services or supplies) shall be awarded in accordance with the provisions applicable to the type of procurement that characterizes the main subject of the contract in question'.

5. 1. 1. a Supplies/services

Essentially, contracts containing elements of both products and services will be treated as one or the other type of contract depending on the value represented by each element. According to PPL, 'a public contract having as its object both products and services shall be considered to be a 'public service contract' if the value of the services in question exceeds that of the products covered by the contract. Based on this definition, it is understood that where the value is equal, it will be considered as a supplies contract.

5. 1. 1. b Works/services

In the case of works and services, the procurement rules do not provide for a value test, as above, but include a test based on the principal object of the contract, as opposed to considerations that are merely incidental to that object. As such, a

public contract having as its object services and including works that are only incidental to the principal object of the contract shall be considered to be a “public service contract”.

5. 1. 1c Works/supplies

12 R. Caranta “Mapping the margins of EU public contracts law: covered, mixed, excluded and special contracts”, François Lichère, Roberto Caranta and Steen Treumer (eds.) “Modernizing Public Procurement. The New Directive”; 1. Edition, Djøf Publishing, Copenhagen 2014, pg 69.

As it is clearly stated, the Albanian procurement rules, as in the case of mixed contracts with services and supplies, analyzed here above, even in the case of mixed contracts with works and supplies, will use the ‘value test’ to name the contract. On the other hand, under the Public Sector Directive, ‘a public contract having as its object the supply of products and which also covers, as an incidental matter, siting and installation operations shall be considered to be a ‘public supply contract’. For example, in the case of the purchase of a crane to be installed on a dockside, the object of the contract is the *supply* of the crane and not the works required to site it, even if those works are considerable. According to the Directive, this ‘principal object’ test, which mirrors the way in which works and services contracts are to be distinguished, would appear to apply even if the value of siting or installation services is greater than the value of the supplies itself, since it is a test based on the object of the contract and not the ‘value-based test’ applied to distinguish between supplies and services¹³.

1. 2. 5. 1. b Contracts requiring secrecy measures

The Directives do not apply to public contracts (i) that are declared secret, or (ii) the execution of which must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the Member State concerned, or (iii) when the protection of the essential interests of that state’s security so requires. However, these exemptions would not be automatic but would need, if challenged, to be properly justified. In a case involving the prohibition against the unlicensed importation of narcotic drugs, an argument was put forward to the effect that the provisions of the Directives could be excluded on the basis of the above discussed exemption. The Court stated that a tenderer’s ability to implement proper security measures could be taken into account as a criterion for the award of a contract.

6 New law on public procurement and its approximation process

Considering the engagement related to public procurement in SAA, Albania drafted in 2006 a project of law approximating Directive 2004/18/EC “On coordination of public procurement procedures for works, goods and services”. The new law on public procurement, oriented this time by the respective EU legislation, changed totally the public procurement system in Albania.

Law no. 9643/2006 “On public procurement” was approved by the Albanian Parliament on 20 November 2006 and entered in force on 01 January 2007, thus abrogating the previous law no. 7971/1995, and all secondary legislation. The new law was followed by DCM no. 1, dated 10 January 2007 “Rules of public procurement”.

Guidelines and Tender Standard Documents were prepared, based on these two pieces of legislation. This new legal framework brought about essential changes in the sector. First of all, it is worth mentioning that the new law provided for a more detailed and clearer process of public procurement, starting with the issuing of the procurement order and closing the cycle with the signing of the contract, including also several provisions related to the contract execution¹⁴.

The new law lays out very clearly the principle of equal treatment, the principle of nondiscrimination, the principle of transparency, the value for money principle and the principle of legal protection of economic operators’ interests. Exclusion of direct procurement from the list of procedures, through which a public contract could be awarded, made one of the significant changes in the new law. In addition, the new law introduced the concept of the “abnormally low bid”. All these issues provided for the first time in the new law reflected the provisions of the respective Directive 2004/18/EC.

13 P. Trepte "Public Procurement in the EU- a practitioner's Guide, Second Edition", published by Oxford University Press Inc., New York, 2007, pg. 238, para 4. 112.

14 Law 7971/1995 "On public procurement", was composed by 48 articles, meanwhile the new law 9643/2006 "On public procurement", was composed by 78 articles.

Providing a partial approximation with the respective EU Directive, during the period 2007-2014 the legal framework passed through several changes and improvements, aiming to further approximation.

After observing application of the new legal framework on public procurement, on September 2007, the Parliament of Albania approved law no. 9800/2007. The law consisted in changing the conditions for using the procurement procedure of negotiation without prior publication of contract notice, thus approximating in full article 33 of the Albanian public procurement law with article 31 of Directive 2004/18/EC.

On December 2007, the Parliament of Albania approved some amendments to Law no. 9643/2006 "On public procurement", as amended. This Law No. 9855 of 26 December 2007, introduced new regulations on the procurement of electrical energy and of hydrocarbons. It introduced as well *ex novo*, the concept of "Framework agreement", thus creating the general framework for entering into special contracts for goods to be procured along a given timeframe.

Despite amendments introduced up to 2008, there were still some important issues which were not aligned with the *acquis*. Among these the most important were related to the review system; the specific regulations for procurement in the utility sector; and a detailed and clear provision for framework agreements. That is why another amendment of Law 9463/2006 was necessary. Such an amendment was done by approval of Law no. 10170 of 22 October 2009. This law established for the first time a special instance for reviewing appeals in public procurement, entitled Public Procurement Commission, approximating the legislation to the respective EU Directive. The newly established institution took from the Public Procurement Agency the competence of reviewing appeals. For the first time, a special chapter on procurement in the utility sectors was also introduced, approximating the legislation with Directive 2004/17/EC "On coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors" as well. A special article on framework agreement has been introduced. All the above listed amendments were another step forward to approximation with the respective EU Directives.

7 Electronic procurement

On October 2007, by Decision no. 659, Council of Ministers approved rules on public procurement by electronic means. This decision provides for the first time in the history of public procurement in Albania, the functional and legal requirements for implementing public procurement procedures by electronic means.

In the framework of measures towards increasing transparency and fighting corruption in the public procurement system in Albania, according to the Decision of the Council of Ministers No. 45, dated 21. 01. 2009, all public procurement procedures are performed through an e-procurement system.

The system offers a secure, efficient and transparent preparation and administration of all tender-related documents, removing unnecessary paper work²⁴⁹ and providing secure data flow throughout the entire process¹⁵. All the tender documents, from the contract notice to the winner notice and further more to the notice of the signed contract, are available in the electronic public procurement system.

¹⁵This position has been stated also at the Albania 2009 Progress Report of the European Commission, point 4. 1. 6 "Public Procurement" according to which "...Legislation was approved in January 2009 introducing the obligation for contracting authorities to use the electronic procurement. Contracting authorities have also to publish all procurement notices and tender dossiers on the website of the Public Procurement Agency (PPA). This has improved access to information and reduced procedural costs. The PPA provided advice and support to overcome the initial technical problems encountered. However, there are still some exceptions to the use of electronic procedures. Efforts need to continue to

extend them to all types of public procurement. Electronic procedures aim at reducing the scope for corruption although further efforts are still required in all phases of the procurement process...”.

Moreover, all transactions, starting from the download of documents till the bidding by electronic means, may be done at anytime and anywhere the economic operators are.

The electronic public procurement system reduces the application time, facilitates and standardizes the process of

Introduction with the tender conditions. Likewise, it guarantees the secrecy of offers and, at the opening time of the procedures, allows the simultaneous publication of the offers.

Moreover, the electronic system does generate reports enabling ulterior inspections, ex post monitor of procedures and reduction of the possibility of corruptive deviations. It is constructed in such a way as to maintain at all times a copy of all data and all actions performed on it. The automatic recording of transactions is done by a separate server called "Black box", which is located at a completely different place from the main server and to which, moreover, none of the EPS administrators can enter.

8. Public procurement Directives

To assess the context, in which the public procurement system of the European Union has been developed, it is important to have a historical overview of the public procurement Directives. This will enable us to study the purpose/purposes of the procurement system in the EU and understand the extent such objectives have evolved since their beginnings.

8.1 First procurement Directives

General programs were implemented through a number of Directives approved consequently. They were of two types; the so called Directives of Liberalization and the Directives of Coordination. Directives of Liberalization aimed the abolition of restrictive and discrimination measures. Directives of Coordination aimed at the approximation of Member States procurement legislation with the purpose of coordinating procedures of awarding public contracts in these states.

8.1.1 The first Directives of Coordination

The first two directives of coordination were respectively: Directive 71/305 on public work contracts and Directive 77/62¹⁶ on goods' contracts. Both directives provided more or less for the same regulations and practically there was no strong argument why works and services had to be treated separately in two different Directives, up to 2004 when both of them and Directive 92/50¹⁷ in relation to services' contracts were consolidated in a single text. Directive 71/305 was adopted following to the General Programs with the aim of coordinating the internal procedures (legislation) of the Member States for selecting winners and awarding the public work contracts. Hence, this Directive reaffirms once again the main objectives of the General Programs such as the prohibition of setting as qualification criteria the technical specification of a discriminatory effect or the setting of the objective criteria for the participation of bidders. The Directive also gives special importance to the implementation of an effective competition in public contracts' sector. The general Treaty rules on free movement entail an obligation not to discriminate in public procurement, which is an important starting point for opening up public procurement. However, this alone has long been considered insufficient to remove barriers to trade that exist in public markets: it is widely considered that positive obligations, including transparency requirements, are needed in order to achieve this¹⁸.

16 OJ 1977 L 13/1.

17 OJ 1992 L 209/1.

18 See S. Arrowsmith "Law of Public and Utilities Procurement", Volume 1, Third Edition, Sweet & Maxwell, London 2014, para. 3-29

Directive 77/62 was adopted with the purpose of coordination of procedures for selecting the winners and awarding the goods' contracts. This directive, in addition to the requirement for creating equal conditions for competitiveness, highlights the transparency of the procurement process, aiming at a facilitated control of implementation of the above mentioned principles. The purpose of both directives was the increase of transparency of the procurement process (by publishing of tenders in all Member States of the Community), from which derived public contracts, assuring and monitoring the principle of effective competitiveness, which in its side brings equal opportunities and equal access in these contracts (by setting objective criteria for participation and prohibition of setting technical discriminatory specifications).

These Directives also regulated two other important aspects. First, as coordination measures, they do not require establishing a common regulatory regime in the Member States. Directive 71/305 states that coordination should take place considering as much as possible the existing procedures and practices in each member state. Article 2 of both Directives clearly provides that contracting authorities, in selecting contractors should apply their internal procedures, adopted by the Directives. These directives, differently from the later Directives, did not impose the usage of defined procedures; they provided only for defined requirements, which had to be fulfilled (mainly in relation to notice/publication rules) in case of a given kind of procedure. The second important characteristic of these Directives was that they were applicable only to procurement procedures and contracts above a certain financial value. It was the case of such values considered to have impact on competitiveness and could affect the trade among Member States.

8. 1. 1 a Some of the Directive's provisions are strictly related to the fact of the state subject to them is an EU Member State and some of them are optional for Member States themselves.

As discussed and analyzed in several situations above, some of Directive's provisions are applicable only to Member States, which is quite loyal considering the fact that Directives aim to regulate public procurement within EU. If we recall the example of the case of application of the Common Procurement Vocabulary (CPV), in Albania, this coding system might not be directly implemented and applicable in Albania, as of the date of Albania's accession to the EU, since CPV is adopted as such by means of an EU regulation.

Another example of this situation comprises implementation of the Prior Information Notice (PIN). The Albanian PPL does not foresee such an instrument. Seen in the context of the obligation and commitments undertaken with the SAA, it will not be the case of 'non-approximation' as this is optional even for Member States. On the other hand, if it will be the case that Albanian law will provide for such mechanism anyway (even though it is not obligatory), in practice it will not be possible to implement it, because it is required that the notice itself, or the fact of publication of this notice on the buyer profile, should be published in any case, by the Publications Office of the EU. As such, it seems that this mechanism is meant only for states which are directly subject to the Directive, and there is no meaning to require a non-Member State to introduce such a mechanism in its national procurement law, because the required objective will not be achieved.

8. 1. 1 b National context and internal factors are very important factors regarding the approximation process. Such legislative interventions, to implement the relevant Directives should go along with economic and social changes, as public procurement is not only a legal process, but it is also an economic and social process.

Another aspect which should be considered along the integration process is the entire environment where this process takes place.

The precondition for Albania in this sector is to fully approximate its legislation in a relatively short period of time, meaning that in such short period of time the Albanian public procurement system should move from a very infantile phase of some years ago toward a much consolidated phase the EU Member States are in nowadays. It is true that Albania has only to follow models which already exist in the EU, but it is also obvious that only the fully approximation of the legislation does not mean the accomplishment of the process. The final objective is to make the legislation applicable. Making the public procurement legislation applicable and realizing a fully functional procurement system in line with EU standards, does not mean only harmonization with the respective EU Directives, but it is necessary to harmonize this legislation with other legal framework in Albania. Otherwise it will not be workable.

As discussed above, internal factors are very important as well. Such legislative interventions should go along with economic and social changes, as public procurement is not only a legal process, but it is also an economic and social process. At the end of the day, PPL is a national law, and a national law will be "shaped" also by the concrete context and environment where it is applied.

8. 1. 1 c The New Public Sector Directive aims to provide for more simplified and flexible public procurement regime. The Albanian procurement law, while considering the implementation of new directive, should consider also the internal environment especially, for that type of provision suggesting more flexibility.

One of the main objectives of the revision of the EU public procurement regime including the new Public Procurement Directive 2014/24 has been the simplification and so-called flexibilization of the regime. Thus, this Directive provides more freedom to public purchasers to negotiate (constraints on using the competitive negotiated procedure have been relaxed, so that this procedure is available for any requirements that go beyond "off - the - shelf" purchasing). The new rules also encourage and allow preliminary market consultation between buyers and suppliers, which should facilitate better specifications, better outcomes and shorter procurement times. In the light of flexibilization of the regime, the Directive provides as well for the possibility of assessing credentials of candidates and bidders through suppliers' self-declarations, and where only the winning bidder should have to submit various certificates and documents to prove their status and also self-cleaning measures, for suppliers who have cleaned up their bad practices.

Apart for the flexible approach, generally speaking, Directive 2014/24/EU provides for mostly mandatory rules that have to be implemented by Member States. Many provisions that were optional under 2004 Directives became mandatory in accordance with the 2014 Directives.

8. 1. 1 d /The new approach proposed by the Directive on award criteria, especially regarding life-cycle costing (LCC), might be very helpful to the Albanian procurement system, but except for the necessary changes in the legal framework, two key actions should be undertaken for this purpose; the approval of a methodology based on international experience and the education of procurement officials and auditing officials in this regard.

The Albanian procurement rules generally comply with the relevant Directive (s) rules on defining the award criteria. They provide as well for two types of award criteria; the lowest price and the most economically advantageous tender (MEAT). Even the context of applying such criteria is the same, despite the fact that Albania is not an EU member. However, there are still some differences, which reflect the environment where PPL is applied. The environment impact is clearly reflected by the fact that, in practice more than 90% of the contracting authorities use the lowest price criterion. MEAT is mandatorily used only in case of consultancy services procedures. This situation is explained by the low level of professionalism and "fear of discretion" in the public procurement system in Albania. To promote the use of MEAT, the PPL, differently from the Directive, has even provided for some conditions when CA are allowed to use the lowest price. Along the same line come also the limitations of the PPL, not providing for the possibility of expressing weightings of the criteria by providing for a range with an appropriate maximum spread, and for the possibility of indicating in the contract notice or contract documents or, in the case of a competitive dialogue, in the descriptive

document, the criteria in descending order of importance, where, in the opinion of the contracting authority, weighting is not possible for demonstrable reasons.

Conclusion

The EU Public Sector Procurement Directive(s) and Albanian Public Procurement Law have different natures and different objectives (for the time being). The Albanian PPL is a national law which aims to regulate the public procurement system in the country. The respective EU Directives are supranational laws, which aim to regulate the public procurement system within the EU, instructing Member States to implement (in whatever way is required) certain Union policies within a fixed timetable. From this different nature of both acts induces the differences in their objectives.

From its origins, one of the main objectives of the EU has been to create a common market that eliminates barriers to trade in goods and services between EU Member States. Creating a common procurement market means removing all barriers

to trade arising from the procurement context. Practically the aim of the Procurement Directives is to create an internal market where there is a free movement of goods and services and effective competition for public contracts. This aim is clearly expressed at the preamble of both procurement Directives. This aim of the procurement directives to create an internal market has also been stated by the Court of Justice in several cases. On the other hand, the PPL calls for the principle of competition in those same situations as Directive does. However referring to the objective and scope of the PPL, it is obvious that the function of this principle is to support the efficiency of the procurement system and this is understandable considering the fact that PPL is a national law.

Following the final conclusions of this thesis, aiming at an effective approximation process, I will recommend as follows:

▣ A clear understanding of expression “full approximation” of both parties 19

Both parties; the EU and Albania, should ‘agree’ on what should be understood by the expression “*full approximation*”, in light of the integration process and to what extend the Directive’s provisions should be implemented as such, in the Albanian procurement legislation. This clarification should be conducted, to avoid misinterpretations during the integration process and to avoid different expectations of both sides;

▣ A ‘transitional’ approach should be followed by the EU in the integration process.

The approach followed by the EU (through the European Commission) with non EU Member Countries, during the integration process, should not be rigid. The EU should be aware that countries like Albania, which aim to join EU, are mostly countries in transition, meaning that they are in a different state of development (economic, social and politic) compared to the countries which are already in the EU (even though there are considerable differences among them as well). In this context, it will be more realistic to have some ‘transitional rules’ for countries which aim to join EU, then requiring them to

19 The same wording is used also by National Plan for European Integration, when providing that “In general, the obligations arising from the SAA, in the field of public procurement, are met. The regulatory framework in this area is generally compatible, but not *fully approximated* with the *acquis*. Law no. 9643, dated 20. 11. 2006, “On public procurement”, as amended, is partially harmonized with the relevant directives...” See further Chapter 5 “Public Procurement”, in the National Plan for European Integration 2015-2012, pg. 158-159. Available at <http://www.integrimi.gov.al/al/dokumenta/dokumente-strategjike/plani-kombetar-per-integrimin-evropian&page=1>, retrieved December 20, 2014.

▣ Education of procurement officials and procurement auditors to release the Albanian procurement system from the “fear from discretion”

Trainings also play an important role in capacity building of the administration in public procurement. Given the fact the public procurement process is a very dynamic process, the training of employees being responsible for carrying out of public procurement procedures should be done on a regular and continuous basis. The procurement process is well regulated and prescribed by the PPL, including the supporting documentation, which the contracting authorities are bound to follow, but the process is not designed to foster professionalism and performance oriented attitudes and practices, education of the administration (those who carry out procurement procedures and those who audit them) for being open minded is more than necessary, in order to make the system in practice as more effective as possible. Otherwise the emphases on control, sanctions and the risk of complaints will still lead to the unwillingness to introduce quality factors and to achieve the best efficiency and value for money of the procurement process.

▣ A gradual implementation of Directive’s provisions into the Albanian procurement legislation

In any case, it is recommended that the implementation of Directive provisions at issue should be done gradually, activating at the same time the appropriate mechanisms of avoiding abusive and corruptive behavior from both sides; contracting authorities and economic operators. In this gradual approach the principle of equivalence ²⁰ and the principle of effectiveness have to be taken into account.

▣A coherent approximation of PPL with other national legal developments and other economic and social developments

The approximation of Albanian procurement legislation with the respective EU Directives should also be conducted in coherence with the other legislation in force in the country and the needed economic and social changes.

▣Opening up of PPL towards flexibility, to increase the efficiency of the procurement process

Despite all, the Albanian procurement law should be opened toward more flexibility, to increase the effectiveness of using public money. In any case this flexibility should be increased gradually, and should be accompanied by an improved integrity level of officials in charge of procurement processes.

Bibliography

Books

G. Gruber, T. Gruber, A. Mille, M. Sachs "Public Procurement in the European Union", NWV Neuer Wissenschaftlicher Verlag, Wien, Graz 2006.

A. Semple 'A practical guide to public procurement', Oxford University Press, United Kindom, 2015.

C. H. Bovis "EU Public Procurement Law", Second Edition, Edward Elgar Publishing Limited, United Kingdom, 2012.

20The principle of equivalence means that procedural rules are not less favorable than those governing similar domestic actions. See G. Gruber "Community law and national law", Public Procurement in the European Union, NWV Neuer Wissenschaftlicher Verlag, Wien, Graz 2006, pg. 41

D. D. Dingel "Public Procurement-A Harmonization of the National Judicial Review of the Application of European Community Law", published by Kluwer Law International, Netherlands, 1999.

D. Dragos, R. Caranta (Eds), Outside the EU Procurement Directives – Inside the Treaty?, Copenhagen, Djøef Publishing, 2012.

Department of Public Administration, "100 Vjet Administratë", No. 12, 13, 14, Botime Pegi, 2012.

E. Piselli "The scope for Excluding Providers who have Committed Criminal Offences under the EU Procurement Directive", 2000.

F. Weiss "Public Procurement in European Community Law", Athlone Press, 1993.

François Lichère, Roberto Caranta and Steen Treumer (Eds.) "Modernizing Public Procurement. The New Directive"; 1. Edition, Djøef Publishing, Copenhagen, 2014.

G. L. Albano, K. F. Snider and K. V. Thai (Eds), "Charting a Course in Public Procurement Innovation and Knowledge Sharing", by PrAcademics Press, USA, 2013.

"Integrity in public procurement - Good practice from A to Z", OECD Publishing 2007. ▣**CJEU Case law**

Case C-7/68 Commission of the European Communities v Italy [1968] ECR 423

Case C-155/73 Giuseppe Sacchi [1974] ECR 409.

Case C-8/74 Procureur du Roi v Dassonville [1974] ECR 837 at 852

Case C-120/78 Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein ('Cassis de Dijon') [1979] ECR 649

Case C-115/78 Knoors v Staatssecretaris voor Economische Zaken [1979] ECR 399 at 407

COM (1986) 375

COM (1984) 717

COM (1984) 747

COM (1998) 143

COM (2000) 275

COM (2000) 276

Commission interpretative communication on concessions under Community Law (2000/C 121/02)

COM (2011) 896 final, 2011/0438 (COD).

Central European Free Trade Agreement (CEFTA)

Directive 64/427 EEC Laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (Industry and small craft industries).

Cooperation and Importance of School and Family on Values Education

Assist. Prof. Dr. Cihat Yaşaroğlu¹

Abstract

Values are one of the basic identifier of personality traits and are not innate but acquired by training. Although values can be taught in all stages of life, values education gain importance in childhood because personality takes shape in it. Values education firstly begins in family, than continues at educational institutions. Basic values are acquired respectively by taking parents as role models and education at schools. For the strengthened personality traits, the values thought at whole life must be coherent. Especially consistency of school and family that is important on children personality highlights for values education. If there is no consistency between the values that students learned or witnessed in the school and in the family, then conflicts are occurred and these situations cause personality disorders. This research aims to investigate the importance of family and school consistency in values education and how it should be during fundamental/primary education level. Considering findings, proposals were developed for family and school in values education.

Keywords: Values education, family, schools, consistency, character education

"...man's first master and most influential teacher is his mother." Said Nursi

Values Education

All educational efforts try to develop three domains: Cognitive, affective and psycho-motor domains. Cognitive domain contains knowledge; affective domain holds affections, attitudes, and values; psycho-motor domain includes behaviours, acts. Effective educational systems should improve these three domains simultaneously. Ignoring affective domain cause a certain numbers of personal and social problems. As values are criteria and standards for behaviours, students should acquire some values. Values lead our lives and works in many dimensions. That's why, values must be indispensable part of educational systems.

Values education is relatively new umbrella term for a range of common curriculum experiences like spiritual, moral, social and cultural education; personal and social education; religious education; multicultural/antiracist education; cross-curricular themes, especially citizenship, environment and health; pastoral care; school ethos; extra-curricular activities; wider community links; collective worship / assembly; school life as a learning community" (Slater, 2001). The concept 'value education' refers to teaching social, political, cultural, and aesthetic values. 'Moral education' refers to a more universal notion of justice, but this justice becomes meaningful in a social and political context (Veugelers & Vedder, 2003). Lickona uses values education and moral education interchangeably and both as shorthand for "moral values education". Moral education is not a new idea. It is in fact as old as education itself. Down through history, in countries all over the world, education has two great goals; to help young people being smart and helping them to become good (2009). Character education can be defined as a comprehensive school based approach to foster the moral development of students. Effective character education supports and enhances the academic goals of school; in short, good character education also promotes learning (Berkowitz & Bier, 2007)

The conceived character has three interrelated parts: moral knowing, moral feeling, and moral behaviour (as seen in Figure. 1). Good character consists of knowing the good, desiring the good, and doing the good – habits of the mind, habits of the

¹ Bingol University, Faculty of Science and Literature, Psychology Department, cyasaroglu13@gmail.com

hart, and habits of the action (Lickona, 2009). In the same way, Berkowitz & Bier (2007) state that the character education effects various aspects of “head” (knowledge, thinking), “heart”(emotion, motivation), and “hand” (behaviour, skills). Values education aims to improve some traits. Lists of traits are often as numerous as definitions of character education. Several traits are frequently cited by different authors. Among these traits, there are responsibility, honesty, respect, fairness, trustworthiness, caring, justice, civic virtue, kindness, empathy, self-respect, self-discipline, and courage (Pearson & Nicholson, 2000).

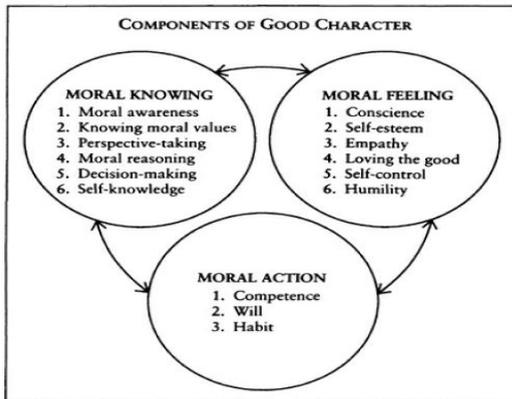


Figure. 1: Component of good character (Lickona, 2009).

Family and Values Education

Character education begins at home. Children develop much of their identities and their beliefs about right and wrong before ever formally entering school. Young children’s beliefs about what is right and wrong traditionally have been strongly influenced by their families (Brannon, 2008) that one of the main or sole transmitters of values (Rokeach, 1975). Although school has a central role in developing students’ character, the most profound impact on students’ development comes from family, notably from their parents whether in social, moral, behavioural, or academic development (Berkowitz & Bier, 2005). It can be said that family is the primary moral educator of the child. Parents are their children’s first moral teachers and the parents are also the most enduring influence (Lickona, 2009). Nursi (1995) states this situation as: “Yes, man’s first master and the most influential teacher is his mother. In connection with this, I shall explain the following to you, which I have always felt strongly in my own self: I am eighty years old and have received lessons from eighty thousand scholars. Yet I swear that the truest and most unshakeable lessons I have received are those inculcated in me by my late mother, which have always remained fresh for me. They have been planted in my nature as though they were seeds planted in my physical being. I observe that other instruction has been constructed on those seeds. That is to say, the lessons instilled in my nature and spirit by my mother when I was one year old I now see at the age of eighty to be fundamental seeds amid great truths. ”

It is clear that how parents raise a child is the predominant influence on the child's character formation. Some of the operative variables are parental affection, consistency of parenting, response to children's cues and signals, modelling, expression of values, respect for the child, and open discussion with the child. All aspects of children's character are impacted by these and other child-rearing factors (Berkowitz, 2002) and in well-functioning character education (Berkowitz & Bier, 2005). “The first step in raising a right child,” says Dr. Kohlberg, “is to treat a child morally. ” Treating kids with respect means treating them like persons. Treating kids like persons means trying to be fair with them. Being fair means relating to kids at their level and making some allowances for the immaturity of their developmental stage (as cited Lickona, 1983). When children don’t have a close relationship with their parents and identification with family values, they are more vulnerable to peer pressure (Lickona, 2009).

School and Values Education

Personality is not simply individualistic. The personality that is constructed is always situated and in dialogue with others, social norms, and cultural metaphors. The child establishes personal borders through a process of interpersonal negotiation (Nucci, 2001). The efforts of school have important point in gaining important, core, ethical values in character education (Abourjilie, 2002). Values education begins at home, continues at school that the second institution in children's life. A climate of acceptance and warmth toward students is an essential element of moral education in every grades. Especially in the early grades of childhood, positive affect be overtly manifest within school content (Nucci, 2001). Children learn values throughout curriculum, texts, and from teachers.

School has an influence later than parenting because (1) parents are much more emotionally salient in the first years of life, and (2) many children do not experience full or even part-time schooling until they are three, four or five years of age, many aspects of character are already developing. Schools can influence a child's self-concept, social skills, values, moral reasoning maturity, prosocial inclinations and behaviour, knowledge about morality, values, and so on (Berkowitz, 2002). Working together, two formative social institutions (school and family) have real power to raise up moral human beings and elevate the moral life of the nation (Lickona, 2009).

Teachers are core component of school and they play substantial role in values education. Before all, teachers need a clear understanding that the character education is the deliberate effort to teach virtues that represent objective moral standards that transcend time, culture, and individual choice. In order to develop virtuous character in their students, teachers must help young people to know what the virtues are, to appreciate their importance and to want to possess them, and to practice them in their day-to-day conduct (Lickona, 1997).

Cooperation of Family and School

Family and school are two major, effective, and formative institutions in values education. If character education is only enforced in classroom but not at home, students confuse about what is wrong or good. When character education continues at home, values become more meaningful in students' life. For consistent and meaningful values education family and school should be cooperated. As Passy (2005) says the classroom provides a context in which all children given a chance to learn the values that the teachers believe should be learned at home.

The first step is for the school to be very clear about how it sees the complementary responsibilities of home and school regarding character development. Those responsibilities can be expressed in two simple statements: (1) The family is the first and most important influence on a child's character. (2) The school's job is to *reinforce* the positive character values (work ethic, respect, responsibility, honesty, etc.) being taught at home (Lickona, 2004).

Parents must be a partner with school because a child's parents also act as his or her teacher. Also, it is similarly true that teachers act in loco parentis while students are under their care (Berkowitz & Bier, 2005). As children enter school, teachers join in the process of shaping children's minds, attitudes, and behaviours by forming a partnership with parents (Brannon, 2008). Without parents' support and cooperation, educators' efforts and influence will be limited. Even if the schools conduct during school hours, the likelihood of lasting impact on the character of a child is less when school values are not reinforced at home (Lickona, 1988). Character education is most effective when schools and parents work in partnership (Berkowitz, 2002). The long term success of values education depends on forces outside the school – on the extent to which families and communities join schools in a common effort to meet the needs of children and foster their healthy development (Lickona, 2009). In other words, schools and parents need to work together to continue developing students' character throughout their educational career (Brannon, 2008).

If educators view children simply as students, they are likely to see the family separated from the school. That is, the family is expected to do its job and leave the education of children to the school. If educators view students as children, they are likely to see both the family and the community as partners with the schools in the children's education and development (Epstein, 2010). The character development must be the highest educational priority for schools and this priority should be underlie else the schools do. They can challenge especially the family, to their part in teaching the young the virtues they need to make a good life and to build a good society (Lickona, 1997). Healthy character education means empowering all stakeholder groups, including students, support staff, and parents. Character education is a perfect complement to

academic fervour. Parental involvement in schools is a win-win-win proposition for students, parents, and school. Society also wins (Berkowitz & Bier, 2005).

There was a growing sense that schools, families, the whole human community – all those historically responsible for passing on a morale heritage to the young- must come together in common cause to elevate the character of children (Lickona, 1997). An ideal comprehensive character education program would be a collaborative effort of administrators, teachers, counsellors, and parents (Pearson & Nicholson, 2000). It is known that, children learn what they live. So, it is important that adults demonstrate positive character traits at home, school, and in the community (Abourjilie, 2002). School and individual teachers within schools are a major influence, alongside the family on developing values of children (Halstead & Taylor, 1996).

Cooperative values education need joint responsibility of stakeholders and strategies that involve family and school to values education. Berkowitz & Bier (2007) -see family commitment to character education as effective strategy- in their research examined 33 character education programs across USA and found out scientific effectiveness. Family/community participation was one of the pedagogical strategy from successful programs. There are some strategies for cooperative values education:

Role Modelling: Children need to see role models of good character in a variety of situations within the family and community and to receive consistent messages about the value of good character. (Brannon, 2008). LeGette assume modelling good character in the home for effective values education, modelling and teaching children good manners, keeping children busy in positive activities and not reducing character education to words alone (cited as Abourjilie, 2002). One of the surest ways to help our children turn their moral reasoning into positive moral behaviour is to teach by example. Teaching respect to kids by respecting them is certainly a way of teaching by example. When we respect our children, we're letting our actions say what we think is the right way to treat other people (Lickona, 1983). The behaviours and practices of adults in the student's life should align with the moral mission of the school. To promote respect in students, adults must treat young people respectfully, and to foster responsibility, they must give students responsibility (Berkowitz & Bier, 2005). Good character needs to be taught from a "do as I do" not a "do as I say" perspective. In addition to serving as role models, administrators, teachers, and counsellors each have specific roles to play. An administrator's role is to focus primarily on the school community and environment. Teachers focus their efforts on how classmates relate to one another. School counsellors serve as a consultant to other school personnel as they focus on helping children develop character traits that will enhance their understanding of self and their relationships with others (Pearson & Nicholson, 2000). In teacher and students or students-student relationships, children beware of each other's values, attitudes and behaviours in much the same way as within the family (Passy, 2005).

Involving parents to values education: Teacher should create a written code of behaviours for the classroom and the school and asking parents to read and sign the code. They should consider parents as representative present while developing such codes and notify parents of student misbehaviour, via notes, phone calls, and personal visits. They can develop a list of suggested readings and resources in character education and sharing it with parents. And finally teachers should send monthly newsletter on teacher character education efforts (Abourjilie, 2002).

Similarly, Brannon (2008) propose to teacher identify five most successful ways they found to include parents in their character education programs. (1) Include a component of what teacher teach about character education as homework including a family discussion or activity. With these activities, students should be asked to share what they are learning each week with their families to help build the partnership between home and school. (2) Sharing what the teachers are doing in class with parents through teachers' newsletter or Web site. This provides parents to see and follow character education activities clearly. (3) Parent's knowing about class rules, consequences and ways they can help. (4) Inviting parents to serve as volunteers, so they continuously exposed to terminology and expectations for behaviour in classroom or school. (5) Planning events related to character education. In these events, parents and children can attend together to practice and discuss what they learned.

"The Scotia-Glenville Experience" can be given an example for parallel curriculums in home and classroom. "The Scotia-Glenville Experience" states that the families are the first teachers for moral education. The character development curriculum was written by a team of parents, teachers and administrators. At each grade level, parents receive a "family

guide” with all the classroom, lessons for their child’s grade level. For every classroom lesson, there is suggestion for how to follow through on the lesson at home. An example from this project, the first lesson deals with family responsibilities. The teacher asks “What job can you do that will help your family?” Children respond their ideas. Then the teacher gives each child a personal learning activity worksheet, which is a part of every lesson and which the children takes home at the end of day. The teacher says “At the top of your worksheet, draw a picture of something you can do each day to help your family.” Under the pictures there are the days of week with spaces children can check to show that they carried out their responsibility for a given day. Finally, at the end of classroom of the classroom lesson, the teacher reads the “Family Note” printed at the bottom of the parallel learning activities. The same responsibility, or a new one, may be chosen each day. (Lickona, 1988).

In another work, Lickona (2004) recommend teachers some techniques for cooperative involving parents to character education: Affirm the Family as the Primary Character Educator, Expect Parents to Participate, Provide Incentives for Parent Participation, Provide Programs on Parenting—and Work to Increase the Turnout, Get the Program to the Parents, Assign “Family Homework”, Form Parent Peer Support Groups, Involve Parents in Planning the Character Education Program, Establish an Ongoing Forum for Parents, Form a Parents’ Character Education Committee, Make a Moral Compact with Parents, Renew the Compact, Extend the Compact to Discipline, Extend the Compact to Sports and Other Co-curricular Activities, Extend the Compact to Combating the Effects of the Media, Be Responsive to Parental Complaints, Increase the Flow of All Positive Communication between School and Home, Let Parents Know What Work Is Expected and Send Home Regular Reports.

Conclusion

Importance of family, school and cooperation of these two major institutions in values education were discussed in this paper. Values education is an essential part of education and its presence as old as general education. Children firstly acquire values, good traits at home, that is character education begins at home and the parents are their first teachers. As “Children see, children do!” role modelling and living values play important role in values education at home. Character education begins at home and continues at school. Children learn values throughout educational activities at school with leadership of teachers. Teacher is also a respectable figure in child’s character development. Teachers should endeavour to teach moral values and must help young people to know what is right and what is wrong. Schools have real power for values education.

Family must be a partner of school because without parents’ support, educators’ efforts are bounded. Character education is more effective when school and family work in partnership. Cooperative character education requires combined responsibility of stakeholders in character education. This partnership is also an approach for family-school cooperation. Role modelling, involving parents to values education, parallel curriculums are some techniques for collaboration.

References

- Abourjilie, C. (2002). *Character Education Informational Handbook and Guide*.
- Berkowitz, M. W. (2002). The science of character education. İçinde W. Damon (Ed.), *Bringing in a new era in character education* (ss. 43–63). Stanford, Calif: Hoover Institution Press.
- Berkowitz, M. W., & Bier, M. C. (2005). Character Education: Parents as Partners. *Educational Leadership*, 63(1), 64–69.
- Berkowitz, M. W., & Bier, M. C. (2007). What works in character education. *Journal of Research in Character Education*, 5(1), 29.
- Brannon, D. (2008). Character Education: It’s a Joint Responsibility: Instilling Positive Character Traits in Children Requires Teachers, Parents, and Administrators to Work Together. *Kappa Delta Pi Record*, 44(2), 62–65. <http://doi.org/10.1080/00228958.2008.10516496>

- Epstein, J. L. (2010). School/family/community partnerships: Caring for the children we share. *Phi Delta Kappan*, 92(3), 81–96.
- Halstead, J. M., & Taylor, M. J. (Ed.). (1996). *Values in education and education in values*. London ; Washington, D. C: Falmer Press.
- Lickona, T. (1983). Raising good children helping your child through the stages of moral development. New York: Bantam Books. Tarihinde adresinden erişildi <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=733039>
- Lickona, T. (1988). How parents and schools can work together to raise moral children. *Educational Leadership*, 45(8), 36–38.
- Lickona, T. (1997). The Teacher's Role In Character Education. *The Journal of Education*, 179(2), 63–80.
- Lickona, T. (2004). *Character Matters How to Help Our Children Develop Good Judgment, Integrity, and Other Essential Virtues*. Touchstone Books.
- Lickona, T. (2009). *Educating for character how our schools can teach respect and responsibility*. New York: Bantam Books. Tarihinde adresinden erişildi <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=721446>
- Nucci, L. (2001). *Education in the moral domain*. Cambridge: Cambridge University Press.
- Nursi, B. S. (1995). *The Flashes*. İstanbul: Sözler Publishing.
- Passy, R. (2005). Family values and primary schools: an investigation into family-related education. *British educational research journal*, 31(6), 723–736.
- Pearson, Q. M., & Nicholson, J. I. (2000). Comprehensive Character Education in the Elementary School: Strategies for Administrators, Teachers, and Counselors. *The Journal of Humanistic Counseling, Education and Development*, 38(4), 243–251. <http://doi.org/10.1002/j.2164-490X.2000.tb00085.x>
- Rokeach, M. (1975). Toward a philosophy of value education. İçinde J. Meyer, B. Burnham, & J. Cholvat (Ed.), *Values education: theory, practice, problems, prospects*. Wilfrid Laurier Univ. Press.
- Slater, F. (2001). Values and Values Education in the Geography Curriculum in Relation to Concepts of Citizenship. İçinde D. Lambert & P. Machon (Ed.), *Citizenship through secondary geography*. London ;New York: RoutledgeFalmer.
- Veugelers, W., & Vedder, P. (2003). Values in teaching. *Teachers and Teaching*, 9(4), 377–389. <http://doi.org/10.1080/1354060032000097262>

Imagology of Iranians in *One Thousand Nights and One Night*

Ehsan Ghabool

Assistant Professor of Ferdowsi University of Mashhad, Iran

ghabool@ferdowsi.um.ac.ir

Mina Ravansalar

Translator and Researcher

ravansalar@gmail.com

Abstract

Imagology is a branch of comparative literature which explores the image of one nation in the literature of another nation. *One Thousand Nights and One Night* is among the important books which can show the image of different nations and people such as Indians, Iranians and Arabs. Since the oldest version of the book is in Arabic, it is considered an Arabic literary work though it was translated from a Persian tale in the first place. On this basis the study of the image of Iranians in *One Thousand Nights and One Night* can be included under the definition of imagology. In this article, first we explain, analyze and study the image of Iranians in the book *One Thousand Nights and One Night* with respect to 1. anthropology (including entertainments, personification of animals, disapprobation of lies and betrayal of spouses), 2. religious and mythical beliefs (including the belief in daevas and jinnis, magic, fire-worshipping and similar plots), 3. politics (emphasizing the position of vizier and his family in government), 4. economics (emphasizing economic prosperity), then we will compare the collected information with the image of Iranians in credited works and in this way we will identify the similarities and differences of Iranians' image in *One Thousand Nights and One Night* and the above-said literary works. Finally we come to this conclusion that the similarities belong to the real image of Iranians in the pre-Islamic days and that differences show the image of post-Islamic Iran which is added through Arabic translation.

Keywords: Imagology, Iranians, *One Thousand and One Night*, Comparative Literature

1. Introduction

Imagology is a sub-branch of comparative literature which was developed after the methodical teachings of comparative literature in French in the course of the nineteenth century under the impact of philosophers like Madame de Staël and Hippolyte Taine. Imagology has an interdisciplinary approach and applies known branches of knowledge such as literary history, political history, social psychology and semi-modern branches such as aesthetics and semiotics. Imagology is about the study of the image of "the other" in literature or art, in other words Imagology is the knowledge and method to study the image of foreign countries and characters in the works of an author or an era. This knowledge defines the main property of an image as the difference between an "I" and an "other" and between "here" and "there" (Nanquette, 1390:107). Imagology is mainly involved with two texts: travelogues and narrative literary works in which the characters are foreigners or represent a general image of a foreign country (Moura, 1980: 35).

One Thousand Nights and One Night is a narrative which was created in the Indian and Iranian mindset before Achaemenid Empire. It was translated from Middle Persian to Arabic in the ninth century and some stories were added to the translation

from the Arabian setting and culture and some stories underwent changes considering their time, place¹ and content² (Rypka, 1370:123). Nevertheless the oldest accessible copy of *One Thousand and One Nights* is in Arabic; therefore in the list of the books on history of literature this work is included in Arabic Literature³.

On this basis, one of the important and new issues about *One Thousand and One nights* is to identify the image of Iranians in it (the subject of this article has not been discussed before.) and the other is to find out which of these images are the product of Arab mentality about Iranians and which are compatible with the historical and social facts about Iranians⁴. To answer these questions we are going to describe, classify and analyze the image of Iranians in the (first volume of the) book *The thousand and One Nights* from several aspects such as anthropology, politics, economics and religion and then identify the image of Iranians in pre-Islamic days through major books written in that era or the books written based on the works created then such as *the History of Herodotus*, pre-Islamic literary works, Ferdowsi's *Shahnameh (book of kings)*, et al. Finally, comparing the images of the Iranians found in *One Thousand and One Nights* and other works, we will explore the similarities and differences between these images.

2. The Image of Iranians in One Thousand Nights and One Night and Some Pre-Islamic Works

The word Iran means "the land of Aryans" and Aryans were the people who immigrated from the Middle Asia about 2000 BC. A group of the Aryans who are called Indo-Iranian settled in India and a group settled in Plateau of Iran; but the racial and cultural commonalities shared between these two groups were very deep-rooted and profound, one of the most important of which is common myths (Haririan, 1383:59-60). Therefore it is important to consider the 12000-year-long Iranian mythological history – a part of which is common with India- to identify the image of Iranians in *One Thousand and One Nights*. Also it is important to take into consideration the historical works in which Iranians are observed directly and therefore described and introduced. The oldest book on this issue is *History of Herodotus* created in 5th century BC.

2. 1. Anthropology

By anthropology we mean understanding factors such as set of customs and habits, dreams and superstitious beliefs and social hierarchy of different groups of people of Iran. Here we deal with three images of Iranians mentioned in *One Thousand Nights and One Night*.

2. 1. 1. Entertainments

One of the main motifs of the tales of *One Thousand Nights and One Night* is dealing with entertainments and games; entertainments and games such as riding, archery, polo, hunting and drinking. We see that Shahryār and Shāhzmān, two main characters of the book, are champions of riding. (This subject is not mentioned in the Persian translation directly but in Arabic and English texts their championship is mentioned.) And when Shahryār found that Shāhzmān is not in a good

¹ The mixture of times, locations and characters is obvious in *One Thousand Nights and One Night* stories; we see that Scheherazade lives in Sassanid's period in pre-Islamic era but narrates stories from Islamic caliphate period or in a story a person named King Fereidoon is introduced as the Greek king (p. 265) while Fereidoon was a name of Iranian kings (Ferdowsi, Volume 1, 1374: 79). This time and location clutter can be considered as the result of the parts added by Arab translators; but the important point is that some pre-Islamic Iranian characters and factors are mentioned in the stories of Islamic period such as king Fereidoon; therefore such stories can be studied in the settings of Iranian stories.

² Among the changes found in *One Thousand Nights and One Night* is the usage of hashish to make someone go asleep which cannot be an old habit among Iranians in pre-Islamic era or even primary Islamic centuries, and that it is a result of its translation during next centuries (Safa, volume 1/5, 1378:121).

³ The stories of *One Thousand Nights and One Night* can be classified based on their location like Iranian, Arabic, Egyptian, Greek, Roman, Indian and Chinese stories. Considering the fact that the setting of the frame story in Iran and between Scheherazade and Shahryār, it can be said that whenever the setting of the story is vague, the story generally belongs to the original part of *One Thousand Nights and One Night* and the same Iranian period. From another point of view the tales of *One Thousand Nights and One Night* can be divided into three parts: main part derived from Middle Persian literature and next two parts from Baqdad and Egypt (article of E. Littmann in Islamic encyclopedia, volume 1) (quoted by Safa, 1/5 1378:121)

⁴ See: Fakhuri, 1389: 534, Abd Al-Jaili, 1382:251

mood suggests him to go hunting so that exhilaration may appear in his heart (p. 3)¹. In the story "king Sindbād" in the tale of sixth night, we see that the main subject of the story is about one of Persian kings who love recreation and hunting. It is significant to consider recreation and hunting the same (p. 31) or a king who goes hunting for several days (p. 67). In another story polo is mentioned as one of the recreations of kings (p. 28). Drinking is also another dominant image in the Iranian stories of *One Thousand Nights and One Night* for example wining and dining of Shāh zamān (p. 5) or drinking of a prince with his cousin for joy and happiness (p. 63).

Herodotus, the famous Greek historian, who traveled to Iran and studied and researched about its people writes: "They only teaches three things to their children of the age 5 to 20 and those three things are: riding, archery and telling the truth." (Herodotus, 1383: 219). Therefore riding and archery were the primary education of each Iranian child and youth. The game polo is also one of the sports of ancient Iran and its history goes back to 600 BC and is mentioned in the book of Ardashir-e Bābakān (also known as Ardashir I or Ardashir the Unifier), *Karnameh* belonging to late Sassanid period (Tafazoli, 1376: 261) and in many stories of *Shahnameh* a part of noblemen's recreation and entertainment was hunting and polo. It is obvious that in hunting, archery, riding and polo riding a horse and aiming plays the main role. Dinking also had an important place among the ancient Iranians; in the book *Menog-i Khrad* (meaning: "Spirit of Wisdom") it is written that the nature of good and bad is revealed by wine but one should be conscious in drinking it (Yahaghi, 1386: 800), Herodotus also states that the Persian loves wine (Herodotus, 1383:217) and in the stories of *Shahnameh* one of the main acts during feasts and parties was drinking. Therefore we can conclude that the collection of the entertainments attributed to Iranians in *One Thousand Night and One Night* is in accordance with their historical and cultural background.

2. 1. 2. Personification of Animals

One of the features in *The Thousand Nights and One Night* is that human qualities and characters are given to animals and in the tales where animals are personified prescriptions and advices are more common; an example of this, is the "Fable of birds" which Shahryār believes has increased his piety and virtue (p. 509) therefore asks Scheherazade to narrate more such tales and Scheherazade narrates several animal fables afterward (ps. 498-528).

Ibn al-Nadim writes: "the first people who wrote legends, compiled them in a book, kept them in their treasure houses and narrated some of them through animals' speech were the primitive Iranians (the Achaemenian and the Kianian). After Achaemenian the Parthian kings, of the second Iranian empire, expanded this issue and then at the time of the Sassanid the number of tales increased and Arabs translated them into Arabic." (Ibn al-Nadim, 1352: 363.) In *Shahnameh* a number of Houshang's army are the animals and Simurgh has human characteristics. Also *Kallāh wa Dimnah* which has a background as same as *The One Thousand Nights and One Night* is an animal fable. The book *Draxt ī Āsūrīg* (meaning "The Assyrian Tree" or "The Babylonian Tree") belonging to pre-Islamic Iran is also a dialogue between a goat and a palm tree (Tafazoli, 1378: 256-259).

Therefore it can be concluded that personification was a characteristics of Iranians which appeared in *The Thousand Nights and One Night* tales. Iranian used animal personification mostly when they intended to express subject matters such as philosophy and advice; because advices are more effective when expressed indirectly; also since the audiences of these advices are usually the kings and the authorities, expressing them from animals would observe their respect, moreover, the public tendency of Iranian thoughts is to express the concepts symbolically so we see that in the animal fables the manner and speech of each animal symbolizes a person or concept.

2. 1. 3. Disapprobation of Lies

Lying is highly abominable and bad in the tales of *One Thousand Nights and One Night* and in all the tales the spirit of honesty is found; for example we read in a tale that a slave lies once a year and his master though knows about this bad feature buys him, but when he is confronted with his lie and its evil consequent, cuts the slave's penis and considers this characteristics very harmful (p. 249) or in another story it is said "tell the truth as the rescue is in honesty and avoid lying as the liars are the losers" (p. 270) and if any lie or false speech is uttered it is from quite negative and black characters and these people have negative characteristics such as the Wazīr (vizier) who is stingy and vicious and falsely accuses

¹ For avoiding repeated references, references to *One Thousand Nights and One Night* are mentioned as the page number only.

the doctor (p. 30) or the sinful friends of the slave who tells a lie once a year call him "Palīd ibn-e Palīd" (meaning a filthy person whose father is also filthy) (p. 249). Also in a symbolic story animals are speaking to a lion cub and mention the human being as the cause of ruse, evil and oppression and finally this is the human who plays ruse and captivates the lion and burns it to death (p. 498-503).

We mentioned that according to Herodotus one of the three characteristics which Iranian teach their children and is important to them is honesty (Herodotus, 1383: 219). In *Shahnameh* in the story "Esfandiyār's seven labours" when Gorgsar tells a lie to Esfandiyār, he reproofs him at first and finally kills him (Ferdowsi, Volume 6, 1374: 184-191). Mitokht daeva who is the symbol of skepticism and falsehood, is the first creature of false gods and is in contrast with the god of good words, Mārspand (Haririan, 1383: 83 & 87). On this basis we conclude that disapprobation of lies and the spirit of honesty ruling the tales of *One Thousand Nights and One Night* roots from Iranian History and thought.

2. 1. 4. Betrayal of Spouses

The stories of the book *The Thousand Nights and One Night* take place during the Sassanid period. King Shahryār and his brother king Shahzamān are betrayed by their wives and this theme of betrayal circulates in other stories as well (ps. 3, 5, 6 and 21). There are a few examples of betrayal in pre-Islamic Iranian stories such as Vis and Rāmin, but in the most famous story of Sassanid period, *Khosrow and Shirin*, we see that when Shiroyeh murders his father, Khosrow, and intends to marry his stepmother, Shirin, she avoids him and stays continent and loyal to her deceased husband by killing herself (see: Ferdowsi, volume 9, 1374: 284-292 and *Khosrow and Shirin* by Nizami Ganjavi, 1381: 271-274) or the famous story *Soodabeh and Siyavash* in which Soodabeh, Siyavash's stepmother, tries to seduce him but Siyavash avoids her and does not betray (Ibid, volume 3, 1374: 14-23); But betrayal is found more repeatedly in Pre-Islamic Arabic literature; for example in the most famous poetry collection of this era, *The Seven Mu'allaqāt* (meaning The Suspended Odes or The Hanging Poems) consisted of seven long poems, we are confronted with several betrayals in the first poem composed by Imru' al-Qais¹. On the same way the theme, betrayal is found repeatedly in the Arabic stories of *The Thousand Nights and One Night* (ps. 46, 179, 184, 205, 246 and 249). Therefore it can be said that the issue of spouses' betrayal in the Iranian court is not based on the reality of their image and it was exaggerated in the post-Islamic translations.

2. 2. Religious and Mythical Beliefs

Religious and mythical features refer to Iranian beliefs. Here we mention four of them in *One Thousand Nights and One Night*.

2. 2. 1. Believing in Daeva and Jinnis

In the mythical history of Iran, daevas are supernatural entities with disagreeable characteristics and some of these daevas described in Avesta and other Pahlavi books functions as the Ifrīts and jinnis mentioned in *The One Thousand Nights and One Night*; for example "Varun" is the daeva of unnatural lust, "Āz" is the daeva of avarice and greed, "Rashk" is the daeva of hatred and the evil eye, "Mithaokhta" is the symbol of skepticism and falsehood (Haririan, 1383: 59-60). In the stories of the ancient Persia the presence of these daevas are obvious; for example in the stories of the mythical part of *Shahnameh* we can see these daevas like Siamak is killed by the evils and daevas and Houshang, son of Siamak fights against the daevas' army (Ferdowsi, volume 1, 1374: 30-32).

One of the outstanding issues related to Iranians in *One Thousand Nights and One Night* is the presence of jinnis, daevas and Ifrīts who are mostly negative like the Ifrīt who abducts a bride from her bridegroom in the first night of their marriage (p. 6, 69). This Ifrīt is similar to Varun daeva in Iranian myths. On this basis the presence of these jinnis and daevas in the stories of *One Thousand Nights and One Night* can be considered in accordance with the Iranian believes. On the other hand we see the fairies who are positive creatures like the fairy that saves the old man in the story of old man and his two dogs and transforms his two brothers who betrayed him into dogs (ps. 19-20) or the snail that after being saved by a girl, introduces himself a fairy and returns the properties of the girl to her and enchants her sisters into two dogs (p. 90). The point which should be considered here is that when the stories happen in the setting of Arabic cities or at the time of Abbasid

¹ See: *The Seven Mu'allaqāt*: Imru' al-Qais's poem.

Caliphate the presence of ifrīts, fairies and magic is very few or none like the long stories Nūr Al-Dīn and Shams Al- Dīn (ps. 102-137), the tale of hunchback with the tailor, the Christian broker, the steward and the Jewish (ps. 137-207) or the tale of two vizier and Anis Al-Jalis (ps. 208-242) and the long tale of King Umar Al-Numān and his two remarkable sons, Sharkān and Dū Al-Makān.

2. 2. 2. Believing in Magic

One of the main events in the stories of *One Thousand Nights and One Night* is magic, as the several magic we see in the story of old man and the beast (ps. 21-22) or the story of Mahmud and his son who changed into stone (ps. 45-51), a girl who learned one hundred magic from an old albino man, the meanest of which in that she transfers the stones of the city behind Kafkuh mountain and transforms its people to fish (p. 75) and fights with an ifrīt in a magic war (ps. 76-79).

In the book *Pahlavi Narrations* belonging to Middle Persian literature some issues are written on the magic properties of dies which expresses Iranians' belief in magic. In the stories of *Shahnameh* magic has a special place as well; as Fereidoon's awareness of magic and his transformation to dragon (Ferdowsi, volume 1, 1374: 256-268), the old witch in the face of a beauty that Rostam and Esfandiyar confront (Ibid, volume 2, 1374: 97-99 and volume 6: 178-179) or transformation of Ekvan daeva to a beautiful zebra in front of Rostam (Ibid, volume 4, 1374: 303-304) or the magical zebra who misleads Bahram to the castle of a witch (Ibid, volume 8, 1374: 398-402) and transformation of the witch to stone (Ibid, volume 2, 1374: 121). Each of these magical images can also be found in the stories of *One Thousand Nights and One Night* so the reader can conclude that the roots of some of these magical acts are common with ancient Iranian stories therefore Iranian's belief in magic mentioned in the stories of *One Thousand Nights and One Night* can be proved through their other old stories.

2. 2. 3. Fire Worshipping

One of the behaviors Arabs attributed to Iranians during history is fire worshipping. In one of the stories there are a king and his people who worship fire and only the king's child and his nurse worship God. When several warnings from God are received and they do not become believers, they are transformed to stone by God's curse and only the king's son remains (ps. 86-87). Such a curse for Iranian is not found in any of the sources and it is obvious that it is a result of Arabs' thoughts that attributes the curses of the nations mentioned in Qur'an to this Iranian nation; while Iranian believed the fire a symbol of divinity and its flame a reminder of God's light. Another reason that fire was respectable and holy for Iranians was that they believed it to be birth-giving like water and believed that the life of everything depends on it (Yahaghi, 1386:17). On the case of Iranian beliefs to God and His being far from any embodiment Herodotus writes that Persians do not make statue, temple or altar for God even they blame those who do so to be crazy and the reason in my idea is that unlike the Greece they never considered human features for God (Herodotus, 1383: 213); therefore attributing fire-worshipping or curses to Iranians in *One Thousand Nights and One Night* is not compatible with their beliefs and history.

2. 2. 4. Similar Plots

Some stories of *One Thousand Nights and One Night* reminds us of mythical and ancient stories of Iran like the frame story of the book in which Shahryār marries a virgin girl every night and murders her in the morning for three years. This causes the people to leave the city and therefore no other girl remained (p. 8). This reminds us of Zahhak who had two snakes on his shoulders and every day fed them with the brains of young men (Ferdowsi, volume 1, 1374: 48).

In another story a father and his son, named Badr Al-Din and Ajib are separated from each other and the boy is questioned that you do not have a known father, accidentally they meet each other and they have some feelings but cannot recognize each other and finally the son wards off his father with a stone (ps. 120-125). This story reminds us of the story *Rostam and Esfandiyar* also the story of *Fereidoon and Darab* who ask their mothers about their fathers (Ferdowsi, volume one, 1374: 59-60 and volume 2: 178 and volume 6: 360-361).

Separation of prince Abrizeh from his father and his joining Sharkān is also a theme than can be found in some pre-Islamic stories of Iran (ps. 276-285) like Soodabeh who joins Kavuos her husband and leaves his father, King Haman despite the hardships this act brings for her (Ferdowsi, volume 2, 1374: 60-137) also her championship in the battlefield and her fight

against Keshan in the appearance of a man (p. 285) reminds us of the story of Sohrab and Gordafarid in *Shahnameh* (Ferdowsi, volume 2, 1374: 185).

2. 3. Politics

In the political section of the tales of *One Thousand Nights and One Night* the significant position of vizier and his family in the governmental system is obvious as in the frame story of the book we see when no virgin girl remains in the city and Shahryār asks his vizier for a worthy one, he consults this issue with his daughter, Scheherazade, and finally she is the one who returns king's health and saves the girls of country by narrating one thousand and one stories in one thousand and one nights¹ (p. 8). Another instances of the important role of vizier in *One Thousand Nights and One Night* include: a mean and malignant vizier who causes the death of king with his false consultations (p. 30) or in the tale of king Sindbād, when the deer flees away from the king's side, this is the vizier who is bold enough to remind the king that he said he is going to kill any person on whose side the deer flees away (p. 31) or these were the viziers who always accompanied the princes to guide and advice them (p. 32). Also in the story of the fisherman and the jinni we see the active presence of the vizier next to the king (ps. 42-43) and finally the vizier who rebels against the king, gains the power and conquers other lands (ps. 64-65) or the vizier who, considering the possession of praised characteristics, is like the king himself and he chooses a wife for the king so that he may have a crown prince (p. 382)

The importance of vizier in pre-Islamic Iran was insofar as the king always selected the wisest person for the position and vizier was authorized to advise the king; the book *Advices of Oushnar the wise*, is one of these advices. Oushnar, the wise Kianianin vizier, was the vizier of Kay Kāvōos and wrote his advices in fifty six paragraphs (Tafazoli, 1378: 186). In Ferdowsi's *Shahnameh* sometimes viziers played a determining role in the process of events; Jamasb, the predictor, is the troubleshooter of king Gashtasb; Aristotle is a wise philosopher who prevents Alexander from killing Iranian kings and princes; Ruzbeh accompanies Bahram Gōr in all major tasks; Sharsasb is described as a mediator between the power of God and the king and most famous of all is Buzarjmehr, who is Anushirvan's wisdom and guide in every task (Sarrami, 1378: 820-821).

2. 4. Economics

The stories of *One Thousand Nights and One Night* mostly take place in the court with the kings and princes; therefore the setting is aristocratic and the characters of the story have a good financial status. And wherever economic activities are mentioned the status is prosperous, like a merchant who sells one hundred freights of fur, fine silk, and musk over one year with a double benefit (ps. 243-244). In some cases that there is poverty, this poverty can be eliminated because of the good financial status in the society; like the story of the boy who has to pay his father's debts after his death and asks for respite from the creditors and repays a part of the debts per week and finally saves some money for himself (p. 155).

The good financial status described for Iran is compatible with the information from pre-Islamic Iran; because Iran as the empire of the world was very wealthy and features like Silk Road shows Iran's prosperous commerce and good relation with other nations. Herodotus also expresses this interaction between Iran and other nations as follows: when Iranians saw Medians' clothes were more beautiful than their own they started to wear this new cloth and wore Egyptian armors and benefited from all kinds of enjoyments and pleasures which they would see among other nations (Herodotus, 1383:219).

3. Conclusion

Based on the presented matters, the images of Iranians are divided into two parts: 1. those compatible with historical and original sources including: loving entertainments (like riding, archery, polo, hunting and drinking), personification of animals and disapprobation of lies under anthropology; belief in daevas and jinnis, belief in magic and having similar plot with Iranian mythical stories under religious and mythical beliefs; emphasis on the important and effective position of vizier and his family in the governmental system under politics; prosperity in commerce in the cities and rare display of poverty under

¹ The impact of telling stories for going to sleep, its points and types of the tales based on each person's characteristics are mentioned in old medical books (Yousefi, 1380: volume 2: 4)(see: translation of Taqwīm al-sihhah of Ibn Būṭlān, 11th century AD.). In fact the stories and tales which Scheherazade narrates for Shahryār are organized based on content that will cure Shahryār mentally.

economics; 2. The images not compatible with historical resources and reality of Iranians which was only found under the section anthropology and includes betrayal of spouses which is rarely seen in the Iranian resources and fire worshipping and divine curses which are the result of false attributions of Arabs to Iranians.

References

- Abd Al-Jalil, J. M. (2003). *Tarikh-e Adabiyat-e Arab*. (Azartash Azarnoosh, Translator). Tehran: Amirkabir publications.
- Altabrizi, Abi Zakarya (2009). *Sharh Mu'alaqat Al-ashr*. (Samir Shams, research). Beirut: Dar Sader.
- Ferdowsi, Abolghasem (1995). *Shahnameh*. (Saeed Hamidian, research), Tehran: Dad publications.
- Haririan, Mahmud and colleagues (2001). *Tarikh-e Iran Bastan*. Volume 1, Tehran, SAMT publications.
- Herodotus, (2004). *Tarikh-e Herodot*. Volume one. (Hadi hedayati, Translator). Tehran: Daneshgah Tehran publications.
- Ibn Nadim, Muhammad Ibn Ishaq (1973). *Al-fihrist*. (Reza Tajadod, Translator). Tehran: Bank Bazrgani Iran publications.
- Moura, Jean-Maec. *Leurope* (1980) *Litteraire et Lailleurs*. Parisi: Presses universitaires de France.
- Nanquette, Laetiita (2011). "Imagology as a Reading Practice for French and Persian Contemporary Prose Texts". Translation of Mojdeh Daghighi. *Adabiyat Tatbighi Vizhenameh Farhangestan Journal*. Spring. No. 3, pgs. 100-115
- Nizami Ganjavi, Ilyas Ibn-e Yousof (2002). *Koliyat*, (Vahid Dastgerdi, editor). Tehran: Behzad publications.
- Rypka, Jan and Otakar Klima, Jiri Bečka (1991). *Tarikh-e Adabiyat Iran*. (Keikhosrow Keshavarzi, translator). Tehran: Gutenberg and Javidan Kherad Publications.
- Safa, Zabihollah (1999). *Tarikh-e Adabiyat-e Iran*. (Volume 5, 1st section). Tehran: Ferdows Publications.
- Sarrami, Ghadamali (1999). *Az Rang-e Gol Ta Ranj-e Khar* (Sheklshenasi Dastanhaye Shahnameh). Tehran: Elmi Farhangi Publicayions.
- Tafazoli, Ahmad (1999). *Tarikh Adabiyat Iran Pish Az Islam*. Tehran: Sokhan publications.
- Unknown, (1972), *The thousand nights and one night*. Volume 1. (Translated: Powys Mathers). London and New York: Routledge.
- Unknown, (2015). *Hezar-o Yek Shab*. Volume 1. (Abd Al-latif Tasuji, translator). Tehran: Samir and Gutenberg publications.
- Yahaghi, Mohamad Jafar (2007). *Farhang-e Asatir va Dastanvaareh-ha Dar Adabiyat-e Farsi*. Tehran: Farhang-e Moaser publications.
- Yousofi, Gholam Hossein (2002). *Didari Ba Ahl-e Ghalam*. Volume 2. Tehran: Elmi publications.

Economic Growth, Policies and Influencing Factors: The Case of Albania

Dr. Eleni Vangjeli

*Corresponding author, University "Fan S. Noli" Korce, Faculty of Economy, Department of Finance, Albania

elenivangjeli@yahoo.com

Dr. Anila Mancka

University "Fan S. Noli" Korce, Faculty of Economy. Department of Finance, Albania

arapi_anila@yahoo.com

Abstract

Monetary and fiscal policies are two policies that the government could use to keep a high level of growth, with a low inflation. Fiscal policy has its initial impact on the stock market, while monetary policy in market assets. But, given that the goods and active markets are closely interrelated, both policies, monetary as well as fiscal have impact on the economy, increasing the level of product through the reduction of interest rates. In our paper we will show how functioning monetary and fiscal policies. But also in our paper we will analyze the different factors which have affected the economic growth of the country. The focus of our study is the graphical and empirical analysis of economic growth, policies and influencing factors. For the empirical analysis we have used data on the economic growth in Albania for 1996 – 2014.

Keywords: Monetary and fiscal policies, economic growth, export growth, FDI, economic indicators, Political stability

INTRODUCTION

Economic Growth in Albania

From 1996 until 1999 year the Albanian economy has increased to high levels. After 2000 year, the economy growth has suffered declining. Then has continuing of sustainable growth with averaging 6% per annum, this for the period until the end of 2008.

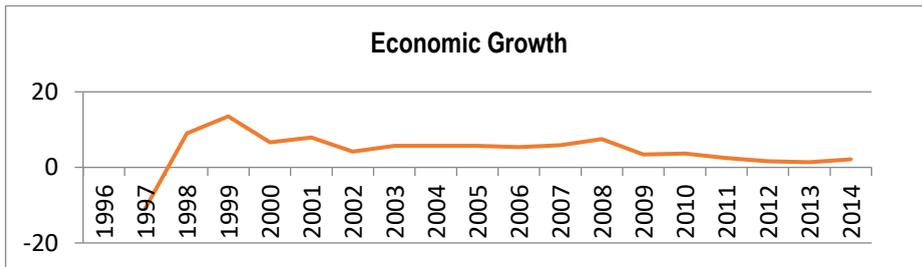
The global crisis exerted significant pressure on the economy. As a result of the global crisis, the growth rates were lowered considerably. Real growth in 2009 year, was halved from its historical trend, but continued to be positive (3.3 % of GDP), as a result of limited financial exposure to international markets and expansionary fiscal policy initiated before the crisis. Because of strong economic links of trade with Italy and Greece, the crisis in these countries was reflected in the decrease in remittances and exports in the Albanian economy, which led to a significant slowdown of economic growth and particularly of budget revenues. The economy has continued with a moderate growth rate of 3.8 % in 2010 year and 3.1 % in 2011. In 2012 year and throughout 2013, economic growth is weakening further. The growth rate decreased to 1.3% in 2012 and continued to fall sharply during 2013 year. During the nine months of 2013 the economic growth estimated INSTAT resulted in 0.4% compared with the same period of a year ago. Domestic demand remains very weak and the prospects for an immediate acceleration of private consumption and investment remain poor. Foreign demand has been

the main driver of growth in the past two years, however, it remains conditioned by unfavorable developments in the economies of the euro zone and non-diversified base of exporters, both in terms of products, as well as markets.

For 2014, the World Bank estimates that Albania has had an economic growth at 2.1%.

Although INSTAT are not doing nearly as data that has been the economy in the final quarter of last year, the World Bank estimated that there has been increasing, although it is modest.

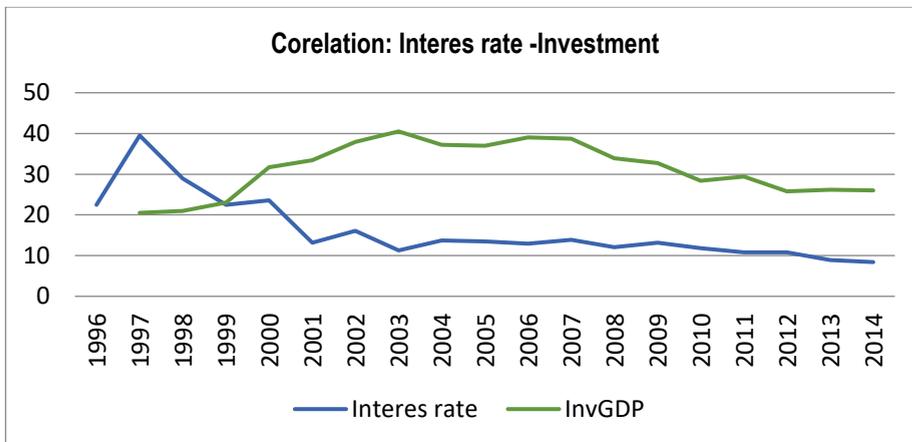
For 2015 the forecast of the bank is the level that has the Albanian government program, and estimated the economy to grow by 3%, as well as the global economy.



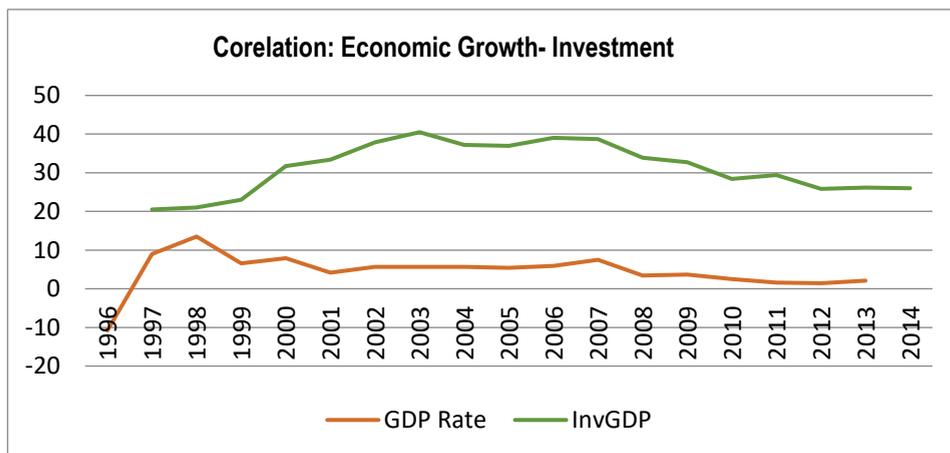
Source: INSTAT Database

Economic Policies in Albania

During 2002 and onwards, cyclic economic poverty and low inflation pressures demanded to pursue a stimulating monetary policy. Facilitating monetary policy of the Central Bank caused the interest deposit and credit rates to decrease in minimal levels. This affected the demand for credit by increasing the investments.



As shown in the graphic, it results that reduction of interest rates after 2000 encouraged the investments. The correlation coefficient between these two indicators is (-.503*) statistically important [See Appendix], showing a negative moderated relationship which means that if interest rates decrease, investments increase. Increase of investments and improvement of balance of trade with other countries have been a support to the economic growth.



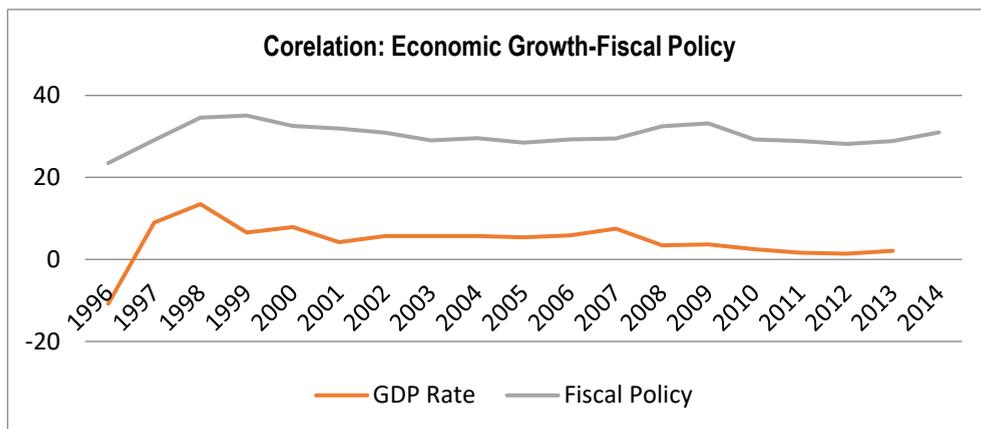
A strong relationship between the economic growth and the investments is seen after 2007, where investment and the economic growth moved with the same trend. The correlation coefficient for this period is (0.830) statistically important which shows a strong relation between these indicators. For the period between 1996-2007 the relationship between investments and the economic growth is very weak, the correlation coefficient for this period is low (0.173) and statistically not important. Based on an evaluation from the Bank of Albania, the investments' increase in 2008-2013 was affected even by the reduction of business non-safety indicator. The relations between business insecurity and investments in economy and customers' insecurity with the private consumption are reciprocal. In times when insecurity is reduced, the economic indicators record an increase and vice versa.

During the last ten years, the foreign investment flows played an important role to the productivity, production, employment and exports in the country's economy.

From the monetary policies' point of view, the inward FDI flows are important since they affect the exchange rates and the balance of payments

Besides FDI, another influence in increasing the demand was the increase of consumption mainly for 2008 even when the consumer's insecurity indicator was low. For the period between 2008-2013, the increase of consumer's insecurity indicator reduced the private consumption by reducing mainly the consumption of long-term goods which have an elastic demand. Ensuring a sustainable economic growth and targeting inflation would require keeping a stimulating monetary policy for middle term period. The monetary stimulus provides the time necessary for making structural reforms which provide a long-term economic growth and tone down the costs of these reforms. Structural reforms aim to improve sustainably the business climate, increase the production and competitiveness of the Albanian economy in increasing the economic-financial sustainability in the country.

Effects of the fiscal policy in the economic growth are determined by increasing the government expenditures and tax changes. But, increasing the government expenditure and reducing taxes increase the budget deficit. Fiscal stimulus is determined by changes in the primary deficit report to the GDP. Positive changes of these reports show positive stimulus whereas negative differences signal fiscal consolidation.



The chart shows that the increase of government expenditures and the increasing pace of domestic product had the same trend. Such an increase of fiscal consolidation is accompanied with a growth of GDP. The correlation coefficient between these two indicators is (0.707') [See the Appendix], showing a strong positive relationship.

Empirical Analyze and Influencing Factors

Based on the above analysis we conclude that some of the factors which have affected the economic growth in Albania are the domestic investments, FDI, and improvement of balance of trade. Of course, the economic growth was affected by other factors, but the above are the ones we will analyze. In order to determine the general influence of these factors on economic growth, we will perform the empirical analysis by building a multiple regression model. In building such a model, we considered the previous empirical studies in the area by adopting it to the country's conditions. Before we build the empirical model and determine the affecting factors, we analyzed the correlation for each factor related to the other ones. Reciprocal correlation between factors was analyzed: domestic investments – FDI - balance of trade. Correlating analysis resulted in:

Domestic investments – FDI. [Correlation coefficient = 0.994]

Domestic investments – balance of trade/GDP. [Correlation coefficient = -0.398]

FDI – balance of trade/GDP. [Correlation coefficient = -0.338]

By analyzing the above correlations, we see that there is a strong relation between domestic investments and FDI. Since there is multicollinearity, one of the variables – domestic investments – is not included in the model. This is because we should present a more real picture of other independent variables' influence (FDI, NX/GDP) to the dependent variable such as GDP, and analyze the importance of influence of each independent variable to the dependent one.

Given the conditions, affecting factors will be FDI and balance of trade. Meanwhile, another affecting factor will be considered the political stability which is a very important factor for the economic growth in our country.

LITERATURE BACKGROUND

Contemporary literature offers more materials from different scholars who have analyzed the influence of affecting factors on economic growth. We have analyzed some of them here.

Empirical studies has shown that growth of trade in goods with other countries or reduction of protectionism was associated with a higher economic growth. Eduarts (1998) explains that besides factors as capital accumulation, labor force growth,

including differences in the level of technology, countries with low scale of the protectionism tend faster than countries with large trade restrictions. In his empirical study Harrison (1991) studied the relationship between the opening of the economy and the economic growth between different countries concluded that the level of openness of the economy has positive impact on GDP growth. Trade was therefore linked with economic development describing trade liberalization as an engine of growth.

This view is confirmed by Obadan (1994b), when he stressed that trade plays the role of engine of economic growth, especially through increased specialization and exports. Trade leads to the separation of labor. This in turn increase the growth of the country's GDP.

Mwaba (1999) concluded that increased of trade opening tends to rise the level of economic growth. In their study Dollar and Kraay (2001), based on data for 100 countries, analyzed the relationship between the change in the level of trade and economic growth. Their results showed that there was a strong positive relationships between the level of trade and economic growth.

In later studies, Obadan and Elisabeth (2008) analyzed the influence of trade on the Economic Development in Nigeria. Their resultsshowed that trade openness has a positive impact on Nigeria's economic growth.

The role of foreign direct investment (FDI) in the country's economic development is widely debated, according with various opinions for and against. Many countries have welcomed FDI as an essential contribution to the development processes and facilitate entry into the world economy, it is appreciated in a wider context of strategic reforms for economic restructuring and development. Empirical studies acknowledge the role of FDI in economic growth and development of host countries, especially in emerging economies. Alfaro (2003) studied the effects of FDI on growth in the primary, manufacturing and services sectors. Her results showed that benefits of FDI vary greatly across sectors.

Borensztein et. al. (1998) in their investigation evaluated the effects of FDI in economic growth relying on data for the period 1970 to 1979 and from 1980 to 1989 for 69 development countries. Their results showed that FDI have positive effect on economic growth, although the magnitude of this effect depends on the quality of the human capital of the host country. So in countries with very low levels of human capital the direct effect of FDI is negative. Carkovic. M and Levine. R (2002) studied the effects of FDI on economic growth of the host country. In their study they reached the conclusion that the effects of growth of FDI depends on the level of education of the host country, the level of economic development, the level of financial development and the of trade opening. Alfaro et. al (2003) in their empirical analysis examined the various links between FDI, financial markets and economic growth using cross-country data for the period 1975-1995. Their results showed that FDI as indicators play a ambitious role contributing to economic growth. Blomstrom. M and Kokko. A (2003) in their study reached the conclusion that FDI can play an important role in raising the technological level of a country, creating new employment and contributing to economic growth. Shaari et. al (2012) in their study analyzed the impact of FDI in real GDP in Malaysia. They analyzed the data of 1980-2010 period using Ordinary Least Square method. Results showed that FDI helps to reduce unemployment rate and increase economic growth (GDP) in Malaysia. If we refer to the economic stability, the empirical studies have shown that economic growth influenced by this factor. Alesina. A et. al (1992) studied this relationships by analyzing the data of 113 countries for the period of 1950-1982. In their study they reached the conclusion that the political instability and economic growth are closely linked. The main result of their study was that countries that for a long period of time the government has collapsed economic growth has been lower than in other countries.

THEORETICAL ANALYZE

The influencing factors on economic growth that we have chosen are as following:

The degree of trade openness (NX/GDP)

Foreing Direct Investment (FDI)

Political Stability (PLS)

We have chosen Global Domestic Product (GDP) as the dependent variable, while the index of the opening of the economy and FDI are independent variables. Political stability is used as a dummy variable. Increased foreign trade affects on economic growth. This factor is associated with the variable of economic openness indicator which is calculated as rate of trade balance divided by GDP, $(X - M) / GDP$. This variable is used as an approximation of the level of a country's trade with the rest of the world. Opening trade has a positive impact to economic growth. The expected signs of this variable is positive. FDI has positive effect on economic growth so expected signs of this variable is positive. Also, political stability has a positive impact on economic growth and expected signs of this variable is positive. The variable description are displayed in Table No. 1

Table no. 1 Variables Description

Variables	Priori hypothesis	Definition	Units
The degree of trade openness NX/GDP	<i>positive sign</i>	<i>Indicator of current account</i>	%
Foreign Direct Investment	<i>positive sign</i>	<i>Indicator of financial account</i>	Million/lek
Political Stability	<i>positive sign</i>	<i>Indicator of economic development of the country</i>	Dummy variable

SPECIFICATION OF MODEL

We have established the following hypothesis:

H_0 : Chosen variables have no effect on economic growth

H_1 : Chosen variables have positive effects on economic growth

Based on the analysis of the variables the functional appearance of the model will be:

$$GDP = f(NX, FDI, PLS)$$

Linear equation that expresses the relationship between the explanatory variables has the form:

$$GDP = \beta_0 + \beta_1 NX + \beta_2 FDI + \beta_3 PLS + \mu_t$$

Expected sign variables is:

$$\beta_1 > 0, \beta_2 > 0, \beta_3 > 0$$

We will test the model based on the following hypothesis:

$$H_0 : \beta_1 = 0, \beta_2 = 0, \beta_3 = 0$$

$$H_1 : \text{At least one } \beta \neq 0$$

For testing the hypothesis was used the time series of data for the period 199–2014 which received by the Bank of Albania, INSTAT and the Ministry of Finance.

Base on the data of the time series was done the regression analysis using the program SPSS-21. The test results are shown in the tables at the APPENDIX of this paper.

EMPIRICAL RESULT

Based on the results of the test the model is significant. According Anova table of the Fisher test the significance coefficient is $(.000) < 0.05$, so the independent variables in the model explain better the dependent variable. Since Adjusted R Square = 0.950, the model's explicability is high, so, the dependent variable variation is explained with the changes of dependent variables.

All the independent variables have effect on dependent variable. Also, according T test all the independent variables are significant because the coefficients for each factor are less than < 0.05 . (See Table no. 2). The results are displayed in Table No. 2

Table no. 2 Summary of multiple regression results

Variables	Unstandardized Coefficients β	Standardized Coefficients β	Significance
(Constant)	816502.214		.002
NX/GDP	20175.657	.141	.055
FDI	697.502	.812	.000
Political Stability	225081.045	.316	.001

1. Based on this results the equation will be:
2. $GDP = \beta_0 + 20175.6NX + 697.5FDI + 225081 PLS + \mu_t$
3. All the independent variables have the expected sign. So null hypothesis are rejected and H_1 hypothesis are accepted. The coefficient before the variable in the regression equation affects the dependent variable (GDP) when respective independent variables change per unit. From the regression equation we see that all variables have an important influence on GDP.

4. SUMMARY AND CONCLUSIONS

5. As the world economic recovery is followed by a high uncertainty degree, the Albanian economy records positive increasing rates.
6. Besides the important contribution of foreign demand on export increase, application of a facilitating monetary policy and the follow-up of fiscal incentive, have encouraged recently the increase of domestic demand affecting positively the domestic product.
7. From the empirical study we have concluded that there is an important relationship between the affecting factors we have considered and the economic growth.
8. According the result of empirical study trade openness – economic growth relation is positive. The higher the export, the higher the economic growth.
9. Therefore, the increase of foreign demand by stimulating exports affects positively the economic growth. So, exports are the most important factor since they affect largely the economic growth. FDI are considered useful in economic growth. In the context of transitional economies toward a market economy and the trends of economic integration and globalization, FDI are given the priority for the better of economy in general. Determining the FDI flows effect on domestic demand is important in the stabilization process of the economy through monetary policy means. But, it is important that monetary decision makers understand the influence they have on acceleration of inflation pressures or unemployment rate effects.
10. According the empirical study, the relation between GDP and FDI is positive. This conclusion supports the estimation that FDI are an important source in developing the country's economy. Based on the results of the study, the political stability affects the economic growth and this effect is statistically important. The relationship between the economic growth

and the political stability is positive. Therefore, we conclude that if the country is characterized by a political stability, this will affect largely the economic growth.

11. REFERENCES

12. Alfaro, Laura, Areendam Chanda, Sebnem Kalemli-Ozcan, And Selin Sayek. (2003) "FDI And Economic Growth: The Role of Local Financial Markets." Harvard Business School. Working Paper 01-083 Journal of International Economics
13. Alfaro, L. (2003). "FDI and Growth: Does the sector matter"?, Harvard Business School
14. Alfaro, Chanda, Kalemli-Ozcan, dhe Sayek. (2006). "How does FDI Promote Economic Growth? Exploring the Effects of Financial Marketson Linkages", Journal of Development Economic, vol. 61.
15. Aliber, R. Z. (1970). A theory of direct foreign investment. Cambridge: MIT Press.
16. Blomstrom. Mand Kokko. A (2003)"The Economics of Foreign Direct Investment Incentives" Working Paper 168 January 2003
17. Blomstrom dhe Kokko. (1998). "Multinational Corporations and Spillovers", Journal of Economic Survey vol. 12.
18. Borenstein, De Gregorio, E. & Lee, J. W. (1998). "How does foreign direct investment affect economic growth"?, Journal of International Economics, vol. 45, fq. 115-135.
19. Bank of Albania (2010) "Financial Stability Report" October 2010
20. Bank of Albania (2010) "Monetary Policy Report" October 2010
21. De Gregorio, J (1994) "Haw does the Foreign Direct Investment Affect The Economic Growth "NBER Working Paper Nr 5057
22. Dollar, D and A. Kraay (2001), "Growth is Good for the Poor", World Bank Research Working Paper. Dollar, D (1992), "Outward – Oriented Developing Countries Really do Grow More Rapidly: Evidence from 95 LDCs, 1976 – 85", Economic Development and Cultural Change, April, 523 – 544.
23. Edwards, S. (1998), "Openness, Productivity and Growth: What do we really Know?" Economic Journal, 108(1): 383 – 98.
24. Obadan and Elisabeth (2008) "An empirical analysis of the impact of trade on economic growth in Nigeria" Jos Journal of Economics, vol. 4, no.
25. Shaari, M, Hong. Th, Shukeri. S "Foreign Direct Investment and Economic Growth: Evidence from Malaysia"International Business Research Vol. 5 No. 10(2012)

26. APENDIKS

27. Table of Regression

Variables Entered/Removed^a

Model	Variables Entered	Variables Removed	Method
1	Stabilpolitik, OpenNxGDP, FDI ^b	.	Enter

a. Dependent Variable: GDP

b. All requested variables entered.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.980 ^a	.960	.950	74687.43902

a. Predictors: (Constant), Stabilpolitik, OpenNxGDP, FDI

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1720144325005.867	3	573381441668.622	102.789	.000 ^b
	Residual	72516776115.898	13	5578213547.377		
	Total	1792661101121.765	16			

a. Dependent Variable: GDP

b. Predictors: (Constant), Stabilpolitik, OpenNx/GDP, FDI

Coefficients^a

Model		Unstandardized Coefficients		Standardized	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	816502.214	208215.550		3.921	.002
	OpenNx/GDP	20175.657	9555.750	.141	2.111	.055
	FDI	697.502	61.554	.812	11.332	.000
	Stabilpolitik	225081.045	56017.109	.316	4.018	.001

Dependent Variable: GDP

Table of Correlations

		GDP Rate	InvGDP
GDP Rate	Pearson Correlation	1	-.191
	Sig. (2-tailed)		.462
	N	18	17
InvGDP	Pearson Correlation	-.191	1
	Sig. (2-tailed)	.462	
	N	17	18

Correlations

		GDP Rate	FiscalPolicy
GDP Rate	Pearson Correlation	1	.707**
	Sig. (2-tailed)		.001
	N	18	18
FiscalPolicy	Pearson Correlation	.707**	1
	Sig. (2-tailed)	.001	
	N	18	19

*. Correlation is significant at the 0.01 level (2-tailed).

Correlations

		InvGDP	GDP
InvGDP	Pearson Correlation	1	.102
	Sig. (2-tailed)		.697
	N	18	17
GDP	Pearson Correlation	.102	1
	Sig. (2-tailed)	.697	
	N	17	18

Correlations

		InteresRate	InvGDP
InteresRate	Pearson Correlation	1	-.503*
	Sig. (2-tailed)		.033
	N	19	18
InvGDP	Pearson Correlation	-.503*	1
	Sig. (2-tailed)	.033	
	N	18	18

*. Correlation is significant at the 0.05 level (2-tailed).

Transparency and Educational Improvement – Friends or Foes? The Case of Croatia

Ivana Ćosić, PhD

ivana.cosic@gmail.com

Marjan Ninčević

Hrvatski studiji Sveučilišta u Zagrebu

Abstract

This paper seeks to discuss the recent introduction of standardised assessment in Croatia in form of a school leaving examination, called the State Matura. It examines the relationship between the apparent priority of procedural justice and transparency over questions relating to educational quality in Croatian secondary education. The paper calls for more research on how issues of procedural justice affect educational quality in post-socialist settings.

Keywords: Transparency, educational improvement, friends, foes, Croatia

Proposal information

The theoretical framework relies on a reading of Sen's (2009) idea of 'comparative' or performed vs. 'transcendental' or normative justice for discussing fairness in relation to standardised assessment. For example, in a recent paper Waldow (2014) pointed out that the procedural elements of standardised examinations are not easily comparable between different country's educational systems. He noted that what gave those examinations legitimacy in each country was that they were considered fair. Different countries all refer to the same ideas of meritocracy, fairness and equality of opportunity, but those ideas take different shapes - are performed differently - in the individual country contexts; so much so that things that would be considered fair in one country would not be considered fair in another. He concluded that the different ideas of justice worked for each context because there was a shared understanding of the relationship between performed and normative justice in each individual country context.

The question of fairness and justice is particularly interesting in former socialist countries, which either have a strong desire to be considered European, or, like the case country Croatia, already belong to the European Union.

The significance of the post-socialist education space for comparative education is that the former socialist countries underwent fundamental transformations of all areas of social life (e.g. Silova, 2009). Those transformations have affected fundamental ideas of fairness and justice in education too. There does not seem to be a shared and cultivated idea of fairness within those countries, but rather a cultivation of mistrust and corruption (Bethell & Zabulionis, 2012; Heyneman, 2004). Educational fairness in the post-socialist space can always be disputed because a shared belief in a strong institutional authority for justice does not exist. Even though it is an EU-country Croatia, like any other post-socialist country has a high corruption perception index.

The value of merging post-socialist theory with ideas about justice lies in uncovering assumptions about how education works; it is about challenging, what Broadfoot called "collective conceptual blinkers which the existing apparatus of educational assumptions represents" (Broadfoot, 2000, p. 369). Therefore, there is need to examine post-socialist

education more closely and explore alternative conceptual models that explain educational phenomena. Since ideas about fairness and procedural justice have been under-theorised in the post-socialist space and often put under the ambiguous umbrella of 'educational quality', it is necessary to examine it closer. This paper does exactly that: it utilizes recent educational policy decisions, i.e. introduction of standardised assessment in Croatia to discuss the degree to which standardised assessment addresses the sense of fairness or justice in secondary education of a post-socialist country.

Methodology or Methods/Research Instruments or Sources Used

Data came from a PhD study about the introduction of standardised assessment in Croatia at the end of secondary schooling, short the Matura examination, from the teachers' perspective. Since the Matura favours the grammar school curriculum, it was important to understand how Matura changed teachers' roles both in vocational and grammar schools. This allowed learning about common types of teacher responses across different types of schools, but also provided openness to potentially different types of challenges presented by the Matura. 28 Interviews and 27 focus groups were conducted with Croatian teachers, school leaders and students between February and September 2011. Secondary data included informal observations and informal interviews with teachers during the school visits, as well as an teacher Internet forum.

The multiple-stage approach allowed member-checking and space for investigating any issues that were omitted in the initial interview design. The main interviews were semi-structured and lasted between 50 and 70 minutes. Consent was obtained from the participating school sites. Rather than being selected, teachers volunteered to take part in the interviews. All study participants were guaranteed confidentiality and the teacher and school names used are fictional. The interviews were analysed through a thematic analysis approach (Guest, MacQueen, & Namey, 2012). This data analysis strategy was chosen to highlight the context and allow the data to tell its own story, as opposed to checking the collected data against a pre-defined capability list or forcing it into pre-conceived conceptual categories. This paper is an extension of the study and it problematises the themes of justice and fairness in relation to the introduction of standardised testing.

Conclusions, expected out comes and findings

Although the introduction of standardised assessment meant to improve the quality of Croatian education and make it more just, neither of those two goals was achieved.

Standardised assessment Croatia has been concerned with procedural justice – with showing that the procedure of taking the test is fair, at the expense of educational quality and a concern with real educational opportunity. There is the view that procedural procedures can be more symbolic than actually effective (Stobart & Eggen, 2012). The findings from this study seem to support this. For example, the introduction of standardised testing seemed to decrease or in the best of cases obscure the opportunities to improve teaching and learning, rather than to increase them. For example, teachers found that not being able to learn from the results of the Matura examination undermined their ability to help students learn.

Furthermore, corrupt practices, such as cheating on tests continued. Students described very creative ways of cheating on tests, and most of the interviewed teachers were lenient towards students' cheating practices.

In light of those findings, this paper intends to problematise ideas of educational justice. It enriches discussions about the relationship between standardised testing and ideas of fairness in European education, by developing different conceptual links between justice, testing and educational quality. The paper wants to raise a few questions for further discussion: as international standardised assessments are increasingly affecting policy making, there seems to be little research into how domestic tests address issues of justice and educational improvement. Are they compatible at all? If so, under which circumstances?

References:

Bethell, G., & Zabulionis, A. (2012). The evolution of high-stakes testing at the school–university interface in the former republics of the USSR. *Assessment in Education: Principles, Policy & Practice*, 19(1), 7–25. doi:10.1080/0969594X.2011.635591

Broadfoot, P. (2000). Comparative Education for the 21st Century: retrospect and prospect. *Comparative Education*, 36(3), 357–371. Retrieved from <http://www.tandfonline.com/doi/full/10.1080/03050060050129036>

Heyneman, S. P. (2004). Education and corruption. *International Journal of Educational Development*, 24(6), 637–648. doi:10.1016/j.ijedudev.2004.02.005

Sen, A. (2009). *The Idea of Justice*. London: Penguin.

Silova, I. (2009). Varieties of Educational Transformation: The Post-Socialist States of Central/Southeastern Europe and the Former Soviet Union. In R. Cowen & A. M. Kazamias (Eds.), *International Handbook of Comparative Education* (pp. 295–320). London: Springer. doi:10.1007/978-1-4020-6403-6_19

Stobart, G., & Eggen, T. (2012). High-stakes testing – value, fairness and consequences. *Assessment in Education: Principles, Policy & Practice*, 19(1), 1–6. doi:10.1080/0969594X.2012.639191

Waldow, F. (2014). Conceptions of Justice in the Examination Systems of England, Germany, and Sweden: A Look at Safeguards of Fair Procedure and Possibilities of Appeal. *Comparative Education Review*, 58(2), 322–343. Retrieved from <http://www.diva-portal.org/smash/record.jsf?pid=diva2:719718>

Grandparents of Autistic Children - The Best Support System

Elona Mano

PhD. candidate European University of Tirana, Albania

kristinamano@yahoo.com

Abstract

There is an increase of cases with autism spectrum disorder each year. The truth is that tens of thousands parents face a tremendous phase when they understand what autism is. Autism and autistic children are the focus of many studies in the last decades, but the focus is mainly on the children or the parents of these children. What happens with grandparents of autistic children? They suffer twice. They suffer for the grandchild and for their own son or daughter. In addition, maybe they blame themselves for that inherited "bad" gene that caused the disorder. To go further they maybe feel useless because of their age, their conditions or even their missing information. One of the biggest challenges in providing services to people with an autism spectrum disorder is that they need help 24 hours per day. Not only the grandparents, but even all the other members of the family can help a lot. This study is focused on grandparents's point of view. What is autism and what does it mean for them to have an autistic grandchild? During the interviews the participants raised some important issues. To have grandchildren with autism is not easy, but at least grandparents are willing to help anyway. The important is that an autistic child feels the presence of everyone.

Keyword: autism, parents, child, grandparent

I. Introduction

Autism is a neurodevelopmental disorder characterized by impaired social interaction, communication, and restricted and repetitive behavior. There are a lot of studies on etiology of autism, but the real cause of autism is still unknown. One of the recent studies confirms that autism risks increase with mom's age. Mothers over 40 compared to mothers aged 20-30, have 50% risk to have autistic children (Kurti, V. 2010). Another big issue is the relation of autism with MMR vaccination. It is believed that mercury, a harmful substance, is present in vaccines that children have to take when they are about 12 months. Another source of this problem seems to be a chromosome. What science has discovered is the presence of fragile X chromosome in autistic children, that is present even in mental retarded people (Powers, D. M. 2000:27). Another source of autism disorder is believed to be the environment pollution (Kurti, V. 2013). Taking in consideration all we said above, it seems that the debate around autism is still a kind of nature-nurture problem.

The spectrum of disorder is wide. It includes: Asperger Syndrome, Classic Autism, Pervasive Developmental Disorder and Rett's syndrome. This means that the severity of the disability is different for different individuals. Studies on brain structure show that there is not one damaged area, but there are some of them. Based on the severity of the disorder and for practical reasons, autistic children belong to categories such as: Severe Autism; Mild Autism; Moderate Autism or Low-functioning Autism and High-functioning Autism.

Living in a family with a child with autism disorder is tiresome. It is time consuming and a restless job. It is not only physically difficult to be handled, but it gives psychological stress especially when the family is given the diagnosis of their child or grandchild (Powers, D. M. 2000:45). The tremendous truth is a shock not only for the parents of the child, but even for siblings, grandparents and all the relatives.

II. Grandparents as part of ecological context

Social ecological context was pioneered by Bronfenbrenner in 1979, who suggests that the ecological system comprises a number of subsystems: the microsystem, mesosystem, exosystem and macrosystem. Every person lives in a microsystem (family, friends, teachers, etc) that is inside a mesosystem (interactions between all the factors) which is inside exosystem (social environment that influence on the child). These three systems form a macrosystem. (law, society, values, etc) (Woolfolk, 2010, 66).

The microsystem is the nearest environment where a child can experience different emotion in interaction with his parents, grandparents, other children or teachers. This relation is two directional. What happen to the child has impact on the parents and what happens to the parents is felt even by the child. Mesosystem has to do with interaction of all the actors of microsystem. Ekzosystem includes interaction between two or more environments such as friends and neighbours, medical care, extended family, peers outside the school, other parents, support groups, and local community. Even psychologists or experts of the field are an important part of this system. The child is not directly connected with this system but it has an impact upon the child, for example the mass media can describe disabled people as people in need or undesirable. Based on child's disorder neighbours can be humanist and friendly or stigmatizing. The impact that economic and political factors have on the child has to do with macrosystem. Macrosystem is the society expressed in values, laws, conventions, traditions and have impact upon families. The bioecologic system of a child can be expressed as: the child is influenced by microsystem of his mother, father, brothers, friends, teacher, by mesosystem of interaction between these people and by eksosystem of governmental policies. (Woolfolk, 2010, 67).

As part of a microsystem, grandparents are the immediate context where the child spend a lot of time. As a part of the family they hear, feel and try to do their best. But, autism is too difficult to be understood by many people, because there is not just one autism, there are a lot of forms of autism. Grandparents of today are more active and have a lot of forms to be informed compared to other generations, but they still have their own ideas, culture and prejudices. Maybe in different countries they are better informed, guided and organized, for example, in USA today there are a lot of facilities for grandparents of autistic children. One of them is grandparents' network where they can share opinions and help each other, not only for their autistic grandchildren, but mainly to help their own children (parents of the autistic child). On the other hand there are countries where grandparents have never seen a computer or even don't know what it is. But what still remains the same is the unconditioned love and sacrifice that grandparents want to do just to help their family.

(Attar-Schwartz et al., 2009, 74) admits the influence of grandparents on the well-being of their grandchildren in different family types:

"Public institutions ...need to recognize grandparents as a potentially important role source for support in adolescents' lives in general, but in particular, for those increasing numbers of adolescents going through a family transition. "

Even though there are not a lot of studies concerning the influence of grandparents in their autistic grandchildren and his family, their role is indispensable. Eventhough the truth about autism is so sad, grandparents should be told about it. The best think to do is to have an open and warmheart talking about their grandchildren. Nothing can change what a grandparent feels about his grandchildren. Whatever happens grandparents are "programmed" to love the grandchildren the same, or even more (Powers, D. M. 2000:53). Baranowsky 1990 found that it doesn't mater the distance between a grandparent and a family with a child with a disorder. What matters is that they find the way to stay in touch. Even when the grandparents were in poor health conditions they gave the best of themselves, because for them "the getting is in the giving". Globalism has brought a lot of changes even in the nucle of the family. The enormous rate of divorces, the different addictions the individuals have, or the economic crisis have made grandparents the first choice for grandchildren normal life and wellbeing. In cases of children with disabilities the involvement of grandparents is indispensable. Eventhough they suffer twice, they love twice and they give all they have to give.

Method

The sample for the current study includes grandmothers, of autistic children diagnosed with Autism Spectrum Disorder (Asperger's Disorder, Autistic Disorder, Rett's syndrome, Childhood Disintegrative Disorder, Pervasive Developmental Disorder, not otherwise specified) based on DSM-IV-TR (Diagnostic and Statistical Manual of Mental Disabilities). Parents are members of MEDPAK (Protect the Rights of Parents of Persons with Disabilities), a non-governmental organisation.

There were a focus group conducted with grandmothers of autistic children. Five of grandmothers lived in the same house with their grandchildren, four of them lived far away. The moderator gave an overview of the topic, made them sure that everyone point of view would be appreciated. They were made aware they were free to withdraw from the study at any time for any reason. After the moderator created a warm and friendly environment, confidentiality was ensured to all participants.

During the analysis process it was used the textual analysis, which includes a wide variety of things that can be analysed. The process of qualitative analysis aims to bring meaning to a situation rather than the search for truth focused on by quantitative research. In order to minimize the potential bias introduced in analysing and interpreting interviews data, Krueger & Casey (2000) point out that the analysis should be systematic, sequential, verifiable, and continuous.

The first step was indexing and charting as a form to manage the data. It was used a computer-based approach for cutting, pasting, sorting, arranging and rearranging data through comparing and contrasting the relevant information. It was numbered each line of each transcript and two hard copies of each transcript were made; one to cut up and one that stays intact for later reference. This arrangement helped the moderator to be alert to changes that maybe occurring from one person to another. At the end it was written on each page one of the questions to be analyzed. The author cut out relevant quotes and taped them to the appropriate place on the large sheet of paper. The quality of quotes varied. The unused quotes were left aside for later consideration. At the end of this process an overview was prepared integrating paragraph that described responses to that question. When this was finished, the author went to the next question, and so on.

For interpretation of coded data Krueger (1994) provides seven established criteria: words; context; internal consistency; frequency and extensiveness of comments; specificity of comments; intensity of comments; big ideas. First of all the moderator thought about the actual words used by the participants and the meanings of those words. The author needed to determine the degree of similarity between the responses. Later the analyst examined the context by finding the stimulus that triggered participants responses and interpreted the comment in light of the environment. Sometimes there was a shift in opinion and in order to discover the internal consistency, the researcher traced the flow of the conversation. The frequency relates to consideration of how often a comment is made. There were topics of special interest to participants. The conversation was not video- taped so the intensity was difficult to be spotted. Intensity is communicated by the voice tone, speed or emphases on different words. Based on specificity, responses that were specific and based on the first person experiences were given greater attention. Another thing to be considered by the author was 'big ideas'. Krueger (1994) suggests taking a break for sometime at this stage in order to refocus on the big picture.

When grandmothers were asked about the way they help, they gave the following information.

" I live in the same house with my son and his family, when my grandson was a little boy, I followed him everywhere, but now I can't do it anymore. I just can't. I do some chores and that is all. " Grandmother one

"When my daughter cries I try to calm her. I pray every day, God knows what happened to our son and he will help him to recover" grandmother two

"... I take care for the other grandchild, the brother of Tom. My daughter in law is so busy taking care of Tom. "

Grandmother seven

Grandmothers are not clear about their grandchildren disorder.

"It doesn't matter what it is. He is not fine, that's all" Grandmother eight

"Sometimes my nice gives me information about it, but is complicated. I love my nephew so much. I would die to make him better." Grandmother three

"None gave me explanations at the beginning, but now I know something and I try to give my best. I do it for my son. I do it for my family." Grandmother five

"I have never interfered. I don't ask them too. Its better. I don't want them to feel bad" another grandmother

About the etiology of autism they gave different opinions. It seems that they have informal information. No specialist has given them a proper explanation.

"Is difficult. They don't know what happened, but a doctor said me its vaccination. If only we hadn't done it."

Grandmother five

"In my family there are no people like this, I wonder what happened. Maybe during the delivery something happened. I don't know." Grandmother four

"My daughter-in-law did a lot of ultrasound when she was pregnant, but she smokes too." Another grandmother

"When he was 4 month old, he fall and hurt himself. Maybe something happened. Who knows."

III. Conclusion

This study aimed to understand the grandparents` point of view concerning their attitude on autism. Having an autistic child is a burden not a parent or grandparent can hold, especially when the diagnosis is low functioning autism. Eventhough the science is focusing on autistic children, about the factors that cause autism, or their school integration, or the parents, another issue remains the support given by the immediate environment to which the child has contact, that is grandparents. Grandparents may see the reality in a different way. It is our duty to understand, support and try to help them in anyway. At least, we should explain them how to help their grandchildren. Eventhough they have a lot of issues to ask, they have a lot of love to give. Parents of autistic children around the world seem to be suspicious about society and services, but they trust their parents endlessly. If grandparents are informed properly, they will be more effective in everything.

References

- Attar-Schwartz, Sh., Buchnan, A., Griggs, J., Tan, J., Flouri, E. (2009). Grandparenting and Adolescent Adjustment in Two-Parent Biological, Lone-Parent, and Step -Families. *Journal of Family Psychology*, 23,67-75
- Baranowski, M. D. (1990). The grandfather-grandchild relationship: Meaning and exchange. *Family Perspective*, 24, 201 - 2 15.
- Powers, M. 2000. *Femijet me autize*. Ilar. Tirane
- Krueger RA & Casey MA (2000) *Focus Groups: A Practical Guide for Applied Research*, 3rd ed. Thousand Oaks, CA: SAGE Publication
- Krueger RA (1994) *Focus Groups: A Practical Guide for Applied Research*. Thousand Oaks, CA: Sage Publications.
- Kurti, V. 2013. *Autizmin e mësova nga ju*. ADA. Tiranë
- Kurti, V. 2010. *Autism*. ADA. Tirane
- Woolfolk, A. (2010), *Psikologji Edukimi, Qendra për arsim demokratik*. Tiranë. p,66-68.

Council of Europe and Its Priorities on the Reform of the Legal System in Albania

Dr. Lorenc Danaj

Lisien Damini (Msc)

Evis Celso (Ph. D)

University of Vlora, Human Science Faculty, Department of Law and Justice, Albania

lorenc.danaj@gmail.com

evis.celso8@gmail.com

l.damini@gmail.com

Abstract

After the Second World War in all international organizations, it was created a spirit of overall giving a fundamental importance to the recognition and the guaranteeing of human rights. These organizational initiatives by then tried to avoid what had just happened, that according their existence results precisely to the goals of peace and friendly relations increasingly between them. In such circumstances setting out the principles on which relations between Member States of European council should support. Which supports the Council of Europe and in its efforts Albania has responded to the essential changes that apparently occurred in its legal system within the country. The Council of Europe has played an essential role for countries like Albania with typical character which aspired to adopt new reforms on the international stage but based on their a regional level. Following the principles and objectives enunciated in the UN Charter as well as the spirit that pervades today regarded as a universal catalog of human rights, Albania more than anyone else had some-century clash conflict. Council of Europe had defined its key purpose in his status founded and signed on 5 May 1949 in London, called the Treaty of London which states: *"achieving a closer collaboration between its Member States to maintain and promote the ideals and principles that constitute their common property in their social and economic development"*¹ To achieve this goal the European Council submitted clearly, in its status, the principles on which it will be inspired and will constitute the basis of the Member States commitments. Thus, under Article 3 of the Council of Europe: *"Every state of the Council of Europe accepts the principle of priority of law and the principle that every person under its jurisdiction should enjoy human rights and fundamental freedoms"* This principle, although insufficient is necessary to achieve the goal, in close union with the European countries who assisted the by activity of regional organizations but at the same time encourage the development of lower countries like Albania. In this paper, obviously we do not think to resolve any special important issues of, but to give a specific picture of the most important changes in Albania under the impact of the principles of the Council Europe.

Keywords: *jurisdiction; international agreement and guarantee; shortcomings*

INTRODUCTION

Considering the role of this jurisprudence for the member states of Europe and especially primary weight to the Constitution of the Republic of Albania has given to this document for the protection of human rights and our principles freedoms. In our

¹ See Article 1, paragraph a) of the Statute of the Council of Europe

paper are highlights diverse and complex situations in that of the European Convention on Human Rights but also applies of social and legal issues on which it reaches to settle down by its provisions and control bodies.

This shows that the European Convention as an authentic document is very important one for all subjects of the law in the Republic of Albania and in particular for judges, prosecutors, lawyers and all other jurisdictional entities. The European Convention on Human Rights as it is claimed dozens of times constitutes one of the most efficient regional instruments across the globe concerning the protection of human rights.

Over the years of its existence the Convention has shown its particular value and in relation to other international instruments finished in the same direction primarily stands a complete structure, solid and precise one with exact terms and from the binding standpoint of the international conventional technique.

Secondly it equips her with a sustainable mechanism of control which can be put in operation, as has been proved quite successfully in dozens of times even with individuals against a member states to the European Convention on Human Rights.

EUROPEAN CONVENTION THE KEY RESPECT FOR HUMAN RIGHTS.

European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted 48 years ago, 4 November 1945 in Rome.

Countries that called it were convinced that in this way would create the mechanism of preventing the coming of the great evil that mainly any country was not allowed to fall into the trap of totalitarian governments, which trample the fundamental rights of citizens.

The result and performance to conclusions showed that exactly was the disrespect of human rights that led to the outbreak of WWII. These were added to the cruelty of Stalinism which Albania as a totalitarian country which adopted Stalinism at that time constituted a real threat to world peace but also instability.

The Convention during its entire existence has met the requirements marked by its creators. And we really had very few complaints about 98% was considered as inadmissible.

The activity of the European Commission which served as unfounded obstructionist complaints was shown out. Especially regarding the review of some interstate issues, related to the problems between respective countries of Cyprus and the UK as well as the tense situation that was created disputes between Austria and Italy.

The year of 1975 marks the second phase of the activity of this institution. Meanwhile the commission made efforts not to comply with the restrictive and positivist attitudes that kept due to the problems that were treated. Then there were repeated cases of failure to consider the complaints which were not directly involved in any of the guarantees that were mentioned.

Unlike the early years of its existence¹ the convention has become almost a *sine qua non* for membership of the Council of Europe and all member states of the organization within a few months of membership in the organization should have signed and ratified the Convention. The Republic of Albania, for example, became a member of the Council of Europe on 13 July 1995, the moment in which signed the convention, which was ratified in July 1996 and deposited the instruments of ratification with the Secretary General of the Council of Europe on 2 October 1996.

Being designed for the realization of the goals predicted in Article 3 of the abovementioned status of the Council of Europe, the Convention reiterates that in its Preamble, constitutes:

¹ For example France, although it was one of the first ten signatory countries in 1950, it has signed the Convention only on 3 May 1974.

" the first appropriate measures to ensure collective guarantees of some of the rights proclaimed in the Universal Declaration"

It is worth mentioning that the measures to which the Convention preamble didn't remain in the initial level of the year 1950. Up to now twelve protocols ¹ are met in the framework of the European Convention on Human Rights with new rights and procedures have changed of guaranteeing these rights and freedoms perfected them further.

It may be said that the first of these protocols was developed during the summer of 1950, the before the Convention itself the European Human Rights to be signed. However, as well as for other protocols was the political will of the member states that conditioned the inclusion of some certain rights, such as for property or for free elections and democracy, in the bosom of the Convention and signed the acceptance of those rights, special procedures of signing and ratification.

THE CURRENT VERSION OF THE EUROPEAN CONVENTION

In its current version of the European Convention of Human Rights it consists of 59 articles 4 additional protocols.

We are speaking about its current version because during 50 years of its existence it has been changed and amended by a number of other protocols. Protocols which have brought changes to the text of the Convention, namely 2,3,5,8,9,10 and 11 which are also called amending protocols have been those who have had to do with the control system and its procedures, which we would show more broadly below.

But others who specifically were 1,4,6,7 and 12 protocols have therefore brought the addition of the other rights and freedoms of man in Convention system, by attaching other specified by the Title of Convention. As above it has been mentioned, both these types of Protocols subject in accordance with the rules of international law, with special procedures of signature and ratification, specified by each of them.

The complex of 59 articles of the Convention, for further now the Court under Article 19 of the Convention is permanent and under Article 32 of the convention is responsible *"for all matters concerning the interpretation and application of the Convention and its Protocols."* It consists of number of judges equal to the number of member states of the Convention².

To cope with its functions that previously dealt with by the Commission, the Court now divided into three judges who examine individual requests and if the request is acceptable file is forwarded either by Chambers³ which consist of seven judges. ⁴.

In accordance with the provisions of Article 44 of the Convention, the Grand Chamber decisions are final. While decisions of Chambers become final if the parties declare that they will require the case to be transferred to the Grand Chamber or if within three months they do not make such a request or when the panel of abovementioned of five judges did not accept the request passing to the Grand Chamber. ⁵

If, after the decision passed by the Chamber, one of the parties in the process within three months from this decision, although in exceptional cases may require that the matter be passed Grand Chamber. Such exceptional case is considered when comes up: *"An important problem for the interpretation or application of the Convention of its protocols, or a serious*

¹ Protocol 12 of the European Convention on Human Rights, which deals with a clause of general non- discrimination, adopted by the Committee of the Ministry in September 2000 was presented for signature by member states on 4 November 2000 during memorial ceremony of the 50 - anniversary Convention held in Rome.

² Article 20 of Convention

³ Article 29 /1 of Convention

⁴ Article 27 of Convention

⁵ Refer article 44 of Convention

problem of a general nature". A panel of five judges took into account such a request. If it accepted the case is referred to the Grand Chamber of judgment. ¹

We find appropriate to mention that the European Court of Human Rights is not in the role of the Supreme Court because it has always referred to the interpretation of the internal law of the relevant national bodies.

However, the Court reserves the right of the interpretation and implementation of the European Convention on Human Rights, even when we have about the internal decisions that may be different in the justifications to conclusions.

From this point of view it can say that the European Court of Human Rights plays a higher court. Despite this, its decisions have no character internal e Supreme Courts when they conclude that a particular country has violated its obligations under the Convention. So, through these decisions the European Court of Human Rights finds only as violations of the Convention by the State in question and does not pretend to repeal the act, the measure or incompatible practice with the convention.

It is for the following, pursuant to Article State responsible to take appropriate measures pursuant to paragraph 1 of Article 46 of the convention and then under paragraph 2 of the same article, it is the Committee of Ministers which supervises the implementation of the decision by respective states.

Furthermore it can be added to the European Court of Human Rights does not matter whether the violation of the Convention is made by the legislative character, administrative or judicial one.

About this, the responsibility for the violation of the Convention has the character of an international responsibility of the state, since he as a subject of international law is a contracting party to the European Convention of Human Rights and under Article 1 of the Convention has undertaken to guarantee the rights and freedoms of basic human as it is stated in its title.

ALBANIA AND ITS COMPLIANCE WITH COUNCIL OF EUROPE CONVENTION

"Article 3 of the Protocol [appendix] shall be implemented in accordance with the provisions of Albanian law nr. 8001 dated 09/22/1995 and nr. 8043 dated 30. 11. 1995 for a period of 5 (five) years, starting from the deposit of instruments of ratification. " **(Reserve shown on the instrument of ratification deposited on 2 October 1996)**

In accordance with Article [57] of the Convention, the Republic of Albania has had some reservations about Article 3 of the Protocol, in this sense the content of this Article shall be established in accordance with the provisions of Law No. 8001 dated 09. 22. 1995 as and the law nr. 8043, dated 30. 11. 1995 of the Republic of Albania.

Law No. 8001 dated 22. 09. 1995 on "genocide and crimes against humanity committed in Albania during the communist regime for political, ideological and religious" and Law No.. 8043 dated 30. 11. 1995" on the control of official figures that personalities official and other persons who are related to the protection of the democratic state. " They predict *inter alia* by the 31st December of 2001 election in the central organs of the state or local government is stopped for authors, for those who have conspired and having actuating crimes against humanity, committed in Albania during the regime for political, ideological and religious those up to 31 March 1991 were former members or candidates of the Political Bureau, secretary or members of the Central Committee of the Party of Labor of Albania (or Albanian Communist Party), former secretary to see the Committee of District Party of Labor of Albania and responsible of comparable rank, employees of sectors which are related to security State Central Committee of the Party of Labor, the former prosecutor General, former ministers, former member of the Presidential Council, former Chief Judge, former prosecutor general, former members of Parliament, with the exception of those who have acted against the official line and public.

They have renounced the amendment, as well as former employees of the Security Service of the State, the former collaborators of State Security and the persons who testified against accusations in the political process, the former

¹ Article 43 of Convention

investigator, Judge in the political process, the former investigating judge at special political processes, former secret agents of some foreign service or their homologous.

Recently the Law No. 8151 dated 12. 09. 1996 "" on amendments to the law No. 7513 dated 06. 16. 1992 related to the election of local government bodies. ""People's Assembly of Albania has significantly reduced the scope of the law nr. 8001, dated 09. 22. 1995. "On genocide and crimes committed in Albania during the communist regime for political, ideological, religious," and law no. 8043 dated 30. 11. 1995. "" For the control of the official figure personalities which are relevant to the protection of democratic state. "

As the result of these amendments, the laws mentioned above is not apply either for Respondents listed or selected heads of municipalities. Referring to concrete figures, in terms of local elections and as a result of recent amendments to the number of cases that must be verified it is reduced by about sixty thousand(60. 000) for 5764 countries and eight hundred (800) for 64 countries.

CONCLUSIONS

Just as nowadays the European Commission of Human Rights, New Court will continue to accept complaints from any person, organizations in governmental or groups of persons, who see themselves as victims of a violation by one of the States parties of rights guaranteed by Convention. These countries are engaged that in any way not to interfere with the implementation and effectiveness of this right

In such circumstances the European Court of human rights shows that it includes – and is taking over-all today important functions that of the Commission and the Court. Despite the forecasts, something is safe; the reform of the mechanism of protection of Human Rights, based on the European Convention is an important step for the future.

Obviously to give a solution to all jurisdictional issues is really too big commitment because of the number of decisions and a wide range of issues addressed by it. But it is interesting and important to do this thing and also should be noted that under paragraphs of these decisions could be found concrete ways to regulate the lives of individuals and activities of state bodies and authorities across European countries all around the world.

This picture shows a clarifying bridge in relation to such an arrangement since it has being made such efforts, quite successfully efforts in providing also an overview of the decisions of the Strasbourg Court. These leaders today still constitute its jurisprudence and consequently the activity of internal state court. For this reason, along with other things this Convention of the Council of Europe comes at a time giving the right result for a higher level of professional Albanian jurist consult from all "the Albanian law".

Certainly, the greatest role is played in the integration of Albania in these standards regulating European life today more than ever and tomorrow forever.

References

- 1) Human rights in Europe (jurisprudence and comments) edition of the European Ledi Bianku; Tirana 2001.
- 2) Peter Kempes - ""A systematic guide to the case -law of the European Court of Human Rights" Vol. 1 & II -Martinus Nijhoff Publishers, 1996
- 3)Harris O'Boyle, Warbrick -"Law of the European Convention on Human rights " -Butterworths, 2000.
- 4)Starmer - 'European Human Rights Law' - Legal Action Group. 1999.
- 5) Malcolm Shaw - " International law " - 4^{-th} edition - Grotius Cambridge in 1999.

Students' Points of View About Learning English as a Foreign Language Through Communication and Interaction in 9-Year Elementary Schools (Albanian Context)

Evis Kapurani

European University of Tirana, Doctoral School,

Profile Pedagogy, Tirana, Albania

eviskapurani@yahoo.com

Abstract

Communicative Language Teaching (CLT) is an interactive method which helps learning English language through communication, in a theoretical point of view CLT is a more effective method compared with traditional methods such as Grammar Translation Method and Audio lingual Method, and it is a preferred method to be used nowadays in foreign language learning. This is a descriptive study which aims to analyze and discover the 9-year elementary schools students' opinions and points of view about learning a foreign language based on the principles of contemporary interactive student-centered methods and traditional ones. It is introduced a theoretical analyses about methods of language teaching in general, characteristics description and principles of CLT, accuracy and fluency in CLT, teacher and student role, communicative competence, CLT application, significance, impact, comparison of CLT with traditional methods. The data are collected from students of 9-year elementary schools on sixth, seventh, eighth and ninth grades through a survey questionnaire. Questions on the questionnaire are focused on finding students' opinions and points of view about language learning in a certain context in practice, according to their needs and preferences on learning a language based on CLT premises about communication, accuracy, fluency, learning grammar and vocabulary, teacher roles etc. and principles of other traditional methods. Results are converted into percentages which show students preferences about the way they are used to, need and want to learn a foreign language and with which principles of the foreign language teaching methods they agree or not. Findings are described and analyzed according to their relation with theoretical issues. From the analyses it results that using CLT may prove to be a very successful method in both learning and teaching because students welcome the principles used in this method despite their "attachment" to the principles of previous teaching methods that they are used to.

Keywords: English Language Teaching Methodology, Communicative Language Teaching Method, Grammar Translation Method, Audio-lingual Method, Principles of Foreign Language Teaching Methods, Students' Points of View

1. Introduction

Methodology of foreign language teaching (FLT) includes different methods with their relevant principles used in teaching a foreign language. Methodology also includes different techniques, lesson plans, materials etc. for teaching language skills. It is important for a teacher to be always provided with contemporary trends of foreign language teaching and learning. Except relevant information that a teacher should have, students' opinions about certain principles and methods are also very important, to teach students in the way they want to learn and in the way that they would be motivated to, and would feel more confident. The aim of this study is to analyze and discover the 9-year elementary schools students' opinions and points of view about learning a foreign language based on the principles of contemporary interactive student-centered methods and traditional ones in Albanian schools. To describe their preferences about learning a language and about the way they want to be taught because Communicative Language Teaching (CLT) is an interactive method which

helps learning English language through communication and in a theoretical point of view CLT is a more effective method compared with traditional methods such as Grammar Translation Method and Audio lingual Method, and it is a preferred method to be used nowadays in foreign language teaching and learning.

2. Literature Review

2.1. Foreign Language Teaching Methods

There is a wide range of various methods used in foreign language teaching these methods are divided into:

-structural methods: Grammar Translation Method, Audio-lingual Method

-functional methods: Situational Approach, Oral Language Teaching

-interactive methods: Direct Method, Series Method, Communicative Language Teaching, Suggestopedia, Natural Approach, Total physical Response, Community Language Learning etc.

2.2. Communicative Language Teaching Method

CLT is an interactive student-centered method. Its origin dates from 1960 in Britain. Linguists at that time were focused on the need to communicate in the foreign language learning rather than on structural language. According to Wilkins (1972) a student should be able to express the core of the language through communicative competence rather than describe language through tradition concepts of grammar and vocabulary. He was more for the functional rather than structural use of language. Richards, Jack and Theodore Rodgers (1986) analyze the principles of CLT and state that the principal aim of CLT method is that the student to be able to communicate in the foreign language regarding that communication motivates students to learn and to be more involved in learning. CLT involves different activities that enhance communication such as: oral communication, games, role-plays etc. In CLT the teachers role is very important since he is a facilitator in classroom who creates communicative situations he is also observer and counselor while students are more active in the classroom, communicate and interact with each other and are at the center since the role of the teacher is not dominant and authoritative. CLT also makes use of a variety of materials which affect interaction and communication in the classroom. Richards (2006) states some really useful principles about communication which enhance and facilitate language learning: -interaction and meaningful communication are very important in language learning since they enhance learning and acquisition. -Tasks and exercises give students opportunities to negotiate meaning to use language and expand language resources including meaningful interaction. -Communication helps students to use and develop different language skills. -Language learning is easier if activities that involve inductive rules and analysis and reflection of language are used.

2.3. Accuracy and Fluency

As Harmer (1983) states there is a distinction between accuracy and fluency. Communicative activities are designed to improve language fluency. The immediate and constant correction of all errors is not necessarily an effective way of helping learners to improve their English. During communicative activities the teacher should not interrupt students to point out a grammatical or lexical or pronunciation error since this interrupts communication. Students have to make their attempts to get their meanings across; processing language for communication is the best way of processing language for acquisition. Teacher intervention in such circumstances can raise stress levels and stop acquisition process. Students will learn through communicating. When teachers intervene remove the need to negotiate meaning and deny students a learning opportunity. Intensive correction can be just as unpleasant during accuracy work too. The teacher should not react to absolutely every mistake that a student makes this will de-motivate students but should judge the right moment to correct.

3. Methodology and Data Collection

This is a descriptive study. The data are collected from students of 9-year elementary schools on sixth, seventh, eighth and ninth grades through a survey questionnaire. Questions on the questionnaire are focused on finding students' opinions

and points of view about language learning in a certain context in practice, according to their needs and preferences on learning a language based on CLT premises about communication, accuracy, fluency, learning grammar and vocabulary, teacher roles etc. and principles of other traditional methods. Results are converted into percentages which show students preferences about the way they are used to, need and want to learn a foreign language and with which principles of the foreign language teaching methods they agree or not. This is a quantitative study and for this reason a questionnaire is used for data collection. The questionnaire is designed with two major closed-ended questions which include statements with Yes or No alternatives to choose. It is designed to understand with which statements the students agree most, because statements are formulated based on the principles and characteristics of both contemporary student-centered methods such as CLT and of traditional methods such as ALM and GTM. Since theoretical views claim that CLT method principles are more effective, easier to use and more liked by the students, this questionnaire is designed to understand and discover students' opinions and points of view in learning a language, their needs and preferences. To describe and analyze if students prefer most to learn based on contemporary methods principles or on traditional methods principles. The questionnaire is a reliable method for data collection since the students are not asked to provide their names releasing them from the fear of a non real response, the participation was vulnerable and not at all influenced or obliged by the teacher or by the researcher. In this way students' opinions expressed through the questions are free of constrains and they represent the real thoughts and preferences of them. This method is chosen because it is simple for both students and researcher. The clear and exact questions in the questionnaire make students chose their answer without hesitation while the researcher through the questions designed in a specific way could collect all the necessary data for analyses in a large amount of participants in a short time.

3.1. Participants

5 classes on the 6th grade-113 questionnaires-Age 11-12 years old

4 classes on the 7th grade-71 questionnaires-Age 12-13 years old

7 classes on the 8th grade-129 questionnaires-Age 13-14 years old

1 class on the 9th grade-11 questionnaires-Age 14-15 years old

Total number of participants and questionnaires is $113+71+129+11=324$

4. Results and Findings

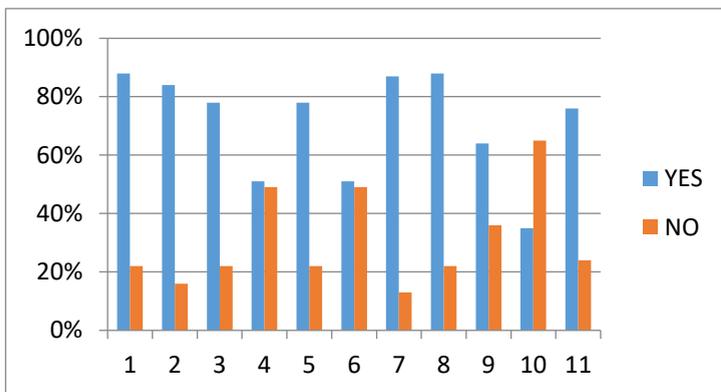
The first question was designed to ask about general information such as students' age and gender. The second question was designed with statements where students had to choose Yes or No as answers. This question was designed to understand **students' points of view** about learning a language. The results are given in percentages in Table 1 for the answers of the total number of participants which are also shown in Chart 1. The fourth question was designed with statements where students had to choose Yes or No as answers. This question was designed to understand **students' preferences and needs** about learning a language. The results of the question 4 are given in percentages in Table 2 for the answers of the total number of participants which are also shown in Chart 2. The eleven statements on Table 1 are the statements included on the questionnaire for Question 2 for which the student had to choose Yes or No alternatives based on their opinions if they agreed or not with them as well as the fifteen statements on the Table 2 are the statements included on the Question 3 of the questionnaire. All the statements used in the entire questionnaire are based on the principles of interactive method CLT and traditional methods ALM and GTM. Students have chosen one of the answers showing their agreement or disagreement or their preferences for the relevant principles.

Table 1. Students' points of view about language learning for the total number of participants

Statements of the Questionnaire for Question 2	Yes	No
Fluency in speaking is more important in learning a foreign language	88%	22%
Accuracy in using a language is more important in learning a foreign language	84%	16%

Foreign language learning should be student-centered	78%	22%
Foreign language learning should be teacher-centered	51%	49%
The teacher should focus on speaking skills, communication should be primary	78%	22%
Teacher should be dominant	51%	49%
Communicative competence is as important as grammar competence	87%	13%
Communication is one of the best ways of foreign language acquisition	88%	22%
Tasks and games are important about foreign language learning in communication	64%	36%
Correcting every mistake in communication activities brings de-motivation	65%	35%
Do you feel uncomfortable if you are unable to use English during communicative activities in classroom	76%	24%

Chart 1. Students' points of view about language learning for the total number of participants in percentages



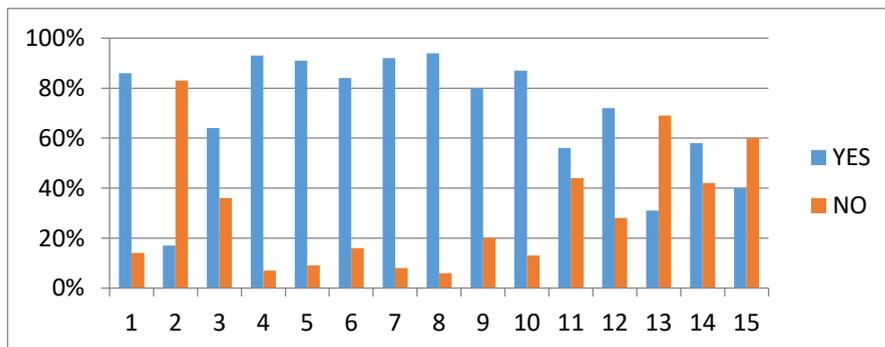
This question was designed with statements which would help to understand students' opinions about their own language learning, how they see on their point of view that language learning should better be. A high percentage of the students 88% agreed that only fluency is more important in learning a language and 84% of them agreed that accuracy is more important. This means that students are interested on both fluency and accuracy in learning a language but especially they are interested in fluency. Regarding communicative competence and communication as one of the best ways for language acquisition the percentages of the students which agreed with these aspects were high and varied from 87-88% and 78% stated that the teacher should focus on speaking skills with communication primary and reading, writing, grammar, vocabulary secondary, these percentages make clear the students' aims and perceptions which means that students need to communicate more during the lesson and they relate language learning with communication, this represents also their desire to communicate more and to be more motivated to learn. They also want to take responsibility for their own learning and want to manage their classroom activities that is why most of them (78%) agreed that language learning should be student-centered and 51% of them agreed with teacher-centered learning that is because even though they like contemporary principles they are attached to old ones that is why 51% of them stated that the teacher should be dominant in the classroom. 65% of them answered that correcting every mistake in communication activities by the teacher brings de-motivation for them and that they felt uncomfortable if they were unable to use English during communicative activities (76%). In this case we understand that students' communicative competence is really important for them and they want to be fluent in speaking in order to be more motivated to speak but also to learn. We all know that if learning is not boring and frustrating it motivates students more to be involved in the classroom activities for this reason 64% of the students answered that tasks, games, role-plays are important about accuracy and fluency. As Harmer (1983) states that there is a distinction between non-communicative activities and communicative activities, according to him non-communicative activities are characterized by: non-communicative desire, no communicative purpose, form not content, one language item only, teacher intervention, materials control. While communicative activities by: a desire to communicate, a communicative

purpose, content not form, variety of language, no teacher intervention, no materials control. It seems that students prefer communicative activities and their relevant characteristics. The more students communicate the more they will be motivated to learn and learning would be more effective.

Table 2. Students' preferences and needs about language learning for the total number of participants

Statements of the Questionnaire for Question 3		
<i>Do you like or prefer learning:</i> Statement	Yes	No
with authentic materials taken from the real context?	86%	14%
with materials taken from a specific context unknown without interest for you?	17%	83%
by imitating and memorizing a given model?	54%	26%
using real communication?	93%	7%
vocabulary by learning the new given words?	81%	19%
words that you take from a context?	84%	16%
through communicating, playing games and freely expressing your opinions and ideas?	92%	8%
through interaction, working in groups, cooperating with partners and freely communicating?	94%	6%
through activities commanded by the teacher?	60%	40%
when your teacher is a counselor or facilitator?	87%	13%
when your teacher is a leader?	46%	34%
through active participation?	72%	28%
when you are passive in the classroom and follow teacher's authority?	31%	69%
when errors are instantly and constantly corrected?	48%	52%
when errors are not instantly and constantly corrected for not interrupting or affecting communicative fluency because it would be unpleasant?	50%	50%

Chart 2. Students' preferences and needs about language learning for the total number of participants in percentages



Students are obliged to learn with a certain material and methods and techniques but with this question and statements we understand their preferences how they need and like to learn a language and how they would be more motivated to learn. Most of the students (86%) stated that they liked or preferred learning with authentic materials, 17% of them stated that they liked learning with materials taken from a specific context because they want to learn more with materials that are based on their interest and materials that make them curious and interested. 93% of the students preferred learning using real communication and only 64% of them by imitating and memorizing a given model and neglecting context, this makes clear students' preferences on interactive methods principles that are focused on real situations communication and interaction rather than on traditional ones which include just a specific context and students are obliged to imitate the model and memorize the examples. 92-94% of the students like learning through communicating, playing games and freely expressing their opinions and ideas and through interaction, working in groups, cooperating with partners and freely

communicating rather than through activities commanded by the teacher (60%) but still the percentage is not low it shows that students have been used to be under the wardship of the teacher. This is also seen even in learning new words 84% of the students stated that they prefer learning vocabulary by learning words that they take from a context but also 81% preferred learning vocabulary by learning the new given words which means that students have been used to this way and have the tendency to be dependent on traditional principles and ways of learning vocabulary. About error correction it seems that students agree that both ways of correcting errors should be used since almost half of them like learning when errors are instantly and constantly corrected and the others when errors are not instantly and constantly corrected for not interrupting or affecting communicative fluency. They also prefer when the teacher is a counselor or facilitator (87%) because this would enhance their motivation in learning and not a leader in the classroom (46%). They also prefer task based learning, games for not being frustrating and active participation (72%) rather than being passive in the classroom and following teacher's authority (31%), in this way students preference is taking their own responsibility on learning and managing their learning activities, this shows that they like being active and interaction with each other rather than just following teachers activities.

From all the above results and interpretation it can be concluded that some of the main principles of CLT are important in both language learning and teaching. According to students' points of view, preferences and needs about learning a language it would be better for them if CLT method would be widely used. Because they prefer learning with authentic materials, learning vocabulary by learning words that they take from a context, learning through communicating, playing games and freely expressing their opinions and ideas and through interaction, working in groups, cooperating with partners and freely communicating. They also prefer when the teacher is a counselor or facilitator, they prefer a task based learning and errors should be constantly corrected only when it is needed in other cases errors should not be instantly and constantly corrected for not interrupting or affecting communicative fluency. Students prefer a student-centered learning and for them communicative competence and efficacy is really important in learning a language, they also prefer communicative activities which create communicative desire, interaction and motivation. Most of them do not like any more traditional methods and their principles such as focusing on accuracy, grammatical rules, frustrating tasks, memorization, imitating models, focusing in specific context, not being able to communicate freely, having a teacher acting as a leader and a teacher-centered learning, lack of classroom cooperation and not being able to use language in communication outside the classroom setting. Richards (2006) states a difference between a traditional method such as GTM that is focused on the deductive way of explaining grammar where rules are presented to the students they have to memorize them and then use in examples and given exercises while using CLT grammar is taught inductively and the students have the possibility to formulate the rule based on the exercises and also they can learn this rules by interaction use in work groups and communication they can acquire better this rules since they do not have just to memorize by heart but they learn the rules in a more natural and effective way. That is why students' tendency was to chose and like more CLT principles rather than traditional methods principles. And based on David Nunan's (1991) listed principles of CLT such as: learning communication through interaction, using authentic materials in learning context, giving students opportunities to manage their own learning, using students own experiences and opinions as a contribution in classroom and linking classroom language learning with language used on activities outside the classroom it seems that this method is very interested in the needs and desires of the learners and on the real use of language not only outside but also inside the classroom and since students develop their communicative competence in an authentic context CLT may be considered as a very useful form of teaching which enhances students learning.

5. Conclusions

The main aim of this study was to examine Albanian student's points of view and opinions on CLT theoretical premises. From the results of students it is clear that they welcomed the desire to accept CLT usage and principles but the problem is to put CLT into practice its implementation and innovative change which will depart them from traditional principles they are used to and this needs the relevant time to be familiar with. Even though from the analyses of students opinions and preferences it results that using CLT with its effectiveness may prove to be a very successful method in both learning and teaching despite their "attachment" to the principles of previous teaching methods such as GTM and ALM where students have been teacher-dependent in language learning. Also, there are some other factors that indicate the current situation foreign language learning in Albanian 9-year elementary schools, it is the Albanian context and culture and there are even institutional constrains such as class sizes, limited time or students' level and also teachers training for CLT. Although the findings in this study are limited to the setting, the number and context of participants and somehow prevent generalizations

across the country and in a different context with other participants, other findings and problems may be discovered, it contributes as a scientific evidence to the debates over CLT in the Albanian context and it shows the need for other extended researches to be done.

References

1. D.A. Wilkins. (1972). *Linguistics in Language Teaching*. Edward Arnold.
2. David Nunan. (1991). *Communicative Tasks and the Language Curriculum*.
<http://ontesolteacherscorner.com/CommunicativeTasksAndTheLanguageCurriculum.pdf>
3. Harmer, J. (1983). *The practice of English language teaching*, London: Longman
4. Richards, J. (2006). *Communicative Language Teaching Today*. Cambridge: Cambridge University Press.
5. Richards, Jack and Theodore Rodgers. (1986). *Approaches and Methods in Language Teaching*. Cambridge: Cambridge University Press.
6. Richards, Jack C.; Theodore S. Rodgers (2001). *Approaches and Methods in Language Teaching*. Cambridge UK: Cambridge University Press.

Maritime English - Teaching Competencies in Facilitating Difficulties with Students

Evis CELO (PhD)

Dr. Lorenc DANAJ

Jonil CELO Msc.

University "Ismail Qemali", "Pavarësia" Square, Department of Foreign Languages Vlora, Albania,

evis. celo8@gmail. com

Abstract

Recognizing ship operating which differ in their organizing way helps in prevention of human injuries ;loss of life and avoidance of damage to the environment,in particular to the maritime environment and its property. The main aim is developing English for Maritime and having the right communication in different, specific and also in dangerous situation at sea. This paper consist on recognizing deeply the IMO standard on sea level including the IMO convention; SOLAS convention, MARPOL as well as STCW certificate and code too. So, advancing knowledge, understanding properly the right message at the sea including proficiency in having adequate knowledge of English language in order to enable officers & new students to communicate with other ships & coast stations to perform the officers duties. A great importance is based on cooperation of standard Marine Communication Phrases and use of International English both in written and oral form.. Not only that,but also multilingual communication crew, including abilities to use the IMO standard with Marine Communication Phrases! Difficulties and progresses are evident, but the necessity and the particular availability of Modern and Post Modern time let upon us this task open!

Keywords: Maritime Industry, Adequate Knowledge, International Convention, Security, Language Communication.

I. INTRODUCTION

At a time when effective communication on board between ship and shore is essential and especially in university classes it comes as a necessity to overall difficulties. Global standards governing communicative competence have been strengthened by IMO through its legal instruments and different conventions. It is now recognized that globalization of maritime services, including the supply of seafarers, has led to the adoption of Maritime English as a career tool and useful knowledge for the students of Naval and Nautical sciences, permitting not only mobility and flexibility but also competitiveness to face different situations.

In such circumstances national and international authorities, universities,training institutions need to develop effective strategies which meet these new demands of trade market. As a result we as Teaching Competencies and in terms of profession the delivery of Maritime English courses is important overall.

Consequently the main is aim to upgrade the full understanding, to introduce Maritime English with contemporary methodologies and useful practices. The understanding of the principles of communicative languages as promoted by IMO model course of 3. 17, are also integrating these into my teaching process. I do consider that the selective materials of IMO's Standard Marine Communication Phrases (SMCP) give to the teachers a new horizon in order to create new methods during teaching Course materials in University aula.

1. 1 Expected outcome of students learning

It is expected that at the end of the semester:

Students should become fully aware of why is required the contemporary Maritime English ?

1) To fulfil at least the basic demands of IMO's legal instruments, its advisory Model Course 3. 17 and IMO's Standard Marine Communication Phrases (SMCP)

Students should have an understanding of the current knowledge of the available resources.

2) In order to teach and assess Maritime English competencies

Students should be in a position to develop and integrate the competencies discussed.

3) In order to adapt into the work situation, and share them with colleagues

Be prepared to embark upon a sustained process of self-directed skills development.

II. NEW TECHNOLOGIES FOR SPECIFIC ACQUISITION OF MARITIME ENGLISH. THE LEVEL OF KNOWLEDGE IN THESE SUBJECTS.

2. 1) The situation of students at the beginning of the academic year.

As every beginning of each academic year, students and teachers has a lot to overcome in order to achieve the laying of track for a whole year and then bringing the train (the students) in the right destination.

Students of the University "Ismail Qemali" are showing a satisfactory level, which is reflective of a adequate teaching value of English language.

Students mentioned above as each academic year are ing the shortcomings of their foreign language as a result of negligence, deconcentration, but at the same time I should not exclude the diversity of a language that they carry from cities and different treatises in the English language that they are given by English teachers.

Here I emphasize that specific English is not taken into account during teaching in schools.

What I am trying to face and to lessen Firstly there was to highlight the linguistic defects, to repair and insurance lexical - grammatical concepts and functions of communication and hearing, which are very important during the proceedings on the ship and on the high seas.

This informs exactly students how to appropriate terminology that is used at sea in English and also to the respect all conventions and international agreements that naval officers are obliged to respect the negotiations on the high seas and in necessary steering as well as dangerous ones.

2. 2) Students state at the end of the semester.

At the end of semester students show an improvement period of the previous situation. All this was based on new practices enabling authentic development of fluency, appropriate to their age, interests and level of their experience I mean linguistic one.

Students have become aware of the key concepts underlying the teaching methods used in particular for the importance of communicating.

Naturally the Question arises about what was worth it?

This awareness has encouraged students to ask questions to perform a event, a description (or essay), to classify the concepts obtained and gaps created both now and before.

So, consciously it has enabled the practice of foreign language areas and conceptual development which means the development of thinking in the foreign language, in particular in English specifically in Maritime English even as a little bit is called a bilateral achievement both for the student and for the teacher.

23) The consistently status of students and controls exercised.

During the controls made in continuity it has been noticed that in addition to negligence displayed at specific individuals, students while taking on new responsibilities, unknown for the cooperation and interaction in the classroom related to communication in the foreign language, they can adjust the individual English speech to personal benefits in learning process by utilizing specific English terminology for marine engineering. Knowledge, skills and attitudes concerning foreign language and learning process will continue to be recovered and expanded through repetition not only discreet but also through systematic practice of nautical terminology communication between students themselves; between students and teacher; between students and dialogue with powerpoint Listening comprehension like real improvised sessions on the acquisition of adequate terminology of marine. (MARITIME ENGLISH)

III. METHODOLOGY

The methodology used is that of experimental and practical one. To make it function properly mass media and audiovisual technology, including here the television, computers are integrated in the most complete possible for the completion and in learning not only what is necessarily useful but also having fun in foreign language.

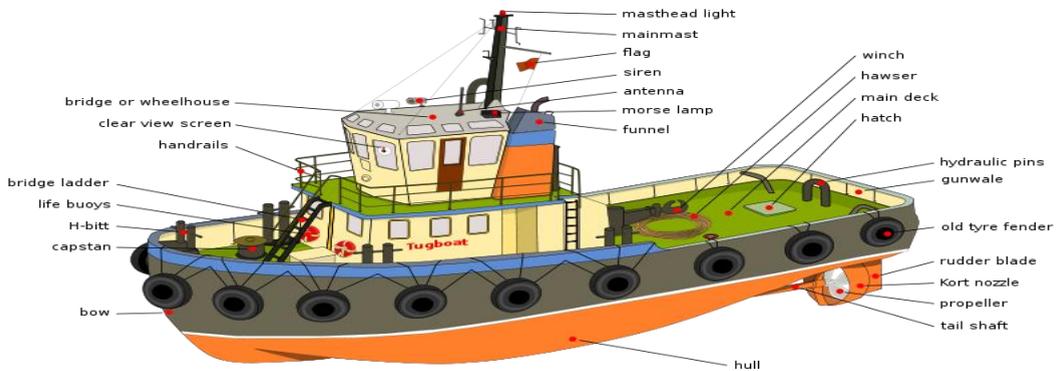
Descriptive categories, essays, assignments and course materials are also performed by students in connection with the individual independence, but they have been inseparable and matched to cyclic forms and in successive stages with the academic curriculum.

IV. PROBLEMS FACING WITH THE STUDENTS ALONG THE APPROPRIATION OF MARITIME -ENGLISH!

1) Problems of vocabulary and communication with maritime - English!	2) Problems of reading and interpretation of specific English (maritime)!	3) Problems in the English language of grammatical concepts!
<p>a)</p> <p>Students distinguish and understand the key issues of an unknown content in the long texts using complex sentences with some repetition.</p> <p>b)</p> <p>Students search and provide information and opinions for certain conversations they show the ability to adapt the language in unpredictable situations in the sea.</p> <p>c)</p> <p>They adapt themselves to the language of the scope and context,</p>	<p>a)</p> <p>Students reveal strands of independent reading, use context to interpret the meaning and express a personal response to reading.</p> <p>They select by themselves and extract information from text;</p> <p>Check up the accuracy and ask this question: <i>The direction river tug how is pronounced?</i></p> <p>b)</p> <p>Students demonstrate increased confidence in reading aloud and in using and supporting reference</p>	<p>a)</p> <p>Students express the right meaning in response to orders, questions or short and simple statements directed in the classroom.</p> <p>They themselves are reacting to "Open / close" "Look... " "repeats"</p> <p>b) Students express the meaning of auxiliary forms</p> <p>related to indicative situations that teacher write on the blackboard to clarify the meaning. E. g.</p> <p>Ana : I know you ...</p>

<p>discuss the reasons and consequences if not done right the ship maneuvers and on the high seas.</p> <p>Students discuss facts, ideas, and experiences having owned a great vocabulary, structures and confessions in diverse tenses.</p> <p>They self - delineate its production of a real event taken from films or dramas.</p> <p>They react to presenting facts and opinions from others.</p> <p>They debate e. g. "It is changing the course of the ship by order of marine guard 371. Will there be changes in new marine space?"</p> <p>d)</p> <p>Students are involved freely in specialized conversations to their interest, they display certainty in contemporary knowledge, in place where the language is taught.</p> <p>They discuss about the place where ships cross sea bounder</p> <p>and change course guided by weather conditions and providing</p> <p>PRE-PERSONAL RECOMMENDATIONS</p>	<p>material (fig 1/2/3/4). They begin to extend their independent reading.</p> <p>They can disclose information from a brochure to refer the other, respond to such a request.</p> <p>c)</p> <p>Students express a full understanding of texts involving known or partially known vocabulary reflecting events in past, present and future. They can write a simple story based on the following model given for reading comprehension.</p> <p>d)</p> <p>Students express terms of the various texts involving composed sentences and unfamiliar vocabulary, they consult unknown reference materials;</p> <p>such as the structure of the ship or different ships that perform functions such as icebreakers, aircraft carrier, ship deliberately offshore oil extraction, etc., (in the absence of Albanian dictionary)</p> <p>-They give themselves e. g.</p> <p>-Ana- Which ships have the most powerful engines?</p> <p>-Ben- Icebreakers have powerful engines and very strong hulls.</p> <p>or they can be grab dredgers, which operate like cranes</p>	<p>Ben: You could be James, Bella's cousin.</p> <p>c) Students write factual descriptions and creative compositions about their experiences using the appropriate structures.</p> <p>They write about known topics related to complex verb time</p> <p>- in present</p> <p>-in past</p> <p>-in future</p> <p>And in sentence Structures, phrasal verbs, suffixes, kind of modal auxiliary verbs.</p> <p>Must/might/should/could</p> <p>- They give themselves e. g</p> <p>Ana: Ben-You should go to the dentist!! You could have an infected tooth, that's painful!</p>
--	--	--

Specialised vessels



(fig 1)

One very useful type of vessel is the tug. They are divided in three basic types. A river tug is designed to work on inland waterways. Tugs must be designed to satisfy three important requirements: be stable in all conditions, be manoeuvrable and powerful enough to move ships of far greater size.



Ocean-going salvage tug (fig 2)



river tug/pusher(fig 3)

Icebreaker

Icebreaker is very important to shipping. Northern ports and channels freeze up in winter. Ships must use these ports all the year round, therefore it is necessary to keep them open. Icebreakers have powerful engines and very strong hulls.

Lightship

An unusual type of ship is the lightship. Lightships look like ordinary ships, but they do not have engines, because they are towed into position and then anchored there. They not only have a light, but also a foghorn, a radio beacon and meteorological equipment as well. Most lightships have a crew of approximately twelve.

Dredgers

Dredgers are necessary to remove the sand and mud from the beds of channels and harbours. It is a rather noisy and smaller type of vessel. Dredgers are of three main types: they can be either bucket dredgers, which have a series of buckets which go down to the sea bed and scoop up the sand and mud; they can be suction dredgers, which suck up the sand and mud like a very large vacuum cleaner; or they can be grab dredgers, which operate like cranes.

bucket dredger grab dredger suction dredger(fig 4)



suction dredger(fig 4)

Pilot Launch

Pilot launches are motor boats for transporting pilots to and from ships.. They must be seaworthy as pilots go out in all weather. Fender system developed especially for this class ensures that minimal damage is suffered during the "controlled collisions" which characterizes pilot boarding operations.



Rescue lifeboat

A rescue lifeboat is a boat designed and used with to attend a vessel in distress, or its survivors, to rescue crewmen and passengers. With its specialized features for searching for, rescuing and saving the lives of people in peril at sea or in estuaries, it can be hand-pulled, sail-powered or powered by an engine. Lifeboats may be rigid, inflatable or rigid-inflatable combination hulled vessels.

Let me specify the fact that the realization of the ideas from one class to another vary, I can say that even along the way to the class room teacher ideas change, even in parallel classes. In this case is worth cited "IF THE CHILD IS NOT LEARNING THE WAY YOU ARE TEACHING, THEN YOU MUST TEACH IN THE WAY THE CHILD LEARNS. " **Ritta DUNN**

DE FACTO TEACHING CLASS

SUBJECT: English Language, Specific for Marine Sciences

CODE: ENG 131-132

CLASS: C-101 TECHNICAL ENGLISH

TOPIC: Specialized vessels. Conditional sentences Ist and IInd

General goals:

The student along the lesson should know all the verbs in different tenses, mostly in the past tense.

The student must possess a considerable glossary for Maritime English referring to some information points that they have taken part before.

The student must understand the conditional sentence of type I and II

TECHNICAL - CLASS AID.

Students tools	Teachers tools
a- Student books and work books.	b- laptop with projector

PROCEDURE OF THE TEACHING PROCESS

Individual Strategies in function of the teaching process.

- 1) Once entered in the class proceed with the traditional greetings of the English class.
- 2) Some questions about previous rehearsal. Question (Flash) to let them know and to adjust them with the atmosphere of the English language. This enables them to speak freely English.
- 3) Students were distributed two sheets to check up the English tenses and Maritime competences. (Illustration below)

Present simple	Past simple	Modals	Conditionals	Questions?
Sentence illustrations of ship with different disposition.	Si ndryshon ne Te shkuaren E. g. The ship was launched two days ago.	Modals can should/could/might E. g. You might lower the lifeboat.	If.. I were	Free

Flash card (1)

COMPETENCE	KNOWLEDGE;UNDERSTANDING;PROFICIENCY
<p>Use the IMO Standard Marine Communication Phrases and use English in written and oral form.</p>	<p>Adequate knowledge of the English language to enable the officer... to communicate with other ships and coast stations and to perform the officer's duties also with multilingual crew, including the ability to use... the IMO standard marine communication phrases.</p> <p>1)Basic communicative characteristics of the SMCP.</p> <p>-vessels vs ships</p> <p>-alter vs change (e. g. alter course)</p> <p>-master vs captain</p> <p>2)Preferring Latinism/Internationalism</p> <p>-assistance vs help</p> <p>-require vs need(I require assistance vs I need help)</p> <p>-transmit vs need</p> <p>-proceed vs sail,go</p> <p>3)Avoid contracted forms</p> <p>-cannot,do not,have not,I am,I will,it is,etc</p> <p>vs can't, don't, haven't, I'm,I won't,it's</p> <p>4)providing fully worded answer to decisive Yes/No).</p> <p>Are dangerous goods on fire?</p> <p>-Yes, dangerous goods are on fire.</p> <p>- No,dangerous goods are not on fire.</p>

Flash card (2)

These Flash cards are given to students for 10 minutes. They can talk and fill in flash cards.

They begin to refer each other work, then they do questions to clarify those uncertainties. The teacher explain the appropriate item to be developed in the classroom about conditional sentence and terms taken on Maritime English.

4)Teacher explains on the blackboard conditional sentence of the first type. (Written with colored chalk) and allows students who according to examples given on the blackboard to adapt examples with information from flash cards in terms of Maritime English!

FIRST CONDITIONAL

It is practically used. It is expressed when we think something is possible to happen or not.

(we use first conditional when we think that s. m. th is probable or unlikely or happen)

If he is the captain, I'll ask him some help.

SECOND CONDITIONAL

We use the conditional sentence of the second type, when think laterally that something is impossible or bad to happen. (We use second conditional when we think that something is improbable or unlikely to happen)

If you sent an SOS, we would be safe very soon!

SELF-ASSESSMENT:

(Control of knowledge) In order to monitor the class and to practice conditional sentence sets the laptop part listening session for 2 minutes (a situation in ship). It has part of conditional sentence with modal verb.

In my personal belief and my experience as a human and then as a teacher, I know to express with complete certainty that if to someone (in our case student) is not given the right space to show who they are, what are their capabilities and talents, we can ever know how far the human being can go.

Consequently I assign the students a task to express thoughts, opinions and ideas by showing it within a poster or folder project.

For instance

Topic areas: International Marine World, Tourism

Theme: Ships emergencies.

Act Communication and the Task :

Describe the activity of a ship rescue and environment

Functions: - Students prove themselves in the knowledge received

- Apply conditional grammar point

- Communicate in English Studies and undertakes responsibilities of communication under the International Regulation Sea IMO.

Presenting in group

CONCLUSIONS

As far as Maritime Education and learning takes a considerable time with students. It has been observed that teaching Maritime English courses in University auditorium is really effective because it fulfil the demands of contemporary communication specifically in the sea; But it is also observed that there is a lack of professional development courses available for teachers to develop or upgrade the skills necessary to provide a high standard of training. The teaching incorporates individual professional interests and needs of the students. Knowledge are assessed with the modules of selected maritime English in order to best equip the **a**) students **b**) other participants with effective language acquisition.

Accordingly, to both sides of students and teachers really need more professional engagements in Teaching and administering Maritime English courses

- Teaching General English may move into teaching Maritime English;
- Teaching specialist maritime subjects through English, for example, for students, for former seafarers where English is the means of instruction and global communication has its own difficulties. That's a time challenge that is upon our academic task in near future!

REFERENCE

- Bahns, H., (1993) *Lexical collocations: a contrastive view*, University of Kiel, Germany (pp. 14)
- Baker, C., (1992) *Attitudes and language*. Clevedon, USA. (pp. 53)
- Curtius 1972: Curtius, E, R (1972) *Evropska književnost i latinsko srednjovjekovlje*, Zagreb (p. 326.)
- Hatim & Mason, (1990) *Characterising the Genre of the Corporate Press Release*, University of Heriot Watt, Edinburg, U. K. (pp. 204-203)
- John H. Flavell, (1997) *Development of knowledge about vision*, University of Birmingham, (pp. 72.)
- Orbaneja y Majada, *Linguistic perspectives from the classroom: Language teaching in a Multicultural Europe*, 1998: 362-363.
- Newmark, (1988) *Approaches to translations*, Prentice Hall, Indiana University (pp. 213)
- Sinclair, J., (1991) "Corpus concordance, collocation: Describing English Language", Oxford University Press (pp. 112)
- "Webster New World Dictionary" (Third College Edition, 1988).

Estimating Barro misery index in democratic states with application in Albania: 2005 – 2014**Prof. Dr Fejzi Kolaneci**

University of New York, Tirana, Albania, fkolaneci@unyt.edu.al

Juxhen Duzha

University of New York, Tirana, Albania

juxhenduzha@hotmail.com

Enxhi Lika

Universiteti i Tiranës, Fakulteti Ekonomik, Albania

Enxhilika15@hotmail.com

“The Barro misery index accurately measures misery”*Steve H. Hanke****“The higher Barro misery index, the greater the economic and social discomfort”****Richard F. Janssen***Abstract**

In the present study we develop a statistical analysis of the Barro misery index and its components in contemporary democratic states with application in Republic of Albania during the period January 2005- December 2014. BMI is calculated by the formula:

$$\text{BMI} = \pi + u - \text{GPD} + i, \text{ where}$$

BMI denotes quarterly Barro misery index,

π denotes quarterly inflation rate,

u denotes quarterly unemployment rate,

GPD denotes quarterly real GDP growth rate,

i denotes nominal long-term interest rate.

Kolmogorov's Central Limit Theorem is a fundamental theorem of Modern Probability Theory "Fair game" and "Effective market in weak sense" are important concepts of Macroeconomics.

Some results of the study include :

Kolmogorov's Central Limit Theorem is not valid for quarterly inflation rates in Albania during the period January 2005-December 2014 at the confidence 99. 9%.

The inflation process in Albania during the specified period, related to the quarterly inflation rate, is an unfair game at the confidence 98. 8%.

The inflation process in Albania during the specified period, related to the quarterly inflation rate, is not effective at the confidence 97. 5%

Kolmogorov's Central Limit Theorem is not valid for quarterly unemployment rates in Albania during the specified period at the confidence 99. 9%.

The unemployment process in Albania during the specified period, related to the quarterly unemployment rate, is an unfair game at the confidence 99. 9%.

The unemployment process in Albania during the specified period, related to the quarterly unemployment rate, is not effective at the confidence 99. 9%

The official data of the quarterly GDP growth rate for Albania during the specified period contradict Kolmogorov's Central Limit Theorem at the confidence 77. 1%.

The GDP growth rate process for Albania during the specified period is a fair game at the confidence 86. 4%.

The GDP growth rate process for Albania during the specified period is not effective at the confidence 99. 9%.

The official data of the quarterly Barro misery index for Albania during the specified period contradict Kolmogorov's Central Limit Theorem at the confidence 96. 1%.

The Barro misery index for Albania during the specified period is a fair game at the confidence 84. 8%.

The Barro misery index process for Albania during the specified period is not effective at the confidence 63. 7%.

Keywords: Barro misery index, Okun misery index, inflation, unemployment, GDP growth rate, Albania.

Abbreviations:

CLT- Central Limit Theorem

GDP- Gross Domestic Product

KLS test- Kolmogorov-Smirnov-Lilliefors test

SW test- Shapiro-Wilk test

BMI- Barro misery index

OMI- Okun misery index

Introduction

The concept "misery index" is an economic and social indicator, created by late distinguished economics Arthur Melvin Okun, the Chairman of Council of Economic Advisers under US President Lyndon B. Johnson in the 1960's. The Okun misery index denotes the sum of the annual (or quarterly) inflation rate and unemployment rate for a given country. Harvard

University Professor Robert J. Barro improved OMI by adding two random variables: annual (or quarterly) real GDP growth rate and nominal long-term interest rate, see Barro (1999).

In the present study, BMI calculated by the formula:
 $BMI = \pi + u - GDP + i$, where

BMI denotes quarterly Barro misery index,

π denotes quarterly inflation rate,

u denotes quarterly unemployment rate,

GDP denotes quarterly real GDP growth rate,

i denotes nominal long-term interest rate.

In other words,

$BMI = OMI - GDP + i$, where

OMI denotes the quarterly Okun misery index.

The BMI is an important indicator of economic and social performance: the higher BMI, the worse misery.

Professor Robert J. Barro used BMI to measure the dynamics of misery during each President's term of USA.

The impact of BMI in business is significant, because this index affects confidence. As it increases, consumers, businesses and investors become less confident about the future. They delay spending decisions and increasing savings. Different parts of the economy are affected in different ways by increases in the BMI. As the quarterly unemployment rate increases, people who are unemployed find it more difficult to get a job and those in employment fear that they might lose their jobs. The BMI creates a feeling of helplessness. Consumers want and need more income to keep up wage pressures suppressed. In addition to this, there are fewer opportunities to supplement income with overtime or secondary part-time jobs.

Individuals who can afford to save are likely to build up a "worst case reserve", but this strategy makes sense for individuals, it further weakens confidence in the economy, as the reduced consumption causes business to cut back further on employment, see Simister (2011), Lechman (2012).

BMI contains four metrics: π , u , quarterly GDP growth rate and i . From Modern Probability Theory point of view, BMI is a random field: it changes over time and in different countries reflects changes in society's economic performance.

BMI is not a perfect measure of poverty for a given country during a specified period of time. But definitely, BMI can be used as a proxy (approximation) of the economic and social welfare, see Welsch (2007). The life of individual is strongly determined and affected by BMI.

In the present study we develop a statistical analysis of BMI in Republic of Albania during the period January 2005 – December 2014. The official data in the BMI for Albania during this period speak loudly. The main purpose is to learn about the miserably process of Albania citizens, while their lives are strongly affected by dynamics in BMI.

The sources of official data are Institute of Statistics of Albania (INSTAT) and Bank of Albania (BoA).

Definitions

Most frequently, the term “inflation” refers to a rise in the Consumer Price Index (CPI), which measures prices of a representative fixed basket of goods and services purchased by a typical consumer, see Mankiw (2010). The formula for

$$\text{Inflation rate} = \frac{P_0 - P_{-1}}{P_{-1}} 100\%$$

calculating the quarterly inflation rate is $\frac{P_0 - P_{-1}}{P_{-1}}$, where P_0 denotes the current average price level, and P_{-1} denotes the average price level a quarter ago. Today, most economists favor a low and stable rate of inflation, because low inflation may reduce the severity of economic recession and the risk of destabilizing the economy, see Sargent, Williams and Zha (2006), Taylor (2011), and Giannellis (2011).

Unemployment, as defined by the International Labor Organization (Nov 26, 2007), is the state in which the people are without jobs, they have actively looked for work within the past four weeks, and ready to start work within two weeks. The unemployment rate is the percentage of total labor force unemployed:

$$\text{unemployment rate} = \frac{\text{unemployed workers}}{\text{total labour force}}$$

. Unemployment is the macroeconomic problem that disturbs the lives of many families. For most people, the loss of a job means a reduced living standard and psychological distress.

GDP is the market value of all officially recognized final goods and services produced within a country in a given period of time (quarterly GDP versus annual GDP), see Blanchard (2011), Mankiw (2011), Taylor (2008).

GDP per capita is often considered as an indicator of a country’s standard of living.

Official GDP estimates not take into account the underground economy, in which transactions contributing to production (such as illegal trade and tax-avoiding activities) are unreported, causing GDP to be underestimated.

GDP can be determined in three ways, all of which should, in principle, give the same result:

Production Approach

Expenditure Approach

Income Approach

The most direct of three ways is the Production Approach which calculates the sum of outputs of every class of enterprise to arrive at the total.

In Albania, GDP was calculated by INSTAT only through Production Approach and Expenditure Approach. Among these two methods, is being considered that Production Approach better evaluates GDP for Albania’s conditions.

According to the Production Approach, GDP is calculated by the formula:

$$\text{GDP} = \text{VAT} + \text{TP} + \text{CT} + \text{SB}, \quad \text{where}$$

GDP denotes the Gross Domestic Product at market prices,

VAT denotes Value Added Tax at basic prices,

TP denotes taxes on products including VAT,

CT denotes customs tax,

SB denotes subsidies on products and imports.

The Production Approach is the basic method to calculate GDP in Albania.

The market is **weakly efficient** regarding to a specific economic process, if the relative successive differences of the process follow a normal distribution. This definition is given by E. Fama (Nobel Award winner).

The Central Limit Theorem (CLT) explains why many probability distributions tend to be very close to the normal distribution. The CLT is also known as the second fundamental theorem of Probability Theory.

A contemporary version of the CLT is given by A. N. Kolmogorov.

Theorem 1 (CLT)

If all random samples (x_1, x_2, \dots, x_n) of a reasonably large size $n > 30$ are selected from any random variable (population) X with finite expectation μ and variance σ^2 then the probability distribution of the sample mean \bar{x} is approximately normal with expectation μ and variance $\frac{\sigma^2}{n}$. This approximation improves with larger samples, as $n \rightarrow \infty$, see Kolmogorov (2002).

Theorem 2 (Berry – Esséen)

If the third central moment $E(X - \mu)^3$ exists and is finite, then the above convergence is uniform for all $x \in (-\infty, +\infty)$ and the speed of convergence is at least on the order $\frac{1}{\sqrt{n}}$, see Shiryaev (2006).

Theorem 3 (Arstein – Ball – Barthe – Naor)

The convergence to normal distribution is monotonic in the sense that the entropy of the random variable

$$Z_n = \frac{n(\bar{x} - \mu)}{\sigma\sqrt{n}}$$

increases monotonically to that of the standard normal distribution (Arstein, Ball, Barthe, and Naor, 2004).

The amazing and counterintuitive thing about CLT is that no matter what the probability distribution of the parent population X , the probability distribution of the sample mean \bar{x} approaches a normal curve.

The remainder of the paper is organized as follows:

Section 2 presents the statistical analysis of quarterly inflation rate. Section 3 provides the investigation of quarterly unemployment rate. Section 4 presents the dynamics of Okun misery index. Section 5 presents the statistical analysis of quarterly GDP growth rate. Section 6 investigates quarterly Barro misery index. Section 7 concludes the paper.

The Dynamics of Quarterly Inflation Rates

The data set is the quarterly inflation rate over the period January 2005- December 2014 in Albania, see Table 1. We calculate the statistical parameters for the data:

Sample size	$n = 40$
Sample mean	1. 285
95% confidence interval for mean	. 852 ; 1. 718
Median	1. 800
Variance	1. 829
Standard deviation	1. 3524
Coefficient of variation	1. 052
Maximum	3. 3
Minimum	-1. 4
Range	4. 7
Interquartile range	2. 4
Skewness	-. 742
Kurtosis	-. 848

In this study, using Kolmogorov - Smirnov- Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly inflation rates for Albanian over the period January 2005 –December 2014 follow a normal distribution.

H_1 : The quarterly inflation rates for Albania over this specified period follow a non-normal distribution.

Using SPSS (version 2013) we find the observed value of Kolmogorov-Smirnov-Lilliefors test= . 213 and the corresponding significance level. 000. Now we apply the Shapiro-Wilk test for normality. The observed value of the statistics is $W = . 870$ and the associated significance is. 000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level. 999 or 99. 9%. In other words, the Central Limit Theorem is not valid for quarterly inflation rates over the specified period in Albania, at the confidence level 99. 9%.

Definition 1: (according to J. L. Stein and N. N. Vorobiev, 1974) The inflation process is said to be a **fair game** if the successive differences of inflation rate follow a normal distribution.

This important definition has found several applications in economic sciences, see Stein (1974), Lucas (2000), Sargent, Williams and Zha (2006), Stock and Watson (2007).

The successive differences of quarterly inflation rate, over the period January 2005 – December 2014, in Albania are given in Table 2. We present the statistical parameters related to this data set.

Sample size	$n = 40$
Sample mean	-. 050
95% confidence interval for mean	-. 575, . 475
Median	. 050

<i>Variance</i>	2. 690
<i>Standard deviation</i>	1. 6402
<i>Coefficient of variation</i>	-32. 8
<i>Maximum</i>	3. 3
<i>Minimum</i>	-4. 3
<i>Range</i>	7. 6
<i>Interquartile range</i>	1. 1
<i>Skewness</i>	-. 467
<i>Kurtosis</i>	1. 17

We test the hypothesis:

H_0 : The successive difference of the quarterly inflation rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The successive difference of the quarterly inflation rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is = . 171, and the observed value of SW test is W = . 929.

The associated significance level is 1. 2%.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 98. 8%. In other words, at the confidence level 98. 8%, the inflation process in Albania, over the period January 2005 – December 2014, related to the quarterly inflation rates, is an unfair game.

Remark. Since the inflation remains a central policy concern, there is a multiplicity of theoretical explanations for “unfair game inflation process in Albania”. Therefore, all sources of possible evidence need carefully explored. Those who lose the most from the “unfair game process” are the poorest Albanian households, pensioners, and families who live below poverty level.

The relative successive differences of quarterly inflation rate, over the period January 2005 – December 2014, in Albania are given in Table 3. We present the statistical parameters related to this data set.

<i>Sample size</i>	$n = 39$
<i>Sample mean</i>	-. 4799
<i>95% confidence interval for mean</i>	-1. 1297, . 1699
<i>Median</i>	. 0800
<i>Variance</i>	4. 018
<i>Standard deviation</i>	2. 00456

Minimum	-7.00
Maximum	6.00
Range	13.00
Interquartile range	1.53
Skewness	-.196
Kurtosis	4.711

We test the hypothesis:

H_0 : The successive difference of the quarterly inflation rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The successive difference of the quarterly inflation rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The computed value of the KSL test is = .236, and the computed value of SW test is $W = .844$.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 97.5%. In other words, at the confidence level 97.5%, the inflation process in Albania, over the period January 2005 – December 2014, related to the quarterly inflation rates, is not effective.

The Dynamics of the Quarterly Unemployment Rate

The data set is quarterly unemployment rates in Albania, over the period January 2005 – December 2014, see Table 4. We compute the statistical parameters for the data:

Sample size	$n=40$
Sample mean	14.20
95% confidence interval for mean	13.677, 14.728
Median	13.80
Variance	2.70
Standard deviation	1.6431
Coefficient of variation	.1157
Maximum	18.60
Minimum	12.50
Range	6.10
Interquartile range	.97
Skewness	1.472
Kurtosis	1.113

Using Kolmogorov-Smirnov-Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly unemployment rate over the period January 2005 – December 2014 follows a normal distribution.

H_1 : The quarterly unemployment rate over this specified period follows a non-normal distribution.

Using SPSS (version 2013) we find the computed value of KSL statistics. 301 and the associated significance is. 000. The computed value of SW test is $W = .776$ and the corresponding significance is. 000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level. 99=99. 9%. The Central Limit Theorem is not valid for quarterly unemployment rates, over the specified period January 2000 – December 2014, in Albania, at the confidence level 99. 9%.

The successive differences of quarterly unemployment rate during January 2005 – December 2014 are given in Table 5. We present the statistical parameters related to the data set:

Sample size	$n=39$
Sample mean	. 1256
95% confidence interval for mean	-0. 509, . 3022
Median	. 000
Variance	. 297
Standard deviation	. 5447
Coefficient of variation	4. 3368
Maximum	1. 6
Minimum	-. 9
Range	2. 5
Interquartile range	. 4
Skewness	1. 410
Kurtosis	2. 077

Test the hypothesis:

H_0 : The relative successive differences of quarterly unemployment rate for Albania over the period January 2005 – December 2014 follow a normal distribution.

H_1 : The relative successive differences of quarterly unemployment rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as the Shapiro-Wilk test for normality. Using SPSS (2013), we find for both statistical tests the significance. 000. The observed value of SW test is $W = .839$

Decision Rule: Reject the null hypothesis H_0 at the confidence level 99.9%. In other words, at the confidence level 99.9%, the unemployment process, over the period January 2005 – December 2014, in Albania, related to the quarterly unemployment rates, is an unfair game.

The relative successive differences of quarterly unemployment rate, over the period January 2005 – December 2014, in Albania are given in Table 6. We present the statistical parameters related to this data set.

Sample size	$n = 39$
Sample mean	.00884
95% confidence interval for mean	-.00331, .02098
Median	.00000
Variance	.001
Standard deviation	.037472
Maximum	.127
Minimum	-.048
Range	.175
Interquartile range	.030
Skewness	1.593
Kurtosis	2.561

We test the hypothesis:

H_0 : The relative successive difference of the quarterly unemployment rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The relative successive difference of the quarterly unemployment rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is = .209, and the observed value of SW test is $W = .842$.

The significance level for both tests is .000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 99.9%. In other words, at the confidence level 99.9%, the unemployment process in Albania, over the period January 2005 – December 2014, related to the quarterly unemployment rates, is not effective game.

The Dynamics of the Quarterly Okun Misery Index

The data set is quarterly Okun misery index in Albania during the period January 2005 – December 2014, see Table 7. We compute the statistical parameters for the data.

Sample size	$n= 40$
Sample mean	15. 488
95% confidence interval for mean	14. 717, 16. 258
Median	15. 950
Variance	5. 807
Standard deviation	2. 4098
Coefficient of variation	. 1556
Maximum	20. 5
Minimum	11. 2
Range	9. 3
Interquartile range	3. 7
Skewness	. 045
Kurtosis	-. 731

Using Kolmogorov-Smirnov-Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly Okun misery index in Albania over the period January 2005 – December 2014 follows a normal distribution.

H_1 : The quarterly Okun misery index over this specified period follows a non-normal distribution.

Using SPSS (2013), we find the computed value of W statistics =. 957 and the corresponding significance is. 136. The computed value of KSL test is. 118 and the corresponding significance level is. 17.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 86. 4%. In other words, the CLT is not valid for quarterly Okun misery index in Albania over the period January 2005 – December 2014, at the confidence level 86. 4%.

The successive difference of the quarterly Okun misery index, are given in Table 8. Please find below the statistical parameters related to this data set.

Sample size	$n= 39$
Sample mean	. 074
95% confidence interval for mean	-. 545, . 694
Median	. 1
Variance	3. 649
Standard deviation	1. 91

<i>Coefficient of variation</i>	25. 81
<i>Maximum</i>	4. 9
<i>Minimum</i>	-4. 7
<i>Range</i>	9. 6
<i>Interquartile range</i>	1. 5
<i>Skewness</i>	- . 207
<i>Kurtosis</i>	1. 234

Using KSL test as well as SW test for normality we test the hypothesis:

H_0 : The successive differences of the quarterly Okun misery index in Albania over the specified period follow a normal distribution.

H_1 : The successive differences of the quarterly Okun misery index follow a non-normal distribution.

We apply the KSL test as well as the SW test for normality Using SPSS (2013) we find the computed value of KSL test=. 157 and associated significance level=. 017. The computed value of W statistics is. 953, which corresponds to a significance level of. 101.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 98. 3 %. In other words, the miserably process in Albania during the period January 2005 – December 2014 is an unfair game at the confidence level 98. 3%.

The relative successive differences of quarterly Okun misery index rate, over the period January 2005 – December 2014, in Albania are given in Table 9. We present the statistical parameters related to this data set.

<i>Sample size</i>	$n = 39$
<i>Sample mean</i>	. 01315
<i>95% confidence interval for mean</i>	-. 03145, . 05774
<i>Median</i>	. 00613
<i>Variance</i>	. 019
<i>Standard deviation</i>	. 137556
<i>Maximum</i>	. 438
<i>Minimum</i>	-. 287
<i>Range</i>	. 724
<i>Interquartile range</i>	. 106
<i>Skewness</i>	. 570
<i>Kurtosis</i>	2. 079

Test the hypothesis:

H_0 : The relative successive difference of the quarterly Okun misery index rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The relative successive difference of the quarterly Okun misery index rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is = .147, and the observed value of SW test is W = .935.

The corresponding significance levels are .034 and .026, respectively.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 97.4%. In other words, at the confidence level 97.4%, the misery process in Albania, over the period January 2005 – December 2014, related to the quarterly Okun misery index, is not effective.

The Dynamics of the Quarterly GDP growth rate

The data set is quarterly GDP growth rate for Albania during the period January 2005- December 2014, see Table 10. The source of the official data is INSTAT.

Using SPSS, compute statistical parameters for the data.

Sample size	40
Sample mean	.8897
95% confidence interval for mean	.2157, 1.5638
Median	1.035
Variance	4.441
Standard deviation	2.10747
Coefficient of variation	2.368 = 236.8%
Maximum	6.38
Minimum	-2.61
Range	8.99
Interquartile range	2.53
Skewness	.455
Kurtosis	.291

Test the hypothesis

H_0 : The quarterly GDP growth rate for Albania during the period January 2005- December 2014 follows a normal distribution.

H_1 : The quarterly GDP growth rate for Albania during the period January 2005- December 2014 follows a non-normal distribution.

We apply KSL test as well as SW test for normality. Using SPSS, we find the observed value of SW test = .964 and corresponding significance = .229. From the KLS test we find that the observed value is .067 and corresponding significance = .200.

Decision Rule:Reject the null hypothesis H_0 at the confidence level 77.1%. In other words, the official data of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 contradict Kolmogorov's CLT at the confidence level 77.1%.

The data set consists of the successive differences of quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014, see Table 11. Using SPSS, we compute statistical parameters for this data set.

<i>Sample size</i>	39
<i>Sample mean</i>	. 1123
<i>95% confidence interval for mean</i>	- . 8991, 1. 1237
<i>Median</i>	. 53
<i>Variance</i>	9. 735
<i>Standard deviation</i>	3. 12016
<i>Coefficient of variation</i>	27. 78= 2778 %
<i>Maximum</i>	7. 88
<i>Minimum</i>	-6. 38
<i>Range</i>	14. 26
<i>Interquartile range</i>	3. 45
<i>Skewness</i>	. 031
<i>Kurtosis</i>	. 113

Test the hypothesis

H_0 : The successive differences of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H_1 : The successive differences of the quarterly GDP growth rate for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = . 985 and corresponding significance = . 864. From the KLS test we find that the observed value is. 084 and the corresponding significance = . 200.

Decision Rule: The GDP growth rate process for Albania during the period Jan 2005 – Dec 2014 is a fair game at the confidence level 86. 4%.

Test the hypothesis

H_0 : The relative successive differences of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H_1 : The relative successive differences of the quarterly GDP growth rate for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = . 850 and corresponding significance = . 000. The observed value of KSL test is. 182 and corresponding significance. 002.

Decision Rule: The GDP growth rate process for Albania during the period Jan 2005 – Dec 2014 is not effective at the confidence level 99. 9%.

The dynamics of quarterly Barro misery index

The data set is quarterly Barro misery index for Albania during the period January 2005- December 2014, see Table 12. The source of the official data is INSTAT.

Using SPSS, we compute the statistical parameters for the data.

Sample size	40
Sample mean	26.398
95% confidence interval for mean	20.328, 22.468
Median	26.380
Variance	11.196
Standard deviation	3.3460
Maximum	32.5
Minimum	17.6
Range	14.9
Interquartile range	5.1
Skewness	-.267
Kurtosis	-.113

Test the hypothesis

H_0 : The quarterly Barro misery index for Albania during the period January 2005- December 2014 follows a normal distribution.

H_1 : The quarterly Barro misery index for Albania during the period January 2005- December 2014 follows a non-normal distribution.

We apply KSL test as well as SW test for normality. Using SPSS, we find the observed value of SW test = .984 and corresponding significance = .848. The observed value of KSL test is .066 and corresponding significance .200.

Decision Rule: The CLT is valid for quarterly Barro misery index in Albania during the period Jan 2005- Dec 2014 at the confidence level 84.8%.

The data set consists of the successive differences of Barro misery index for Albania during the period Jan 2005 – Dec 2014, see Table 13. Using SPSS, we compute statistical parameters for this data set.

<i>Sample size</i>	40
<i>Sample mean</i>	-.037
<i>95% confidence interval for mean</i>	-1.169, 1.096
<i>Median</i>	-.210
<i>Variance</i>	12.549
<i>Standard deviation</i>	3.5424
<i>Maximum</i>	6.1
<i>Minimum</i>	-12.6
<i>Range</i>	18.7
<i>Interquartile range</i>	4.4
<i>Skewness</i>	-.878
<i>Kurtosis</i>	2.688

Test the hypothesis

H_0 : The successive differences of the quarterly Barro misery index for Albania during the period January 2005 – December 2014 follow a normal distribution.

H_1 : The successive differences of the quarterly Barro misery index for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .941 and corresponding significance = .039. The KSL test is not applicable for this data set.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 96.1%. In other words, the official data of the quarterly Barro misery index for Albania during the period Jan 2005 – Dec 2014 represents an unfair game at the confidence level 96.1%.

Test the hypothesis

H_0 : The relative successive differences of the quarterly Barro misery index for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H_1 : The relative successive differences of the quarterly Barro misery index for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .970 and corresponding significance = .363. The observed value of KSL test is .095 and corresponding significance .200.

Decision Rule: The Barro misery index for Albania during the period Jan 2005 – Dec 2014 is not effective at the confidence level 63.7%.

Conclusion

The present study was motivated by some indicators for miserably process in Albania during the period January 2005- December 2014. The sources of official data are INSTAT and Bank of Albania.

It seems reasonable and valuable to monitor “Barro misery index dynamics over time in Republic of Albania”, in order to make sure that Albanian economy is developing in right direction. Combination of high quarterly inflation rates, high quarterly unemployment rates and low GDP growth rates constitute significant obstacles for Albanian citizens to benefit from wide range of opportunities that free market is offering to its participants.

These issues are of particular importance to Albanian Government, Albanian Parliament and especially to Albanian people. The mean value of the quarterly BMI for Albania during the period the period Jan. 2005- Dec. 2014 equals 21.898, and 95% confidence interval for the mean is (20.328, 22.468). The standard deviation of the quarterly BMI equals to 3.3460. Using Kolmogorov’s CLT, KSL test, SW test, “fair game” concept in sense of Stein- Vorobiev and “weakly efficient market” concept in sense of E. Fama, we obtain the following results:

CLT is not valid for quarterly inflation rates in Albania during the period Jan. 2005- Dec. 2014 at the confidence level 99.9%.

The inflation process in Albania during the specified period is an unfair game at the confidence level 98.8%.

The inflation process in Albania during the specified period is not effective at the confidence level 97.5%.

CLT is not valid for quarterly unemployment rates in Albania during the period Jan. 2005- Dec. 2014 at the confidence level 99.9%.

The unemployment process in Albania during the specified period is an unfair game at the confidence level 99.9%.

The Okun miserably process in Albania during the specified period is an unfair game at the confidence level 98.3%.

The Okun miserably process in Albania during the specified period is not effective at the confidence level 97.4%.

The quarterly GDP growth rate process in Albania during the period Jan. 2005- Dec. 2014 is not effective at the confidence level 99.9%.

The Barro miserably process in Albania during the period Jan. 2005- Dec. 2014 is an unfair game at the confidence level 96.1%.

We found a strong evidence for the divergence of several macroeconomic data in Albania during the specified period from CLT, fair game process and weakly effective market.

An obvious feature of our study is the severity of rejecting Kolmogorov’s CLT or fair game hypothesis or weakly effective market hypothesis. Therefore, there is a strong suspect for the presence of excessive speculation and associated excessive speculators in Albania’s market during the period January 2005- December 2014. 1

References

- Arstein, S., K. Ball, E. Barthe and A. Naor (2004). Solution of Shannon’s problem on the monotony of entropy. Journal of the American Mathematical Society. Vol 114. No 498 pp. 844 – 866.
- Barro, R. (1999), <http://www.bussinesweek.com/stories/1999-02-21/reagan-vs-dot-clinton-whos-the-economic-champ>
- Blanchard, O. (2011). Macroeconomics, Pearson, USA.
- Kolmogorov, A. N. (2002). Probability Theory. Moscow: Nauka.

Lechman, Eva (2012). Okun's and Barro's misery index as an alternative poverty assessment tool. Recent estimatios for European contries. Munich Personal RePEc Archive, Paper No. 37193, 20 March 2012.

Mankiw, N. Gregory (2011). Macroeconomics, 8th edition, New York: Work Publishers.

Sargent, T., Williams, J., & Tao Zha. (2006). Shocks and Government Beliefs: The rise and fall of American inflation. *American Economics Review*, 94(3), 1193-1224.

Shiryaev, A. N. (2006). Probability, second edition, Springer, New York.

Simister, P. (2011). The misery index and the impact on business, personal communication, October 20, 2011.

Stein, J. L. (1974). Unemployment, inflation and monetarism. *American Economic Review*, 92 (5), pp 721 – 756.

Taylor, T. (2008). Principles of Economics, Freeload Press, USA.

Vorobiev, N. N. (1974). Sovremennoe sostojanie teorii igr, *Uspehi Matematičeskih Nauk*, 44 (1), 73-98.

Welch, H. (2007). Macroeconomics and life satisfaction: Revisiting the "misery index", *Journal of Applied Economics*, 10 (2), pp 1-6.

Appendix

Table 1. Quarterly inflation rate, unemployment rate, GDP growth rate and their successive differences.

Year	Quarter	Inflation Rates(%)	Succ. Diff. Infl. Rates(%)	Unemploy. Rates(%)	Succ. Diff. Unemploy. Rates(%)	GDP growth rates (%)	Successive differences of GDP growth rates (%)
2005	Q1	3.3		13.1		-1.96	
	Q2	-1	-4.3	12.7	-0.4	5.92	7.88
	Q3	-1.4	-0.4	12.6	-0.1	-0.46	-6.38
	Q4	1.9	3.3	14.2	1.6	0.07	0.53
2006	Q1	2	0.1	14	-0.2	0.98	0.91
	Q2	0.2	-1.8	13.9	-0.1	1.09	0.11
	Q3	-1.2	-1.4	13.8	-0.1	1.96	0.87
	Q4	1.8	3	13.7	-0.1	3.6	1.64
2007	Q1	2.2	0.4	13.7	0	-0.86	-4.46
	Q2	-0.8	-3	13.5	-0.2	-0.29	0.57
	Q3	0.4	1.2	13.2	-0.3	1.78	2.07
	Q4	1.7	1.3	13.4	0.2	6.38	4.6
2008	Q1	2.4	0.7	13.1	-0.3	2.08	-4.3
	Q2	-0.3	-2.7	12.7	-0.4	-1.68	-3.76
	Q3	-0.8	-0.5	12.6	-0.1	1.76	3.44
	Q4	1.2	2	12.5	-0.1	1.37	-0.39
2009	Q1	1.8	0.6	12.7	0.2	2.59	1.22
	Q2	-0.1	-1.9	12.7	0	1.92	-0.67
	Q3	-0.7	-0.6	12.8	0.1	-2.24	-4.16
	Q4	2.2	2.9	13.7	0.9	-2.34	-0.1
2010	Q1	3	0.8	13.9	0.2	3.24	5.58
	Q2	-1	-4	13.8	-0.1	2.2	-1.04
	Q3	-0.6	0.4	13.5	-0.3	-0.15	-2.35
	Q4	1.8	2.4	13.5	0	0.65	0.8
2011	Q1	2	0.2	14	0.5	3.19	2.54

	Q2	2.5	0.5	13.8	-0.2	-2.61	-5.8
	Q3	2.3	-0.2	13.9	0.1	1.69	4.3
	Q4	2.4	0.1	13.9	0	-0.12	-1.81
2012	Q1	2.4	0	14	0.1	-0.42	-0.3
	Q2	2.4	0	13.8	-0.2	0.95	1.37
	Q3	2.7	0.3	14.1	0.3	2.06	1.11
	Q4	2.4	-0.3	14.1	0	-1.25	-3.31
2013	Q1	2.5	0.1	14.8	0.7	0.15	1.4
	Q2	2.2	-0.3	16.4	1.6	1.13	0.98
	Q3	1.5	-0.7	17.2	0.8	-1.95	-3.08
	Q4	1.5	0	17.1	-0.1	-1.61	0.34
2014	Q1	1.9	0.4	18.6	1.5	1.42	1.42
	Q2	1.6	-0.3	17.7	-0.9	-0.37	-1.79
	Q3	1.8	0.2	17.4	-0.3	3.3	3.67
	Q4	1.3	-0.5	18	0.6	2.42	-0.88

Table 2. Okun misery index, Barro misery index, their successive differences and their relative successive differences.

<i>Okun Misery Index</i>	<i>Succ. Diff. Okun Miss. Index</i>	<i>Barro Misery Index</i>	<i>Succ. Diff. Barro Miss. Index</i>
16.4		30.2	.0
11.7	-4.7	17.6	-12.6
11.2	-0.5	23.5	5.9
16.1	4.9	27.8	4.4
16	-0.1	26.8	-1.0
14.1	-1.9	24.8	-2.0
12.6	-1.5	22.4	-2.4
15.5	2.9	23.7	1.3
15.9	0.4	28.6	4.9
12.7	-3.2	24.8	-3.8
13.6	0.9	23.6	-1.2
15.1	1.5	20.5	-3.1
15.5	0.4	25.2	4.7
12.4	-3.1	25.9	.7
11.8	-0.6	21.8	-4.0
13.7	1.9	24.1	2.3

14.5	0.8	23.7	-.4
12.6	-1.9	22.5	-1.2
12.1	-0.5	26.1	3.7
15.9	3.8	30.0	3.9
16.9	1	25.5	-4.6
12.8	-4.1	22.4	-3.1
12.9	0.1	24.9	2.5
15.3	2.4	26.5	1.6
16	0.7	24.6	-1.8
16.3	0.3	30.7	6.1
16.2	-0.1	26.3	-4.4
16.3	0.1	28.2	1.9
16.4	0.1	28.6	.4
16.2	-0.2	27.1	-1.6
16.8	0.6	26.5	-.5
16.5	-0.3	29.6	3.0
17.3	0.8	29.0	-.6
18.6	1.3	29.3	.3
18.7	0.1	32.5	3.2
18.6	-0.1	32.0	-.4
20.5	1.9	30.9	-1.1
19.3	-1.2	31.5	.6
19.2	-0.1	27.7	-3.8
19.3	0.1	28.7	1.0

Interactions Between Lexical and Aspectual Meanings in Albanian

Prof. Dr. Gjilda Alimhilli Prendushi

University of Bari "Aldo Moro" (Italy)

Abstract

In this paper, part of a more wide study, we introduce and analyze some elements of aspect with its typical interactions with lexical verb classes in Standard Albanian. The grammatical meaning of the verbal aspect interacts with the lexical meaning of a given verb in group-specific ways, so that the kind of interaction in the case of a given aspect opposition can be used in order to classify verbs. The main criterion for the classification is the temporal dynamics expressed by the verbs in question, i. e. the probability according to which a given action or a particular state may change over time. In the specific case of the perfective aspect (aorist), the relationship between the operator and operandum consists in the action carried out with the presence, or less, of a result, or in the beginning of the action, or simply in the limited duration of verbal action. On the other hand, the imperfective (imperfect - synthetic and analytical forms) can be combined, in principle, with all verbs, but also in this case, with the typical effects according to their verbal action. One particularly efficacious method for underlining similar syntactic irregularities consists in the analysis of the degree of coincidence between each given verbal class and a selected set, as with a time complement or with aspectual verbs. As regards particular problems, in some cases, we have also investigated the subject and the object in the sentence. The study of these questions and the semantic-syntactical analyses have made it possible to present the particularities of the verbal classes according to the verbal action of the Albanian language.

INTRODUCTION

We focused on the semantic and syntactic features of some groups of verbs by using the origins and procedures of textual linguistics. Verbs included in verbal action, in terms of expression, are not always equal. In some cases, exists characteristic means for the formation of the words able to express the different verbal actions. Furthermore, for their expression, as is indicated in the development of each verbal action, exists special verbal constructions, too. Based on these indications we can say that, in Albanian, verbal actions, even those that express lexical meanings, are not, in terms of their expression, a clear lexical category, but also influence syntax and the formation of words. So, from this point of view, they can be defined as a lexical-grammatical category. Moreover, in order to favour the expression of a specific meaning, parallel to the verbal action, different lexical indices, which regard the context, are often helpful. That's why to determine the principal verbal classes according to verbal action we have based our research on contextual semantic-lexical analyses. Consequent to the development of the action we have also paid attention to the syntactic means of the sentence as the structural elements of the sentence, or rather to the means of conjunction in both simple and composed sentence, interdependence and the position of second members and the position of words. These are seen, above all, as elements of the structure of the sentence, which have merely a simple syntactic function and which also assist in the characterisation of the action. A particularly efficacious method, for underlining similar syntactic irregularities, consists in the analysis of the degree of coincidence between each given verbal class and a selected set, as with a time complement or with verbs of aspect¹.

2. INTERACTION BETWEEN ASPECTUAL, TEMPORAL AND LEXICAL GROUPS

¹ The study of these questions and the semantic-syntactical analyses have made it possible to present the particularities of the verbal classes according to the verbal action of the Albanian language. It comes in a comprehensive monograph of Alimhilli Prendushi (2009).

2. 1. *The morphological opposition aorist/imperfect*

In Albanian morphological opposition between aorist and imperfect¹, from the point of view of content-function, is characterized by the relationship between "achievement of all the constraints of a verbal action" vs. "failure to achieve these limits". This means, in other words, that the aorist achieves the totality of a state of fact expressed by a verb, including all its limitations intended at least as probable, while the imperfect merely expresses the existence at the time axis of the event in question at the reference time. The morphological aspectual opposition is limited in Albanian in the preterite while the present, the future, the perfect, etc. are not differentiated from the aspectual point of view. So, only in the preterite can be achieved, in aspectual intertwining, the opposition between the functional description of the situation (imperfect) and the change in the situation (aorist). The perfective member also assumes the function of expression of actions not marked as regards the aspect, in case that these are not put in relation to each other in an aspectual intertwining, but, instead, remains aspectually isolated from each other. In these cases the aorist assumes, so to say, the purely temporal function of a preterite, otherwise as the imperfect unites its aspectual and temporal functions. In this article we will deal just with its relevant function in aspectual terms.

The primary meaning (lexical) of a verb relevant in terms of the aspect changes, depending on its belonging of a particular aspectual class, from the addition of the grammatical component of the aorist, and as result is obtained a sense determined by interaction between lexicon and grammar.

The nature of this aspectual meaning depends on the terminative characteristic of the class to which the verb belongs. In principle, a verbal state of fact (primary lexical meaning of a verb) can be completely unlimited, may have a limit of inherent beginning and, eventually, also a limit of inherent ending. Fundamental to the aspectual behavior of the verb are especially the presence and the nature of the term limit.

2. 1. 1. Verbs² *njoh* 'know', *shoh* 'see', *duroj* 'endure' etc. label situations and changes of situation. This semantic feature makes them grouped in a durative verbs class called STATE verbs, which does not have an inherent time structure. When used in the imperfect³ *njihja*⁴, *shihja*, *duroja* the situation expressed by them is as available to a given situation, regardless of its terminative characteristic. In contrast, when used in simple past tens *njoha*, *pashë*, *durova* their inherent terminative borders are obligatorily realized; in this case we have only a beginning time limit, which is the only one realized. *I met someone, I recognized someone or something* express a conclusion border. Precisely, with non-permanent state verbs that express relativity of conditions, finds its usage in aorist. While on permanent states verbal action constitutes a characteristic of the subject, so, it is, a permanent feature of it. In this sense, the action has no rigid boundaries that define his extending in speakers or writers vision. Verbs, which express such meanings, not pose in past tense any action starting point, but simply are used as a verbal tense. The presence of this subclass is reflected by the verbs: *ngjaj* 'resemble', *jam* 'be', *besoj* 'believe' etc.

2. 1. 2. Another verbal class consists of the so-called ACTIVITY verbs, which pose the mode of action in process, unlimited in time, as to: *këndoj* 'sing', *qesh* 'laugh', *fle* 'sleep', *mbaj* 'hold'. Nothing is given for the beginning and the end of the action,

¹ For an analysis of the aspectual system of Albanian see Dhrimo (2008) and for the morphological opposition aorist-imperfect see Alimhilli Prendushi (2015: 44-47); Breu (2008: 96-100).

² Hereafter, the term "verb" will be used for "verbal meaning."

³ In Albanian language the present and the imperfect are realized through:

1. imperfective indeterminate forms (temporal-aspectual imperfective forms), such as: *punoj* – *punoja*.

2. perfective determinate forms (temporal-aspectual perfective forms) made with constructions:

a. particle *po* + the present of indeterminate imperfective (*po punoj*)

particle *po* + the imperfect of indeterminate imperfective (*po punoja*)

b. *jam* + gerund. (*jam duke punuar*)

jam in imperfect of indeterminate imperfective *isha* + gerund. (*isha duke punuar*)

⁴ In Albanian language all verbs, including irregular verbs, with except of verbs *jam* 'be' and *kam* 'have', in the imperfect receive these inflexional endings: *-ja*, *-je*, *-te* or *-nte* (for the singular) and *-nim*, *-nit*, *-nin* (for the plural).

In the simple past tense verbs (as well the most of irregular verbs) in singular take inflexional endings *-(v)a*, *-(v)e*, *-i* or *-u*. While in plural take inflexional endings: *-më* or *-m*, *-të* or *-t*, *-në* or *-n*. For more see *Gramatika e gjuhës shqipe I* (1995: 285-291).

but only for its extension. Although, in these verbs, in fact, besides the starting instant of the action we also have that of the end in the form of an opportunity to complete the process, since there can't be an unlimited extension of it. Such actions may be suspended several times by the subject within the same event or the same episode, too. The moment, at which the action ends or terminates it is not set by the action itself, but by external circumstances, such as the will of the speaker or of the interlocutor. When such action is expressed in aorist *këndova*, *qesha*, *fjeta*, *mbajta* its possible termination (in addition to a required starting point) can only be realized as a time limit. So it turns out, as we might say, a sense of "limiting". If these actions are expressed in imperfect *këndoja*, *qeshja*, *flija*, *mbaja*, they are in progress at a given moment of the past, without any data to their start or end.

2. 1. 3. Aspectual verbal classes described so far, can be included in non-telic. They are opposed by telic verbs, at which termination of the action is inevitable, closely associated with processes that they express. In Albanian, there are two separate verbal classes within this group, ACCOMPLISHMENT and ACHIEVEMENT verbs.

The latter is the class of non-durative processes, verbs: *gjej* 'find', *qëlloj* 'hit', *vetëtin* 'flash' show an unexpected action, very fast at the time of its completion. In these verbs, with fully telic meaning, the end of the process is defined once he starts, with no possibility of its break. So, with the verbs of this class is not possible to obtain an imperfect localized in time. This means that such an action may refer to a given situation only in terms of an action repeated continuously, or when it concerns with some action items: *gjeja*, *qëlloja*; while aorist: *gjeta*, *qëllova* only confirms internal lexical boundaries found in the verb, so, from the lexicon-grammatical point of view, its use is redundant. The simple past tense express, through the action in question, a change of state.

In some processes, labeled by such a verbs, we can distinguish starting stage (we are dealing, here, with micro changes), while it seems difficult to impossible to say anything about its final stage. So the verbs *çel* 'open', *vij* 'come' in contrast, accept imperfect's use even with a single action (localized in time). This class of verbs in this tense: *çelja*, *vija* express a previous stage to the change of state (situation). Aorist: *çela*, *erdha* shows, on the other hand, the consequence of this change, characterizes the new situation through the resulting situation due to the verbal action in question.

2. 1. 4. Achievement verbs shows common points with another class of telic verbs, which belong to durative. The latter are characterized by processes that lead to the achievement of a particular termination or result. So at *lava* or *bleva* verbs *laj* "wash", *blej* "buy" as part of these phrases are durative, ACCOMPLISHMENT verbs. The appropriate expression of the accomplishment verbal action is realized by syntactic tools.

Tense forms *laja*, *bleja*, do not present an accomplishment durative action, but an activity one. In specific contexts, accomplishment verbs in imperfect tense shows a conative coloration type (i. e. they show attempts to perform an action), or the imperfect can be used instead of aorist to express that such action is over, when its outcome stands in front of the speaker or writer. So, telic verbs, in the forms of the imperfect, do not exclude the possibility of expressing the action as conducted and fully completed at a given time of the past.

A temporal analysis of processes

A process consists essentially of a nuclear phase during which the activity takes place. Processes, generally, can be segmented into a series of smaller temporal segments. This 'core' of the process, the nucleus, is in turn broken down into three basic parts: the initial phase, the central one and the final one. There are then two more phases, one of which precedes the process or the *nucleus*, and is said *onset*, while the other follows it and is said *coda*¹. During the onset a process can not yet be said 'in progress' in the strict sense, but is still starting, so it is in a 'preparatory' stage, which is different from the initial phase of the nucleus. The coda of a process is a phase subsequent to the end of the nucleus, so it is an 'ending' stage in relation to the process. Both these phases express tendencies. It is not so easy to distinguish clearly

¹ Freed (1979: 37-40) use the term *event* corresponding to a segment that contains the *onset*, *nucleus* and *coda*. Brew (2003: 151-153) uses the term *stato di fatto* (Azione) with the structure: *fase preiniziale, persistente e postterminale*. We in the monograph (2009: 106-118) talk about a *proces* comprising *fazë nisje, bërthamë dhe fund*.

when these segments begin or end, because of the nature of the verbs that characterize these different temporal segments. Moreover, for the reason of the possible interruption of the processes these intervals can be further divided.

The various aspectual categories outlined by Vendler, Dowty, Freed¹, Johnson, etc., can be clearly correlated to the segments. It is well known that types of aspectual verbs as well as the process segments can be temporally characterised, so, we can try to explain one of them in relation to the other. The time segments of onset, nucleus, and coda are parts of processes. The verbal categories of activity, accomplishment, achievement, state, portray expressions with different temporal properties.

Taking into account the Albanians aspectualizers *nis* 'start'(onset); *filloj* 'begin', *vazhdoj* 'continue', *ndaloj* 'stop'(nucleus); *mbaroj* 'finish'(coda), you can establish a correspondence between them and the phases of a process.

ACTIVITY² – The verbs of activity, analysed as associated with homogeneous processes, are separable only in nuclear phases ("qualitatively" indistinguishable). So, we refer to the nucleus of a process, or to a process that consists only in the nuclear activity, when we use *punoj* 'work', *shkruaj* 'write', *flas* 'speak' etc. In this case, probably, we can mention the existence of a phase as the onset, in relation to these processes, but not of a coda, which is a segment that, instead, characterizes the telic processes. An activity verb is a verb which names a homogeneous ongoing process temporally not bound. They can occur with aspectualizers related to the nucleus phases. The activity verbs name a process, an uniform one, at every moment during which it is taking place.

Të punuarit 'working' names a homogeneous ongoing process. *Po punoj* 'I'm working' is true throughout the period during which this can be said to be taking place. Therefore, *punoj* 'working' is an activity verb which names a process which contains only a temporal segment called the nucleus.

There are other activity processes which have an onset in addition to a nucleus, but still have no coda. That is, some activities name processes which are temporally bound on the left-hand side only: *vijoj* (*vazhdoj*) + *Fildhore* 'continue + *V_{conjunctive}* 'example *vijoj/vazhdoj të shkruaj* 'continue to write'. We may say that if V is an activity verb of this type then it names a process during the nucleus but not during the onset.

Filloj/zë/nis të flas 'begin/start to speak' names a process which is temporally bound on the left but which has no definite temporal ending. Therefore, *flas* 'speak' is an activity verb which names a process which contains both an onset and a nucleus.

ACCOMPLISHMENT - The verbs of accomplishment name a process that is temporally bound in both sides and has a definite temporal ending. The accomplishments refer to separable processes in all their segments and are characterized in particular by the presence of the coda. They occur with all aspectualizers, including the final segment ones. An accomplishment is true only after the coda has taken place. This phase, the coda, linked to aspectualizer *mbaroj* 'finish', is detectable only in relation to the telic processes indicated by accomplishments. Only these verbs can occur with this aspectualizer.

Të lexuarit e një letre 'Reading a letter' names a process which is temporally bound on the left- and right-hand sides and which has a definite temporal ending. Therefore, *të lexuarit e një letre* is an accomplishment verb which names a process that contains an onset, a nucleus, and a coda. These segments are named or referred to by the sentences *Ajo filloj /nisi /zuri të lexojë letrën* 'she started/began to read the letter' – the onset; *Ajo po lexon letrën* 'She reads the letter' or *Ajo vijon /vazhdon të lexojë letrën* 'she continues to read the letter' – the nucleus; and *Ajo e mbaroi /përfundoi së lexuari letrën* 'She finished reading the letter' – the coda. Furthermore, *Ajo po lexon letrën* 'She reads the letter' is true only during the nucleus of the process named by the accomplishment term '*leximi i një letre*' 'the reading of a letter'. That is, it is not strictly true

¹ In addressing this issue we are based on theoretical submissions of Freed, in her work *The Semantics of English Aspectual Complementation*, at the chapter "Events and aspectual verb-types" 47-63.

² The analysis that we present in this article is a continuation of the observations made in items Alimhilli Prendushi (2008: 1-13; 2013:161-169) as well as to the monograph (2009: 106-119).

that *Ajo po lexon letrën* 'She reads the letter' at the time at which it can be said that *Ajo ka filluar të lexojë letrën* 'She has begun to read the letter'. Furthermore, *Ajo e lexoi letrën* 'She read the letter' is true only after the coda has taken place.

2. 2. 3. **ACHIEVEMENT** - The verbs of achievement names a process that is not so easily correlated with the temporal analysis of events/processes. Achievements refer to a single process that happens in a given time, momentary process. Such a verbs as *gjej* 'find', *shpërthej* 'burst', *vdes* 'die' etc., are totally terminative. The action is not related with situations separable in phases, but it shows the result of the process. In some processes named by verbs such *dal* 'go out', *kthehem* 'return' it is possible to identify (at least) the initial nuclear segment (and for the rest of these events can be analyzed as sequences of micro-changes of state), while it seems more difficult to refer directly to a final segment of the nucleus. Belonging to Vendler for this category of verbs nothing can be said to have occurred until after they have taken place and they can't be described as taking place prior to their completion. This verbal class implies a relatively static result. Before we say that *Drita e shkroi letrën*, 'Drita wrote the letter' we may say *Drita është duke shkruar letrën* 'Drita is writing the letter'. However, before we point out that *Drita e kujtoi emrin e saj* 'Drita remembered her name' we cannot say, **Drita është duke e kujtuar emrin e saj* 'Drita is remembering her name'. In general, an achievement is an aspectual verb-type which names a not temporally segmentable event/process that has no duration and it is not uniform, too. There is no period during which the events/processes named by achievements take place. Rather we say of such events/processes, *Kur SE F_i? 'NP V-i at - o'clock', where V is an achievement.*

2. 2. 4. **STATE** – is an aspectual verb-type that does not have an internal temporal structure, it is not an event/process. An 'event/ process' in this category can be defined as 'a change of state'. The verbs which can be classified as states do not normally occur with aspectualizers. *Mira është shqiptare* 'Mira is Albanian' names a state and not an event/process. It does not take place in time. The verbal action in the example is a feature of the subject, that is, its own attitude. These verbs, referring to events are not connected to situations separable in phases, not occur with aspectualizers. Such sentences as **Mira filloi/vazhdoi/përfundoi së qeni shqiptare* 'began/continue/finished being Albanian' are all anomalous.

Some verbs of state name a process that express the relativity of the states – a possible border of ending, such as *shqetësohem* 'worry', *vuaj* 'suffer', *besoj* 'believe', etc. Certain states establish in a 'gradual' manner. Some of the states do occur with certain of the aspectualizers: *Ai filloi të shqetësohej* 'He began to worry'.

3. CONCLUSION

The analyzes exposes several conditionalities, through the which are described the distinctions between activity, accomplishment, achievement and state verbs. These results were obtained by taking into account their distribution with aspectuals and relationships that result from their actions with the different verbs. It is highlighted, during the analysis, which is in essence, that the semantic effect of these verbs (*nis* 'start', *filloj* 'begin', *vazhdoj* 'continue', *ndaloj* 'stop', *mbaroj* 'finish') is of a temporal nature. So, they let us, in the constructions in which they appear, to distinguish the action time extension. These verbs with aspectual features, within specific groups of words are used to indicate the beginning, continuity, interruption and the end of the action expressed by the following word.

Based on the performed analysis, we present below the results of the two tests analyzed, but bearing in mind that many verbs, because of the multiple meanings that contain, may respond positively to tests for different classes:

If V occurs with *ndaloj* 'stop' in *SE ndaloj së F_{pjesore-i} 'NP stopped së V_{participle-i}'* and has as a consequence *SE F_i'NP V_i'*, then V is an **activity**. In such cases V occurs awkwardly with *mbaroj* 'finish'.

If V occurs with *ndaloj* 'stop' in *SE ndaloj së F_{pjesore-i} 'NP stopped së V_{participle-i}'*, but does not have as a consequence *SE V_i'NP V_i'*, then V also occurs with *mbaroj* 'finish' in *SE mbaroi së F_{pjesore-i} 'NP finished V_{participle-i}'* and is an **accomplishment**

If V occurs with *filloj* 'start' in *SE filloi F_{lidhore} (në orën X) 'NP started V_{conjunctive} (at - o'clock)'* and has as a consequence *SE F_i'NP V_i'*, but does not occur with *ndaloj* 'stop' in *SE ndaloj së F_{pjesore-i} (në orën X) 'NP stopped së V_{participle-i} (at - o'clock)*, then V is an **achievement**

If V cannot occur in the following frames with *filloj* 'start', *ndaloj* 'stop', or *mbaroj* 'finish' in * *SE filloi F* lidhore 'NP started V conjunctive' or **SE ndaloj/përfundoi së F* pjesore-i 'NP stopped/finished së V participle-i', then V is a **state**.

BIBLIOGRAPHY

- Alimhilli, Gj. (2001), L'Aktionsart nella lingua albanese - L'azione verbale continuativa e stativa, *Studi Italiani di Linguistica Teorica ed Applicata* XXX/2, PACINI editore, 371-395.
- Alimhilli, Gj. (2001), L'Aktionsart nella lingua albanese - L'azione verbale telica, *Studi Italiani di Linguistica Teorica ed Applicata* XXX/1, PACINI editore, 115-142.
- Alimhilli, Gj. (2008), Foljet aspektore dhe mënyrat e veprimit në gjuhën shqipe, *Omaggio a Girolamo De Rada - Atti del 5° Seminario Internazionale di Studi Italo-Albanesi e altri contributi albanologici*, Università della Calabria, Cosenza: T&P Editoriale, vol. 7: 1-13.
- Alimhilli Prendushi, Gj. (2009), *L'Aktionsart nella lingua albanese* Klasifikimi foljor sipas mënyrave të veprimit në gjuhën shqipe, Falco Editore.
- Alimhilli Prendushi, Gj. (2013), Nuovi sviluppi sull'azione verbale nella lingua albanese, *Konferenca shkencore ndërkombëtare "Komunikimi ndëretnik në Ballkan"*, Universiteti i Tiranës –Fakulteti i Historisë dhe Fililogjisë, 161-169.
- Alimhilli Prendushi, Gj. (2015), Verbal Aspect and Aspectuality in the Northern Gheg Dialect, *Studime*, Albpaper, Tiranë, 43-49.
- ASHRSH. (1995), *Gramatika e gjuhës shqipe I*, Instituti i Gjuhësisë dhe i Letërsisë, Tiranë.
- Breu, W. (2003), L'applicazione della teoria dell'interazione lessico – aspetto (ILA) all'albanese, *Cinque Secoli di Cultura Albanese in Sicilia*, Atti del XXVIII Congresso Internazionale di Studi Albanesi, A. C. MIRROR, Palermo, 151-160.
- Breu, W. (2008), Aspetto verbale ed aspettualità nel dialetto italo-albanese di San Costantino Albanese, *Omaggio a Girolamo De Rada – Atti del V Seminario Internazionale di Studi Italo-Albanesi*, 93-112.
- Breu, W. (2009), Verbale Kategorien: Aspekt und Aktionsart. In: Kempgen, Sebastian, Kosta, Peter, Berger, Gutschmidt, Karl (Hrsg.), *Die slavischen Sprachen / The Slavic Languages*, Teilband 1 (HSK 32. 1). Berlin, New York: Mouton de Gruyter, 209-225.
- Croft, W. (2012), *Verbs: Aspects causal structure*, Oxford: Oxford University Press, 31-69,

127-171.

Dhrimo, A. (2008), Çështje të sistemit foljor, *Për shqipen dhe shqiptarët*, Vëllimi I, INFBOTUES,
Tiranë, 234-417.

Freed, A. (1979), *The Semantics of English Aspectual Complementation*, Synthese Language Library 8, Dordrecht, Reidel,
37-40 & 47-63.

Tenny, C. (1994), Aspectual Roles and the Syntax-Semantics Interface, *Studies in Linguistics and Philosophy*, Boston,
Kluwer Academic Publishers, 106-113 & 131-140.

Kosovo – Unique Case of the Parallel Justice System

Haki Kabashi

European University of Tirana

Faculty of Legal Sciences, PhD Programs

Tel. 00377 (0)44 142 915

h_kabashi@yahoo.com

Abstract

The end of the 1998/1999 war with Serbia, found Kosovo with two governments, which, UNIMK replaced conform the 1244 Resolution of the SC. UNMIK's operation was based in four pillars and 14 departments. The Department of Justice was a department that operated with obstacles as a result of the organized Serbian parallel system in Kosovo's territory. Which unfortunately transformed into a phenomenon that was allowed silently by UNMIK's administration. The functioning of such an operation damages the interests of Kosovan citizens, who are trialed twice for the same case. Double sentences of Kosovo's citizens in Kosovo's courts and in the parallel Serbian courts that operate in Serbia are causing major problems in the already fragile Kosovan justice system. According to the official data, it results that there are 22 parallel Serbian courts that operate within this parallel system, in North Kosovo and various cities within Serbia. This form of parallel judiciary continues to function even after the Declaration of Independence (2008) and after the arrival of EULEX mission in Kosovo. We think that the functioning of this parallel Serbian system in a territory where it has no sovereignty, as a unique case in Europe, should seize to exist with the sole purpose of empowering and functioning of the juridical and justice system in Kosovo, for the sake of respecting fundamental principles of the human rights and respecting of the *ne bis in idem* principle.

Keywords: Resolution 1244, Kosovo, UNMIK, Parallel System, Justice.

Introduction

In many writings from foreign and Albanian writers, Kosovo is presented as a unique administrative-politic, national, geographic and historic entity, with a difficult and an immense journey to political and national freedom and independence. During the Ottoman Empire rule, Kosovo was a special administrative unit and was known as the "Kosovo Vilayet".

In the international summit, respectively at the ambassadors conference held in London in 1913, Kosovo was secluded from the Albanian state and during the Balkan Wars was conquered from Serbia and Montenegro. With the support of the great powers, in the Peace Conference held in Paris in 1919, Kosovo is given as a war loot to Serbia and until the year of 1941 it remains a part of the Serbian, Croatian and Slovene Kingdom, sometimes known as Banovina and in times known as the District of Prishtina.

During World War II, Kosovo aligned itself with the anti-fascist movement in hopes that after the war it would be recognized, the right to self-determination, but Tito's government on March 1945 declares a state of emergency within its territory. Under this state of emergency, on the 8th-10th of July 1945, in Prizren an Assembly is held with anonymous delegates, who issue a "Resolution on the annexing and the Union of Kosovo and Metohia with the Federal Serbia", such a resolution to this day is kept a secret for the public.

With the Yugoslavian Constitution of 1946, Kosovo's granted the double subjectivity: as part of the federate and as part of the People's Republic of Serbia with the right to advance its juridical and constitutional position from Province to a Federal Republic. (Constitution 146, Article 44, Paragraph 3). This constitutional right was claimed and requested internationally by the people of Kosovo twice. The first claim was made in 1968, a time this when Western Europe and Yugoslavia too was swept from students movements with democratic demands, from which Kosovo was brought to the Autonomy of 1974. On the second claim, advancement was required on 11th of March 1981, but the demands, from the actual authorities in power in Kosovo, Serbia and Yugoslavia were deemed to be irredentist and counter revolutionary and as such were oppressed with police and military violence. As a result of this constitutional claim and demand an attack begun on the autonomy of 1974 and the imprisonment and sentencing of 6000 people. From March of 1981 to 18th of October 1988 in Kosovo over 584. 000 of its people, about 36% of its population, were persecuted as "irredentists" and "counter revolutionaries" (Horvat, 1989, page 149), most of whom were pupils, students, professors, teachers and Kosovan intellectuals.

With the constitutional juridical changes of 1974, Kosovo for the first time in the ex-Yugoslavian juridical system is granted juridical and constitutive subjectivity of the Federation (Constitution 1974, Article 1), within which the legislative authority – Kosovo's Assembly, Executive Council (Government) and the Judicial System (Supreme Court) (law, nr. 21/78 and 49/79, 19790). Despite the guaranteed autonomy with the Constitution of SFRY, with the silenced approval by the political factor of the then Yugoslavia, the Republic of Serbia on 23rd of March 1989 intervened in an unconstitutional manner against Kosovo, abated its political, judicial, educational, health and financial system etc. (Constitution 1974, Article 5). This unconstitutional intervention of Milosevic did not affect the conscious of any from the six republics of SFRY, not even that of the Croatian prime minister of the federal government, Ante Markovic who instead of requiring a prosecution against him for changing the internal borders of Republics and Provinces (Law, nr. 4/77, Article 116, page 46), he himself together with his defense minister Velko Kadijevic celebrated the "Vozd" together with Milosevic in Sava Centre in Belgrade on 28th of June 1989.

After acquiring the support of the Federal Government and especially that of the Yugoslavian Army (Constitution, Article 237 and 240) to the desolation of the Autonomy of Kosovo, the Serbian Vozd begun to implement the project of 1986 of the Serbian Academy to the making of the Greater Serbia followed but one principle "where there's a Serbian grave laying, that there is Serbian land". With the involvement of the People's Army of Yugoslavia in the political processes of Yugoslavia practically a Yugoslavian Spring begun which brought the desolation of the ex-Federate, through wars and genocide, temporarily suspended in Dayton, USA (Dayton Agreement, Ohio, 1995) and ends with the Kumanovo Agreement on 9th of June 1999.

Within less than two year after signing the Dayton Agreement, Milosevic returned once again to the problem of Kosovo, who since 1989 had organized a parallel political and social life, with a Peaceful Resistance which was led from President Dr. Ibrahim Rugova. Its aggressiveness was increased especially after the conclusions drawn from the Badinter Commission which didn't treat Kosovo as a problem nor a special unique entity at all. This political, military and police aggressiveness brought the weakening of the Peaceful Movement and the strengthening and militarization within Kosovo. As a result of such oppressing politics the Kosovo Liberation Army (KLA) was created. In such tensioned situation, the authorities begun to arm Serbian civilian, persons with penal precedent and ordinary convicts (released from jail) who then where engaged in police, paramilitary and army formations. This complicated situation is the followed by the Serbian police and military intervention in Prekaz, in Skenderaj on 5th-7th of March 1998 where over 50 members of the family of the KLA Commander Adem Jashari were murdered and on 24th of March 1998 in Gllogjan of Deçani.

On 24th of March 1999, NATO intervenes militarily against Yugoslavia, whose forces led by Milosevic begun to enforce the notorious plan "Horseshoe" (Human Rights Watch PO NAREDENJU, 2001, page 93) for the forceful eviction of every ethnic Albanian from Kosovo. Within a short period of time, the Serbian army, police and the paramilitary burned down entire villages, murdered hundreds of civilians, women children, elders, raped dozens of women and girls and evicted over a million of Albanians to Albania, Montenegro and Macedonia, although NATO's Alliance had begun the bombing of the remaining military targets of Yugoslavia on 24th of March 1999.

After 78 of bombing from the NATO's forces, the Serbian Vozd Milosevic orders the signing of the Kumanovo Agreement on 9th of June 1999, according to which the Serbian forces completely and decisively should leave Kosovo within 11 days.

After the Serbian from Kosovo, in Kosovo, conform the 1244 Resolution of the UN the Temporary Administration of UN is installed, known as UNMIK.

Kosovo – in the face of the 16 year old challenges from the Serbian parallel system

1. 1 In accordance with the 1244 Resolution of SC of the UN, UNMIK was the sole legal “administrator” of Kosovo, who based on the authority derived from this resolution, had desolated all of the Kosovan pre 10th of June 1999 institutions. (United Nations S/RES/1244 (1999), 1999)

UNMIK's authority organogram in Kosovo was approved by the UN in New York (UN, Distr. General S/1999/779, 1999) and was based in four Pillars and 14 Departments. Amongst these departments was the department of Justice, which together with the security sector were a right reserved solely to UNMIK. With the New York approval the “Supreme Court” was constituted but not the Constitutional Court under the pretext that it affects the neutrality against Kosovo's Status. The functionalization of the Justice system, manner and competences for the selection of prosecutors, judges (article 4) and clerks, order of their dismissal (UNMIK Regulation nr. 1999/18, 1999), order of the penal procedure initiation (UNMIK Regulation nr. 1999/7, 2000/57 1999, 2000, article 1 and article 4), selection and the engagement of foreign judges and prosecutors (UNMIK Regulation nr. 2000/13, 2000) courts, prosecution and the prison system administration were regulated with Special Regulations (UNMIK Reg. nr 2000/15, 2000) also the selection of international and local judges in specific cases created and functionalized a “hybrid justice” (Bassiouni, 1999,) was a competence of the Overseer. (Regulation nr. 1999/6, 1999)

With the purpose of creating the legal and constitutional staff, UNMIK approved the Constitutional Framework as the highest juridical act in Kosovo, (Regulation Nr. 2001/9, 2001), declaring Kosovo as a “... inseparable territory within which the temporary self-governing institutions exercise their responsibilities ... (article 1. 2) and which” ... will be governed as a democracy through the judicial, executive, lawmaking institutions and organs ... (article 1. 4)

But the creation of credible state institutions in Kosovo did not suit Serbia, who through the Serbian minority of Kosovo started the installation of parallel Serbian institution within and outside of it. This occurrence had been the cause of negotiations between UNMIK and Yugoslavia, who in 2001 signed an Agreement of 11 points, including the security field, judicial system and the release of every Albanian from Kosovo who was kidnapped during the war and who remained in Serbian prisons. This agreement also failed, except of the last point in the agreement that of the immediate release of the Albanians from Kosovo who were kidnaped and their return to Kosovo. Afterwards, in 2003 we have the 8 Point Plan of the UN, (Standards before Status, 2003), the plan of the Independent Self-Governing institutions to involve the Serbian minority in its social life, but with no success because this system is still functional (Agreement, 2001) in the field of security, judicial system, PTT, education, health, cadastral system etc., (OSBE, 2003) which until now represents a unique system of the application of two rights within a territory that Serbia has juridical lost since 10th of June 1999. (Serbian Law, nr. 101/2013).

After the Declaration of Independence of Kosovo (17th Feb, 2008), Kosovo's Government has paid close attention to the deference and respect of the rights of the communities, by also respecting the obligations derived from the Comprehensive Proposal for the Kosovo Status Settlement (CSP), (Kosovo's Constitution, 2009, Article 143,2) for their involvement in public administration, police (Constitution, 2008, Article 128, point 2, 4) justice (Constitution, 2008, Article 102,2) in the Judicial Council (Constitution, 2008, Article 108,1) and Kosovo's Prosecution Council (Constitution, 2008, Article 103, point 3,6,10). The Republic of Kosovo has accepted the help of EU in the field of Law Enforcement since 2006 for the MEUP mission (Mission, European Union Peace Team) which as a result of objections in between SC (Security Council) and the EU (European Union) was prolonged until 2008, year this when in Kosovo the EULEX mission was installed, with a clear mandate to fulfill four objectives: first objective being monitoring, mentoring and counseling (**MMC**), **second objective being that of executive, third being “North”, and fourth objective being the support for the implementation of dialogue.** (<http://www.eulexkosovo.eu/eul>)

Despite all of these Constitutional and Legal measure undertaken by the Government of Kosovo, Serbia in a sophisticated order continues to support and finance the parallel system in Kosovo and does not trust EULEX either, who legally has its agenda in the Republic of Kosovo predetermined to fight crime and create security for all of its citizens. (Law nr. 03/L-052 and Law Nr. 04/L -273)

The operation of the Serbian parallel courts in Kosovo and Serbia

2. 1 After the signing of the Kumanovo Agreement, the Serbian police, paramilitary and military forces left. With them the police officers, prosecutors, judges and other Serbian administration officials who had been working in Kosovo until 10th of June 1999. With their leave they took along files of the judicial cases, cadastral books, civil state books which are placed in different cities of Serbia. The parallel organs are spread throughout Serbia and within Kosovo's territory and operate in the judiciary, police, state administration and cadastral field, civil service, education, health etc., These parallel organs offer different services to Kosovo's citizens, by organizing judicial hearings (penal, contested and non-contested), (OSBE, 2006-2007, page 24) and by equipping citizens with different documents (passports, different civil state certificates, issuing drivers licenses, legalize contracts of estate purchases etc.)

The operation of these parallel Serbian institutions in different localities within and outside of Kosovo was known to the UNMIK structures, officials of whom in silence approved their operation. (OSBE, 2003) Some of these parallel organs have been dislocated and operate in the name of Kosovo, in cities such as Leskovac, Kragujevac, Vranje, Nis, Kraljevo and elsewhere (OSBE, 2006-2007, page 24). The services offered from the parallel Serbian organs not only for the city of Peja (OSBE, 2006-2007, 30) but also for citizens of other cities of Kosovo can be equipped in electronic order in Serbia. (<http://dokumentakosovometohijasrbija.blogspot.com>)

The practices followed by Serbia represent a major problem for Kosovo's citizens who are in possession of such documents issued by the Serbian parallel institutions who operate in the presence of the international institutions installed in Kosovo. (OSBE, 2006-2007, page 25 - 26). Thus, we have to residencies of police stations, courts, two superiors of the same organ and so on. I. e. in the driver's licenses issued by these organs to Kosovo's citizens in the city of Nis in Serbia, where the residence of Prishtina's Police Station is, has on it written "SUP Prishtina". In a close by of the Norwegian KFOR base by the city of Gracanica is an office that issues passports, IDs, driver's licenses and other documents. (OSBE, 2003, page 41)

Within the territory of Serbia there are 22 operating parallel courts all of them competent for Kosovo's territory and that based on the Law for Residencies, Courts Territories and Public Prosecution of Serbia of the year 2008. (Serbian Law nr. 116/2008 and nr 42/2002)

The courts that have been subject to this form of parallel operation are as follow:

Minor Offences Court in Mitrovica is competent for all of Kosovo's and Metohija's territory with its branches in the Serbian enclaves, Gorazdevac (Peja), Gračanica (Prishtina), Ranilug (Gjilan) and Šterpca (Ferizaj) (Article 2 of this law)

Basic Court in Mitrovica, is competent for all of Kosovo's and Metohija's territory including its branches in Gorazdevac, Gračanica, Ranilug and Šterpca. (Article 3, point 11).

Supreme Court in Mitrovica, second degree court, competent for the resolution of cases dependent on the Basic Court in Mitrovica (Article 4, point 7)

Economic Court in Niš, competent for economic cases of the first degree courts (Article 5, point 8)

Appeal Court in Niš, competent for the Mitrovica territory. (Article 6, point 3)

Nis's Court Branch is competent as a second degree court for all of the Minor Offences Courts in the Mitrovica territory. (Article 7, point 2)

Nis's Court Branch is also competent for the territory of the Supreme Court in Mitrovica (Article 8, point 2)

Basic Prosecution of Mitrovica, is competent for the whole territory of the Basic Court in Mitrovica (Article 9, point 11)

Supreme Public Prosecution of Mitrovica is competent for the territory of Supreme Court of Mitrovica (Article 10, point 7)

Public Appeal Prosecution residing in Niš, had territorial competences in the territory of the Appeal Court in Niš (Article 11, point 3)

According to the information available it seems that such an organization of the justice system has been made with the approval of the highest ranking Serbian state justice organs which has operated in the same order before the 1999 war and forth.

2. 2 In 2013 changes in Law for Courts and Prosecution Organization in Serbia follow, but the operation of the “juridical parallelism” continues until the drawing of a special law in Serbia. (Serbian Law, nr 101/2013) Until this special law can be drafted (Article 17), the operation of these organs continues and cases that are in procedure, whether in prosecution or in courts shall continue to be proceeded.

In Accordance to Serbian Law nr 101/2013 for the residences of the Courts and Prosecution in Serbia (Article 12, point 2), court cases of the 16 parallel Municipal Courts in Kosovo are transferred to the competence of 6 courts in Serbia, meanwhile cases of the 5 County Courts and one case of the Economic Court are delegated to 6 courts in Serbia.

Vitija's, Gjilani's and Kamenica's Cases of the Municipality Court, are transferred to the Basic Court in Vranje,

Vushtria's, Mitrovica's and Leposaviq's Cases of the Municipality Court, are transferred to the Basic Court in Kraljevo,

Dragashi's, Rahoveci's and Prizreni's Cases of the Municipality Court, are transferred to the Basic Court in Krusevac,

Gjakova's, Istog's, Klina's, Peja's, Suharekas's and Ferizaj's Cases of the Municipality Court, are transferred to the Basic Court in Leskovac

Cases of Prishtina Municipality Court - Basic Court in Niš,

Cases of Lipjani's Municipality Court - Basic Court in Prokuplje,

Cases of Gjilani's District Court - Supreme Court in Vranje,

Cases of Mitrovica's District Court - Supreme Court in Kraljevo,

Cases of Peja's District Court – Supreme Court in Leskovac,

Cases of Prizreni's District Court - Supreme Court in Požarevac,

Cases of Prishtina's District Court - Supreme Court in Niš,

Cases of Prishtina's Economic Court - Economic Court in Kraljevo,

Simply put, from all of this, every reader has it hard to understand this “juridical anomaly” and this parallel Serbian system that operates not only in the justice field, (OSBE, 2006-2007, page 25-34) where the judgment of the parallel court remain unexecutable.

Despite the talks between UNMIK representatives and the Serbian institutions throughout these years for the desolation of the parallel system, despite the negotiations in between Kosovo's Government and Serbia's Government in Brussels, Serbia continues to resist the desolation of these parallel organs. Despite the fact the in 34 cities of Kosovo the Kosovo's Justice System if fully operational, assisted by the EULEX Mission, the juridical and constitutional system is operational and nondiscriminatory to none of its communities. In such circumstances, the operation of these many parallel courts is going to damage furthermore those in need of justice. This practice of operation of the Serbian parallel system in a territory with no fact nor juridical sovereignty, in a territory with juridical subjectivity which has international recognition of over half of the member states of the UN, damages not only the interests of Kosovo but also that of its citizens, but firstly it damages

the economic interests of the Serbians in Kosovo. The operation of such parallel system violates the basic rights and freedom of humans, also damages the interests of communities and affects in the raise and empowerment of the criminality and organized crime which is quite active in the entire Balkans orbit and as such an obstacle for the Euro-Atlantic integrations of both the countries. Also, as a result of this juridical and court parallelism we have non-merit judgements and decisions, parallel (two Judgements and Decisions for the same case) and in contrary to all the laws that determine the competences, whether they are territorial or cases. (OSBE, 2006-2007, page 23)

Conclusion

Throughout 96 years of history under the Serbian occupation (1912) until the Declaration of its Independence on 17th of February 2008, Kosovo has known different occupants, different rulers and different administrators. It was secluded from the Albanian State after the decision made by the Great Powers in the London Treaty of 1913. In the Paris Conference of 1919, Kosovo was incorporated into Serbia who under its rule treated it not as required from the international agreement but on the contrary it treated it poorly, with no jobs, no schools, no life and insecurity within their land. Kosovars aligned themselves against fascism during World War II, but Tito, on March of 1945 declared a state of emergency, and forced the elected people of Kosovo to give up from the Bujani's Declaration of 31st of December and 1^s – 2nd of 1943, where the people of Kosovo (Albanians, Serbian and Bosnians) declared for self-determination. In a state of curfew, on the 8th – 10th of July 1945, in the then capital city of Kosovo Prizren, a "Resolution for the annexation and the union of Kosovo and Metohija with the Federal Serbia" is drawn, a resolution that to this day is kept a secret for the public.

In the after World War II Yugoslavia, Kosovo was part of the Federate and part of Serbia with the constitutional right for political and juridical advancement within Yugoslavia.

With the federative Constitution of 1974, Kosovo became a Constitutive part of SFRY, but the guaranteed autonomy with this constitution ended on 23rd of March of 1989 when Milosevic with the help of the foreign and internal factor desolated it and brought the bloody Yugoslavian Spring – the desolation of Yugoslavia who finally was desolated on the 9th of June 1999 with the signing of the Kumanovo Agreement.

Thus, after 87 years of occupation from Serbia, Kosovo is liberated from the allied forces of NATO and so begun a new phase of its righteous journey to independence which was concluded with the Declaration of Independence on the 17th of February in 2008, recognized internationally. But until the Declaration of Independence, Kosovo was governed by the Temporary Administration of UN, conform the 1244 Resolution of the SC of the UN, as the sole legal authority within Kosovo's territory, authority this that was led by the Special Representative of the UN Secretary. This mission operated based on 14 departments, with a local Counseling Organ that was calls the Joint Temporary Administrative Structure and was conceived on four pillars: Security and Judicial System, Civil Administration, Democratization and building of institutions and Reconstructiona and Economic Development.

And did UNIMK achieve to implement these objectives and tasks set to themselves within the 1244 resolution of the UN?

Based on fact information the temporary UNMIK administration despite individual efforts of the leading staff who were replaced from time to time, did not achieve to implement its main objectives and tasks or partially implemented them.

Despite all of the UNMIK's authorizations, it did not achieve to create a unique juridical system within all of the Kosovo's territory and has tolerated a parallel Serbian system, ([http://www. securitycouncilreport. org](http://www.securitycouncilreport.org)) within Kosovo and in the territory of the Serbian state, a situation that continues to this day, even after the arrival of the EULEX Mission in Kosovo. (Ivanko, RTK, 2009)

In the justice field, UNMIK despite of the professional staff that was selected by themselves, nor EULEX have achieved to complete their objectives for which they have been mandated, to resolution and sentencing of serious criminal offences, war crimes, organized crime and other penal offences of corruption.

In the economic field, UNMIK has not shown flexibility nor farsighted plans in the development of economic resources, on the contrary, some its chosen administrators were included in corruptive affairs (the case of Joe Trashler who was the Administrator of the Fourth Pillar of UNMIK).

In the field of establishing the Public Administration, Education, Health, Sport and Culture, Kosovo is far from its ambitions.

In the field of the relaxation of the reports in between Kosovo and Serbia, despite the efforts in this direction the last aggressive political case of Serbia against the membership of the Republic of Kosovo in UNESCO, says a lot. The UNMIK and EULEX Mission have failed to create a Multiethnic Kosovo by not intervening to terminate and desolate the Serbian parallel system in Kosovo. (Serbian Law nr. 101/2013)

With the purpose of consolidating the justice system the Republic of Kosovo need to do as follows:

An audition has to be made for the work of the EULEX Mission by a Joint Task Force composed of local and international experts including American experts who are to draw clear conclusions of the Rule of Law

A reformatting of EULEX in Kosovo should take place and the establishment of joint colleges based on the law of Special Prosecution of Kosovo for the fight of serious crime should take place

The investigation under the suspicion for possible abuse within this Mission by a joint Task Force and that the employment of prosecutors, judges and other members of the staff who were part of the UNMIK Mission and EULEX Mission of the region not be allowed (Klan Kosova. tv, 2015, Kosovo Today, 2015)

To be required from the UN to end the UNMIK Mission in Kosovo, since this organization has accepted the EULEX Mission within a territory that legally (juridical) it administers.

To be required from the EU to intervene within the Serbian authorities to terminate every financing of unconstitutional and parallel activities within and outside Kosovo and that all the public documents acquired from Kosovo and taken to Serbia should be returned.

To be required from the EU that every financing to the Serbian community in Kosovo from Serbia should be made through a Kosovo's commercial bank, which should be determined in an agreement in between both states (pensions, welfare, different grants etc.) with the sole purpose to eradicate the possibility of money laundry and organized crime.

To establish the Special Court within the assigned timeline, which should operate based on the Laws of the Republic of Kosovo.

Literature

Resolution 1244 of the SC of the UN, 10th June, 1999

The Constitution of the KASP (1974) (Gazeta Zyrta re KSAK nr 4/1974)

The Ex-SRFY Constitution (1974) (Sluzbeni list SFRJ br. 9/1974)

Regulation Nr. 2001/9, The Constitutional Framework for Provisional Self-Government in Kosovo, 15th May 2001

The Constitution of the Republic of Kosovo (09th April 2008)

Penal Procedure Law of the ex-SFRY, (1979) Pristine Permbledhje e ligjeve penale, Fakulteti Juridik IKJSH

- Penal Law of the KASP (1979 Prishtine,)Permbledhje e ligjeve penale, Fakulteti Juridik IKJSH
- Regular Courts Law of the KASP (1979)Prishtine (Official Gazette KASP no. 21/78 and 49/79)
- Temporary Penal Code of Kosovo,(2003) UNMIK/REG/2003/25, UNMIK Official Gazette, Volume 2
- Temporary Penal Procedure Code of Kosovo, (2003)UNMIK/REG/2003/26, UNMIK Official Gazette, Volume 3
- Code Nr. 04/L-082 Penal Code of the Republic of Kosovo, (2012) RKS Official Gazette, no. 12/2012
- Law Nr. 03/L-003 for changing and the completion of the Temporary Penal Procedure Code of Kosovo (2003) nr. 2003/26, UNMIK Official Gazette, no. 3/2003
- Code Nr. 04/L-123 of the Penal Procedure of the Republic of Kosovo (2012) RKS Official Gazette, no. 37/2012
- Law Nr. 03/L-199 of Courts, Law nr. 03/L-223 of Courts (2010) RKS Official Gazette no. 79/2010
- Law Nr. 03/L-225 for the State Prosecutor (2010) RKS Official Gazette no. 83/2010
- Law Nr. 03/L-224 for the Prosecution Council of Kosovo (2010) RKS Official Gazette no. 83/2010
- Law Nr. 03/L-223 for the Judicial Council of Kosovo (2010) RKS Official Gazette, no. 84/2010
- Law Nr. 03/L-052 for the Special Prosecution in the Republic of Kosovo (2008) RKS Official Gazette,no 27/2008
- Law Nr. 04/L -273 for the changing and completion of law that interconnect with the mandate of the European Union Rule of Law Mission in the Republic of Kosovo (2012) RKS Official Gazette no. 32/2014
- Zakon o sedistima i podrucjima Sudova i Javnih Tuzilastva Srbije(2013) "Sl. glasnik RS", br. 101/2013
Law on Seats and Territories of the courts and prosecutors' offices of Serbia(2013) Official Gazette RS no. 101/2013
- Zakonom o sedištima i područjima sudova i javnih tužilaštava (2002) "Službeni glasnik RS", br. 63/01 i 42/02
- Law on Seats and Territories of the courts and prosecutors' offices of Serbia(2002) Official Gazette RS no. 63&42/02
- Zakon o sedistima I podrucjima sudova i javnih Tuzilastva Srbije(2008) "Sl. glasnik RS", br. 116/2008
- Law on Seats and Territories of the courts and prosecutors' offices of Serbia(2008) Official Gazette RS no. 116/2008
- UNMIK Regulation nr. 1999/1, for the Authorizations of the Temporary Administration in Kosovo, 25th June 1999
- UNMIK Regulation nr. 1999/6, for the recommendations about the structure and administration of the judicial and prosecution service, 7th September,1999
- UNMIK Regulation nr. 1999/7 for the appointment and the dismissal of Judges and Prosecutors from Duty, 7th September 1999, changed with the Regulation nr. 2000/57, 6th October, 2000
- UNMIK Regulation nr. 2000/13, 31st May, 2000
- UNMIK Regulation nr. 2000/15, about the establishment of the Administration and Justice Department, 21st March, 2000
- UNMIK Regulation nr. 1999/18, 10th November, 1999

UNMIK Regulation nr. 1999/24, UNMIK/REG/1999/24, for the Applicable Law in Kosovo, 12th December, 1999 Publications Bassiouni Cherif M.

Introduction to International Law, Transnational Publishers, (1986) New York Inc Ardsley

OSCE Mission in Kosovu, Odeljenje za ljudska prava, decentralizaciju i zajednice, (October 2003) Paralelne Strukture na Kosovu

OSCE Mission in Kosovu, Odeljenje za ljudska prava, decentralizaciju i zajednice (2006-2007) Paralelne Strukture na Kosovu, 2006-2007

Human Rights Watch PO NAREĐENJU, October 2001 Documents

UN Security Council S Distr. General S/1999/779

Council Joint Action 2008/124/CFSP of 4 February 2008 on the EU's role of Law Mission in Kosovo, Eulex Kosovo

Sporazum o saradnji FRJ i UNMIK-a, Ponedjeljak 5. Novembra 2001 godine u Palati Federacije, Beograd, FR Jugoslavije

Dejtonski sporazum (ili Dejtonski mirovni sporazum ili Dejton <http://ndcsarajevo.org/Dokumenti/Dejtonski-mirovni-sporazum.pdf>, seen 15th December 2015

Security Council Report, UN Documents for Kosovo <http://www.securitycouncilreport.org/un-documents/kosovo/> seen 15th December 2015

Kosovo Today, date 8th April 2014, seen on 13th April 2015

Info Magazine Klan Kosova. tv, **date 28th March 2014**, seen 13th April 2015

The declaration of UNMIK's spokesman Aleksander Ivanko, RTK, time 19:30, 23rd January 2009

<http://dokumentakosovometohijasrbija.blogspot.com/p/za.html>, seen 18th December 2015

http://www.eulexkosovo.eu/eul/repository/docs/AE20150902_North_11.pdf, seen 27th December 2015

Helping Women Cope with Life Behind Bars

Khamsiah Ismail, Ph.D

Assistant Professor

Correspondence author: +6019-2696456, ikhamsiah@iium.edu.my

Nor Faridah Abd. Manaf, Ph.D

Professor,

faridah.manaf@gmail.com

Farizah Jaafar, Ph.D

Assistant Professor

fishafar@hotmail.com

Che Noraini Hashim, Ph.D

Associate Professor

cnoraini@iium.edu.my

Abstract

Implementation of group therapy in Malaysian prison through Cognitive Behavioural Therapy (CBT) approach is deemed important to improve the psychological well-being of the inmates. Numerous studies had been conducted but most of them provide statistical data based on cross-sectional studies but findings on effect of psychological treatment is still very scarce. This preliminary study aimed to examine the impacts of group therapy on psychological well-being of women prisoners, particularly in Malaysia. Sixteen women inmates from Women Prison in Selangor, Malaysia were chosen and assigned by the prison authority to receive eight group therapy sessions. The respondents in this study were of different race/ethnic groups, different faiths, socio-economical and criminal backgrounds, aged between 27 to 56 years old. Self-report measures DASS21 was utilized to examine their psychological well-being before and after eight sessions of group therapy in a duration of four months. This study employed a pre- and post-test design study without a control group. Statistical analyses used were descriptive statistics and paired-samples t-test. The results of this study revealed that there were significant differences in psychological variables as indicated by significant decrease level of depression and stress. Although not significant, their level of anxiety has also reduced. The findings of this study the self-belief and psychological well-being of the inmates. The findings could be used to add knowledge and to better understand the inmates and the rehabilitation methods that work for them. It also give some insights if group therapy can be considered as one of the programs that can support the rehabilitation process of the inmates

Keywords: Prison, women inmates, group therapy, Cognitive-Behavioural Therapy, intervention, treatment, psychological well-being, depression, anxiety, stress.

1. Introduction

Life of marginalized people such as prison can challenge anyone. Being in custody with rigid structure can be an extremely harsh reality for someone who had never been to prison before. When prisoners were asked about what is it like to serve a sentence in prison? These were some of their responses (as cited in Quora, 2013): "The toughest part about serving a prison sentence is not being able to tell your loved ones when you would see them at home (Schuhmacher, 2013)"; "Prison is a lonely place. I wake up every day knowing that there is no person there for me to lean on, no one to share my secrets with, no one I can completely trust" (Winfrey, 2014); "Serving a life sentence for some could create mental compensatory mechanisms which serve to soften the impact of the possibility you may never go home" (Griffin, 2013). Other inmate was quoted as saying that "I was scared every day of my life in there" (Brooks n.d. in Stein, 2007).

So, how can an inmate cope or even experience happiness and with the monotonous daily routine, lack of privacy and loss of freedom? While some inmates need help coping with the length of their incarceration, dealing with being separated from loved ones and friends or accepting that the prison is going to be their home for a period of time or forever. Others need to be taught how to live and survive in the prison environment (Crawford, 2003).

Group psychotherapy has always been suggested as part or prison inmates' rehabilitation. An abundant of studies had been carried out to examine the benefits of art therapy and cognitive behaviour therapy with prison inmates in many countries (Kendall, 1993; Gussak, 2004; 2007; 2009, Clark, 2010; Kobayashi, Matsumoto, Imamura, Wada, Ozaki, Takeuchi, Hasegawa, Imamura, Tania & Adachi, 2011; Akpama, 2013). Meta-analytical studies (Khodayarifard & Shokoohi-Yekta, 2010) have revealed that cognitive-behavioural intervention methods have good impact on inmates. These studies demonstrated that there were apparent improvement in mood, behaviour, and problem-solving, an increase in independence, a decrease in depressive symptoms, and also appropriate identity within the group dynamic (Gussak, 2004; 2007; 2009 in Ismail, Abd. Manaf & Jaafar, 2016).

"Cognitive behavioural therapy (CBT) builds a set of skills that enables an individual to be aware of thoughts and emotions; identify how situations, thoughts, and behaviours influence emotions; and improve feelings by changing dysfunctional thoughts and behaviours" (Cully & Teten, 2008, p.6). In other words, CBT works by changing people's attitudes and their behaviour by focusing on the thoughts, images, beliefs and attitudes (cognitive processes) and how this relates to the way they behave, as a way of dealing with emotional problems. The therapies also facilitated disclosures of previously suppressed feelings, increased self-insight, and improved ability to deal with the stressful prison environment, and also helps to treat inmates who suffer from anxiety and depression (Johnson, 2008).

Stress, anxiety and depression are two common issues in prison population and these psychological states are often associated with imprisonment experiences among inmates, especially female inmates (Ahmad & Mazlan, 2014). In support, prison researchers (e.g. Castellano & Soderstrom, 1997; Unver, Yuce, Bayram & Bilgel, 2013) noted that prisoners were found to be depressive, anxious, and stressed. In Malaysia, a descriptive analysis by Ahmad and Mazlan (2014) demonstrates that as compared to their male counterpart, the female inmates had higher inclination to struggle from stress and depression. Empirical evidence (Wooldredge, 1999 in Picken, 2012) has also shown that inmates who participate in prison-sanctioned activities experience less depression, anxiety and stress than those who do not participate in such activities.

Particular characteristics in the prison environment might have lessen their coping mechanisms but experience in some psychological-related intervention could probably minimise some of the adverse psychological effects. Training in these areas will support inmates to think positively and improve positive changes in them and most likely heighten their coping mechanisms. This study was meant to shed light on the efficacy of psychological intervention using cognitive-behavioural therapy approach on women prison inmates in improving their mental well-being as indicated by reduction of depression, anxiety and stress levels that could eventually enhance their coping skills. The term inmates and prisoners are used interchangeably to refer to the imprisoned people.

2. Method

Prisoners are regarded as a vulnerable population for research study purposes (Bulman, Garcia & Hermon, 2012) and hence, access is limited. As it did not meet the four requirements of true experiments which are manipulation, control, random assign and random selection, the research design of this study could not be treated as a true experimental study.

To fit the condition, the present study (Ismail, Abdul Manaf, Hashim & Jaafar), followed a pretest–post-test quasi experimental design involving a control group quasi-experimental as the design may or may not include control groups (Stone, 2010). Also known as one group study design, data was collected from study participants' before the intervention (pre-), and the same instruments were again used to collect data after the intervention (post-). Inferences on the effect of the intervention were made by observing the statistical difference in the pre-test and post-test results. This approach enables the researchers to determine if the participants experience outcomes of psychological well-being as a result of this program.

2.1 Sample

Restrictions with data collection and recruitment of participants in correctional settings - a prison in this study was out of the researchers' control. In the present study, such condition has limited the researchers to collect a larger target sample size to increase the reliability, validity and causality of the intervention. Selection of participants was made via purposive-sampling method by the women prison authority based on three main criteria outlined by the researchers which were: (i) Malaysian; (ii) able to read and write either in Malay or English language; and (iii) still serving their term in prison until the intervention ended (approximately in a period of four months).

The respondents in this study were of different race/ethnic groups, faiths, socio-economical and criminal backgrounds, respectively, aged between 35 to 56 years old. Thirty-seven inmates attended the initial or forming stage but some did not stay until the termination stage of the eight sessions for several reported reasons, among which were release from prison, transfer to other prison, and involved in other activities organized by the prison authority.

2.2 Data collection

Self-report measures utilized to obtain the psychological well-being data from the participants were the Malay DASS 21 version (Ramli, Salmiah & Nurul Ain, 2009). The scale which comprises of 21 items – seven items for each respective sub-scales i.e. depression, anxiety and stress, was reported to have excellent psychometric properties (Ramli, Salmiah & Nurul Ain, 2009) and have been used in various educational and health service settings in Malaysia. The participants in the group therapy were given tests once before the intervention and once immediately after. The duration between the two data collections was approximately four months (eight sessions). Since only 16 participants stayed until the end of the therapy session, only their data of their pre- and post-intervention was retained and analysed.

2.3 Intervention Procedures

Eight 90-minutes sessions of CBT were conducted. The therapy group was trained once in every two weeks. The group members were kept small i.e. between six to seven participants in the earlier sessions, and eventually left with four to five per group upon closure at the end of the therapy sessions. As the fundamental principle of CBT is that thoughts (cognitions) cause peoples' feelings and behaviours, the direction of the therapy conducted for the women prison inmates focus on knowledge/thinking, emotion and behaviour enhancement through discussion, lectures, role playing and assignments. Thus, the activities were designed to undertake several aims as follows:

- i. self-exploration and self-awareness;
- ii. group relationship building and cohesiveness;
- iii. development of sense of gratitude and self-appreciation;
- iv. identifying core beliefs and altering false beliefs;
- v. combating negative distortions by rational positive thinking in navigating challenges and threats;
- vi. understanding the skills involved in establishing, maintaining positive self-belief and positive emotion in a constructive ways; and
- vii. goal-setting and plan of action (development of pro-social behaviour and healthy lifestyle)

At the end of each session, all groups were gathered for 10 minutes for reflection and reviewing the different cognitive and behavioural skills they have learned using Socratic questioning to prompt (Briggs, 2014; Padesky, 1993) responses such

as "What have you learned as a result of our time together?"; "Is there anything that was particularly meaningful to you about your time in therapy?"

2.4 Data Analysis

Paired samples t-tests was specifically chosen to analyse the data as this study typically consist of a sample of one group of participants that has been tested twice (a "repeated measures" t-test). This test is used to determine whether there is a significant difference between the average values of the same measurement made under two different conditions, before and after treatment. Another reason was the scores are for the same people which suggest there is an underlying relationship between the scores. In sum, this statistical analysis was utilized to compare two means that are repeated measures for the same participants - scores might be repeated across different measures or across time.

3.0 Findings

All participants (n=16) in this study were females aged between 26 to 57 years old with different religious and various academic background ranging from lower certificate of education to professional diploma and bachelor's degree. Majority of them (56.25%) were Muslims and the rest were Christian, Hindu and Buddhist. Prior to their imprisonment they were company director, account manager, religious teacher, nurse, clerk, beautician, boutique manager, music instructor and also house makers.

The DASS measure (overall) and its sub-scales - depression, anxiety and stress utilized used in this study reported high reliability indices of between alpha coefficients (α) .809 to .954.

As demonstrated in Table 1 below, the the results of t-test inferred that the participants in this study experienced a significant improvements in their overall mental well-being after taking part in the group therapy. In details, the post-test results implied that the participants were significantly less depressed and less stressed at the end of the therapy. As for anxiety, although there was no significant difference in the score, the participants reported lower level of anxiety after participating in the eight sessions of therapy when compared to the condition before the therapy four months before.

Table 1

T-Test Findings of Mean Changes of Participants' Scores on the DASS after Eight Group Therapy Interventions (N = 16)

Scale & Subscales	Pre-test	Post-test
i. Depression, anxiety & stress (overall DASS)	(M = 1.04, SD = .71)	(M = .55, SD = .44), p > .005, d = 0.83 t(15) = 3.85,
ii. Depression	(M = 1.12, SD = .82)	(M = .52, SD = .48), p ≥ .001, d = 0.89 t(15) = 3.90,
iii. Anxiety	(M = .89, SD = .67)	(M = .53, SD = .42), p ≤ .01, d = 0.66 t(15) = 2.97,
iv. Stress	(M = 1.10, SD = .73)	(M = .61, SD = .47), p > .005, d = 0.80 t(15) = 3.54,

4.0 Discussion and Conclusion

The purpose of the present study was to investigate if group therapy using CBT approach can help women inmates cope with their life behind bars by improving the psychological well-being. The results of this one group (pre- and post) study design revealed improvement in psychological well-being and was effective in lowering the means of DASS i.e. depression, anxiety and stress. The therapy experienced by the women inmates enable them to adjust better psychologically as exhibited by the results of t-test that their depression and stress indicated significant reduction. Although not significant, the result also demonstrated a decrease of anxiety after participating in the group therapy. These discoveries were in tandem

with earlier studies in other countries (Apkama, 2014; Khodayarifard & Shokoohi-Yekta, 2010; Cully & Teten, 2008; Bully, 2008) which suggest that CBT adjusts the individuals' life for healthier psychological and mental well-being.

Participants came from different background, ethnicity, age, educational level and socio-economic status. The similarities were, they were female and they were put into prison because of their criminal behaviours, either deliberately or inadvertently. Nevertheless, the types of crime they have done were different and the jail term imposed on them also varied. Interestingly however, they shared similar goals in life that is to walk out free and get involved in life activities outside the high concrete wall. In discussing the findings of this study, some verbal expressions of the participants are included as the researchers believed that their words were important to support the empirical data.

In the earlier part of the group therapy there was less communication between participants. Clear enough, they did not know why they were chosen; whether the issues that they share would be kept confidential; what would happen after each session and what they could get from their participation. As the researchers interacted freely with the participants throughout the session as a means of creating an enabling environment for the participants, trust gradually developed. Initial stage is somewhat difficult due to the challenges of life experience in prison and probably the caution of showing emotion or appearing weak/vulnerable (Hatcher & Noakes, 2010) but once group cohesion was established the inmates become much more playful and relaxed. Group feedback was always welcomed and obtained. "We are counting the days for the next session and looking forward to do the activities and assignments in the therapy," conveyed the participants.

In one of the sessions which was aimed to help the participants contest negative distortions by rising rational positive thinking, they talked about anxiety that they have. For instance, Participant A expressed that she was very apprehensive when she arrived in the prison compound to serve her sentence and did not know much on what to expect. In support, other participants revealed that they were very nervous and anxious but after sometimes when they started to follow the rehabilitation program they overcame their anxiety and began to accept the fact that nothing much that they can do to change the decision. But Participant A said that when she heard talks that she might be released on parole in a near future she shared, "I am getting more anxious now. I wait for the day to come – everyday...when I met a fellow prisoner or bumped into prison officers who knew me...they always ask why I am still here as they thought that I was already released. My disappointment also become stronger....but I must stay strong for my children and grandchildren who are waiting for me to come back home. But I don't know when the day will finally arrive." This condition is in fact in agreement with DeRosia (1998, p. 36) who acknowledges Wheeler's (1961) conception about the typical "U-shaped curve", that is inmates experience stress upon initial entry into prison, resume more usual functioning as they adjust and become acclimated to the situation and environment, an again experience anxiety problems when nearing release.

Findings of this study demonstrate that cognitive behavioural therapies were effective in reducing clients' mental health problems. Through replacing the unfavourable patterns with adaptive cognitive and behavioural ones, these interventions enable the individual to make use of a richer behavioural range in dealing with their issues and to plan their actions (Khodayarifard & Shokoohi-Yekta, 2010).

Participant B on the other hand hoped to be granted parole. At the end of this session she conveyed that she would work hard to maintain good behaviour, obeyed prison rules and follow all instructions given by the prison authority as violation of any of those rules could reduce the chance of parole. "I have to be apprehensive about being on parole because that is what will keep me functional," she said. Taking a broad view the ability of practising and utilizing it in various situations helps reduce tension and impulsiveness throughout life (Khodayarifard & Shokoohi-Yekta, 2010). The outcome of the therapy received by the inmates involved in this study support appropriate decision-making, which eventually lead to evasion of criminal behaviour.

Participant C who was serving a long sentence shared about her misery and her plan when walked out of the prison: "I felt miserable when I first come here...even now I still feel it. After serving my sentence for two years here, I still miss my family... so much. Even though I look forward to my family visit, I feel more stressful when they left. I'm not able to touch them and hug my son. When I'm released from this prison I want to be a better person. I'll do cosmetic surgery on my face, get dental treatment and colour my hair. I want to have good meals with my family and take care of my boy who was two years old when I left him to serve the prison sentence. We'll go for holiday. I want to be a better wife to my husband who visits me every week with my children." Her expression was in agreement with findings of earlier research works (Castellano & Soderstrom, 1997; Unver, Yuce, Bayram & Bilgel, 2013) that prison inmates experience depression, anxiety, and stress. In fact Crites (1976 in Sobel, 2006) has noted that the most difficult and painful aspect of imprisonment for women is

separation from their children. In a more extreme situation, some long term inmates cut themselves off from these relationships as a means of avoiding the anxiety and despair that accompany separation (John Howard Society of Alberta, 1999).

Inmates subjected to any form of therapy differ significantly from those who did not pass through any form of therapy in their psychological adjustment (Crocker, 2002; Loucks & Zamble, 2000; Melgosa, 2008; Akinade, 2012 in Akpama, 2013). However they also voiced out their worries and concerns about their life after release. They get nervous. They were afraid if they would not fit in the outside world and if their family members and friends would accept them like before. Another crucial aspect was if they could get jobs to support themselves and their family and whether they can get employment upon release. These apprehension and anxieties were indeed valid. "Employment is an important component of the re-entry process. Even more than a steady source of income, jobs can provide a sense of structure and responsibility to former prisoners as they struggle to reintegrate after release. Unfortunately, many will face a difficult path toward finding and keeping employment" (Visher, Debus & Yahner, 2008, p. 6). Nonetheless, interestingly Participant D gave her suggestion to combat this thought, "I think we can use the knowledge and skills that we have acquired in our vocational training here first like sewing, cooking and baking, to start small business. May be we start on-line business."

Religious belief and practice were their root of strength (Mohamad Jodi, Mohamad, Mohd. Radzi, Che' Seman, A. Rahman, Senin, Ramlan & Johari, 2014). They also have good relationship with the care takers like the prison warders and officers. Some reported that they have some trusted friends that they shared their emotions and feelings with. This is in fact another aspect of development of pro-social behaviour and healthy lifestyle that they were practising as a coping mechanism and that perhaps they need to be aware of.

The results of this study indicates that psychological interventions through CBT group therapy, can help to improve psychological well-being of the women inmates by reducing their depression, stress and anxiety. As noted in previous research works, the fundamental nature of CBT is to help prisoners to better comprehend their problems and to cultivate new strategies for tackling them. It is consequently suggested that to improve inmates' psychological health, counselling and psychotherapy, individually or in group need to be provided in all prisons throughout this country. Although counselling is a rather new service and not all prison have the opportunity to have trained and experience counsellors or psychology officers (term used in Malaysian prisons), as suggested by Ismail, Abd. Manaf and Jaafar (2016) prison authorities should employ the services of sessional or locum counselling/psychotherapy practitioner or work with local universities to design and conduct programmes to train the new prison staff to value add the rehabilitation process in the prison and ultimately help the inmates eliminate learned thoughts and behaviours that are undesirable.

The interventions designed for this preliminary intervention work with women prison inmate in this study might work better if prison counsellor were involved as they were expected to know the prison systems better. Follow-up on the psychological progress of these inmates need to be done to establish that those affected are fully adjusted and psychological intervention can be specially designed to help them cope in life, inside and outside the prison.

"Prison is a self-contained environment in which everyone's activity is tightly regulated and monitored" (Bulman, Garcia & Hemon, 2012, p.1). The women inmates have no choice but to participate in the rehabilitation activities designed for them. Undeniably, they gained a lot of knowledge and skills to the inmates especially through suitable vocational trainings for the Group psychotherapy could be bridge the gap of physical and psychological development much needed by them to teach the women prisoners how to live and survive in the prison environment and help them to cope with the length of their incarceration.

References

Ahmad, A. & Mazlan, N. H. (2014). Stress and Depression: A Comparison Study between Men and Women Inmates in Peninsular Malaysia. *International Journal of Humanities and Social Science* 4(2).

Akpama, E.G. (2013). The effect of cognitive and behaviour therapies on prison and post-prison inmates' psychological adjustment, In *Afokang Prison*, Cross River State, Nigeria

*IOSR Journal of Research & Method in Education (IOSR-JRME)*e-ISSN: 2320. Retrieved January 1, 2015

- Briggs, S. (2014). Socratic Questioning: 30 thought-provoking questions to ask your students. November 8th, 2014 No Comments Features. <http://www.opencolleges.edu.au/informed/features/socratic-questioning>. Retrieved, November 2015.
- Bully, E. Q. H. (2008). Beat crime, antisocial behaviour, bullying, abuse and mobbing with emotional intelligence. Retrieved September 9, 2014. (EQ) (online) <http://www.bully.com>
- Bulman, P. Garcia, M. & Hemon, J. (2012). Challenges of conducting research in prisons in **study raises questions about psychological effects of solitary confinement**. *National Institute of Justice (NIJ) Journal* No. 269. <http://www.nij.gov/journals/269/pages/research-in-prisons.aspx>. Retrieved, December 2015.
- Castellano, T. C. & Soderstrom, I. R. (1997). Self-Esteem, depression, and anxiety evidenced by a prison inmate sample: Interrelationships and consequences for prison programming'. *The Prison Journal* 77 (3): 259-280
- Clark, P. (2010). **Preventing Future Crime with Cognitive Behavioral Therapy**. *National Institute of Justice Journal* (265) pp.22-25. Retrieved December 12, 2014. <https://www.ncjrs.gov/pdffiles1/nij/229888.pdf>
- Crawford, N. (2003). Helping inmates cope with prison life. *Monitor Staff*, July/August 2003, Vol 34, No. 7. Print version: page 62 <http://www.apa.org/monitor/julaug03/helping.aspx>. Retrieved, January 2016
- Crocker, J. (2002). The cost of seeking self-esteem. *Journal of Social Issues* (58), 591-615. [10].
- Cully, J.A., & Teten, A.L. (2008). A therapist's guide to brief cognitive behavioral therapy. Department of Veterans Affairs South Central MIRECC, Houston. Department of Veterans Affairs, South Central Mental Illness Research, Education, and Clinical Center (MIRECC).
- DeRosia, V. R. (1998). *Living inside prison walls: adjustment behaviour*. Westport CT: Praeger
- Griffin, E. (2013). What is it like to serve a life sentence in prison? In Quora, <https://www.quora.com>. Retrieved January 2016
- Gussak, D. (2009). Comparing the effectiveness of art therapy on depression and locus of control of male and female inmates. *The Arts in Psychotherapy* 36 (2009), 202–207.
- Gussak, D. (2007). The effectiveness of art therapy in reducing depression in prison populations. *International Journal of Offender Therapy and Comparative Criminology* 5(4), 444-460. Retrieved September 9, 2014. http://arttherapyinprison.com/wp-content/uploads/2010/09/effectiveness_of_at_in_prison-inter_journal_on_offender_treatment.pdf
- Gussak, D. (2004). Art therapy with prison inmates: a pilot study. *The Arts in Psychotherapy*, 31(4), 245-259
- Hatcher, R. M. & Noakes, S. (2010). Working with sex offenders: The impact on Australian treatment providers. *Psychology, Crime and Law*, 16, 145-167.
- John Howard Society of Alberta (1999). Effects of long term incarceration. <http://www.johnhoward.ab.ca/pub/pdf/C35.pdf>. Retrieved November 2015.
- Ismail, K. Abd. Manaf, N. F & Jaafar, F (2016). Does group therapy work on inmates' self-belief and psychological well-being? A study at Malaysian women prison in spiritual, religion and coping - studies on psychological well-being from educational perspective. Eds: Abdallah, S. S. & Abd. Hamid, S. R. Kuala Lumpur: Institut Terjemahan & Buku Malaysia
- Mohamad Jodi, K. M., Mohamad, A. F., Mohd. Radzi, W., Che' Seman, A., Rahman, N., Senin, Ramlan, S. F., & Johari, F. (2014). The Effectiveness of Religious Module in Improving Psycho-Spiritual Health for Women Inmates in Prison. *Life Science Journal* 2014;11(3) <http://www.lifesciencesite.com>. Retrieved September, 2015

Johnson, L.M. (2008). A place for art in prison: Art as a tool for rehabilitation and management. *The Southwest Journal of Criminal Justice*, 5(2), 100-120.

Kendall, K. (1993). *Program evaluation of therapeutic services at the prison for women. Correctional Service Canada*. Retrieved November 12, 2014. http://www.csc-scc.gc.ca/publications/fsw/fsw14/program-eval_fsw14-eng.shtml

Khodayarifard, M, Shokoohi-Yekta, M (2010). Effects of individual and group cognitive-behavioral therapy for male prisoners in Iran. *International Journal of Offender Therapy and Comparative Criminology Volume 54 Number 5 October 2010* doi: 10.1177/0306624X09344840.

Kobayashi, O., Matsumoto, T., Imamura, F., Wada, K., Ozaki, S., Takeuchi, Y., Hasegawa, M., Imamura, Y., Tania Y., & Adachi, Y. (2011). Evaluation of the relapse prevention guidance for drug-dependent inmates: the intervention using self-teach workbook and group therapy in a "private finance initiative" *Nihon Arukoru Yakubutsu Igakkai Zasshi*. 2011 Apr;46(2):279- 296. Retrieved January 27, 2015. <http://www.ncbi.nlm.nih.gov/pubmed/2170681596>.

Picken, J. (2012). The coping strategies, adjustment and well being of male inmates in the prison environment .Internet Journal of Criminology.Retrieved October 8, 2014. http://www.internetjournalofcriminology.com/picken_the_coping_strategies_adjustment_and_well_being_of_male_inmates_ijc_july_2012.pdf

Ramli, M., Salmiah M.A, NurulAin M. (2010) Validation and psychometric properties of Bahasa Malaysia version of the Depression Anxiety and Stress Scales (DASS) among diabetic patients.Malaysian Journal of Psychiatry 18 (2). 40-45. <http://ejournal.psychiatry-malaysia.org/article.php?aid=65>

Stone, E. (2010). T-test paired samples. In N. Salkind (Ed.), *Encyclopedia of research design*. (pp. 1501 – 1566) Thousand Oaks, CA: SAGE Publications, Inc. doi: <http://dx.doi.org/10.4135/9781412961288.n477>

Unver, Y., Yuce, M., Bayram, N., & Bilgel, N. (2013). Prevalence of depression, anxiety, stress, and anger in Turkish prisoners. *J Forensic Sci*. 2013 58(5):1210-8. doi: 10.1111/1556-4029.12142.

Visher, C, Debus, S, Yahner, J. (2008). Employment after prison: A longitudinal study of releasees in three states. <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411778>. Retrieved November, 2015.

Schuhmacher, C. (2013). What is it like to serve a life sentence in prison? In Quora, <https://www.quora.com/> Retrieved January 2016

Stein, K. (2014). Inmate stories: Behind bars, women found a different kind of prison at Tutwiler. http://blog.al.com/wire/2014/01/inmate_stories_behind_bars_wom.html. Retrieved January 2016

Winfrey, T, (2014). What is it like to serve a life sentence in prison? In Quora, <https://www.quora.com/> Retrieved January 2016

Herzberg's Motivation- Hygiene Theory Applied to High School Teachers in Turkey

ATALIÇ Hilmi¹

CAN Ali²

CANTÜRK Nihal³

Abstract

The authors of this study sought to examine the job satisfaction and motivational level of high school teachers regarding the Hygiene and Motivator factors as identified by Herzberg and to find out the effect of fulfillment of Hygiene and Motivator factors on motivation of high school teachers. A questionnaire titled the quantitative data from Lester's (1987) TJSQ assessment of teacher job satisfaction and Hoy et al. 's (1991) OCDQ-RS assessment of school climate were used to collect data for the study. While the data for the study was analyzed using multiple statistical procedures: mean point value, standard deviation, and variance, t-test of significance and One-way-analysis of variance (ANOVA). A paper survey has been distributed to 198 respondents who are all actively involved in high school teaching in Isparta, Turkey. However, Frederick Herzberg's theory which states that what he terms hygiene (job context) factors contribute to dissatisfaction while motivator (job content) factors relate to satisfaction, the study indicates that both hygiene factors and motivation factors contribute to satisfaction and especially, hygiene factors were more satisfying factors in the high school teachers group.

Keywords: hygiene factors, motivation factors, job satisfaction, high school teachers

Introduction

Teachers are noticeably the most important group of professionals as teachers run within the social life of a school and teaching is an inspiring occupation for all the nation and also they focus on the development of children. Much of teaching and learning is about somewhat routine communications but truly high-quality learning comes through the kind of encouraging pedagogic arrangement and it cannot always be shaped by regulation. Hence, it would be disappointing to find that many of today's teachers were demotivated or unsatisfied with their jobs (Brundrett, 2006).

The most commonly-used definition of job satisfaction is as "a pleasurable or positive emotional state resulting from the appraisal of one's job or job experiences" (Locke, 1976). Gruneberg (1976) defined job satisfaction as the total cluster of emotional state an individual who had about his occupation or job. Moreover he interpreted that the nature of the job itself, the pay, the work environment, etc. were all important variables that led to a feeling of job satisfaction.

Neff (1968) reported that the ordinary individual spends two-thirds of his/her life engaged in a work. Most of proportion of our lives is spent in the work, thus it is a fundamental issue to study the "job satisfaction". It is a worthwhile concept and it is influenced by, and influences other variables. Schultz (1982) defined job satisfaction that is "the psychological disposition of people toward their work". Thus, as with Gruenberg's (1976) definition, job satisfaction is not limited to a single factor but it is dependent on a collection of work related tasks or activities. Okafor (1985) described job satisfaction is the worker's

¹ PhD candidate, Mehmet Akif Ersoy University ,Faculty of Economics and Administrative Sciences , Isparta, Turkey.

h.atalic@hotmail.com

² Asst. Prof., Mehmet Akif Ersoy University ,Faculty of Economics and Administrative Sciences , Isparta, Turkey. *alican@yahoo.com*

³ RA, Mehmet Akif Ersoy University ,Faculty of Economics and Administrative Sciences , Isparta, Turkey. *ncanturk@mehmetakif.edu.tr*

criticism of the extent to which the work environment fulfills his or her desires, however job dissatisfaction is a negative feeling toward individual's job that can be associated with outcomes.

In spite of being several definitions which are related to job satisfaction have been suggested, many theories have been developed to clarify why people differ in respect to satisfaction with their jobs. Job satisfaction is not of course synonymous with motivation, motivation is a process and leads to job satisfaction. One of the most important theories about motivation is Herzberg and his friends' theory. Herzberg, Mausner, and Snyderman (1959) developed the two-factor theory of job satisfaction. According to this theory, the main factors of satisfaction are the intrinsic aspects of the job (motivators; e. g. recognition, promotions, etc.), while the main factors of job dissatisfaction are the extrinsic factors (hygienes; e. g. salary, working conditions, etc.). Various workplace factors (supportive principals, focus on academic excellence, morale) were important determinants of job satisfaction among the teachers (Baughman, 1996). Similarly, Perie and Baker (1997) stated that administrative support (among other extrinsic factors) led to teachers' feelings of job satisfaction. Job satisfaction results when intrinsic aspects of work encourage feelings of happiness in the worker, and job dissatisfaction results when the extrinsic factors are considered. Yet the same factors can be source both satisfaction and dissatisfaction (Brunetti, 2001). Thus, as our research indicated that a single variable alone cannot be a predictor of job satisfaction or dissatisfaction.

Teacher job satisfaction or motivation has been identified as being a determinant of teacher retention, teacher commitment and school effectiveness. Numerous causes have approved as being related to teacher job satisfaction in Western developed countries, such as role overload, leadership, teacher autonomy, salary, parent support, student behavior and school climate (Young, 2000). Besides, studies have confirmed that country and culture can be a source of worker job satisfaction (Saari and Erez, 2002). Thus, the relationship between intrinsic job characteristics and job satisfaction can be experienced by national prosperity and culture (Huang and Van De Vliert, 2003).

There have been many studies about teacher motivation factors and job satisfaction in the developed countries (Young 2000). On the other hand only some research on teacher job satisfaction and motivation factors that lead job satisfaction have been conducted in developing countries. Furthermore, very few studies have been compared between developing countries and developed countries in terms of sources of teacher job satisfaction. In the study of Liu and Onwuegbuzie (2014) suggested that teachers who participated in a survey in China indicated that the teachers were motivated by both intrinsic (motivation factors) and extrinsic factors (hygiene factors). Furthermore, it showed that teachers who were more intrinsically motivated to enter the teaching profession reported a higher level of job satisfaction. While in developed countries and in more individualistic countries, motivational factors were more intensely related to job satisfaction (Huang 2001). In another study, most of the teachers were satisfied with their job, only some of them were reported dissatisfaction with their jobs (Sweney, 1981). In his survey, Heller (1992) reported that only 58% of the teachers was satisfied with their job, while Moore (1987), reported that more than half of the teachers in her study was dissatisfied with the choice of teaching as a profession. In their studies the reasons which lead to dissatisfaction included were status, pay, and recognition.

As stated by 2014 the Turkish national education statistics figures (2015) that total number of high school students was 5 million 690 thousand and there were 250 thousand high school teachers in Turkey. Regardless of considerable number, research into teacher job satisfaction is still at an early stage, with few studies have been conducted and previous works have been focused on mostly primary schools.

Herzberg's Theory

Frederick Herzberg's motivation-hygiene theory on job satisfaction is considered to be one of the most revolutionary research in this arena. Unlike Maslow's theory, Herzberg's motivation-hygiene theory claims that job satisfaction and job dissatisfaction result from different causes. According to Herzberg, satisfaction depends on motivators, while dissatisfaction is the result of hygiene factors. While he defined motivators as intrinsic to the job, he defined hygiene factors as extrinsic to the job. He briefly created a distinction between satisfaction and dissatisfaction as well (Locke, 1976).

Herzberg (1971) had conducted a study with two hundred engineers and accountants in the state of Pittsburgh, then modeled the basis of his motivation-hygiene theory. In the study, Herzberg and his friends had questioned the employees about events at work which had either led to remarkable improvement or decrease in their level of job satisfaction. Based on the results of his study (1971), there are five factors that work as strong determiners of job satisfaction. These factors

have an improving effect on the employees' job satisfaction and they are effective in motivating individuals to higher job performance. Therefore, Herzberg names these factors as motivation factors.

Motivation factors, which are the drivers of human behavior related to the intrinsic nature of the work, but not necessarily to the surrounding circumstances or environment, are achievement, recognition, work itself, responsibility and advancement. Achievement factor refers to successful performance of individual's work tasks, solving problems, justification and seeing the results of one's work. Recognition relays on notice, praise and criticism received from colleagues or management and it mainly means getting recognition due to achievement in tasks. Work itself describes the actual content of one's job, basically meaning the tasks of the job. Responsibility means the sense of responsibility given to an employee for his/her own work or being given new responsibilities. Lastly, advancement refers to a change in one's position at work and, therefore, involves the concept of promotion (Herzberg, 1967,1971).

Meanwhile, the hygiene factors, which are contingent factors may demotivate but cannot themselves provide lasting motivation, company policy and administration, supervision, salary, interpersonal relations and working conditions (Herzberg 1971). Company policy and administration relate specifically to organization management at workplaces and they also require personnel policies. Supervision, on the other hand, refers to the actual behavior of managers towards employees, for example how fair or unfair they are and how willing they are to envoy responsibilities. Salary is economic benefit for work. Interpersonal relations refer to the social interactions between colleagues and between workers and their supervisors. Working conditions require the physical environment of working and especially the available facilities with all their space and tools, for instance (Herzberg, 1967).

Table 1. Summary of job-attitude factors by Herzberg et al. (1959)

<i>Motivators (intrinsic) factors</i>	<i>Hygiene (contingent) factors</i>
1. Recognition	1. Salary
2. Achievement	2. Interpersonal relations
3. Possibility of growth	3. Supervision
4. Advancement	4. Company policy/administration
5. Responsibility	5. Working conditions
6. Work itself	6. Personel life
	7. Status
	8. Job security

Some of the studies that used Herzberg's original methodology have replicated his results. For instance, Myers (1964) interviewed scientists, engineers, supervisors, technicians and hourly-paid assemblers. In the study, Herzberg's two factor theory was supported for all five groups of Myer's population, though differences in the modeling of factors occurred. Myers indicated that "workers become dissatisfied" when their "opportunities for meaningful achievement are ignored and they become informed to their environment and begin to find fault". This suggests that although the reported determinants of dissatisfaction are hygiene factors, the cause of dissatisfaction lies in the motivators. Another study supported Herzberg's theory which Schwartz (1959) used a questionnaire was parallel to Herzberg's (1959) interview schedule, on 373 third-level supervisors. He found that the factors most significantly related to satisfaction were achievement, and recognition of achievement (motivators); company policy and administration (hygiene factor) was found to be the basic reason for dissatisfaction.

In the study of Weissenberg and Gruenfeld (1968) whereas both hygiene factors and motivators contributed to civil service supervisors overall satisfaction, it was mostly motivators that did so. However, the relationship of motivators and hygiene factors to dissatisfaction was not reported.

According to Wall (1970) most of the studies strongly suggest that the research results upon which Herzberg's theory is based on a function of "social desirability". Individuals with a strong need for social approval, or individuals in a situation requiring highly socially acceptable responses, were shown to give results highly reliable with the two-factor theory. However, individuals with a lesser need for social approval, or in a situation which did not necessarily demand socially acceptable responses, gave results which were much less consistent with the two-factor theory. Furthermore, it was found that the use of a long-lasting recall period tended to maximize the relationship between social desirability and the two-factor theory. Consequently, as a description of the structure of job attitudes and of the determinants of satisfaction and dissatisfaction, the two-factor theory is not acceptable.

Experimental tests of hypotheses derived from the two-factor theory have produced contradictory results, this conflict may, to some extent, be due to the differing interpretations which have been placed upon the theory. However, it is noticeable that those studies which support the two-factor theory tend to use a methodology very similar to that use in the study upon which the two-factor theory is based. Research which refutes the two-factor theory has tended to use different methodologies. It is suggested that the extent to which research supports or negates the two-factor theory is a function of the degree to which socially desirable responses have been encouraged by the methodology employed (Wall, 1970).

Method

This study was a descriptive survey type; the researchers used survey method to collect relevant information from high school teachers who were working in public sector schools of Isparta province, Turkey. All the teachers working at the 9-12 grades of public high schools and teaching social studies and science studies teachers constitute the population of the study. The random sample method was used. All the sampled high school teachers were visited and the questionnaires were distributed for ourselves.

One hundred ninety-eight high school teachers were surveyed using Lester's (1987) TJSQ assessment of teacher job satisfaction and Hoy et al. 's (1991) OCDQ-RS assessment of school climate were used to collect data for the study. The research participants in the current study were qualified teachers. A total of 250 questionnaires were distributed however 52 of these were rejected. This resulted in response data of 198 (79. 2%) completed the survey. The Lester's (1987) instrument to measure job satisfaction as an instrument uses supervision, colleagues, working conditions, pay, responsibility, work itself, advancement, security, and recognition as factors of an educator's job satisfaction. Job satisfaction is defined as the extent to which a teacher perceives and values various factors including evaluation, responsibility, and recognition.

The instrument was comprised of 45 items in five-point Likert scale format (strongly disagree, disagree, undecided, agree, strongly agree). Participants respond, one to five, whether they agree or disagree with each item on the scale.

The questionnaire involved of two parts. In the first part demographical information was obtained gender, teaching experience years and lesson branches (social studies and science). The questions were asked related to their current level of motivation. The datasets were analyzed in relation to Herzberg *et al.* 's (1959) two-factor theory. This part contained questions mainly on extrinsic motivating factors such as supervision, colleagues, working conditions, pay factor. And also, it was tried to stimulate respondents' attitudes towards the intrinsic factors such as responsibility, advancement, recognition, work itself that keep them motivated. In this part we tried to investigate which intrinsic factors mostly motivate high school teachers. For the statistical analysis of the data was used the statistical package for the social sciences (SPSS) 20 program. The total scale Alpha coefficient of the sample (N = 198) was 0. 81.

Data Analysis and Results

In the eight high schools, 198 teachers responded to questionnaires. Of these, 38,4% were female, and 61,6% male taught in high schools in Isparta. As for number of years teaching, 3,5 % reported between 0 and 5 years' experience, 7,1 %

reported between 6 and 9 years, 16,2 % reported between 10 and 14, 29,3 % reported between 15 and 19 years, 23,2 % reported between 20 and 24 years, 20,7% reported 25 and over teaching experience. 32,3% were science teachers and 64,6% were social science teachers who constituted the study.

Table 2. Effect of Teaching Experience Years on Motivation Factors

	<i>Sum of Squares</i>	<i>df</i>	<i>Mean Square</i>	<i>F</i>	<i>Sig.</i>
<i>Between Groups</i>	241,269	5	48,254	1,065	.381
<i>Within Groups</i>	8701,822	192	45,322		
<i>Total</i>	8943,091	197			

A one-way between-groups analysis of variance was conducted to explore impact the years of teaching experience on levels of motivation factors and hygiene factors as measured by the tests. Participants were divided into six groups according to their teaching experience years (Group 1: 0-5 years; Group 2: 6-9 years; Group 3: 10-14 years; Group 4: 15-19 years; Group 5: 20-24 years and Group 6: 25 years and above). There was not a statistically significant difference among the mean scores on motivation factors $p < .05$ level in the test scores for the six groups of teaching experience: $F(5, 192) = 1.0, p = .381$.

Table 3: Effect of Teaching Experience Years on Hygiene Factors

	<i>Sum of Squares</i>	<i>df</i>	<i>Mean Square</i>	<i>F</i>	<i>Sig.</i>
<i>Between Groups</i>	2491,993	5	498,399	3,767	.003
<i>Within Groups</i>	25400,962	192	132,297		
<i>Total</i>	27892,955	197			

There was a statistically significant difference among the mean scores on hygiene factors for six groups. Group 3, group 4 and group 6 were statistically significantly different from one another. That is 10-14, 15-19, 25+ experience years groups different significantly in terms of hygiene factor scores. The effect size, calculated using eta squared, was .03. Post-hoc comparisons using the Tukey HSD test indicated that the mean score for Group 3 ($M = -7.58, SD = 2.53$), Group 4 ($M = 7.58, SD = 2.53$) and Group 6 ($M = -7.85, SD = 2.34$) were significantly different from one another.

Table 4: Robust Test of Equality of Means

	<i>Statistic</i>	<i>df1</i>	<i>df2</i>	<i>Sig.</i>
<i>Welch</i>	3,545	5	42,236	.009
<i>Brown-Forsythe</i>	4,066	5	99,618	.002

An independent-samples t-test was conducted to compare the unsatisfying factor (hygiene) scores for males and females. There was a significant difference in scores for males ($M = 80.36, SD = 12.53$) and females ($M = 87.27, SD = 9.41$; $t(189.14) = 4.41, p = .000$, two-tailed). The magnitude of the differences in the means (mean difference = 6,91, 95% CI: 3.82 to 10.0) was moderate effect (eta squared = .09). The guidelines (proposed by Cohen 1988, pp. 284–7) for interpreting this value are:

.01=small effect

.06=moderate effect

. 14=large effect Job Description

An independent-samples t-test was also conducted to compare the satisfying factor (motivation factor) scores for females and males. There was a significant difference in scores for females ($M = 67.36$, $SD = 5.25$) and males ($M = 65.34$, $SD = 7.42$; $t(192.75) = 2.41$, $p = .026$, two-tailed). The magnitude of the differences in the means (mean difference = 2.02 , 95% CI: 2.24 to 3.80) was small size effect ($\eta^2 = .002$).

An independent-samples t-test was conducted to compare the satisfying factor (motivation factor) scores for science teachers and social science teachers. The value was above .05, so there was not a statistically significant difference in the mean the satisfying factor (motivation factor) scores for science teachers and social science teachers. For science teachers ($M = 66.07$, $SD = 6.77$) and social science teachers ($M = 66.05$, $SD = 6.83$; $t(190) = .022$, $p = .982$, two-tailed).

An independent-samples t-test was conducted to compare the satisfying factor (hygiene factor) scores for science teachers and social science teachers. The value was above .05, so there was not a statistically significant difference in the mean the hygiene factor scores for science teachers and social science teachers. For science teachers ($M = 83.07$, $SD = 12.34$) and social science teachers ($M = 82.84$, $SD = 11.84$; $t(190) = .127$, $p = .283$, two-tailed). The test indicated that there was not a statistically significant difference in the mean the satisfying factor (motivation factor) scores and the unsatisfying factor (hygiene) scores for science teachers and social science teachers.

Frederick Herzberg's theory which states that what he terms hygiene (job context) factors contribute to dissatisfaction while motivator (job content) factors relate to satisfaction, the study indicates that both hygiene factors and motivation factors contribute to satisfaction and especially, hygiene factors were more satisfying factors in the high school teachers group. Hygiene factors were more effective satisfying factors on female teachers than male. And also, motivator factors were almost same satisfying effect on male and female high school teachers.

The eight schools were demographically and academically very similar, they had similar levels of job satisfaction and school climate. The job satisfaction and school climate levels were significantly higher at the schools.

Although there was a statistically significant difference among the mean scores on hygiene factors for group 3, group 4 and group 6, we may conclude that there was not enough important difference to justify to data.

Moreover there was not a statistically significant difference in the mean the satisfying factor (motivation factor) scores and the unsatisfying factor (hygiene) scores for science teachers and social science teachers. It was notable that responsibility factor ($M=26.4$, $SD=3.3$), supervision factor ($M=26.3$, $SD=6.06$), colleagues factors ($M=25.1$, $SD=3.2$), were rated highest factors and the other motivation and hygiene factors such as working conditions factor ($M=17.5$, $SD=2.6$), pay factor ($M=10.9$, $SD=3.3$), advancement factor ($M=9.1$, $SD=2.5$), recognition factor ($M=5.1$, $SD=1.5$), and security factor ($M=2.9$, $SD=1.1$) followed.

Conclusion and Discussion

Confidently, there are many ways to justify the theory of Herzberg. The defenders who support the motivation-hygiene theory may fail to defend the theory if do not use the methodology which Herzberg used. Now and then the researchers used the Herzberg's same methodology of getting the data although they failed to find same results (Gardner, 1970).

It is obvious that the two-factor theory is a controversial issue so differing interpretations have been engaged and the validity of these interpretations has itself become a subject of controversy. French and his friends (1973) stated that in the most of the studies, only few interview method of data collection and unstructured approach were used. And also few studies used the critical incident technique as a means of data reduction, though a variety of data analysis techniques were employed. The recent studies have used as Herzberg's methodology and acquired results supportive of the theory. Others who applied different methodologies, either in terms of data collection, reduction or analysis, failed to obtain results supportive of the two-factor theory. The main polemic of this research has been that Herzberg can be replicated when certain key factors in the experimental process are held constant. In this case it was possible to obtain statistically similar results using oral and

written data collection techniques. It is clear that researches in this area become increasingly aware of these difficulties and control them.

Majority of the teachers of high schools in district Isparta, in their overall response to hygiene variables, realized their satisfaction with Hygiene factors on their jobs. Their feeling of satisfaction with Hygiene factors was the disapproval of Motivation-Hygiene theory in respect of hygiene factors, because Herzberg's theory regarded satisfaction at workplace is the outcome of motivators, not of hygiene factors.

The research reveals that high school teachers' motivation was mostly dependent on both the fulfillment of Hygiene and Motivator factors. Nevertheless high school teachers' motivation was more at the mercy of Hygiene factors rather than motivator factors. According to the research of Wall (1970) on university teachers, strong significant relationships were found between the satisfaction of Hygiene and Motivator.

The high school teachers were satisfied with the hygiene factors such as relation with administration or supervision, relation with colleagues, pay factor or salary and security and also they were very pleased with motivation factors such as responsibility, advancement, recognition and work itself. We can conclude that the high school teachers' motivation was relied on both the fulfillment of hygiene and motivator factors and the teachers' job satisfaction and school climate levels were significantly higher.

The development of effective and planned teacher policies in Turkey depends upon careful consideration of the motivational factors and hygiene factors involved in engagement an upon close hearing to the voices of the teachers.

REFERENCES

- Boe, E. (1970) *Job Attitudes: The Motivation-Hygiene Theory*. The Journal of Accountancy, October. Herzberg, F. (1967) *The motivation to work*, John Wiley & Sons, Inc, London.
- Brundrett, Mark (2006) Crisis, What Crisis? Teacher Satisfaction in Times of Change, *Education 3-13: International Journal of Primary, Elementary and Early Years Education*, 34:3, (197-199), DOI: 10. 1080/03004270600898604
- Brunetti, G. J. (2001). Why do they teach? A study of Job Satisfaction Among Long-Term High School Teachers. *Teacher Education Quarterly*, 28(3), (49-74).
- French, E. B, Metersky. M. L., Thaler, D., Trexler, J. T. (1973) Herzberg's Two Factor Theory: Consistency Versus Method Dependency, *Personel Psychology*, 26, (363-375)
- Gardner, G. (1977). Is There a Valid Test of Herzberg's Two-Factor Theory?, *Journal of Occupational Psychology*, 50(3), (197-204). Gruneberg, E. (1979). *Understanding Job Satisfaction*, John Wiley and Sons, New York.
- Gruneberg, E. (1976). *Job Satisfaction - A Reader*, John Wiley & Sons, New York.
- Heller, H. W. (1992). *Factors Related To Teacher Job Satisfaction And Dissatisfaction*. ERS Spectrum, 10(1), (20-24).
- Herzberg, F., Mausner, B., & Snyderman, B., (1959). *The Motivation to Work* (2nd ed) Wiley, New York.
- Herzberg, F. (1971) *Work and the nature of man*, *The World Publishing Company*, New York
- Hoy, W. K., Tarter, C. J., & Kottkamp, R. B. (1991). *Open School/Healthy Schools: Measuring Organizational Climate*, Sage, London, UK.

- Huang, X., & Van De Vliert, E. (2003). Where Intrinsic Job Satisfaction Fails to Work: National Moderators of Intrinsic Motivation. *Journal of Organizational Behavior*, 24, (159–179). doi:10. 1002/job. 186.
- Lester, P. E. (1987). Development and Factor Analysis of the Teacher Job Satisfaction Questionnaire. *Educational and Psychological Measurement*, 47(1), (223-233).
- Liu, S., Onwuegbuzie, A. J. (2014). Teachers' Motivation for Entering The Teaching Profession and Their Job Satisfaction: A Cross-Cultural Comparison of China and Other Countries *Learning Environ Res*, 17, (75–94)
- Locke, E. A. (1976). *The Nature and Causes of Job Satisfaction*. In M. I. Dunnette (Ed.), *Handbook of industrial and organizational psychology* (pp. 1294–1349), Rand McNally, Chicago.
- MEB,(2015) National Education Statistics, *Formal Education*, Ankara.
- Moore, B. M. (1987) Individual differences And Satisfaction with Teaching. *Paper Presented at The Annual Meeting of The American Educational Research Association*, Washington, DC.
- Myers, M. S. (1964) Who Are Your Motivated Workers?," *Harvard Business Review* Jan-Feb, (73-88).
- Neff, W. S. (1968). *Work and Human Behavior*. Atherton Press, New York.
- Okafor, A. (1985). An Investigation of Job Satisfaction of Unionized and Nonunionized Office Workers. *Delta Pi Epsilon Journal*, 27, (48-59).
- Saari, L. M., & Erez, M. (2002, April). Cross-Cultural Diversity and Employee Attitudes. *Paper Presented at the Seventeenth Annual Conference of the Society for Industrial and Organizational Psychology*, Toronto.
- Schultz, D. P. (1982). *Psychology and Industry Today*, Macmillan, New York. Schwartz, P. (1959) Attitudes of Middle Management Personnel American Institute for Research, Pittsburgh.
- Sweeney, J. (1981). Professional Discretion and Teacher Satisfaction. *The High School Journal*, 65(1), 1-6.
- Wall, T. D., & Stephenson, G. M. (1970). Herzberg's Two-Factor Theory of Job Attitudes: A Critical Evaluation and Some Fresh Evidence. *Industrial Relations Journal*, 1(3), (41-65).
- Weissenberg, P and Gruenfeld L. W. (1968) Relationship Between Job Satisfaction and Job Involvement, *Journal of Applied Psychology*, 1968, 52, (469-473).
- Young, D. J. (2000). Teacher Morale in Western Australia: A Multilevel Model. *Learning Environments Research*, 3, (159–177). doi:10. 1023/A:1026574424714.

Human Right Education as Part of Education for Democracy: the Case of Albania

Gent Sinani

gent_sinani@outlook.com

Abstract

With the overthrow of the dictatorial communist regime, in Albania were created opportunities for discussing theoretical - practical human rights. The most typical periods when the man clearly raises and cut the question, "How to live in a dignity?", are periods of great social turmoil. Given this premise, the study embraces some of the most important issues of discussion and the concrete reality of the implementation of human rights in the Albanian reality. Human rights are rights that protect individuals and allow them to live with dignity protected from arbitrary of the state, or any other authority. Human life is an irreversible and therefore human rights constitute a "sacred" space, an unalienable individual sphere. This is why human rights rise to the level of fundamental valuation criteria of democracy and the legitimacy of a government. Given the historical circumstances of the development of democracy in Albania, discussion and attempts to put them in life, should be one of the essential features of education of new generations and youth activity itself. Attracting youth in daily discussion and efforts for the realization of human rights, is an imperative of our democratic life. The study is oriented towards younger generations, especially for the young student as the most emancipated youth, to become a participant in the activity of building a democratic state of law.

Introduction

The starting point of the evolution of an international human rights protection system coincides with the beginnings of frameworks for a permanent cooperation of States. The League of Nations and the International Labor Organization(ILO), both created after the First World War, paved, though modestly, the way for a process to determine human rights and their monitoring. However, only with the foundation of the United Nations in 1945 one may mark the point from where the legal development of human rights and their protection on the universal plane gained a forceful dynamism. Immediately after World War II, in a world filled with millions of deaths and refugees, as a result of racism and the violence of the Nazi-fascist axis, the UN Charter is dedicated "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of small and large nations" (Preamble). Art. 1 of the Charter is defined as one of the principles of the Organization to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".

The protection and respect of human rights is the only way for an emancipated society that aims to build a pluralistic democracy. For this purpose, the Parliament of Albania, Council of Ministers and other state institutions with the continued support of the Council of Europe, European Union and other international institutions, have prepared and adopted an entire corpus of normative acts, aiming at the guarantee and protection of human rights.

The basic principles of the protection of human rights and fundamental freedoms are addressed in the Constitution of the Republic of Albania, adopted in 1998. In its Preamble is written: "The Albanian people ... determined to build a rule of law, democratic and social state, to guarantee human rights, fundamental freedoms, with the spirit of religious tolerance and coexistence, committed to the protection of human dignity and personality, the prosperity of the entire nation, with the deep conviction that justice, peace, harmony and cooperation between nations are the superior values of mankind".

In this 25 years Albania have done progress in the field of the education of the Human Rights, especially in the five last years. With the

Introduction of scholar texts from the primary school where children learn this precious values of the civilized and democratic world. But there is too much to do in this direction, because are needed more professional staff to teach his values. There are also problems in rural areas, if in big cities we can see that children and yang people are more and more aware about their rights and other rights, becoming also more open minded and more aware about democratic values, normally not in a great proportion, it is needed more time for the society to become really reactive for these questions. In the other hand, in the rural areas, even if the scholar texts are the same, the lake of professional staff and the lake of proper attention to these lessons have created a gap between the rural areas and big cities in the consciousness of yang people about human rights and democratic values.

Based on observations done from the office of the High Commissioner of United Nation Human Rights, European Commission Against Racism and Intolerance, Council of Europe National Minorities monitoring, the US Embassy in Tirana reports, we will see some of the major problems in this field in the Albanian society and why the Human Rights education is the crucial and the best way of resolving these problems and to strengthen the democratic values.

Domestic violence

In Albania and more in particular in rural areas the domestic violence is very common, this happens for many reasons. In the absence of a national authority to monitor and enforce equality in family, as well as in terms of economic difficulties due to the return of private property system of self-employment are also restored habits of the past patriarchal family and in relationships. Early termination of education has increased ignorance in couple's relationships, but also ignorance in recognition of women's rights and protection that the law provides for them. Unemployment, economic dependence of women on men, but also the low level of education are factors that have led to increased domestic violence, not only against woman, but also to children. Albanian society pays less attention to educating men and boys with the values and principles of gender equality, as well with a sense of equality in the family.

Wife works closed in home and have to care about the children, being totally economically dependent on men, without any personality development perspective, while the man holds the responsibility of providing financial income with work outside the home.

Despite legislation, in the private business economy, the women's economic rights are limited. Jobs are low-wage, there are troubles keeping a job for a long time, infractions of the right to break in case of illness or to care for a child, infractions of the right to paid holidays, there are sexual harassment and exploitation of the difficult economic situation to seek from woman sexual favors, etc. Even the movements for the rights of women are very weak, if not inexistent. They appear only temporarily, with some political orientation, for a sensitizing activity.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. Despite formal law and government support for LGBT rights, it continues to appear homophobic attitudes in the Albanian society.

Albanian society comes from a long period of isolation and in the past it was cultivated with socialist morality against sexual orientation and gender identity. Gender identity is based completely on two opposite sexes, female and male. Deviant sexual orientation was only accepted due to physical disorders from birth, and these people were considered unhealthy.

With the transition to democracy, Albanian society found itself unprepared to accept and understand a variety of sexual behaviors or gender identities. To this is added the fact that Albanians were returned with rashly to the religions stopped during the socialism. Religious institutions and religious morality have always been against the diversity of gender identities and sexual diversity. So, despite the major influences from contemporary European culture, that came through all the changes in the education system, these social aspects have created the same barriers that previously created the socialist system in matters of sexuality.

Albania is considered one of the most homophobic countries in Europe and according to different surveys in Albania more than 53 % of peoples are against homosexual people. However, the fact that nearly half of the population is indifferent to

sexual identity or sexual behavior of others, demonstrates a considerable level of openness of social awareness, considering such issues as matters that regards to individual free choice and accepting them such as.

Minorities

Roma in Albania were the big losers of the economic and political changes of 1989-1990. Being undereducated and unskilled, their position in the society changed drastically, while being fully employed during communism, their participation in the mainstream economy diminished to a quasi-total unemployment after 1990. As a result of that, the new generations of Romani children are unable to go to school due to the inability of their families to afford their children's education, with only a small number of individual exceptions. The economic situation of the Roma in Albania is very poor and the rate of unemployment is several times higher than that of the non Roma. The housing conditions are very bad. The poverty of the Roma vis-à-vis the majority of other minorities in Albania is higher.

Romani and Balkan-Egyptians faced discrimination in access to housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian students, particularly if they appeared to be poor. Local NGO-s reported that many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

Generally, teachers complain about the lack of care from Roma parents to their children. Roma pupils sit in the last rows in the classrooms, as students refuse to sit with them, either because of personal hygiene conditions, either because of their lack of discipline in the classroom. The Roma community has been the victim of child trafficking, sexual abuse of minors, marriages of underage girls and women trafficking. The Special Rapporteur on the sale of children highlighted the fact that Roma and Egyptian communities are discriminated against in all spheres of life and the accumulation of disadvantages results in multiple forms of exclusion and marginalization.

Children rights problems

Despite the Albanian government efforts, there is needed to much work to do in this important field of the human rights. In general, poor families that don't send children to school but send them in work. In practice many children left school earlier than the law allows, in order to work with their families, particularly in rural areas. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms, which were prohibitively expensive for many families, particularly Romani and other minorities. Many families also cited these costs as a reason for not sending girls to school. Although the government has a program to provide free textbooks for low income families, many families and NGOs reported that they were unable to acquire the free textbooks.

Another problem is the child abuse, including sexual abuse, occurred, although victims rarely reported it. The minimum age for marriage is 18. Underage marriages occurred mostly in rural areas. According to UNICEF statistics, 10 percent of women were married or in union before they were 18 years of age. Some NGOs have reported that child marriages occurred in rural communities as part of human trafficking schemes, when parents consent for their underage girls to marry older foreign men, who subsequently trafficked them to other countries.

State of Law

One of the biggest problems for societies that have been part of the dictatorial system and now are in democratic systems but with economic problems is the creation of the State of Law. This is a real challenge for these countries and their society. Albania as a country that have had a dictatorial regime even after 25 years continue to have big problems with the State of Law. Reports from US Department of State, UN and EU institutions talk for problems in the judiciary system, for high corruption in all the public administration level. All these years in transition have created the so called "the culture of impunity", no matter what you do, if you can corrupt the judge you can be free.

The lake of the political will to change this system appeared even these years with the justice reform, that regardless the international pressure the political party haven't found a common language yet, and no one now when it will happen.

In the Albanian society there are too many problems in the field of employments rights to. The working conditions are not respected; they are respected only in big companies that have the headquarters in capital city or in the other Albanian big cities. This situation is created because, even if the right to be organized in order to defend your rights exists, the Albanian society continue to have a lack in the gathering of employs to demand the respect of laws from employers. There are a low level of syndicates and their field of action is very limited do to the absence of experience in the society in this direction.

Another problem of the Albanian society in rural areas is the legacy of the *Kanun* (customary law) also called the law of blood. As mentioned before the lack of education in rural areas, and the lack of the education of human rights in that areas were education is possible have created a gap that is filled from this customary law, that from the constructional law are interdicted. During the dictatorial system the *Kanun* was interdicted by the force and the fear, immediately after the change of system, the state was weak and the customary law immediately returned in rural areas. The other countries our past experience have demonstrated that without the adequate education of the population this laws will continue to exist.

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. However, there were reports that the government and businesses influenced and pressured the media. The independent media are active and largely unrestrained, although there are cases of direct and indirect political and economic pressure on the media, including threats against journalists. But sometimes political pressure and lack of funding constrained the independent media, and journalists to practice self-censorship. In its annual Media Sustainability Index, the nongovernmental organization IREX have noted that the independence of the media in the country have decreased, and more media outlets had fallen under the direct influence of political parties.

Business owners also freely used media outlets to gain favor and promote their interests with both major parties. Many media owners courted government leaders to gain favors or avoid taxes. There have been incidents of violence against members of the broadcast media, and journalists were subjected to pressure from political and business actors. Journalists continued to complain that publishers and editors censored their work directly and indirectly in response to political and commercial pressures. Many journalists complained that a lack of employment contracts frequently hindered their ability to report objectively and encouraged them to practice self-censorship.

Another big problem the last years is the increase in verbal threat, in speeches and public discussions against the media and journalists from politicians. Free expression or "criticism" is reduced to what the political parties participating in the game allow, in other words there are critical issues to which the parties themselves agree to allow criticizing. Such a situation can be described as "freedom of expression with the mouth closed".

The way the press and media works today, the way how they strategies are built, assistance in this area or monitoring, have created the feeling that freedom of expression is a franchise of journalists, publishers and the media, and not a right of everyone, which should exercise all freely and everyone should have access to the debate in the press as well as visual media.

Conclusions

Albania is one of the European countries that inherited a complicated history because of the implication of the interests among the great powers and, on the other hand, a small country that was isolated under proletarian dictatorship during the Cold War. The destruction of private property to create joint property during socialism, left the individuals very poor.

When the socialist system was overthrown and private relationship came in first plan, individuals drawn from the property were unable to build an independent economy. The division of community property was carried out by corruption. The abusive resolving of the issue of property and the delay of many issue through endless trials juridical process, has greatly disadvantaged the free initiative, breathing of the economy and restrain investments the Albanians investment and from foreigners, due to insecurity. An extraordinary number of people, especially the ones that had higher education, was forced to emigrate abroad to ensure the subsistence minimum, which could not provide in Albania.

These massive population shifts have created a big gap and was followed by other domestic shift that brought significant structural changes of the population of cities and changes in the urbanization processes especially in political life.

Albanian society that have emerged from the dictatorship of the proletariat, has hardly conceive individual freedom as a value of personal freedom, despite general national freedom. Socialism educated freedom as a collective value. Individual freedom was seen subdued and in view of the general freedom, and it did not make sense without total freedom, ore out of total freedom. Individual freedom has value only to the extent that serves national freedom. Building a democratic society cannot be performed without his soul - free man- free individual. The protection of freedoms and human rights is at the fundament of the constitutional order, but building democracy requires education of these values of individual freedom and human rights. Educational system should turn entirely on individual freedoms and rights. And here, philosophers and jurists have and should play their very important role.

"A nation" - Tocqueville wrote referring to the American example – "who has never heard to be treated before it the state issues, believes the first tribune that appear to him". This opinion, in the form of a maxim, has great value for citizens to be careful in what they choose, because at the time of democracy as Tocqueville says "charlatans of every kind can benefit, while often true friends of the people fail" (Tocqueville, A., 1981: 268. 286)

In any case, the starting point in a democratic society is the individual and respect of his fundamental rights. Society, political organization and power are only tools that aimed at the full realization of human rights, and respect for his dignity.

In the Federalist Papers, Publius, sees the problem of popular representative government in three plans. "Firstly, it is possible that people lose control of his government and that governors choose to trick with the regime. Secondly, there is the possibility that the majority of the people, through representatives flattering, bring into force the oppressive government. Thirdly, there is the possibility that the majority, through their representatives, to govern in the wrong way, ore, to take the wrong way".

In a republic without separation of powers, where all powers are concentrating in only one body, there didn't exist "protective barrier" against authoritarianism and corruption. Separation of the power into three independent spheres that act only in accordance with the constitution is the only way for a country to be a democratic state. This is the lesson that comes from the theory. Practical solution is a problem that belongs to a nation's legislators to concretely embodied and political class to implement it. In Albania, this issue has remained in the sphere of political rhetoric.

Freedom of speech associated with freedom of the press, not only expresses the real spaces of democracy, but also serves to the society to preserve the democracy. Freedom of speech and of the press allow the criticism of the political class and the request for explanation, exerting pressure on the political class to avoid violating promises and programs for what they have received the votes - at least so it is, or should be theoretically. The freedom of the press is that force that puts in front of the public opinion the ideas of politicians, in order to be subordinated to their judgment. But if society is not sufficiently educated to the freedoms and human rights, it is impossible for here to judge the policies.

But there is also the danger that the media from a very useful element of democracy to be reversed, in erase of the free speech and the criticism of the political class, when it is subject to political pressures, this is why is always needed a society that is very good educated with values of democracy, always vigilant for his rights and freedoms, to be able to react with the minor infringement of these rights. To be able to caught the cheating that is done to the public and the mediocrity, is needed a public capable to doubt and ask questions about ideas and policy discussions.

Equality love drives people to seek goods that he cannot possess, because to them is born the hope that they can reach these goods, but the competition is at a such level that every person has little chance to realize their ambitions. Moreover, the way to satisfy these desires is not an equitable way. In search of a solution to satisfy his desire, man abandons freedom. It is exactly the abandon of this freedom from men, observed Tocqueville, which could lead to the emergence of a despot, as it is known of past epochs. This situation of abandonment of freedom Rousseau has expressed it in these words: "Freedom is a very juicy food, but needs a strong digestion; are needed very healthy stomachs to handle it... Holy and proud freedom! If these desolated people could recognize you, if they would know how your laws are much stronger than it is the wild violence of tyrants, their poor spirits, slaves of passions that must be crushed, will fear here hundred times more than slavery; they will leave here with horror, as a burden ready to throw".

Minimizing these risks that come from inside the individual can be achieved by cultivating a culture of work, and this is done through education, but an education that enables the individual and makes him be free in his life, because man can be free only when he is knowledgeable.

Tocqueville also praised democracy because it inspired people non-obedience, this instinctive tendency for political independence. Education in democracy and human rights constitutes the imperative of time new generations and, in the other hand, youth participation in political life is a necessity to limit the politics of surfing towards authoritarianism. As a direct product of society, democracy depends very much on the cultural level of the society.

A society filled with individuals who buy degrees, affects too much in issuing not capable leaders in knowledge, but more skilled in "ignorance". Rather a healthy educated society develops a healthy democracy, where freedom and equality go near each other. Properly Sorokin, from 1920, wrote by having in consideration the establishment of Bolshevik regime in Russia: "There is no need to prove the simple truth that many people forget, that the perfection of social organization, the prosperity and creativity in various fields of society, its historical performance and fortunes depend, first of all from the nature of its the members. For the evilly ones we can write an ideal constitution, however it will remain on paper. While a society, composed of innocent angels, may have a very bad constitution or not at all, and yet the social relations among its members can be wonderful. A society composed of villain or stupid, in all the reforms that can undertake will make fraud and will remain spiritually desolate as far as its members shall possess such qualities" (Pitirim Sorokin).

Bibliography

<http://www.coe.int/en/web/minorities/country-specific-monitoring#Albania>

<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/ALIndex.aspx>

<http://www.coe.int/t/dghl/monitoring/ecri/library/publications.asp>

http://tirana.usembassy.gov/key_reports.html

Alexander Hamilton, James Madison, John Jay: "Letrat e Federalistit", Produced by, USIA Regional Program Office, Vienna.

Jean Jacques Rousseau: "Du Contrat Social et autres oeuvres politiques", Paris, 1975, Édition Garnier Freres.

Albanian Free Forum: "Deputeti dhe Elektorati", Tirana, 2007, Mediaprint.

Foundation for Conflict Resolution and Reconciliation of disputes: "Pajtimi", Tirana, 2000.

Albanian Center for Documentation of Human Rights: "Revista Shqiptare për të Drejtat e Njeriut", Tirana, 1995, Grafika ARS.

Fridrich Ebert Stiftung-Office Macedonia: "Political Parties and Minority Participation", Skopje, 2008.

Albanian Institute for International Studies: "Twenty Years After: People on State and Democracy", Tirana, 2010.

National Culture and the Model of Business Organization for the Case of Kosovo

Prof. Ass. Dr. Hysni TERZIU

University of Prizren "UKSHIN HOTI", Prizren, Kosovo

Abstract

The study of culture of businesses is important for the requirements that today the globalization sets. While the expending of business across borders is becoming more and more common, the national challenges are becoming more and more present. The underestimation of all these trends and their relationship to the culture may a reason for the increase of the number of existing or even of new businesses. The research aims at explaining at how have changed the dimensions of national culture during the initial years of transition and during the continues years. Which are the new values that dominate the business activities in Kosovo? Can we admit that the new values determine the models for activity coordination? The article provides an overview of the dimensions of culture as a determinant of the type of organization. It aims to show the approximate positioning in these structuring forms. The modeling shows at modest way the competitive advantages that the culture offers. The economic contribution of culture shows how should be the models for cordinating the activities which will be the trend in the future. The Twenty-first century is putting Kosovo businesses in front of new perspectives and new challenges, which are added to existing ones and which are becoming even more acute. These all seek even more the attention of their managers. The purpose of this paper is to provide an insight on how to be organized from the structural and human aspect in order to react according to the culture in many organizations with new innovative ideas, in accordance to the requirements of the time in order to have an effect on the social system, on lifestyle, on economic system and on the organization of units in this system. All these help on the definition of basic models of organizations with a strategic planning as a condition for intercultural integration and coordination - national and international.

Keywords: Businesses, culture, models, strategies, organization, activities, competition, innovations, national, international.

1. Introduction

The problem of many enterprises today lies at its structural and humane aspects. Therefore people react according to their culture and the ideas about how to be an enterprise should be part of this culture. From the dimensions of the culture should also appear the basic determinants of enterprises' models. They dictate the type of organizational model to be used by businesses in Kosovo, in order not to be much deviated from these dimensions. This could bring problems in adapting the practices of enterprise's culture with the total value of the Kosovar culture, so this will result with a total mismatch between the national culture and enterprise culture.

If Kosovo this would be treated in the framework of these two dimensions, position within a matrix would provide us with the possibilities to solve the problems of restructuring and other problems that have arisen today. Referring to the level of cultural dimensions analyzed in this paper, it can be concluded that Kosovo businesses are experiencing a shift from a high distance of power and low avoidance of uncertainty towards a society that today is characterized with two values: high distance of power and high avoidance of uncertainty.

According to the dimensions of culture we can observe a shift from the top-right quadrant to the bottom-right quadrant. So, the businesses in Kosovo are shifting from the model of organization based totally on family, where the manager-subordinate relationship approximates the parent-child relationship and where the basis of organization was collectivism,

towards the model which is called the pyramid of people. The director is on the head and other persons in are placed in different levels according to hierarchy. For Kosovo we have the transition from the "family" models (which were characterized with the concentrate of authority and the solution of conflicts was done permanently) to the "pyramid" models that provide the concentration of authority and the need of businesses to formalizing their activities.

So we talk today about models that have a relatively high distance of power, strong tendency to avoid uncertainty, individual work versus group work (related to individualism) and an ambition work more hostile than friendly (related to the degree of masculinity). The values about desired centralization and normalization affect structural models of organization.

2. The dimensions of national culture and their impact on business culture

Kosovo territory has dominated the history of civilization, production and the intensity of factors of production. There have been investment sectors in the labour factors (agriculture) and acute problems on the capital factor, technology, or on the human resources structures, their preparation through training according to the requirements of the time. These factors still have today effect on the social system, lifestyle, economic system and organization of the system units.

The development trends in Kosovo are strongly influenced by the culture of business development, as it is passing from the culture with great importance to the support group, to the undeniable individual rights. By minimizing the differences, harmony and loyalty in the group to the maximization of differences, confrontations and compromises oriented towards us and individualism¹.

The creation of new economic system, provided new values of cultural dimensions and different performances in the workplace

3. Kosovar reality in the dimension of Collectivism- Individualism

The group has been the primary social organizing in Kosovo. Today, this attribute is waning and is even risking disappearing the feeling of collectivism. The group-individual relationship includes a high degree the emotional appeal and at lower degree collectivist actions. Leaving the collectivism is reflected with: the emergence of private entrepreneurship, self-management, individual performance problems and free competition. Here, the decision-making is centralized and the responsibility is defined. There are no production heroes or groups that dominate the work. There are no people that are sacrificed for the enterprounership but there people are with hided purposes. The voice of honesty does not exist.

The competition is becoming extreme. It is appeared more strongly among individuals rather than among groups. What motivate the individuals in Kosovo are the economic factor and not the social one. The individual position and his expected role will be relatively determined by how he understands his work and by how he carried his individual work. The solidarity in the group is partly emotional. It is not difficult to cross the members of the group and to work individually.

A person is involved in the group only if he has financial and emotional benefits. In many businesses in Kosovo, is tolerated the absence of harmony and loyalty. The individualistic nature in decision shows the individualistic trend in business. There is no a general consensus. This means that many rational ideas arise from individuals and put harmony into a question.

Capitalization in Kosovo did not start with state reforms, but with individual initiatives and with crises. This obviously reflects this individualistic trend. Today, the system of values avoids the feel of shame for yourself, for the firm or for the group work and the enables the emergence of superior skills in different individuals.

The majority of the workers believe that the business growth is for the reason of gain and only few of them believe that it is for social purposes. Not everything is evaluated in terms of whether it is good or bad for the company and the community.

¹ Golden K., *The individual and organizational culture: strategies for action in highly-ordered contexts*, Journal of Management Studies, 29

The fear of isolation suffered by Kosovars for decades sends towards the avoidance of conservatism and towards the encouragement of individual initiative.

Obligations are moral forces that make the individuals to engage in social activities. While there has been a more binding culture, today the trend is weakening it somewhat. So there are many situations in which the obligations are minimized and flexibility for their performance is maximised. Employees feel motivated by those who make them favours. For many times, we were taught not to be engaged with others, especially with foreigners, because we would be felt obligated and this would then complicate our lives. A Kosovar would be felt discomforted in a relationship that does not include the recognition or group relationship. Today, an individual is involved with fewer emotions in this relationship. New business contacts, dealing with immigration and the need for integration and development of this attribute, has changed.

Business structures today are defined less in terms of the group and more in terms of individual positions. Responsibilities are often defined in terms of tasks to be fulfilled only from special members of the organization. The request for individual freedom transcends the social emphasis. The education system in Kosovo today aims to provide customization of employee and administration with the management structures modelled on the basis of individual values and away from collective ones.

New cultural values strengthen the transition to individualism, enhance the status and increase the number of members with individualistic trend, so we are moving from collectivism to individualism, from emotional and moral involvement in more formal relationships. In Kosovo, the individual protects more his interests rather those of the organization. But there are situations where individuality does not get the importance and necessary care because: continue to exist favours, the work is not a sufficient reason to justify the maximum commitments and efforts, the fear of confrontation often send towards the lack of initiative and there may exist situations for the hiding of conflict¹.

3. 1. The dimension of Power Distance on the Workplace

From the previous system we have inherited a high affinity of authority and obedience. This trend has its influence today on the rate of power distance. The distance of power is not only reflected on the values of leadership, but also on the values of the followers. Businesses in Kosovo continue to be characterized by high power distance. We often find powerful workers, scared from changes which require autocratic leadership. This is shown in the centralization of structures, privileges for administrator, absence of consultation in decision-making and situations of inequality.

The power of leader is often absolute. This power, in most of the cases, is institutional and political rather than personal and is associated with profound changes of rank among individuals. The status that is possessed by a leader in Kosovo, not always is influenced by education, background, the length of service in the organization and from the measure of organization. In our units, exist in "principle" that the higher the salary is, the greater are the benefits of the individual and his prestige in the business unit or abroad².

The working environment coincides with the life of a small and traditional community, however, human relations are such that the organization does not give to the individual a full identity, because it does not offer a complete security and full income. This deepens even more distance of the power between leaders and subordinates.

However, today is noticed another trend that started in the public sector and which is more the trend of managers. The tendency is for a decrease in power distance, because managers are more satisfied with superior participants, they talk for informal consultations and for the delegation of authority. Workers require more initiative. There are authors who are less afraid to seek cooperation. But we should note that these trends are in their beginning development and are required more by the experts³.

¹ Frost P.J., Moore L.F., Louis M.R., Lundberg, C.C., & Martin J., *Organizational culture*. Beverly Hills, CA: Sage, 1985

² Geertz C., *The Interpretation of Cultures*, Basic Books, Inc., New York, 1973

³ Greenwood R., Hinings C.R., *Organizational Design Types, Tracks and the Dynamics of Strategic Change*, *Organization Studies*, 9, pp. 293-316

3. 2. Dimension of uncertainty avoidance in organizations

Across all societies is considered that whatever is variable, is also dangerous. This applies also to the enterprises in Kosovo and is closely related to the dimension for the avoidance of uncertainty. All are faced with the dilemma what will happen tomorrow. The future is uncertain. The avoidance of uncertainty is treated as the degree at which members feel threatened by unfamiliar situations. It reflects the willingness of the individual and society to accept it but also to control it.

How has this dimension been, and how it has changed over the years of transition and is expected to change in the future?

We can give some arguments that prove that Kosovo society is going from low avoidance of uncertainty to high avoidance of uncertainty.

The Kosovars have been living in a fully planned and centralized society. In such circumstances, the uncertainty does not exist and neither do exist the efforts of the society to avoid it. The neglecting of risk has started to be strongly suppressed with force or to be imposed by the possibility of space to allow centralized economy. But the fact is that they were raised soon after the year of 1999. The first thing that Kosovars start to do was the individual entrepreneurship, especially in trade. However, wanting to position the Kosovar society into a society that accepts the uncertainty or tends to avoid it, we talk about a slow shift from low avoidance to high avoidance (from acceptance to the control of uncertainty).

After 1999 and during the first years of transition, for Kosovars is noticed a growing trend towards risk-taking and a lower level towards the avoidance of uncertainty. This is justified by several facts: the desire for new things and for things that were unknown and forbidden for Kosovars, the lack of economic and political stability during the early years of transition, a favourable geographic location, a mentality of trader inherited particularly to some cities of Kosovo, an overdose of self-confidence and dangerousness, responsible or irresponsible ignorance of uncertainty caused by the lack of information.

Today are concluded higher demands for the control of uncertainty. Kosovo managers are relatively conservatives and take a moderate level of risk, because often the relationships is open and effect negatively the level of confidence. And often they are contradictory or assume a high risk. As long as the uncertainty is considered as risk, then it is expressed as source of concern for the entrepreneurs as well as for the workers. In our organizations in not avoided at a desired level the conflict. Its avoidance and the achievement of harmony and justice are not supreme issues. Although there are no major advantages in staff and in their skills, managers are taught to become ambiguous, indirect, not credible, independent, uncertain to realize their business activities. Today, the demands by business leaders and by representatives of other foreign investors, either in written or unwritten rules, are growing

Competition is not avoided. The creation of individual and organizational consensus is not very preferred. The individual competition is observed nowadays more as natural thing that increases the uncertainty. In such conditions the effort for fair competition are in the forms of control of uncertainty.

In Kosovo we find cases where different individuals in the enterprise have varying degrees of acceptance of uncertainty, and for this they often have communication problems within the enterprise. This justifies the urgent need to plan the uncertainty, which means today, the need for more rules, written procedures, managers oriented totally toward their work, structured processes, reduced rates of turnover at work relying on practices known around the world¹.

4. Kosovar Reality in the Male dimension (Masculinity) and Female dimension (Femininity)

The dimension is important for the success of an enterprise, but the optimal balance for various companies is different. "All societies' reserve the primary role for men while for women is reserved the support and care. Societies differ on the degree to which these roles are divided within the society².

¹ Friedman J., *Culture and Global Systems*, Theory, Culture & Society 23 (2-3), 2004

² Hofstede Geert, Hofstede Gert Jan, *Cultures of Organizations: Software of mind*, 2004, ISBN-13: 978-0071439596

In every society, the relationship of roles is just as important as performance. Masculinity societies are based on values such as: challenges, recognition, achievement, advancement, profit. Feminist societies rely on strict role for the division between men and women.

Kosovo is not considered as a country with strong separation of gender, however, continues to exist a general sympathy for what is big, fast, and strong. In a traditional society, like the Albanian society, men are combative and the same is done today economically, in modern society. This is indicated in that women often have lower status than men, but this does not always suggest a performance oriented by men. Many women, for economic or career reasons are obliged to work for foreign firms or to move elsewhere. In our society, do not exist barriers regarding the questions on gender during the employment interviews, but regardless we cannot say that is provided an equal employment opportunities to woman as to men. In Kosovar businesses, we find these expectations interoperated at different levels for different individuals¹.

Masculine values are presented through some indicators:

The current management methods of direction and decision-making authority.

The way on how are conflicts solved today within a unit or between them. Conflicts solutions are often for the interest of individuals rather than in the favour of the group or for the public interest.

The rate at which work is supportive for the individual's personal life. Life in Kosovo is being planned in the function of work, and this requires the emergence of new values such as ambition, competition, challenge, recognition. The polarization of women that seek career development opportunities and recognition of the tendency oriented more towards the work rather than toward the individual (within the unit), is increasing.

While in foreign literature is not discussed much the link between this dimension and the employment rate among men and women, in Kosovo this connection is apparent. Outside the house, the man continues to dominate, while many women accept a job with low status and low pay, not because they lack the desire for self-perfection but because there exists the need for survival. For every society, we can show that the development fits with the interest of young women and men. Their interests are more technical, while the elderly the interest are more socially interested. The former are considered as owner of masculine values while the others are owners of feminist values. Older persons are considered as human directors while the younger's as technical managers. Masculinity trend of culture organizations in Kosovo, is shown by the following analysis².

Aggressiveness, competition, achievement, motivation, sustainability

The ways of education, guidance, support or independence are founded to be connected with the way on how the mother treats her child. This sets a level of aggressiveness, competitiveness spirit, the degree of achievement, motivation or sustainability.

In Kosovo, the mother does not push you toward full independence, therefore the level of aggressiveness is relative. The motivation arises from responsibility and reward. The achievement is oriented towards the merits that are required from the individuals to achieve his individual goals rather than those of the group. Work, in the previous system, is seen primarily as a tool to build a character and secondly was treated as productive activity. Today it is moving toward some new values related to work (challenge, competition, self-esteem, recognition). The personal success and achievements stand before the success of the enterprise, although they are everyday related more and more to show the importance that lie on social responsibilities and obligations. New industries are recognizing the new needs to learn continuously by developing skills and at the same time to be courageous about new knowledge, discoveries, or markets.

¹ Ministry of Trade and Industry, Agency for Support of SME-s, Report 2010-2014

² Kosovo Agency of Statistics, Report 2013

In order to ensure survival, Kosovo businesses must be incorporated quickly and strongly so as to penetrate into new markets or in the international businesses. This attitude is reinforced also by the facts or the nature of life that do not stay in a static state, but differ as a result of new trends or products with high technology.

Perseverance has been a relatively an integral part of education in Kosovo that means standing and not giving up, perseverance for work. Perseverance is a slogan of sustainability. The values of last culture are transmitted today in the form of patience, sustainability. By continuously emphasizing the new goals, enterprises must enhance the value of perseverance as a value that sends us towards improvement¹.

So we have a society with masculine attributes despite the presence of significant efforts to change the situation over the last years. Masculinity in the workplace is justified by new values represented by men and women. Increase in the percentage of women that aim higher career (political, academic) developments of the feminist movement. A population with increased efforts for better-educated and for increased welfare. The people employed in masculine societies, are faced with challenges or problems that may not be present also in other countries. This is believed that will open problems also in the case of enterprises with foreign partners regarding the degree of dedication to work².

5. How should be the model of organization of business units in Kosovo, depending on the dimensions of the organization culture?

Today, the problem of many organizations lies on structural and human aspects. People react according to the culture and part of it is also the ideas on how an organization should be. Out of four dimensions of culture, only two are the main determinants of organizational models. Every organization model and organization structure requires us to answer two types of questions:

- a. Who has the power to decide?
- b. What rules or procedures should be followed in order to achieve the desired goals? (How to regulate and to structure the activities)

The answers to the above questions are founded in two dimensions of culture:

- 1- Distance of power and
- 2- Avoidance of uncertainty

They dictate the type of organizational model to be used by businesses in Kosovo, in order not to be noticed major deviations from these dimensions. This could bring problems in adapting the practices of the organization's culture with the total value of culture in Kosovo, which would result in a total mismatch of national culture and of organizational culture³.

To achieve this, we will use an already made matrix of organizational models. All of the matrixes positions could be explained according to a model organized into four types of structuring.

- 1- Pyramid model. Here the control principal is a hierarchical authority, a system of rules and personal authority above superior rules.

¹ Greenwood R., Hinings C.R., *Organizational Design Types, Tracks and the Dynamics of Strategic Change*, Organization Studies, 9, pg. 293-316

² Golden K., *The individual and organizational culture: strategies for action in highly-ordered contexts*, Journal of Management Studies, 29

³ Gerdhe S., *National culture and model of business organization*, Economy and transition. - Nr. 1, 2009, pg. 84 - 96

2- Car model. According to this model, the concept of real authority derives from the rules, so the rules are those that govern us.

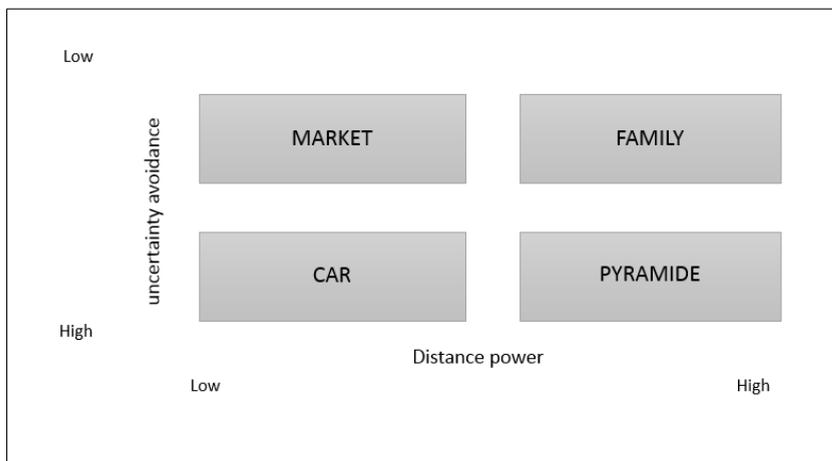
3- Model of the market organization, under which authority is not personal nor even rules, but it is completely to the market.

4- Family model. In these models authority is divided and has a high degree of collectivism.

If we would treat Kosovo in the framework of these two dimensions, positioning it within a matrix, it would give us ways to solve the problems of restructuring and other problems that have arisen today¹.

Referring to the level of cultural dimensions analyzed above, we concluded that Kosovo businesses are experiencing a shift from high distance of power and low avoidance of uncertainty, towards a society that has today highlighted two values: high distance of power and high uncertainty avoidance.

Figure 1: Distance of power against uncertainty avoidance according to models²



According to the dimensions of the matrix, can be observed a shift from top-right quadrant to the bottom-right quadrant. So, businesses in Kosovo are thoroughly crossing from family organization models, where manager-subordinate relationship approximates the parent-child relationship and where the basis of organization is collectivism, to the model that is called pyramid of people. The main person is in charge and the other persons are placed in other levels of the hierarchy.

We conclude that according to the relation between power distance and uncertainty avoidance, the organizations should be structured in such a way as to allow the adaptation of the cultural need and to the structural needs of the businesses.

¹ Ministry of Trade and Industry, Agency for Support of SME-s, Report 2010-2014

² Gerdhe S., *National culture and model of business organization*, Economy and transition. - Nr. 1, 2009, pg. 84 - 96

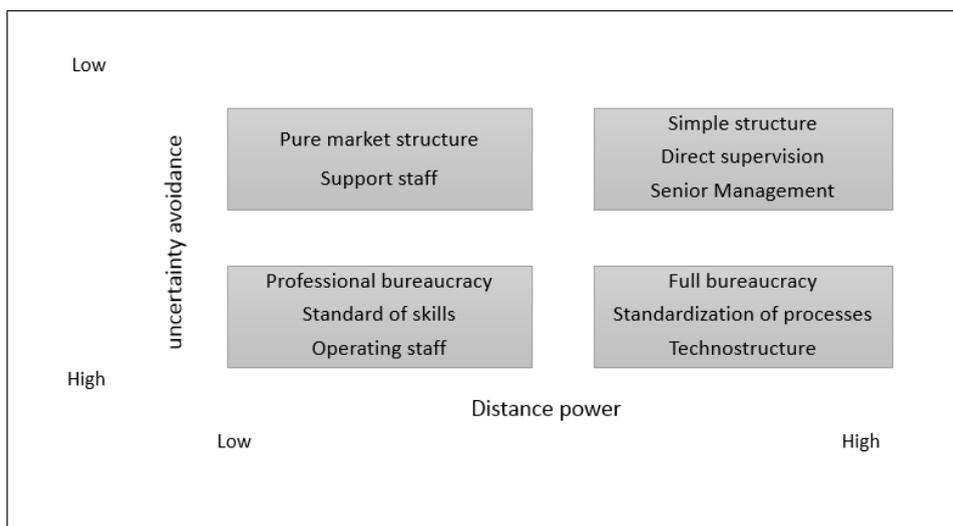
For Kosovo we have the transition from the "family" models (which were characterized with concentrated authority and the solution of conflicts was done permanently) to the "pyramid" models that provide the concentration of authority and the need of businesses to formalize their activities¹.

So we talk today about models that have a relatively high distance of power, strong tendency to avoid uncertainty, individual work versus group work (related to individualism) and an ambition work more hostile than friendly (related to the degree of masculinity). The values about desired centralization and normalization affect structural models of organization.

The model selected from the matrix dictates the characteristics of organizations. About centralization desired values and normalization affect the structural models of organization.

Since we accepted the passage from the family model to the pyramid model, we can talk roughly what would be the preferred mechanism for the coordination of activities. From the surveys conducted is experienced a shift from simple structuring of businesses towards bureaucracy, and from the direct supervision towards the standardization of processes. For large enterprises, that have over 10 years of work, we can talk about normalization of behaviour, as part of the standardization of business processes. This will serve to control the activities, to coordinate the activities, to ensure sustainability, efficiency and justice for the clients².

Figure 2: Distance power against avoidance of uncertainty according to structure³



Passing along this matrix, will also affect the ways of planning and control, the ways of incentives, the leadership policies, decision-making policies and those of power. Passing along the matrix positions in Kosovo is thought as a slow process, in terms of malfunctioning of human institutions or the lack of a strict legislation. The transition to other positions is a perspective issue; we think that it will require awareness of society, increase of civil awareness and perfection of business ethics⁴.

¹ Ministry of Trade and Industry, Agency for Support of SME-s, Report 2010-2014

² Geertz C., *The Interpretation of Cultures*, Basic Books, Inc., New York, 1973

³ Gerdhe S., *National culture and model of business organization*, Economy and transition. - Nr. 1, 2009, pg. 84 - 96

⁴ Friedman J., *Culture and Global Systems*, Theory, Culture & Society 23 (2-3), 2004

6. Conclusions

Kosovo Culture presents this cultural profile:

The shift from collectivist to individualistic trends. The individual protects his/her interests rather those of the organization. Deviation from the important interpersonal relationships.

The try to avoid uncertainty is justified by high needs for planning, further written rules and procedures, job-oriented managers, structuring processes, reduced rates of job turnover. Managers who intend to risk but by relying on known worldwide practices.

A country with high power distance especially for organizations in the private sector. The tendency is to reduce the distance of power, because managers are more satisfied with the superior directors, they talk about informal consultations and for the delegation of authority. Workers require more initiative.

Planning, the control of uncertainty and individualistic trend increase the quality requirements for market orientation.

Societies with highlighted masculine traits. Masculinity in the workplace justified with new values embraced by men and women. Increase in the percentage of women who are career oriented. There are developments in the feminist movement. A population with increased efforts for better education and better welfare.

Cultural dimensions affect the models of business organization. The transition from family models to the pyramid models will help strategic planning as a condition for intercultural integration and coordination.

7. Summary

The premise for the development in Kosovo is strongly influenced from the development of business culture, since culture is going from the support of the group to the undeniable individual rights.

Business structures today are defined less in terms of the group and more in terms of individual positions. Often, responsibility is defined in terms of tasks that need to be fulfilled only from the special members of the organization. The demand for individual freedom transcends the social emphasis. The education system in Kosovo today aims to provide better match between the employee and administration with the management structures modelled on the basis of individual values and very far away from collective values.

New cultural values make easier the transition to individualism, enhance the status and increase the number of members with individualistic trend, so we are moving from collectivism to individualism, from emotional and moral involvement to more formal links. In the case of Kosovo, the individual protects more his own interests rather than those of the organization. But there are also situations where the individuality does not get the necessary importance and care because: continue to exist "favours", the work is not a sufficient reason to justify the maximum commitment and effort, the fear of confrontation often leads towards the lack of initiative and situations for the concealment of conflict.

However, today is noticed another trend that started in the public sector and that is the trend that is led more from the managers. The trend is for a decline in the distance power because managers are more satisfied with superior participants; speak more for informal consultations and for the delegation of authority. Workers require more initiative. There are authors that are less afraid to seek cooperation. But we note that these trends are in their infancy level and are required more from the experts.

Across all societies is considered that whatever is variable, is also dangerous. This applies also to the enterprises in Kosovo and is closely related to the dimension for the avoidance of uncertainty. All are faced with the dilemma what will happen tomorrow. The future is uncertain. The avoidance of uncertainty is treated as the degree at which members feel threatened by unfamiliar situations.

In Kosovo we find cases where different individuals in the enterprise have varying degrees of acceptance of uncertainty, and for this they often have communication problems within the enterprise. This justifies the urgent need to plan the uncertainty, which means today, the need for more rules, written procedures, and managers oriented totally toward their work, structured processes, reduced rates of turnover at work relying on practices known around the world.

8. References

- [1] Greenwood R., Hinings C. R., *Organizational Design Types, Tracks and the Dynamics of Strategic Change*, Organization Studies, 9, pg. 293-316
- [2] Golden K., *The individual and organizational culture: strategies for action in highly-ordered contexts*, Journal of Management Studies, 29
- [3] Geertz C., *The Interpretation of Cultures*, Basic Books, Inc., New York, 1973
- [4] Hofstede Geert, Hofstede Gert Jan, *Cultures of Organizations: Software of mind*, 2004, ISBN-13: 978-0071439596
- [5] Frost P. J., Moore L. F., Louis M. R., Lundberg, C. C., & Martin J., *Organizational culture*. Beverly Hills, CA: Sage, 1985
- [6] Friedman J., *Culture and Global Systems*, Theory, Culture & Society 23 (2-3), 2004
- [7] Gerdhe S., *National culture and model of business organization*, Economy and transition. - Nr. 1, 2009, pg. 84 - 96
- [8] Ministry of Trade and Industry, Agency for Support of SME-s, Report 2010-2014
- [9] Kosovo Agency of Statistics, Report 2013

Econometric Modeling and Forecasting of Food Exports in Albania

Prof. Assoc. Dr. Alma Braimllari (Spaho)

Oltiana Toshkollari

University of Tirana, Albania, alma.spaho@unitir.edu.al, spahoa@yahoo.com

“Aleksandër Moisiu” University, Durrës, Albania; o.toshkollari@gmail.com

Abstract

Exports of goods and services represent one of the most important sources of foreign exchange income that alleviate the pressure on the balance payment and create employment opportunities. Exports' opportunities in Albania for food products have been increasing significantly, but still they are far from their real capacity. This study is an attempt to model and forecast the monthly export of food, beverages and tobacco products of Albania, using the seasonal autoregressive integrated moving average (SARIMA) methodology. The data used are covering the period 2005:M1-2015:M12, and are taken from the database of National Institute of Statistics of Albania. Unit root tests are used to test the stationarity of the series. Autocorrelation and partial autocorrelation functions are used to identify the most suitable SARIMA model, in explaining the time series and forecasting the future monthly food exports. The residuals of the best fitted model are used for the diagnostic checking. The results indicate that the best fitted model is SARIMA $(3,1,1) \times (1,1,0)_{12}$. The best identified model for the data in the study is used to forecast monthly food exports up to the year 2017. These findings are useful for customers, producers and policymakers.

Keywords: stationarity, trend, unit root test, seasonality, SARIMA methodology.

Introduction

Trade is an important part of the total development effort and national growth of all economies including Albania. Exports of goods and services represent one of the most important sources of foreign exchange income that ease the pressure on the balance payment and create employment opportunities. Albania's geographical location offers a trade potential, especially with the European Union market and the free trade agreements with all Balkan countries have created opportunity for trade development all over the region. During the last years exports in Albania indicate an increase and the food exports as well, although the imports are higher than exports.

Exports' opportunities in Albania for food products have been increasing significantly, but still they are far from their real capacity. Mainly due to lack of marketing facilities (storage, processing, packing of products), low standards related to food safety, low level of competitiveness in the market of Albanian food products due to low quality and relatively high cost of the Albanian products, and deficiency and low levels of food production and industry (Bezhani, 2013).

Prediction is very important for decision making in food industry. The decision making in this industry involves planning of uncertainty, finding of the optimal level of production and even strategic planning for capacity expansion. The cost of underestimation or overestimation can be very high; therefore, accurate forecasts are very important. Accurate short-term forecasts are considered necessary by producers, clients and customers particularly during the periods with the highest demand. Seasonal autoregressive integrated moving average (SARIMA) methodology can be applied to model and to forecast the exports and imports of food products.

SARIMA methodology has been applied for modeling and forecasting of exports of products from several countries. Farooqi (2014) using the yearly data of Pakistan exports for the period 1947-2013, fitted the ARIMA(1,2,2) model to forecast the exports with the lower value of AIC. Shitan et al (2012), proposed the SARIMA (1,1,0)x(0,1,1)₁₂ to model Bangladesh export values based on the AICc criterion after differencing at lags 12 and 1 and then subtracted the mean of the differenced series. Paul et al (2013), using the data of meat exports from India for the period November 1992 to December 2011 and after one non-seasonal and one-seasonal differencing to the original time-series, found the SARIMA(2,1,0)x(1,1,0)₁₂ model to best fits to the original data.

In this study, SARIMA methodology has been applied for modeling and forecasting of monthly export of food, beverages and tobacco products from Albania. The Akaike's Information Criteria is used to select the best model that fits to the data and the best identified model was used for forecasting monthly food exports up to the year 2017.

Materials and Methods

The time series models are used in this paper to model food exports. Stationarity is required for fitting a time-series into SARIMA framework. A time series is called stationary if the mean, variance, and covariance of the underlying series do not depend on time (time invariant). To determine the stationarity, the time plot, autocorrelation function (ACF) and partial autocorrelation function (PACF) can be used as a first attempt. The Augmented Dickey Fuller (ADF) unit roots test can be used to detect the stationarity of a time series. The ADF unit roots test performs a regression model of the form

$$\Delta X_t = \alpha_0 + \alpha_1 t + \rho X_{t-1} + \sum_{i=1}^m \beta_i \Delta X_{t-i} + u_t \quad (1)$$

where m indicate the lag order, and $\Delta X_t = X_t - X_{t-1}$. The null hypothesis is: the time series $\{X_t\}$ has a unit root or the series is not stationary ($H_0: \rho = 0$ and $H_a: \rho < 0$). If the p value is less or equal to 5%, the null hypothesis is rejected and is concluded that the series is stationary.

When a time series is not stationary usually non seasonal and seasonal differencing at the appropriate lag can be applied to achieve stationarity.

The multiplicative seasonal autoregressive integrated moving average model is given by

$$\phi(B)\Phi(B^s)(1-B)^d(1-B^s)^D X_t = \theta(B)\Theta(B^s)Z_t \quad (2)$$

where $\{Z_t\}$ is a sequence of uncorrelated random variables with zero mean and constant variance σ^2 (white noise), s is the seasonal period, B is the backward shift operator ($B^k X_t = X_{t-k}$ and $B^k Z_t = Z_{t-k}$), $\phi(B) = 1 - \phi_1 B - \dots - \phi_p B^p$, $\theta(B) = 1 + \theta_1 B + \dots + \theta_q B^q$, $\Phi(B^s) = 1 - \Phi_1 B^s - \dots - \Phi_p B^{ps}$ and $\Theta(B^s) = 1 + \Theta_1 B^s + \dots + \Theta_Q B^{Qs}$ (Brockwell and Davis, 2002; Shumway and Stoffer, 2006).

The Akaike's Information Criterion (AIC) is useful for determining the order of an SARIMA model, and it can be written as

$$AIC = -2\log(L) + 2k \quad (3)$$

where L is the maximum likelihood for an SARIMA model, k is the number of estimated parameters in the model (including σ^2 , the variance of the residuals). For small sample sizes, that is, if n/k is less or equal to 40, the corrected AIC should be used instead:

$$AIC_C = -2\log(L) + \frac{2kn}{n-k-1}$$

where n is the sample size after differencing. The good models are obtained by minimizing either the AIC or AICc value.

The residuals of the best fitted model are used for the diagnostic checking. The Ljung-Box test is used to the residuals to determine if the residuals are random and that the model provides an adequate fit to the data in the study.

In order to evaluate the performance of the best model are used the Mean Absolute Error (MAE), Root Mean Square Error (RMSE) and the Mean Absolute Percentage Error (MAPE), defined respectively by the following equations:

$$MAE = \frac{1}{n} \sum_{i=1}^n |y_i - \hat{y}_i| \quad RMSE = \sqrt{\frac{1}{n} \sum_{i=1}^n (y_i - \hat{y}_i)^2} \quad MAPE = \frac{1}{n} \sum_{i=1}^n \frac{|y_i - \hat{y}_i|}{y_i} \cdot 100\%$$

The food exports data used in this study, measured in ALL million, are covering the period 2005:M1-2015:M12, and are taken from the database of National Institute of Statistics of Albania. Food exports comprise the commodities in these four sections: live animals and animals' products; vegetables products; edible oils; and prepared foodstuffs, beverages and tobacco.

R statistical package is used to analyze and model the monthly food exports data.

Results and Discussion

The value of total exports from Albania is increased during the period under study, and the value of food exports is also increased. The percentage of monthly food exports to total exports in Albania are shown in figure 1. The lowest percentage of food exports to total exports was in January 2011, 5.68%; whereas the highest percentage was in August 2005 and October 2015, respectively with 13.14% and 13.07%.

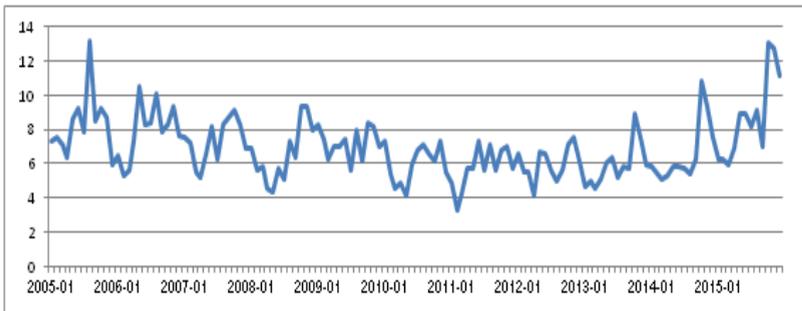


Figure 1. Food exports as a percentage of total exports

The figure 2 shows the value of food exports by sections, and the prepared foodstuffs, beverages and tobacco, and vegetables products have dominated the two other sections. From 2005 to 2010 the exports of prepared foodstuffs, beverages and tobacco has dominated the other three sections, whereas from 2011 to 2015 the exports of vegetables products has dominated the other sections.

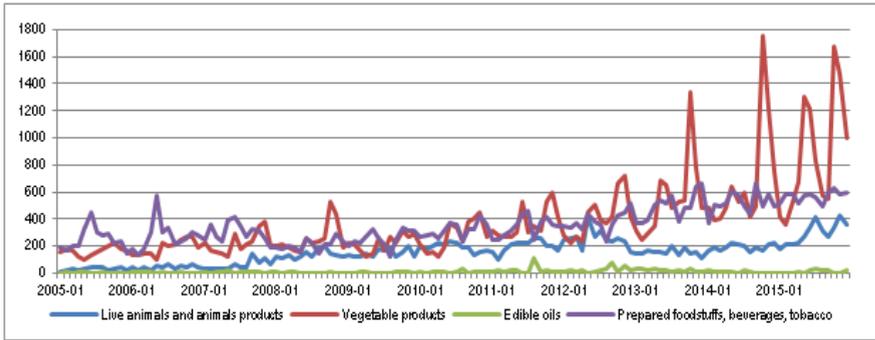


Figure 2. Food exports by sections

The main partners of food exports from Albania, during the period under study are: Italy, Kosovo, Greece and Germany. Food exports from Albania to Italy have dominated with more than one third of total food exports during the period under study. More specifically, during year 2015, main partners were Italy with 32,7% of total food exports, followed by Kosovo with about 11%, Greece with 10% and Germany with 5. 7% of food exports.

The food exports plot for the period 2005-2015 in figure 3 shows that the food exports are increased from year to year. Since 2005, the food exports is increased nearly by 4 times. The smaller value was in February 2006 and the biggest in October 2015.

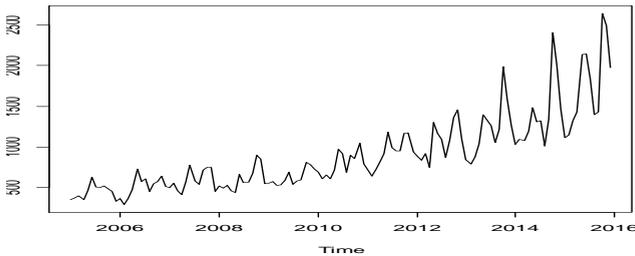


Figure 3. Food exports time series

The figure 4 shows the monthly plot of the data and also a positive trend of food exports during years for all months. The highest values of average food exports were in October and November, and the lowest values in February and January.

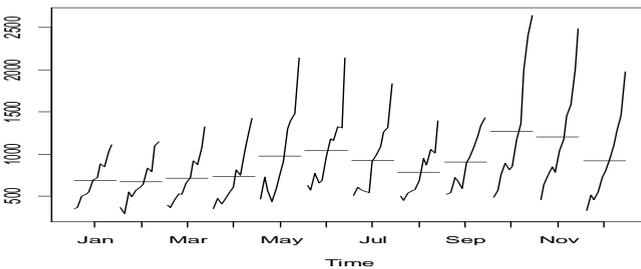


Figure 4. Food Exports by month

The ACF and PACF plots of the food exports series, in figure 1 in Appendix, show that the series is not stationary. The ADF test statistics for the food exports series was found to be -2.567 (lag order = 5), $p = 0.34$, so the null hypothesis of unit root cannot be rejected at 5% level, indicating that the food exports series is not stationary.

To achieve the stationarity of the food exports series, a non seasonal differencing at lag 1 and a seasonal differencing at lag 12 is applied to the original series. The ADF test statistics for the differenced series was found to be -22.55 (lag order = 4), $p < 1\%$, so the series is stationary. The plot of the differenced food exports series and also the respective ACF and PACF plots are shown in figure 2 in Appendix.

Many possible models are considered. In the table 1 are shown several estimated model and their respective AIC_c value.

Table 1. Some SARIMA estimated models and their respective AIC_c value

<i>Model</i>	<i>AIC_c</i>	<i>Model</i>	<i>AIC_c</i>
SARIMA(3,1,1)x(0,1,1) ₁₂	1513.72	SARIMA(3,1,1)x(0,1,0) ₁₂	1518.47
SARIMA(3,1,1)x(1,1,1) ₁₂	1515.59	SARIMA(0,1,2)x(0,1,1) ₁₂	1518.19
SARIMA(3,1,1)x(1,1,0) ₁₂	1513.35	SARIMA(1,1,0)x(0,1,1) ₁₂	1537.63

The best fitted model was the SARIMA (3,1,1)x(1,1,0)₁₂ model with the lower AIC_c value of 1513.72 and the value of Log likelihood of -750.3. The results of the best model are shown in table 2.

Table 2. Results of SARIMA (3,1,1)x(1,1,0)₁₂ model

<i>Variable</i>	<i>Coefficient</i>	<i>Standard error</i>
AR1	0.245	0.110
AR2	-0.009	0.100
AR3	-0.280	0.097
MA1	-0.798	0.085
Seasonal AR1	-0.280	0.100
Σ^2	17211	

The results of ADF test for the best fitted model residuals indicated a ADF value of -5.08, lag order = 5 and p-value $< 1\%$, so the residuals series is stationary. The ACF and PACF plots of the residuals up to 30 lags, shown in figure 3 in Appendix, indicated that none of the autocorrelations was significant at 5% level. This confirms that the selected SARIMA model was an appropriate model for forecasting the food exports, which also indicated the 'good fit' of the model.

The results of Ljung-Box test indicated a value of statistics of 27.98 (df = 28), and p-value = 0.465 $> 5\%$, that is the model is appropriate for the data. The standardized residuals plot and p-values for Ljung-Box statistics are shown in figure 4 in Appendix. The results of Lagrange Multiplier (LM) test for autoregressive conditional heteroscedasticity (ARCH) test, with null hypothesis: no ARCH effects of best fitted SARIMA model, indicated a chi-squared value of 20.8, df = 12 and p-value = 0.054. To evaluate the performance of the best fitted model, are found the values of MAE = 83.59, RMSE = 124.56, and MAPE = 9.57%.

The figure 5 shows the actual values food exports for the period under study and the forecasted values of monthly food exports for years 2016 and 2017 based on the best fitted model.

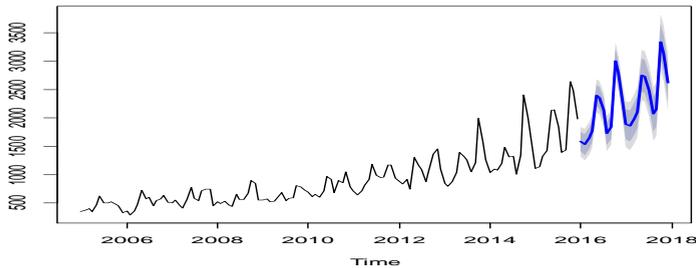


Figure 5. Predicted food exports (blue line) from SARIMA (3,1,1)x(1,1,0)₁₂ model

The forecasted values of monthly exports are very important for customers, producers and policymakers as exports are an important source of foreign exchange income and create job opportunities. The forecasted values of monthly food exports for 2016 and 2017, and their corresponding lower and upper 95 % confidence interval limits are given in table 3.

Table 3. Predicted monthly food exports for years 2016 and 2017

Year 2016	Forecast	Lower limit	Upper limit	Year 2017	Forecast	Lower limit	Upper limit
January	1582.98	1325.85	1840.11	January	1887.27	1488.00	2286.55
February	1532.00	1250.27	1813.73	February	1858.85	1437.80	2279.90
March	1642.25	1349.94	1934.56	March	1987.40	1552.98	2421.82
April	1769.58	1477.26	2061.90	April	2107.35	1670.20	2544.50
May	2391.15	2098.24	2684.06	May	2753.98	2312.31	3195.65
June	2357.59	2062.62	2652.55	June	2731.38	2283.48	3179.29
July	2135.99	1834.82	2437.18	July	2486.06	2028.51	2943.61
August	1725.62	1418.24	2033.01	August	2067.94	1600.82	2535.06
September	1835.17	1522.59	2147.76	September	2155.89	1680.03	2631.75
October	3005.58	2689.28	3321.88	October	3337.44	2854.10	3820.78
November	2787.65	2467.99	3107.30	November	3138.68	2648.26	3629.10
December	2267.91	1944.82	2590.99	December	2620.88	2123.38	3118.38

The highest value of food exports is predicted to be in October, respectively with value of 3005.58 ALL million in 2016 and 3337.44 in 2017, whereas the lowest value in February, respectively 1532 and 1858.85 ALL million for the two coming years.

Conclusions

Exports are a very important factor to reach a sustainable economic development. The importance of increasing exports is not related only with the reduction of trade balance, but also with the improvement of the quality of products and the increase of the production capacity, new jobs creation, and the wellbeing. The increase of quality of Albanian products will have a positive impact on exports and food exports growth.

This study is a first attempt to model the monthly food exports in Albania for the period 2005-2015 and to forecast the monthly food export for years 2016 and 2017 using SARIMA methodology. Fluctuations in the value of food exports are a matter of concern for customers, producers and policymakers.

The results of the descriptive analysis indicated that the percentage of food exports to total exports varied from 5.68% in January 2011 to 13.14% in August 2005. The food exports are increased from 2005 to 2015 and are dominated by two sections: the prepared foodstuffs, beverages and tobacco; and vegetables products.

The food exports time series indicated a positive trend and seasonality. Monthly food exports of Albania is found to follow the SARIMA (3,1,1)x(1,1,0)₁₂ with an AICc value of 1513.72. This model was used to forecast the monthly Food Exports for year 2016 and 2017. The highest predicted value of food exports is 3005.58 ALL million in October 2016 and the lowest value 3337.44 in February 2016.

To increase food exports from Albania is necessary the improvement of the infrastructure in rural areas that obstructs the arrival of products to the market, to increase the state subventions for producers and farmers because the level of loans for investments is still low in this sector, and to achieve the European Union standards of food products. Increasing the quality of food products is the most important factor for improving the competitiveness. Technological advancement and new methods for management of production systems will encourage the growth of production of food products.

In the future research, the relationships between food exports, foreign direct investments and exchange rate ALL/euro can be studied using econometric models.

References

- Bezhani, E. (2013). The economic impact of agricultural products in the Albanian products. *Academic Journal of Interdisciplinary Studies*, Vol 2, No1, pp 263-268.
- Brockwell, P. J. and Davis, R. A. (2002)
Introduction to Time Series and Forecasting, second edition, Springer-Verlag, New York.
- Farooqi, A. (2014). ARIMA model building and forecasting on Imports and Exports of Pakistan. *Pakistan Journal of Statistics and Operations Research*, Vol X, No 2, pp 157-168.
- Paul, R. K., Panwar, S., Sarkar S. K., Kumar, A., Singh, K. N., Farooqi S., and Choudhary V. K. (2013). Modelling and Forecasting of Meat Exports from India. *Agricultural Economics Research Review*, Vol. 26, No. 2, July-December, pp 249-255.
- Shitam, M., Hossian, M. M., and Rajeb, M. (2012). A re-analysis of time series modeling of Bangladesh Export values. *International Journal of Statistical Sciences*, Vol. 12, pp 79-88.
- Shumway, H. R. and Stoffer, S. D. (2006). *Time Series Analysis and Its Applications with R examples*. Second edition, Springer-Verlag New York.

Appendix

Figure 1. The ACF and PACF of the original food exports series

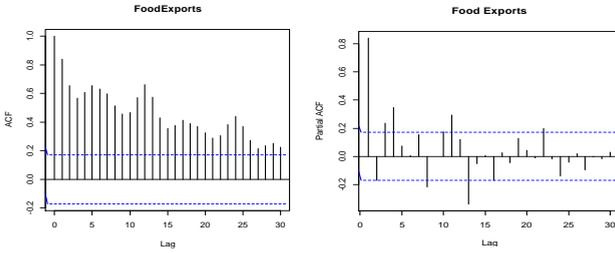


Figure 2. The plot of food exports series after differencing at lag 1 and 12, and the ACF and PACF plots

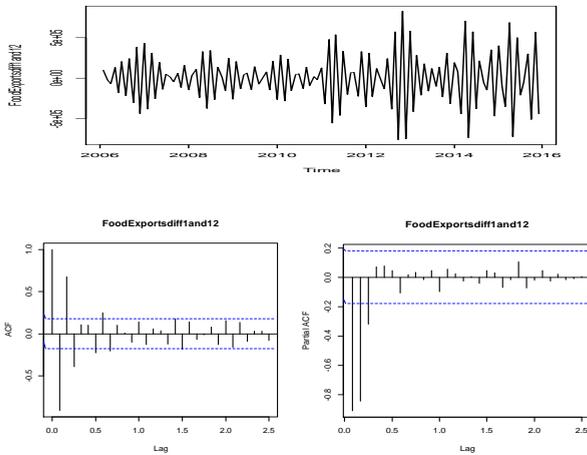


Figure 3. The ACF and PACF plots of residuals series

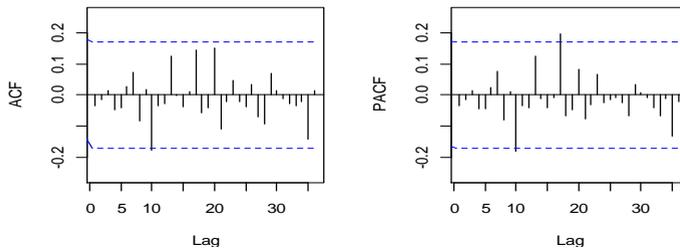
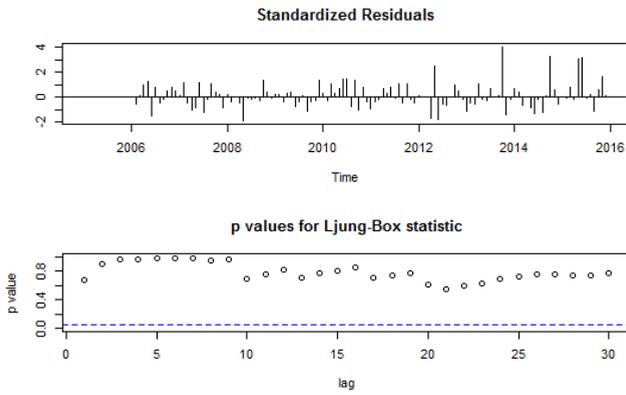


Figure 4. The standardized residuals plot and the plot of p-values for Ljung-Box statistics



The ESP Technology-Supported Learning Environment

Sladana Živković, PhD

College of Applied Technical Sciences

Faculty of Civil Engineering and Architecture, University of Niš, Serbia

email: sladjanazivkovic.ni@gmail.com

Abstract

This paper discusses the implementation of computers and the Internet technology in the learning environment within the ESP context. Designing and implementing digital technology in the teaching and learning process is one of the most demanding tasks. The use of technologies in the ESP classroom enables students to be active and collaborative, which contributes to improving learning achievements and increasing learning outcomes. The ultimate goal is to improve the quality of learning experiences, as well as to produce a highly social and authentic, supportive and productive learning environment that allows students the construction of relevant knowledge. The study examines students' perceptions towards the implementation of digital technologies in the classroom. The results of the research show that students have very positive attitudes towards computers and the Internet technologies and their integration in the ESP learning environment.

Keywords: ESP, modern technology, learning environment, pilot study

Introduction

Designing and implementing digital technology in the teaching and learning process is one of the most demanding tasks in the 21st century. So, the key challenge facing ESP teachers is to refocus their teaching strategies and adopt new approaches, and to effectively and efficiently incorporate technologies into the language learning process. To be prepared for the new role in the 21st century, the teacher needs to maximize the potential of digital learning by using it effectively, efficiently and creatively, and to provide models and opportunities for practical work. It is essential to promote information literacy, support collaborative working practices, in order to prepare students for the 21st century workforce.

The ultimate goal is to improve the quality of learning experiences, as well as to produce a highly social and authentic, supportive and productive learning environment that allows students the construction of relevant knowledge.

It has become clear that the 21st century classroom needs students to face real-world problems that engage them in higher-order thinking skills – creativity, innovation, communication, collaboration, critical thinking and problem solving (Jonassen & Reeves, 1996). With these skills students will become creators of knowledge, competent and productive communicators, successful collaborators, independent and inventive thinkers, problem solvers and career experts.

ESP teaching and learning

To meet the challenges, schools and universities need to be transformed in ways that will enable students to be creative and innovative, to think critically and analytically, and to be able to solve real-world problems. Fostering global awareness, the emphasis is on the need to prepare students for their future careers (Živković, 2014) in order to become competitive

and productive members of the 21st century highly fluid society and competitive market. Thus, students would be able to learn and work collaboratively in positive working environments of openness, trust, mutual respect and tolerance. In that way, students take full responsibility for their learning and knowledge construction in the context of contemporary life.

As for the research on 21st century skills, it is of utmost importance to creating a computer-mediated learning environment that encourages success. Embedding technology support (videodisks, CD-ROMs, DVD) in the effective ESP learning environment increases the potential to support insights into an innovative teaching and learning approach based on communication, interaction and collaboration (Vygotsky, 1962).

ESP is concentrated on communication skills as the key factor in the development of knowledge. In other words, ESP focuses on "the specific linguistic knowledge and communication skills in order to accomplish specific purposes" (Orr, 1998). More specifically, ESP puts focus on preparing students (future specialists) to communicate effectively in the future work environment they will enter. Therefore, teaching/learning ESP is specialty-oriented which means it refers to the specific needs of students (Hutchinson and Waters, 1987) who learn a foreign language for use in their professional fields.

For effective ESP learning, construction of knowledge happens in a social context (such as a classroom, language laboratories), "where students join in manipulating materials and, thus, create a community of learners who built their knowledge together" (Dewey, 1966). Progressive education (Dewey's terminology) highlights the social aspect of learning and interaction with peers. ESP concentrates on language in context with authentic tasks, which are related to students' future professional needs. Authentic tasks demand student interaction and language learning in real life situations. They motivate students to develop competencies that will be necessary to achieve the learning goal.

In computer-supported collaborative learning, students are encouraged to communicate with their peers and be prepared for *real-world problem-solving situations*.

To summarize, from the above mentioned, it is our belief that there is no single methodology for ESP teaching and learning. Furthermore, constructivists combine methodologies in order to produce a successful and an effective model for developing productive proficiency and carry out the objectives of a course. ESP courses concentrate on empowering students to use English to communicate effectively with professionals, and preparing them for lifelong learning.

The use of modern technology

ESP courses aim at helping students to become capable of using a language in future professional settings. This can be realized by means of a content-based curriculum, where students learn a language by concentrating on the specialized subject matter and using authentic materials.

The Internet is an excellent source for providing authentic materials in accordance with students' needs (Živković, 2011, 2013). "Internet-generated materials can be flexibly arrayed to engage students with topics and cognitive tasks relevant to students' professional futures" (Kimball, 1998). If used appropriately, this technology could add relevance and meaning to ESP learning because it has the potential to increase students' motivation for learning.

So, computers, together with the Internet, are an example of digital mediating technology whose role in education should not be viewed as an add-on, but rather should be viewed as an instructional tool for providing a richer and more exciting learning environment (Duffy & Cunningham, 1996).

"This technology (such as the computer-Internet combination) allows learners to do multiple language tasks, simultaneously integrating all the basic language skills--reading, writing, listening, and speaking. When used, it is an invaluable asset in the arsenal of language teaching and learning tools. Therefore, we must open the minds of the educators and motivate the learners by breaking down the walls of technical bias, unlocking the doors, and allowing the spider to cast her electronic World Wide Web of English around our students in and out of the classroom" (Wilson, 2004).

Accordingly, the use of information and communication technology (ICT) in ESP learning is a current challenge (Živković, 2011) to rethink a number of educational issues, such as students' autonomy, motivation, and creativity, as well as the

enhancement of cognitive power. As Perkins (1991) observes, it is necessary to activate learners and to support the construction of meaningful new knowledge on the basis of the existing cognitive structures. Technologies are most successful when they are used to engage students in meaningful, relevant and authentic activities with open-ended software and the Internet (Jonassen, 1994, 2000). 'Mindtools' (Jonassen introduced this term) promote independent and meaningful learning, support interactive, collaborative, and student-centered classrooms, and engage students in creative and critical thinking while constructing new knowledge.

From the aforementioned, it is clear that constructivist pedagogical principles coupled with appropriate technology integration show the potential for major improvements in learning practices. Together they provide the opportunity to make and remake the concept of ESP learning, and have brought new possibilities for learning. In other words, they can allow ESP students to learn to their fullest potential.

A digital learning environment

An emerging trend in ESP education is to create such a learning environment where students' knowledge construction can be facilitated. Such an environment is one in which students are challenged without being frustrated, and in which they are focused on intentional learning (Jonassen, 1994). The environment creates engaging and content-relevant experiences by utilizing modern technologies and resources to support unique learning goals and knowledge construction (Young, 2003).

Wilson (1995) defines a constructivist learning environment as "a place where learners may work together and support each other as they use a variety of tools and information resources in their pursuit of learning goals and problem-solving activities". It is the environment that allows student-oriented activities to take place in order to develop problem-solving, critical-thinking and creative skills. In the learning environment "students join in manipulating materials and, thus, create a community of learners who built their knowledge together" (Dewey, 1966).

When we speak of modern ESP constructivist learning environments, it is worth mentioning that they are technology-based situations in which students are engaged in deep and meaningful learning as an important goal for the success in the 21st century.

"The richness of the technology permits us to provide a richer and more exciting learning environment...our concern is the new understandings and new capabilities that are possible through the use of technology" (Duffy & Cunningham, 1996). In the constructivist environment students are actively involved in perceiving, analysing and interpreting the world and reflecting on their interpretations.

The Internet is regarded as a pedagogical device to develop language teaching and the learning process (Lee, 2000). It can enable constructivist innovations in the classroom, thus contributing to the realization of meaningful, authentic, active, interactive and problem-based learning. Students search solutions to real world problems based on a technology framework, which leads to critical and analytical thinking.

Methodology

This is a pilot study that has examined how students perceive the implementation of modern technologies in the ESP learning environment.

For the purpose of this study a questionnaire method on students' attitudes (opinions and reactions) towards the ESP technology-supported learning environment has been developed. The questionnaire has been divided into the following areas: motivation, creativity and innovation, autonomy, communication, increased understanding, acquired skills, teamwork and collaboration, the use of ICT and critical thinking engagement.

Data collection

The investigation was performed at the Faculty of Civil Engineering and Architecture in Niš, based on the sample of 145 undergraduate students. Data collection was done in the spring semester, May, 2015. Data analysis was carried out through qualitative analysis technique. It has produced insightful results into students' perceptions of the ESP learning environment as technology oriented.

Results

The fact is that students learn more effectively when they are actively engaged in classroom activities, through discussions, interaction with peers and teachers, question-driven inquiries, analyzing information and critically evaluate. Thus, equipping students with these skills is required for living and working in the 21st century.

The results have shown that students have very positive attitudes towards computers and the Internet and their use in the learning environment. From the responses from the survey, open-ended questions and the interviews, students have positive perceptions during learning in technology-rich environment may be only a temporary effect.

In the light of the ideas we have discussed, we will now present how students perceive a technology model in the ESP course.

Motivation

- Students are enthusiastic about learning in a digital classroom.
- They are motivated to successfully finish the course.
- They are highly interested in activities on those classes.
- They are encouraged by their teacher to activate and keep on a task.
- Students are allowed to choose the type of assignment they do.
- Thus, they are given a sense of control that motivate them to do more.
- They have a chance to come out with their own ideas.
- They take an active role in forming new understandings.

Creativity and innovation

- Students are given the chance to promote originality and inventiveness.
- They are aware of the fact that those skills are necessary in their future careers. In fact, they enable them to meet with future challenges and market competition.
- They are allowed to explore different perspectives.
- They are stimulated to find innovative solutions for existing problems.
- They can use different idea creation techniques (such as brainstorming).
- They can demonstrate different ways of looking at problems.

-
- They are stimulated with new ideas for the development in organizational contexts.
 - They are aware of the fact that they need to be open and responsive to new perspectives.

Autonomy

- Students are given autonomy in the classroom. In other words, they are active in their own learning process.
- Students are given opportunities to choose the way the material will be demonstrated.
- They are totally responsible for all decisions concerned with their learning.
- They are able to participate and take control of their own learning.
- Autonomy-supportive practices allow students to explore ideas and use their unique ways of problem solving. Thus, they are independent problem solvers and debate ideas freely.

Communication skills

- Students find the importance of developing successful communication.
- ESP classes prepare them to communicate effectively.
- Communication makes their learning easier. It increases opportunities for expanded learning.
- Being able to *communicate* effectively is the challenge of the current *global job market*.
- Communicating and thus connecting with colleagues (and later with business partners) is an essential skill in career development.
- They are encouraged to communicate through classroom discussions.
- Their understanding on the subject matter has been increased.
- They enhance their professional knowledge.
- Their understanding towards using computers and the Internet in the ESP class is improved.
- It is a new experience to use a computer and the Internet in the classroom.
- The knowledge acquired in the ESP course is strongly connected with their speciality.
- They are capable of applying their knowledge in more effective manner.

Teamwork and collaborative learning

- It is a challenge to learn language in a collaborative learning setting.
- They work together to accomplish shared goals.
- Students have the opportunity to practice sharing their experiences with their colleagues.
- They learn to function in a team environment.

-
- Within cooperative activities individuals seek outcomes that are beneficial to themselves and beneficial to all other group members.
 - Students work together to maximize their own and each others' learning
 - They work together to search for solution, and thus, to accomplish shared goals.
 - They can solve problems together with their colleagues.
 - In teamwork they are able to organize their work effectively.
 - They can share their ideas and discuss in the class.
 - In computer-supported collaborative learning, students are encouraged to communicate with their peers and be prepared for *real-world problem-solving situations*.

The use of ICT

- Modern technology is the best way to acquire and create new knowledge.
- Modern technology activates constructivist innovations.
- Technology contributes to the realization of active learning.
- The Internet is an excellent source for providing authentic materials in accordance with students' needs.
- Internet-generated materials can be flexibly arrayed to engage students with topics and cognitive tasks relevant to students' professional futures.
- Learning technology is used to foster autonomous and collaborative learning.
- It encourages students to take responsibility and control over their learning process.
- They are able to develop some applications.
- They are capable to develop presentation skills.
- Technology enhances the cognitive power of students.

Critical thinking engagement

- Students are encouraged to actively engage in critical thinking.
- Classroom discussions can be enhanced with the use of questions which promotes thinking.
- They acquired ability to think rationally and openmindedly about how to solve a problem.
- They can actively and skillfully conceptualize and analyze information to reach a conclusion.
- They can now analyze and evaluate information.
- The development of critical thinking skills is important for students to be able to solve the complex problems facing our society in the future.

- encouraged students' ability to think critically which allows them "to recognize connections between their individual problems and experiences and the social context in which they are embedded". to function effectively in a rapidly changing world.

Discussion

This pilot study has reported on the effect of the importance of implementing modern technologies in the ESP instructional environment. It presents a challenge to both students and the teacher. The challenge for the teacher is to provide a relevant framework for students upon which they construct knowledge and become active participants in the learning process. On the other hand, students in the constructivist environment have more positive attitude towards learning as they share their experiences with their peers and the teacher, as well as they experience increasing discussions in the classroom. Students are encouraged to search for solutions to real-world problems, and thus, they are engaged in transformative learning, leading to critical and analytical thinking which is essential for success in the *21st century*. Piaget (1968) emphasizes the active role of the individual in the learning process. Establishing constructivist dialogue in the ESP digital classroom, students are inspired to become active, creative and motivated in their activities. In accordance with this, Bruner's (1986) concept of "learning by doing" involves students' active participation within the classroom context. "Learning becomes a continuous, life-long process which results from acting in situations" (Brown et al., 1989).

The increasing influence of technological advances in education demands the use of meaningful authentic activities, to give the learning situation a purpose and meaning and, thus, to make the activity an example of situated cognition (Reeves et al., 2002).

Thus, the utilization of advanced technology as an instructional tool should be seriously considered, depending on course goals and learning objectives which provide guidelines for the assessment of students' progress. What has become particularly evident is that technologies help build an extensive knowledge base, which will "engage the learners more and result in more meaningful and transferable knowledge... Learners function as designers using the technology as tools for analyzing the world, accessing information, interpreting and organizing their personal knowledge, and representing what they know to others" (Jonassen, 1994).

ESP courses allow students to interact with learning materials, and to explore and construct vocabulary and meanings. The ultimate goal of today's ESP students is to acquire the ability to successfully communicate with others (professionals) in a meaningful and appropriate way. As stated earlier, ESP courses prepare students to use a language to communicate effectively in real-life situations and cooperate with colleagues in professional fields.

Conclusion

This paper has discussed the implementation of computers and the Internet in the ESP digital learning environment that is "learner-centered, knowledge-centered, community centered and assessment-centered" (Bransford et al., 2000).

The ESP learning environment together with information and communication technologies promote students' communicative skills, and foster their autonomy and responsibility. Moreover, the increasing influence of technological advances (Butler-Pascoe & Wiburg, 2003) in education demands the use of meaningful authentic activities, to give the learning situation a purpose and meaning.

With shifting values and a plentitude of information provided by modern technologies, "learning to think critically and to analyze and synthesize information in order to solve technical, social, economic, political and scientific problems are crucial for successful and fulfilling participation" (Dunlap & Grabinger, 1996).

The survey aimed to evaluate student motivation, originality and creative skills, teamwork and collaboration, communication skills, critical thinking skills, as well as overall attitudes towards learning with digital technologies and developing projects.

Moreover, the research study has presented a clear conception of what students perceive to be the quality of learning in the classroom. This study creates the opportunity for student voice "to express their opinions and make decisions regarding the planning, implementation, and evaluation of their learning experiences" (Rogers, 2005).

References

- Bransford, D. J., Brown, L. A., & Cocking, R., eds. (2000). "How People Learn: Brain, Mind, Experience, and School". *Committee on Developments in the Science of Learning Research and Educational Practice*, Commission on Behavioral and Social Sciences and Education, National Research Council. Washington, D.C.
- Brown, J., Seely., Collins, A., & Duguid, P. (1989): "Situated cognition and the culture of learning". *Educational Researcher*, 18 (1), 32.
- Bruner, J. (1986). *Actual Minds, Possible Worlds*. Cambridge, MA: Harvard University Press.
- Butler-Pascoe, M. & Wiburg, K. M. (2003). *Technology and Teaching English Language Learners*. New York: Pearson Education, Inc.
- Dewey, J. (1966). *Democracy and Education*. New York: Free Press.
- Duffy, T. M., & Jonassen, D.H. (1991). "Constructivism: New implications for instructional technology?" *Educational Technology*, 31(5), 7-11.
- Duffy, T. M., & Cunningham, D. J. (1996): "Constructivism: Implications for the design and delivery of instruction". D. H. Jonassen (Ed.), *Educational communications and technology*, New York: Simon & Schuster Macmillan, 170-199.
- Dunlap, J. C. & Grabinger, S. (1996). "Rich Environments for Active Learning in Higher Education". *Constructivist Learning Models in Higher Education*. B.G. Wilson (ED.) Englewood Cliffs NJ, Educational Technology Publications.
- Huchinson, T, & Waters, A. (1987). *English for Specific Purposes: A Learning-centered Approach*. Cambridge: Cambridge University Press.
- Jonassen, D. H. (1994). "Thinking technology: Towards a Constructivist Design Model". *Educational Technology*. 34-37.
- Jonassen, D. H., & Reeves, T. C. (1996): "Learning with technology: Using computers as cognitive tools". In D. H. Jonassen (Ed.), *Handbook of research for educational communications and technology*, 1st edition. New York: Macmillan, 693-719.
- Jonassen, D. H. (2000). "Revisiting activity theory as a framework for designing student-centered learning environments". In Jonassen, D. H., & Land, S. M. (Eds.), *Theoretical foundations of learning environments*. Mahwah, NJ: Lawrence Erlbaum, 89-121.
- Kimball, J.. (1998). "Task-based medical English: elements for Internet-assisted language learning." *Call Journal*, vol. 11, no. 4, pp. 411-418. <http://www.fauxpress.com/kimball/res/task.htm>
- Lee, L. (2000). "Using Internet to enhance foreignlanguage teaching and learning". Retrieved May 13, 2011, from <http://www.unh.edu/spanish/lina/internet1.html>.
- Orr. T. (1998). "ESP for Japanese Universities: A Guide for Intelligent Reform", *The Language Teacher Online*. <http://www.jalt-publications.org/tlt/files/98/nov/orr.htm>
- Perkins, D. (1991). "Technology meets constructivism: Do they make a marriage?" *Educational Technology*, 31(5), 18-23.

- Piaget, J. (1968). *Structuralism*. New York: Harper and Row.
- Reeves, T..C.. & Herrington R. O. (2002). "Authentic activities and online learning". In A. Goody, J. Herrington & M. Northcote (Eds.), *Quality conversations: Research and Development in Higher Education*, Volume 25, 562-567.
- <http://www.ecu.edu.au/conferences/herdsa/main/papers/ref/pdf/Reeves.pdf>
- Rogers, A. (2005). *Student voice: Bridges to learning*. Seattle: University of Washington. Online.
- Vygotsky, L.. S. (1962). *Thought and Language*. Cambridge: MIT Press.
- Wilson B, G. (Ed.). (2004). "Constructivist learning environments: Case Studies in Instructional Design". Englewood Cliffs, NJ: *Educational Technology Publications*.
- Young L.D. (2003). "Bridging Theory and Practice: Developing Guidelines to Facilitate the Design of Computer-based Learning Environments". *Canadian Journal of Learning and Technology*, 29(3).
- Živković, S. (2011). *Modernization of English as Foreign Language Studies in University Education*. Second International Scientific Conference: University Education in Transition, Transition in University Education – Modern and Universal. Belgrade. Higher Education Institution for Applied Studies for Entrepreneurialship.
- Živković, S. (2013). To Modernize or not to Modernize - There is no Question. *Academic Journal of Interdisciplinary Studies*. MCSER Publishing: Rome-Italy.
- Živković, S. (2014). Constructivism – An Emerging Trend in ESP Teaching and Learning. Language, Literature and Culture in Education. Nitra, Slovakia.

Revaluation of the Local Product, a Good Opportunity for the Rural Development in Albania

Prof. Edlira Llazo Ph. D

University "Aleksander Moisiu" Durrës, Albania

llazo@hotmail.it

Abstract

Even though agriculture is one of the most important sectors in the Albanian economy, which has employed 40% of the labor force, after the fall of communism has been faced with the phenomenon of abandonment, with a poor development and is nowadays in search of developing alternatives. New developing alternatives that use the competing advantages of the sector of agriculture in Albania can be discovered by analysing the characteristics of this sector and confronting them with new developments of the sector in Europe. For this purpose within this study is made a questionnaire with the farmers to notice their key concerns in their work and to understand their readiness to be part of innovative schemes that will revalue the local product and will approach them to the consumer.

Keywords : *local product, farmers, innovative schemes*

Introduction

In the last two decades in Albania has occurred a huge economical transformation. Since 2000, it has had an economic growth by 7%, whereas agricultural sector has marked in the same period of time growth by 3-3,5%. This digit is enough to understand that this important sector of the Albanian economy hasn't followed the same steps as the national economy. Agriculture, is one of the most important sectors in income growth, improvement of the trade balance, but most of all in the recovery of the population in these particular areas. This sector is experiencing a long and slow transition to pass from the level of fulfilling the needs towards a commercial sector. After the crisis in the beginning of the '90, agriculture passed a transformation process from collective farms to the free market economy. But, as the other parts of economy faced drastic structural changes, the barriers of the agricultural sector made the development continuously hard. The slowdown of the sector is shown by its contribution in GDP from 35% in 1995 goes down to 20% in 2012. All this panorama, raises a concern about the way and the guiding of development of this sector in the new conditions of:

The need of growth of the agricultural and livestock production and growth of reproductive ability,

Actual problems of agriculture in conditions of the process of integration Albania in EU and its integration in the European market etc.

Continuous growth of demand for standards as conditions for EU integration,

Economical crisis that has put at risk European economy.

In these conditions, the need of new approach of the sector focusing on the market and the agricultural marketing, would help to adapt the politics and the intervention in the sector towards a bigger efficiency. The identification and the promotion of the advantages would make a competitive agricultural product in the market. A serious approach to agricultural marketing, as a process in the value chain, in the transition of the product from the farm to the consumer would help the farmer to come out of its actual situation.

Literature Review

Local Food Systems:

A local food system is one in which foods are produced, processed and retailed within a defined geographical area. Examples of local food systems are: farmers markets, farm gate sales, vegetable box delivery schemes, community supported agriculture and public procurement schemes which source food from within a defined geographical radius. The foods which are exchanged within local food systems are usually those which are traceable to a particular place of origin, and have distinctive qualities or characteristics. They are often unprocessed or lightly processed foods. There is as yet no legally agreed definition of local food, nor of the geographical scale of the 'local'. The local is always experienced and understood in relation to larger geographical scales, such as the regional, national or global. The question of where the local area ends and another scale begins is subjective, depending on context (density of populations, accessibility and rural or urban character for example) and purpose.

The complex nature of contemporary food systems, even for seemingly simple food commodities, also makes it difficult to define 'local' food. For example, unless otherwise specified, locally bred chickens may well have been raised on feed sourced from thousands of miles away. For processed products consisting of a variety of ingredients, the situation is still more complex. Products may be grown or reared in one location, moved to another for processing and packaging, and then returned to the original location for sale. So they may be considered 'local' foods in the sense that they have been produced and consumed locally, but might have generated several hundred food miles during the stages in

between. Dishonest traders can take advantage of this to tap into consumer interest in local foods (Local Government Regulation 2011).

Short Food Supply Chains:

The definition of short food supply chains developed by Marsden *et al.* (2000) is referenced by many subsequent researchers. They argue that SFSCs have capacity to 'resocialize' or 're-spatialize' food, thus allowing consumers to make value-judgements about foods. The foods involved are defined by the locality or even specific farm where they are produced. Interestingly, Marsden *et al.* (2000: 426) make clear that "it is not the number of times a product is handled or the distance over which it is ultimately transported which is necessarily critical, but the fact that the product reaches the consumer embedded with information." What they mean by 'embedded' with information is for example printed on packaging or communicated in person at the point of sale.

This information "enables the consumer to confidently make connections and associations with the place/space of production, and potentially the values of the people involved and the production methods employed" (2000: 425, their emphasis). The differentiation of products in this way, in theory, allows products to command a premium price, if the information provided to consumers is considered valuable.

An important principle of SFSCs is that the "more embedded a product becomes, the scarcer it becomes in the market"(2000: 425). Marsden *et al.* (2000), and later Renting *et al.* (2003), identify three main types of SFSC, all of which engender some form of 'connection' between the food consumer and producer.

Face-to-face: consumer purchases a product direct from the producer/processor on a face-to-face basis. Authenticity and trust are mediated through personal interaction

Spatial proximity: products are produced and retailed in specific region of production, and consumers are made aware of the 'local' nature of the product at the point of sale. This category overlaps with the 'face-to-face' category and includes the same retail spaces as noted above. In addition, this category could include specialist retailers (e. g. delicatessens, bakeries, butchers, grocers) which sell 'local' produce and also elements of the hospitality industry which sell local foods (e. g. restaurants, pubs, hotels and other accommodation). This category could also include public sector food provision, such as hospitals, schools, universities, care homes, prisons and so on which either sell or provide locally sourced foods.

Spatially extended: information about the place and processes of production is communicated to consumers who are outside of the region of production itself, and who may have no personal experience of that region. All types of retail space are potentially appropriate for this type of SFSC. The product information is communicated through product packaging and promotion, branding, and the use

of certification and legislation to protect named products with distinct geographical origin. This legally forced system sidesteps the whole problem of defining 'the local' itself, by insisting instead that the crucial point of definition is whether a food product's characteristics are attributable wholly or in part to the features of a distinct – and usually relatively small - geographical area.

Important economic factors of producers' interaction with marketing and food supply chain Broderick *et al.* highlight are:

- Labour family labour, volunteer labour, apprentice labour,

casual labour, professional labour and fees

- Marketing margin

- Negotiation costs

- Transaction costs

Maxey *et al.* (2011) have examined the economics of growing food on small-scale sites with 10 acres (4 ha) or less. They use eight current UK case studies: four fruit and vegetable growers, a mushroom grower, a ducklings hatchery, a mail order seed company, and a mixed holding selling cider, honey, eggs, and lamb. The threshold of 4 ha is below the level at which farms are typically considered viable in the UK; e. g. 5 ha (12 acres) are required for a farm to qualify for permitted development rights. The authors conclude that economically viable and sustainable land based enterprises can be created on holdings of 4 ha or less. In addition small livelihoods can be created on marginal sites, as illustrated by some of the case studies. These livelihoods often follow a slow development trajectory, allowing growers to avoid commercial loans and time to develop "in harmony with the ecosystem" as the authors put it.

To judge the ecological or economic success of these smallholdings it is recommended to take a long term view. The mental attitude and approach are seen as the most significant factor in creating viable smallholdings. This approach includes commitment, willingness to work long hours, patience, long-term perspective and creative, solution focused thinking. All eight case studies achieve high yields per unit area by intensive and/or diverse cropping and then add value through processing and direct marketing.

Enterprise diversity is a common feature of the successful case studies. The most profitable small-scale land based enterprises are labour intensive and horticulture is seen as better suited to small scale than livestock. Where smallholders can purchase land at agricultural land prices, the system offers affordable opportunities to enter farming. These case study success stories reported from various countries contrast somewhat with findings when a large survey is conducted.

Methodology

The main objective of this paper is to understand the farmers attitudes towards the direct sale and their willing to participate to local supply chain. In this study is used the quantitative methods approach through the use of surveys to collect data. The survey was conducted between October 2015 and November 2015 with 150 Albanian farmers from different districts.

Results

The survey was orientated to three main issues :

difficulties that farmers face to sell their production

general interest to local products.

reasons that may lead to local products

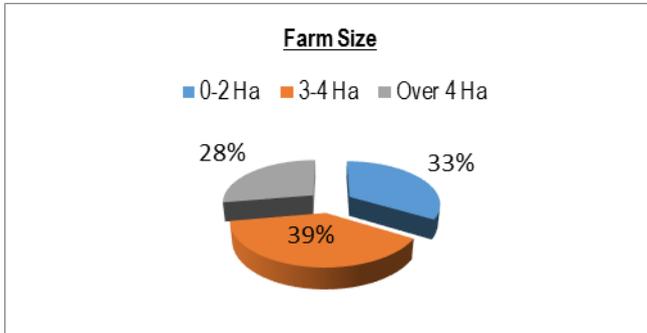


Fig. 1

The farmers willing to participate to direct sales.

The farms are asked if extension service, advise them about marketing and how they can sell their production. The following results show that major part respondents are not advised for the alternatives of facing the market.

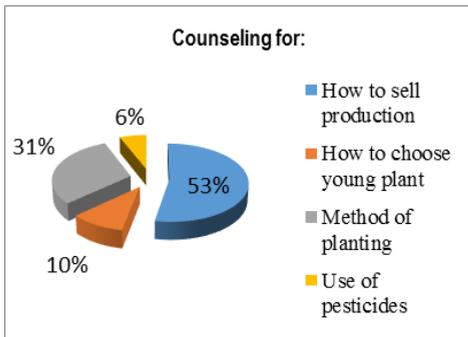


Fig. 2

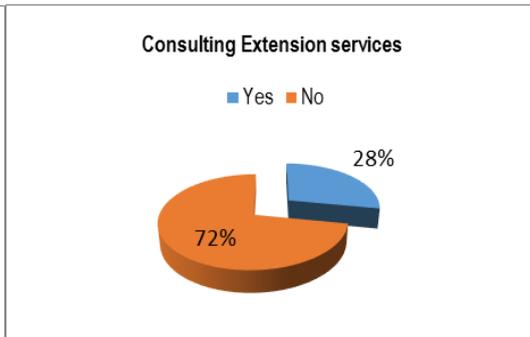


Fig. 3

Regarding the general interest of local products, there is ambiguity in the term "local" among participants who perceive it as such in general domestic production, it also due to the fact that Albania is a small country and physical distances are relatively remote. What can be said without hesitation is a revival of interest in local products. Reasons vary among farmers but all perceive that local production have many advantages comparing to import products. They perceive a tough competition from imported products.

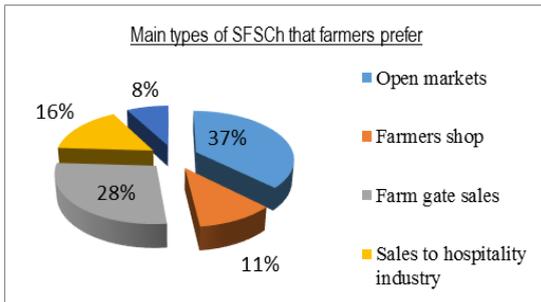


Fig. 5

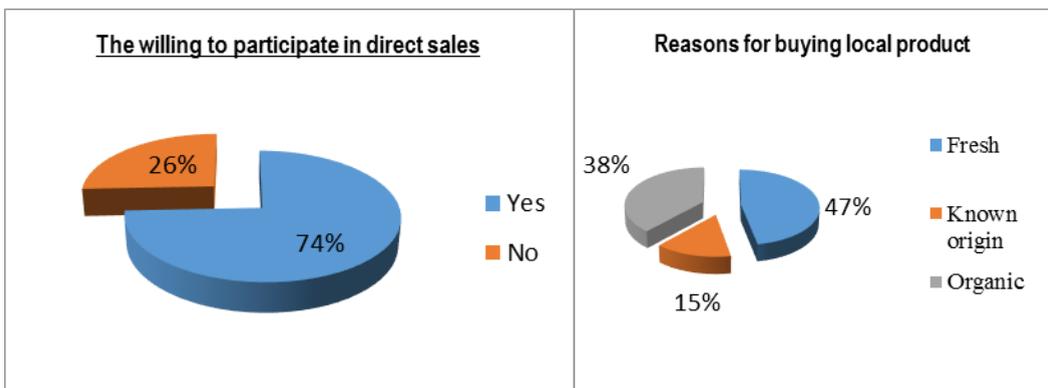


Fig. 6

Fig 7

As it's seen the most preferred direct sales are open market, farm gate sales and hospitality industry (fig. 5). Farmers argue these responses as below:

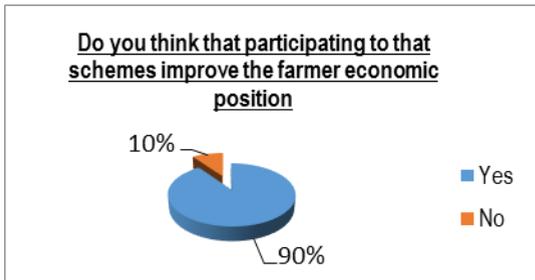
Advantages of "open market" :

Direct contact with costumer

Direct contact builds up trust between farmers and costumers

Interaction in the process of purchase and sale.

Advantages of "farm gate sales":



Reduction of transportation cost

Reduction of time waste for farmers

Trust of direct contact

Advantages of "sales to hospitality industry":

Oportunity to sell all production Reasonable prices

Builds trust

The major part of farmers think that if they would participate to these forms of direct sales, they could improve their economic position and would be more competitive (fig. 6).

Conclusion

The Albanian agriculture based on the small family farm, is a crossing to find its way of development as one of the most important sectors of economy. This new tendency that has been appeared to the albanian consumer is one of the possibilities for the small farms for which is almost impossible to be efficient in the intensive agriculture. They find it impossible to be part of the modern food supply chains. But these farms can be focused on the added valued product, referring to the traditional methods of the production and the food supply short chains.

Our findings undoubtedly require further analysis and contextualization in a wider scenario. However, results show a strong willing of farmers to be part of direct sales, although *local* has become the new mantra (duPuis and Goodman, 2005), practical and socio-cultural dimensions still direct shoppers' choices, raising interesting questions on the role of alternative food networks.

Limitations of the current work are related to the explored sample is limited in terms of number respondents, which are not statistically representative of the albanian population. Another quantitative analyse would have given the final results more general significance.

Bibliography

Broderick, S., Wright, V., and Kristiansen, P. (2011)"Cross-Case Analysis of Producer-Driven Marketing Channels in Australia. *British Food Journal* 113 (10), 1217-1228.

Du Puis, M. d. (2005): " Should we go ' home' to eat?: Toward a reflective politics of localism". *Journal of Rural Studies*, 359-371.

Marsden, T. (2000): " Food Matters and Matters of Food: Towards a New Food Governance". *Sociologia Ruralis*, 20-29.

Marsden, T., Banks, J. and Bristow, G.. (2000): " Food supply chain approaches: exploring their role in rural development". *Sociologia Ruralis*, 424-438.

Maxey, L., Laughton, R., Rodker, O., and Wangler, Z. (2011) *Small is Successful! Creating Sustainable Livelihoods on Ten Acres or Less* [online] available from [www. ecologicaland. coop](http://www.ecologicaland.coop) London: The Ecological Land Co-operative Ltd.

Renting, H., Marsden, T. (2003): " Understanding alternative food networks: Exploring the role of short food supply chains in rural development". *Environment and Planning*, Vol. 35, 393-411.

The Legal Position of National Minorities and the Formation of State in Years'20

PhD. Cand. Marenglen Cobo

Universiteti Europian i Tiranes

marenglencobo@yahoo.it

Abstract

Albania came out of World War I in an economic – political difficult situation. State institutions lack of consolidation and the difficult living conditions in which was the population, adding even more the future uncertainty of this small state. Furthermore, Albania is not yet recognized by other states and the League of Nations as an independent state with full and equal rights. This small state during the years 20 ' occupied an area of 27,539. 10 km2 and had a population of 803 959 inhabitants. As belonged to the territorial organization and administrative division, it was divided in 9 prefectures, 31 sub-prefectures and 80 provinces. Its population belonged to three different religious faiths: Muslim, Catholic and Orthodox. The number of residents who claimed to belong to the religion of Islam was about 529,694, and those who belonged to the Orthodox religion were 168 215 and those who belonged to the Catholic religion were 96,050¹. But related to the ethnic composition of the population, the Albanian state is presented as homogeneous where national minorities occupied a small percentage, no more than 10%. The small presence of minority in Albanian territory probably was also one of the reasons that explain the reason for the lack of labor conflicts with ethnic character. Minorities that were identified as non-Albanian minorities were divided into ethno-cultural and national minorities. In the first group were included Rom and Vlachs, while on the second group were included: Montenegrin minorities, Macedonian and Greek national minorities.

Introduction

Vlach or Arumanian ethno – cultural minority, had an early presence in the Albanian territory. Members of this minority speak as their first language that of the country in which they were located even if among their members of the group Vlach language was used constantly. They were concentrated notably in southeastern and middle of Albania.

Rom minority was distributed in different parts of the territory, mainly concentrated in central Albania and south. Nomadic, way of life emigrated from one region to another was one of the reasons not only for the registration but also their integration.

National minorities were concentrated mainly in the border areas of Albania or such, in the north, east and south.

Macedonian national minority was concentrated mainly in the area of Prespa. This area extended in the southeastern corner of Albania, bordering with neighboring countries, Greece and Macedonia. During the years 20' Macedonian national minority had not the minority status of the Albanian legislation.

The Montenegrin national minority was concentrated in the north of Albania, mainly in the north of Shkodra, in the municipality Gruemeri-Vrake. According to the data in Vrake were 1855 inhabitants concentrated in 150 houses, which belonged to the Montenegrin minority. ²

¹ Teki Selenica, ALBANIA IN 1923, TIRANA Printing House "Tirana", 1923, p.7.

² Ministry of Foreign Affairs, on schools slavish of Shkodra in the village of Vrake MFA, archive 1922 files 164, p. 13.

Greek national minority was concentrated in the southern part of Albania, notably in the prefectures of Gjirokastra, Korca and Vlora. According to official data, the number of people Greek – speaker reached in 16,000 residents. ¹The considerable concentration of the Greek minority in the border area would lead to an international collision between Albania and Greece.

Greek-Albanian debate in the Conference of Ambassadors on the Greek minority in Albania

The issue of minorities in Albania will be treated for the first time in the Conference of Ambassadors held at Versailles after the First World War. During the conference Greece sought to annex the Albania southern territories by exploiting the presence of the Greek minority. The Greek delegation headed by Prime Minister Eleftheros Venizelos, in his presentation submitted the requirements and the claims. With his intervention he operated with all the sorts of theories, not only strategic but also historical and linguistic. These theses were accompanied by statistical data which is presented as authentic. So according to Greek party claims in these territories there were about 150,000 Greek. For the determination of this population the Greek party took as basis the religious affiliation, which was that of the Orthodox religion. In the territory of southern Albania there were about 290,000 inhabitants, of these 117,000 inhabitants belonged to the Orthodox religion and the rest belonged to the Islamic religion². It was clear that this kind of reasoning was incorrect since only this element can not suffice to define the national identity of a nation. So, for the definition of a national minority it was necessary that its members, display ethnic characteristics, cultural, religious and linguistic separate from the rest of the population. Taking as a basis these data in the definition of national minorities, then in the Albanian territories lived a Greek population many times smaller than was claimed by the Greek delegation. Also, another element that the Greek delegation was using to achieve his goals was the presence of many Greek schools in the territory of Albania. This aspect is explained by the fact that during the five centuries occupation by the Ottoman Empire, the Albanian intellectuals had been unable to open the schools in the Albanian language. This kind of policy pursued by the Turkish authorities had forced many families to send their children to Greek schools that were opened in the Albanian territory.

During his intervention at the Conference of Ambassadors, the Albanian delegation rejected the topic submitted by The Greek party counterparts in determining the nationality of a nation based only on religion. The Albanian party highlight the fact that the population of these areas regardless the religious affiliation, had the same habits and spiritual feelings like all the other part of Albania. Spoken language, despite the presence of The Greek schools was the same as the language of all Albanians in the south as well as in the north. ³ Regarding the attendance of The Greek schools and the lack of them in the Albanian language, the Albanian delegation, rejected the claim that they were proof of Greece-isation of these regions. This was explained by the prohibitive measures that had taken the Ottoman Empire, in Albanian schools during the occupation years. Greek-Albanian debate in Greece about the claims on the territories of southern Albania will last for some time. Claims of Greece will be thrown down by the Conference of Ambassadors and Albania will be able to form its independent state. Albanian delegation by his part is committed to guarantee all the rights, which civilized countries gave to minorities who were in their territory. Moreover, these guarantees would be strengthened by the admission of Albania to the League of Nations.

The system of minorities' protection in the League of Nations

League of Nations created by the big winning powers on April 28, 1919 and entered into force in January of the next year. US President Woodrow Wilson, who was the initiator of this international organization, reached to introduce in the founding treaty a paragraph on the basis of which the new states as a condition for recognition of their independence had to devote themselves to guarantee equality of treatment against national or racial minorities. US President himself will impose later this paragraph even to the states that could join in the future the League of Nations. These obligations were seen with dissatisfaction from Small countries, from the moment that was asked to sign treaties for the protection of minorities. They protested against what they called a limitation of Independence, which was born as a result of the different treatment that was done to the larger countries. Objections raised by the so-called "small Countries" on the protection of minority rights, was passed forcing Member States to maintain a standard approach to any kind of prohibition against racial discrimination,

¹Ministry of Foreign Affairs, Statement hat made the representative of Albania on October 2, 1921, MFA 1921 File 91, p.241.

²Beqir Meta, Minorities and National Construction in Albania(1912-1924), Albanological Studies Center, Institute of History, Tirana, 2013, p.242.

³EnverBytyci, Albanians, Serbs and Greeks, Printing house "Koha", Tirana, 2005. p.80,

linguistic or religious. ¹ Were also adopted some measures that intended the preservation of national identity and values of particular groups, assimilation against any danger that may come as a result of boundary changes.

The difficulty of adopting these measures was that some of these countries were connected between them with special treaties, other non-binding promises, others still at large by any agreement. Pretty much almost all European countries were involved in its territories minority groups. Special significance had League Resolution of 21 September 1922, in which it was claimed that, besides recognition of the minorities right to be protected from any form of oppression, was emphasized even the duty of the members of these groups to collaborate as loyal subjects of the state where they resided. The resolution also would guarantee the new territorial change set by the Peace Conference of 1919, which provided an extension of the territory of Serbia, Romania and Greece and determination borders of Poland and Czechoslovakia. These agreements have created a large number of groups that for the cultural traditions, linguistic and religious, were in a minority position, which should be protected by the signing of the treaties of minorities, between great allied powers and losers countries of the war. In general terms, the new regime provided that the protection of minority rights by these treaties must be concentrated on: equality before the law with respect to civil and political rights, freedom of religion, and the right of minorities' members to use their language, the right to have their religious and educational institutions. It was also including the right to develop teaching in the mother tongue of minorities in areas where minorities constitute a considerable number.

² International protection of minorities pointed out the principle of non-discrimination, which essentially guarantees to the minority members to equally enjoy civil and political rights by members of the majority population. On the principle of non-discrimination is also expressed the Permanent Court of International Justice. It argued that the aim of this principle was the eventual prevention of unequal treatment and no guarantee of a regime for which derived a privileged treatment. Observing the Court's position was understood that the provisions on the rights of persons who belonged to minority groups had a negative character, because they were confined to the prohibition of all forms of discrimination. Also, the international protection of minorities, provided that members of minorities should enjoy equal rights in the establishment, control and management of institutions to their religious and cultural sites, schools and other educational institutions, with the right to use their own language and practicing religion freely. It was the duty of the member states of the League of Nations, which, through their intervention to make possible the realization of these rights. Such an interpretation was noted in the case when, in those parts of the territory, where minorities constitute a majority of the population, the state should ensure the development of teaching in minority languages and a fair division of public funds in order to achieve those rights. Provisions of treaties concluded, at that time, had as its object the minority members and non minorities. The views seemed clear from the attitude of the Allied Powers, which were seeking to guarantee a minority political autonomy, thus avoiding at any cost the establishment of a state within a state.

The international system created by the League of Nations went further, as provided the existence of a "minority regime" even when, without specific treaties, were implemented the rights of minorities. In other words, it was this international body, which for the first time was trying to ensure minorities a real status, internationally recognized. League exercised the function of guaranteeing through a practice of reviewing the petitions. These petitions can be presented on behalf of minorities when these claimed that they were violating their rights. Complaints were addressed to the General Secretary of the League of Nations, and in case they were considered acceptable, the Council of the League raised an ad hoc Committee on Minorities, which aimed a peaceful resolution of the issue. ³ In those cases where the efforts for a peaceful resolution of the issue between the League and the state against which allegedly had violated the rights provided in treaty failed, to the Council was recognized the right to refer the matter for consideration before the Permanent Court of International Justice. A case in point has been the review by the Court on the issue of minority schools in Albania. It was about the decision taken by the Albanian government belonging to the nationalization of private schools, including those of the Greek language, the Greek minority in the south of the country.

Court intended to give a solution to these issues, trying on the one hand, to ensure minorities certain rights, in order to preserve the personality and on the other to achieve these rights, minorities should not be opposing the state which was part. In the framework of the League of Nations tried to create a system of guarantees. It is important to underline that

¹Catello Avenia, Tutela internazionale delle minoranze, p.12, <http://www.altalex.com/documents/news/2012/07/12/tutela-internazionale-delle-minoranze>

²Mimoza Agalliu, International Protection of Minorities, p.11, Printing house "Marin Barleti", 2013.

³Mimoza Agalliu, International Protection of Minorities, p.12, Printing House "Marin Barleti", 2013.

treaties concluded during this period constituted a step towards the protection of minorities and recognition of human rights. Their fundamental importance lay in the fact that the public international law had not only its object relations between countries, but also maintaining the guarantee of rights, even though in a limited way.

For the first time the international community was aware for individuals, who lived without a normal law protection, and that they seek additional guarantees for the enjoyment and exercise of their fundamental rights by an international organization, because their defense systems by national internal systems may not be enough.

This system, which in a first glance seemed quite coherent and liberal, failed for more political reasons than legal. This is because the various treaties asked commitments mainly to defeated states in the First World War and tried to exempt from these commitments to the League of Nations.

It was necessary the universalization of approved rules. Obligations in the field of minorities were not included in the League Status, but were charged only the countries associated with these obligations in the peace treaties.

Despite these achievements, the international law does not provide an effective protection against minorities. Firstly was not offered a collective legal protection, but only one individual protection of those people that enjoyed the minority status.

Another negative aspect was the fact that the international protection system formed for minorities provided only negative type measures, namely general prohibitions or obligations. Such measures could have been the adoption of the principle of non-discrimination and affirmative obligation of States to implement the principle of equality.

We should also remember that the League of Nations was an initiative of US President Wilson, but unfortunately the United States of America did not become a member of this international organization. The main purpose of the League of Nations was to maintain international peace and security, but also a member states were obliged to resolve conflicts through an arbitrary or addressing the Council or Assembly, disputes that may arise between them. ¹ Also, to avoid conflict, was foreseen the commitment to not use force at least until the third month from the moment of publication of the report issued by the body. For these reasons the problems of minorities were in the second plan.

After the end of World War I and the creation of a truly international regime thanks to the League of Nations, there was not a binding legal definition and universally accepted about the concept of minority. Permanent Court of International Justice of the League of Nations, in an advisory decision on July 31, 1930, regarding the issue raised by the Bulgarian-Greek community, to give a definition.

It was defined as: a collective of people who lived in a state or locality, who had a race, a religion, a language and its traditions, united by the identification of her race, religion, language and tradition in a sense of solidarity, in order to preserve their traditions, their forms of worship, to guarantee the education and upbringing of their children, according to the sentiments and traditions of their race and that are mutually supported. ²

In other words, that a group of persons must be considered and benefited from minority status should have possessed some national, ethnic and linguistic features. Also the terms like ethnic, linguistic and religious should be treated as a sub-category of national minority, which includes in itself the nation element of the foregoing characteristics. Preservation of these features require a form of collective residence, which create an identity and somehow showed a sense of solidarity among the members of the group against the stock leading to linguistic, religious or cultural assimilation. The right of identity in itself presupposed, on one hand the action of the members of minority group finalized for recognition of their rights and the preservation of identity, on the other the stock prohibition of the States that lead to genocide and ethnic cleansing.

¹Catello Avenia, Tutela internazionale delle minoranze, p.11, <http://www.altalex.com/documents/news/2012/07/12/tutela-internazionale-delle-minoranze>.

²Fulvio Suran, Fabrizio Somma, Ricerche sociali, Centro di Ricerche Storiche di Rovigo, p. 12, http://www.crsrv.org/pdf/ricerche_sociali/Ricerche_sociali_17.pdf

Albania and its commitment taken by the League of Nations

Albania was accepted as a member state of the League of Nations on December 17, 1920, being recognized by the international community as sovereign and independent state. League of Nations for its part, requested to the new member to take commitments in respect of the rights of national minorities and to report to the League for their position. An important step in this direction was the Declaration on the Protection of Minorities in Albania, signed by Fan Noli, as representatives of the Albanian government, in the session of the Council of the League of Nations on October 21, 1921. This statement consisting of 7 articles will be named as a fundamental law in Albania. Consequently, any law, regulation or official letter would not be contrary to this document, otherwise they will lose force. Also, Article 2 provided that Albanian citizens will be guaranteed full protection of their life and freedom, regardless of nationality, language, race and religion. All citizens shall have the right to freely practice their religion and faith, with the condition that it was not conflicted with public tranquility and traditions. This article was important because of the country emphasized secularism stating that every Albanian citizen was given the right to change religion. As belonging to civil and political rights they are regulated by Article 4. So, all Albanian nationals were equal before the law and shall enjoy all civil and political rights without distinction of race, language or religion.

For political rights in Albania will apply a system of choice, taking into account the rights of the minorities, of race, religion and language. Civil rights had to do with the fact that Albanian nationals of any language will not be put any constriction in the free use of their language as private relations, trade, and the issues that would have to do with religion and media. ¹ After emphasized the full equality of the persons belonging to minorities with other Albanian nationals, they were engaged to periodically inform the League of Nations and vowing that he would be kept in mind its recommendations, stating that "As belonging to public education, the Government will give in the cities of the regions where they lived a significant part and citizens with a language other than the official language, adequate facilities to ensure that teaching in primary schools must be given to the children of these Albanian citizens in their mother tongue².

Art. 5 recognizes to the Albanian citizens the right which belonged to minorities, to direct and control, with their incomes, or to create in the future, charities, religious, social and medical, while guaranteeing the right to freely use their own language and to practice their religion freely.

Albanian government is committed to, within six months by stipulation of this statement, to represent the Council of the League of Nations a detailed report about the state of religious communities, churches, monasteries, schools and companies that belonged to minority. Also, the Albanian Government will take into consideration all orders that the League of Nations would give on this issue.

The statement gave a special importance to the development of teaching in the mother tongue of minorities. So art. 6 provided that in the cities or regions where they lived in a considerable number of Albanian nationals, who do not speak the official language, the Albanian state would create special facilities to ensure that children of these citizens, in the primary schools must be given tuition in the language of their own mother tongue. This declaration did not prohibit the Albanian government to put in these schools the teaching of the Albanian language as mandatory. According to art. 7 this statement for the protection of minorities, had international character and will be put under the control of the League of Nations. Accordingly the statement can not be changed without the consent of the majority of the Council of Nations. ³

To the Council was recognized the right to give suggestions to the improvement and achievement of the objectives set by the Declaration. The system of minorities' protection provides that if a state between Albania and other members of the League of Nations, will arise doubts on the implementation of these articles, this will undoubtedly be called as a dispute of an international character by the League of Nations Statute.

¹Archive of the MFA, protection of minorities in Albania, Declaration that has made the representative of Albania on October 2, 1921, p. 250.

²Luan Omari, *The issue of national minorities*, Printing House "Gutenberg", Tirana, 2014, p.50.

³Archive of the MFA, protection of minorities in Albania, Declaration that has made the representative of Albania on 2 October 1921, file, 99, p.251.

The statute provides that, any dispute which had the basic rights of the minorities, would be sent at the request of the other party, for review before the Permanent International Court. Albania's commitment to the League of Nations for the protection of minorities was a sign of its willingness to the improvement of the internal legislation, regarding the equality of the Albanian citizens regardless of race, language or religion.

Improvement of the internal legislation

During years 20 'Albania was engaged in the difficult way to the consolidation of the state and its administrative bodies. Despite the difficulties encountered during this important process, the Albanian state showed a special devotion towards equality of Albanian nationals. Important was art. 110, Chapter III dedicated the rights of citizens, drawn up by the Enlarged Statute of Lushnja. This article provided that all, with no citizenship change were equal before the law and enjoy equal number of civil rights, except exceptions provided by law. ¹

Albanian state had a special importance for the political representation of all citizens that belonged to different religions. In the territories of Albania in the years' were present three religions: Islamic religion to which belonged 70% of the population, the Orthodox religion to which belonged 20% of the population and 10% of the Catholic population. ²

From the data it is clear that the majority of the population belonged to the Islamic religion. Albanian government during political elections tried to guarantee proportional representation of all religious faiths in the Albanian parliament. This was an important step that the government was taking in the modernization of the Albanian society, which must accept religious diversity and focus on the formation of a secular and modern country.

Under the supervision of the League of Nations Albanian government gave a special importance to the education in the mother tongue of children who belonged to minority. As mentioned above, in southern Albania was concentrated a Greek-speaking Orthodox population, whose number reached to 16,000 residents. In this area counted 36 Greek minority schools, 2614 students, 49 teachers, 190 churches and 13 monasteries. ³All Greek minority schools were financed by the Albanian state. Local administrations and judicial authorities had no right to intervene and prevent minorities to speak and write their language. Also, in northern Albania, the city of Shkodra had two schools in which the teaching was done in Slavic languages per 1800 inhabitants with Montenegrin nationality. Albanian population during the years 20 ' was estimated at approximately a little more than 800,000 inhabitants and the Ministry of Education operated 500 schools for Albanian-speaking population. By comparing the number of Greek and Slavic schools with the Albanian ones, in proportion to the population in Albania, had more Greek and Slavic schools than Albanian. There was no other state that had full teaching rights of the minorities. As belonging to schools funding from the Albanian state, there was an exception from the Catholic community in Shkoder, whose elementary schools were not funded by the Catholic Archdiocese of Shkodra. Despite the fact that Albania was a country with a weak economy and an administration not well consolidated, its government seriously committed to fulfill the commitments that had taken membership in the League of Nations. Minorities present in the territory of Albania created possibilities in order for them to freely express their national identity and culture.

Conclusions

The end of the First World War left serious consequences not only for the Albanian state economy but also for the population that is within the territory. Despite these difficulties the government was located in building a legal state to ensure equality of sub-countries, without distinction of race, language or religion, before the law. Indicators for the good will of the Albanian government in this direction were the concern that it took before the League of Nations, at the moment when Albania was admitted as a member state of this international organization. Albania to the ethnic composition was a homogeneous state, where minorities constitute a small part of the population, not more than 10%. Despite the presence of a small minority, Albanian state approves a series of acts and laws that will allow these subjects to freely express their cultural identity. Such were the laws which guaranteed civil and political rights of minorities. So article 110 provided that all invariably citizenship was equal before the law and enjoy the equal civil rights. Special importance had the school fund from the Albanian state,

¹AleksLuarasi, Legal acts about the history of the state and of law in Albania, Printing House "Luarasi", Tirana, 1999, P.79

² MFA Archive, year 1922, file 102, p.129.

³ MFA Archive, year 1922, file 102, p.131.

where to the childrens who belonged to minority groups were created necessary conditions to learn the mother tongue. Teaching in the mother tongue was a very important aspect after giving the minority the opportunity to present in the Albanian lands the legacy on future generations, own culture, traditions and customs. Also, the announcement of Albania as a secular state guarantees for three religious communities, Islamic, Orthodox and Catholics to exercise their religion freely in harmony with each other. All the policies undertaken by the Albanian government during the years 20 'make possible that the present minority in the country must live in harmony the rest of the population and express freely their cultural identity.

Bibliography

Books

ALEKS LUARASI, (1999) *Legal acts about the history of the state and law in Albania*. Printing House "Luarasi": Tirana.

BEQIR META,(2013) *Minorities and National Construction in Albania(1912-1924)*. Albanological Studies Center, Institute of History, Tirana.

ENVER BYTYCI, (2005) *Albanians, Serbs and Greeks*, Printing House. "Koha":Tirana.

LUAN OMARI, (2014) *The issue of national minorities*. Printing House "Guttenberg", Tirana.

MIMOZA AGALLIU, (2013) *International Protection of Minorities*. Printing House: "Marin Barleti".

TEKI SELENICA,(1923) *ALBANIA on 1923*. TIRANAPrinting House: "Tirana".

Official documents

Archive of the MFA, 1922, file 102.

Archive of the MFA, protection of minorities in Albania, Declaration that has made the representative of Albania on October 2, 1921, file 99.

Internet

SURAN. F, F. SOMMA, *Ricerche sociali*, Centro di Ricerche Storiche di Rovigo, http://www.crsrv.org/pdf/ricerche_sociali/Ricerche_sociali_17.pdf

Catello Avenia, Tutela internazionale delle minoranze, f. 11, <http://www.altalex.com/documents/news/2012/07/12/tutela-internazionale-delle-minoranze>.

The Role of Printed Media Regarding the Position of Woman in Albania

Isida Hoxha

Universiteti Luigj Gurakuqi,

isidahaxhi@hotmail.com

Abstract

This paper analyzes the content of independent printed media regarding the woman position in Albania. Performing out its functions, media often reflects the stereotypes of the society; one of these stereotypes is the reflection of gender, especially woman. Even if media plays an important role in the process of socialization, it also has the obligation to transmit and make public a proper and good image of individuals. The most important function of media is that, while reflecting the society, it should not create or transmit stereotypes and should not play a role on their reinforcement. Related the gender stereotype and media role on this issue I have chosen the case study called Ajshe Vata. This case study is important because it represents the story of the murder of a young girl in Albania called Ajshe Vata. The importance of this case lays in the importance that media showed to this death. Therefore, the research question of this study is; what is the role of independent printed media in Albania in the cases when woman is the victim? Do the stereotypes created by society get reinforced by the printed media? Methodology used in this study will be discourse analyses in the printed media which at the same time will be the main theory of this paper. I will choose the independent newspapers during the period October 2012, when the case takes place.

Keywords; *discourse analyses, gender and media, media discourse, gender discourse, stereotypes*

Introduction

Media should play not only the informational function but at the same time also the creative function for the audience for the perspectives it presents. It distributes messages that reach in a short time at a large number of people. Its role in the chose theme to be treated is very significant, because it can influence in changing of perceptions of people according to gender differences, man and wife. To understand the role of media not from the theory but from practice is selected the case of Ajshe Vata. This case study serves to analyze the work done from the printed press by having in focus the characteristics of this case, which represents many problems of the woman in the Albanian society, and the way, which is chosen to make them publicly. The study of this case by analyzing the representation of events serves to answer the research question raised above in relation to stereotypes created from the society, which are enforced from media.

Discourse analyses

In the paper we are referring the importance that analyze of the text has by firstly saying that the discourse analyzes has different version by referring to two main division where one includes the detailed analyzes of text and the other not. The approach that is used refers to the attitude of Fairclough who emphasizes that "my approach to discourse analysis is based upon the assumption that language is an irreducible part of social life, dialectically interconnected with other elements of social life, so that social analysis and research always has to take account of language." (Fairclough 2003:2). This study relies on the discourse analyzes by taking into consideration that this analyzes is not only related to linguistic characteristics of the text, but by referring the relationship language-social practice as elements that interact through structuring at each other. "The term discourse (in what is widely called 'discourse analysis') signals the particular view of language in use... as an element of social life which is closely interconnected with other elements" (Fairclough 2003:3)

Discourse analyzing can operate with different analytical tools but in this article to study the role of woman in Albania in printed media through the selected study case are used: lexical, sentence structures in the title of the article by referring to the verbs and noun phrases in function of participants and circumstances. According to Mills (1995:143-144) "the study of transitivity is concerned with how actions are represented; what kind of actions appear in a text, who does them and to whom they are done". Transitivity is used for the text as one of the most important tools of representation by focusing on participants, the process in itself and circumstances.

Media discourse and social construction of news.

The language used in the content of the printed press is not neutral and is not simply telling the facts. This happens because the journalists in the process of their job firstly do a selection of events, happenings through the process of selection by referring some criteria which help in its determination that will be public or not. The second important element is the transformation that is done to the selected event by adopting with the characteristics of the medium and the used ways by referring to different kinds of mediums to make news: "News is a representation of the world in language; because language is a semiotic code, it imposes a structure of values, social and economic in origin, on whatever is represented; and so inevitably news, like every discourse, constructively patterns that of which it speaks. News is a representation in this sense of construction; it is not a value free reflection of 'facts'" (Fowler 1991:4) The representation of world in the texts of news, in a democratic society is related to the freedom of press to bring different point of views because of economical, political, social factors, which are not released, from the prejudices. "Journalism has social effects; through its power to create the issues of agendas and public discourse, it can enforce the beliefs; it can create people's opinion not only in the world but also in their country and the role in the world; or if it doesn't shape your opinion in a particular issue it can slightly influence those you have thoughts on." (Richardson 2007: 13) Mental categorization is a process that is present in all people and through that people can classify everything based on their understandable experiences or not, which direct us toward stereotypes. Our relationship in the role of public with printed, visual media etc influences even more this process, by considering the values of the news, which can enforce our stereotypes.

Discourse discrimination, gender and power

As was said above the categorization serves as a platform to build the discrimination, which is related to unequal opportunities for individuals that are involved and are part of certain groups. Different factors, where the most important are cultural, social factors make possible for us to categorize not in relation to individual characteristics of the person but also the referential like gender, religion faith, race etc. Media discourse serves to maintain and enforce the discrimination based on groups of reference, by referring to language in use in relation to existing ideology. Ideologies are representations of aspects of the world which can be shown to contribute to establishing, maintaining and changing social relations of power, domination and explanation (Fairclough 2003:9). The presentation of women in printed media is related to the categorization of this group by referring mainly to attribute such as irrational, powerless, depended on other people, which are realized according to the statement that "linguistic usage is sexist, responding to the ideological paradigms in discourse which assign women special, deviant status in certain respects" (Fowler 1991:97). This representation enforces the existing ideology in relation to stereotyping of the woman in the Albanian society as I presented during the study.

Analyzes

Types of violation and psychology

The inequality between females and males is presented into different forms changing it into one of the actual problems not only in undeveloped countries but also in those developed ones. This case study gives some important elements in relation to created stereotypes from the society and enforced by media. Firstly, Ajshe Vata is an eighteen years old girl who raised in a controlled family till that point that it was impossible for her to go out of the house without another person and have a social life in related to the characteristics of her age, by being in this way a victim of psychological violation. The violation in family despite the form it appears is too difficult to make known, because a large number of cases are not reported. Secondly, as it appears from the development of the event she was a victim of sexual violation in a young age (14 years old) which changed into "a relationship" between her and the abuser until the moment she becomes a victim of murder from the same person because of an unwanted pregnancy.

A victim of different forms of violations, Ajshe Vata creates a psychological profile which is totally described in the moment when she is part of the extreme decision in relation to her life "You mustn't just kill me, but should cut my head, disappear and even burn me in this way my family would not recognize me and know that I was pregnant" (Musaj, L. 2012:7)

By being part of a community where the members recognize existing stereotypes built from the society, she knows what is the best and the worst inside this context. The lexical used by Ajshe Vata enforces this approach, because the used vocabulary to describe relies mainly on naming such as: girl, religious, model, sociable, pupil of Medresse etc which are accompanied with the verbs: cooked, washed, helped, substituted the figure of mother for sisters and brothers. With the pre-scale of the information, we have attitudes such as: "I recognized her, but never crossed my mind that she was such a girl... I cannot believe because she was a good and beautiful girl". (2012: 3)

The presentation of the news as a social problem

An evident element in printed media in Albania is the lack of treatment of themes like physical, psychological, sexual, violation, pedophile abusing in the social context as part of the chronicles. It is needed a particular event to move some mechanisms in relation to the inclusion of particular authorities like psychologists, representatives of civil society etc who can express meaningful messages in relation to the definition of perceptions, reactions, incorrect behaviors, where very often the victim blames herself, is blamed or prejudiced from others. In this context the role of media is not be honored because the victim rarely is kept from the mediatisation and then when it should be ensured the anonym. In chosen problem and its treatment in the independent printed press is improved because they do analyze and ask the experts of the field. Sources from different fields write by giving important information in relation to determine what is wrong and right. Significant messages are given from psychologists who analyze such problems by considering the importance of the family and stereotyped gender roles inside it. Despite the family an important factor of the family is media, which selects to transmit or publish information not on the frame of that what is important for the public but relying on sensation and the spectacular side of the event.

Titles

"Media chooses the event to report according to value or importance of the news, which should fulfill some certain criteria; therefore, the news is not simply what has happened but that which is presented as valuable and important to be "news" (Fowler 1991:13). Since the first moment when the vents happens they decide on the title, headline which talk about the nature of crime by describing in details the way how is the crime committed and peculiarities such as:"Revealed the confession of the father of the murder girl without head. The head of victim is cut continuously with a knife" (2012: 1)

The doubts on the responsible people are focused on the crime inside the family where the attention is concentrated on the father of the victim and secondly on the crime committed from passion. The heading "AND from 40 men. The killing of the student, in crime another female" (2012:1). This title expresses different information from other newspapers in relation to the amount of people that can be involved in the crime. By referring to the titles used, we have build the profile of the victim where is continuously emphasized the pregnancy in the representation of this event as a cause for the murder and for the attitude of the family. After such information is public, there are titles like this: "Father of Ajshja: My daughter dishonored me, I don't mourn since I heard that she was pregnant" (2012:1) or "The daughter dishonored me, there is no mourning in my house" (Çela, 2012:10)

The continuing of investigations from the competent institutions reveals the identification of the person, whose declarations are public in relation to the reason of murder, which leads to the negation of the victim to abort. Despite these developments are presented news that emphasize the private life of the victim and family come pre-scaling from the first point that the girl was good, religious etc toward " She had sexual interaction during the month of Ramadan, July-August" (2012:7). In a time when Aishe Vata is presented as an ex student of Medrese, religious the publication of such information is meaningful to understand the message that the title represents to portrait the victim. Aishe Vata is not blamed for the actions that have emerged the process in its development, but through the titles is continuously and dominantly emphasized, the shame that comes from such situation, where the victim turns into the main social actor, the consequences of the action which influence on the "honor" of the family.

Lexical and transitivity

To make a discourse analyze one of the most important tool is the lexical used in the building of the text. Language is rich in different words which can be used during the text to explain a purpose, action, attribute, naming etc which permit to choose one of them. The way how we decide to name others during the text might have significant meanings, in relation to characteristics that everyone has, as part of social categories because we have to do with selection. The journalist during his work can decide to emphasize the possession in a certain category by not using another category. Reisigl and Wodak have illustrates that choosing to describe an individual (or a group) as one thing or as another can serve many different psychological, social or political purposes... (2001:47). Referential strategies are a good way to understand the process of representation in relation to social actors involved in the event. By referring to the discourse of the analyzes of the text through these analytic tools we see that Ajshe Vata is mainly named with words: girl, religious, model, sociable, lovable, student of Medrese, victim. Meanwhile the author of the crime is named with the words: maniac, monster, 80 years old, killer, elderly. Through the analyzes of text by referring to lexical and referential strategies over participants (Part of transitivity) during the development of the work results that Ajshe Vata is addressed positive social values and the author of the crime is associated non human negative values. The process in itself is the second element that is studied when we use transitivity. The verbs are grouped into different categories so we have different types of processes over which can be build a sentences such as verbal, mental, relative process and the materials. The used verbs during the building of the text are mainly focused on the words: discovered, killed, cut, was, shamed, dishonored. By referring to the forms of the verbs that are included in the material process it can be noticed that in the case when we have to do with the building construct in active form (the subject before the object) also in the construct in the passive form (the object before the subject or the elimination of the subject) the information remains the same. Differently from other cases where the usage of passive form can be used with a purpose in this study the elimination of the subject, does not give facilities to the author of the event. The circumstances in which is connected the process are the third element of transitivity. The usage of adverbs and phrasal verbs in the studied newspapers does not change in relation to the role of the author Shaban Norja because all discourses are made from the same point of view for his responsibility and murder. Whereas in relation to Ajshe Vata the discourse is built by giving information over the circumstances of the process in the role of the victim (in tools and the way how the crime was committed) and on her private life focusing on the interaction good girl-pregnant! The representation of that what the journalists decide to turn into news, by studying the discourse through chosen tools relies on information which force the created stereotype in the society that a good girl, single cannot be pregnant. The constant focus on her pregnancy, the consequences of this action over the family, and their reactions where the main word is shame, dominate and are more important that the referential strategies and the lexical, which is not negative in the text, used for Vata.

The categorization that is done to Ajshe Vata through other elements mentioned is related with the origin of her family from a village of Kukës (a small town in the north of Albania) and with her residence Xhafzotaj (a village in Durrës). This categorization helps in the enforcement of the created stereotypes from the Albanian society through citizen-villager and in the concrete case village girl, by referring to the strategy of Van Dijk, we and they.

The sensation.

Professional practices of production of discourse are related to the respecting of principles and ethical codes. All ethical codes despite their differences have similarities the production of a product, the ethic news. The journalists during the representation of the event are oriented toward the usage of title where the focus is the sensation. The usage of this element is not something casual but well studied, because it is known the importance of titles in printed media, where very often the reader just reads the title of the article. This event by being related with the values of the news when one of them is the continuity remained on first pages of newspapers for a week, by sensationalizing the violence and brutality. The organizational necessity for news, the wish for sensation in relation to the attraction of public interest, produces and reproduces information which is interesting for the public. One of the ethical principles is that "they should show maturity toward people who cannot be aware for the consequences that have the declarations they give". (2006:3). The analyze results that the declarations from the author Shaban Norja don't only touch the private life of the victim but also that of her sisters. In the newspaper Panorama is published: "Another important element discovered is that the 80 years old has declared that has sexual interaction with older daughters of Vatafamily"(Deliaj&Musaj,2012:2) The sisters of the victim now are participants by being involved just for a spectacular report of the event. In an interview the father of Aishe Vates, declares that "... the public opinion is manipulated" (Illica 2012:6) He says some facts that are not real in relation to the

things the author had bought to the victim (by referring the declarations of the author which enforce the stereotype of loving for interest, money), with the declarations toward other girls of the family, which suffer the destroying of their families. Interesting is the fact that all these violations that Vata reports are public in the same newspaper where is given the interview. Such messages influence that the Albanian reality remains unchangeable as a result of the role of media. The representation of this event does not change anything from the created stereotypes by referring to these main categories of readers: the category which enforces the gender existing stereotypes man-woman. Part of the public are people who can be in similar situations of violation who are in the middle of choosing to speak and the risk of becoming public by referring to previous examples and exposed from media or the silence with the hope that everything remains unknown and unheard. The perception in this case is not the reporting of such cases because of shame that can include other familiars, but the silence.

Conclusions

The study of this case study through the representation of the event shows two messages. Firstly, media through the involvement of psychologists realizes the treatment of the event as a social problem by ensuring the positive message.

Secondly, the study of discourse produced by journalist relies on information, which enforces the created stereotypes in the society. This realizes through the usage of two methods. The direct method refers to the way of creating the titles and including of individuals that are not actor of this event orienting toward the production of a sensational discourse.

The indirect method is related to continuously focus on private life and pregnancy of the victim. The consequences of this action on familiars and their reactions where the main thing is shame, dominate and are stronger than referential strategies and not negative lexical used in the text for the victim.

References

Fairclough, N (2003) *Analysing discourse, Textual analysis for social research*. London: Routledge

Fowler, R (1991) *Language in the news*. London: Routledge

Reisigl, M. & Wodak, R (2001) *Discourse and Discrimination: Rhetorics of racism and anti-semitism*. London: Routledge

Richardson, J (2007), *Analysing newspapers, An approach from critical discourse analysis* New York: Palgrave Macmillan

Mills, S (1995) *Feminist stylistic*. London: Routledge

AND from 40 men. The killing of the student, in crime another female" *Panorama*, 13. 10. 2012 f. 1

Çela, Lindita, "The daughter dishonored me, there is no mourning in my house" *Shekulli*, 14. 10. 2012 f. 10

Deliaj, Etleva&Musaj Leonidha "Another important element discovered is that the 80 years old has declared that has sexual interaction with older daughters of Vata family", *Panorama*, 16. 10. 2012 f. 2

"Father of Ajshja: My daughter dishonored me, I don't mourn since I heard that she was pregnant" *Panorama* 14. 10. 2012 f1

Illica, Elisabeta "Father of Aishe Vates: The truth of my family" *Panorama* 22. 10. 2012 f. 6

"I recognized her, but never crossed my mind that she was such a girl... I cannot believe because she was a good and beautiful girl", *Gazeta Shqiptare* 15. 10. 2012 f. 3

Musaj, Leonidha "You mustn't just kill me, but should cut my head, disappear and even burn me in this way my family would not recognize me and know that I was pregnant" *Panorama* 17. 10. 2012, f. 7

"She had sexual interaction during the month of Ramadan, July-August" *Panorama*, 14. 10. 2012 f 7

"Revealed the confession of the father of the murder girl without head. The head of victim is cut continuously with a knife"
Gazeta Shqiptare 13. 10. 2012, f. 1

"She had sexual interaction during the month of Ramadan, July-August" *Panorama*, 14. 10. 2012 f 7

ISHM (2006), Kodi Etik i Medias Shqiptare, (Online) Available: [http://w. w. wosce. org/sq/albania/21235/Kodi Etik i Medias Shqiptare](http://w. w. wosce. org/sq/albania/21235/Kodi%20Etik%20i%20Medias%20Shqiptare)

Normative and Practical Aspects Related to the Causes of Dissolution of Marriage in Roman Law

Sulejman Ahmedi, Ph. D. Cand.

Republic of Macedonia, State University of Tetova - Faculty of Law

Abstract

The research includes the analysis of the causes for divorce in Roman law and how to regulate the dissolution of marriage through legal provisions. Divorce and marriage are ancient institutions of matrimonial and family law, which countries from the ancient times had this as a trend for their regulation through legal provisions. Many principles and rules of Roman law are adopted also from the legal systems of many countries of the modern world, in order to unify their own private national law. This trend is particularly noticeable in the states member of the European Union, which refers to *IUS COMUNE*, which simultaneously is the common basis of legal practice worldwide. Roman jurists work techniques present a model with permanent value for legal doctrine and jurisprudence of many countries when it comes to the practical operation of law and its social needs adjustment. In Roman law the dissolution of marriage recognized since *LEX IULIA DE ADULTERIIS*, the law issued during the reign of Augustus in year 18 BC, which had defined and has codify the oldest rate of self-righteousness. Through this lex-of (the law) was removed from the hand of the affected family an important part of ascertaining of adultery and the punishment of preparations by treating it through public bodies. Fill into this form he found in *Corpus Iuris Civilis* and has exerted influence on marriage in Europe until the modern age. Dissolution of marriage was also provided by the law of XII tables approved in year 450 BC. In the research are analyzed the ways of divorce under the Roman law, which were:

Divorce without the willpower of the spouses, or because of natural events and

Divorce by willpower of the spouses or known as divorce caused by human actions.

In the post-classic period, due to changes in moral views who brought Christianity, emperors decide religious provisions on divorce. At this time there were two basic types of marriage dissolution:

Divortium cum damno, or divorce followed with bad consequences, and

Divortium sine damno, or divorce without bad consequences.

Keywords: Family, Divorce; Life apart; and reasons for divorce.

Introduction

About the chosen topic I will give an explanation about the classification of roman citizens and the concept of marriage, to have a clearer picture of the man and woman's status in roman family and society.

Sui juris persons and persons alien juris

On the basis of the legal position of the family, roman citizens were divided in *sui juris* persons and *alien juris* persons. Since the law of *XII tables*, as persons *sui juris* considered all persons of male and female gender, who enjoyed status *libertatis* and status *civitatis*, where upon them it was not located the power of the father or the husband (*patria potestas, manus*)¹. *Alieni Juris* persons considered all persons regardless of gender and age, and regardless those enjoyed the status *civitatis* or *libertatis*. When on them it was located the head of the family power as the man power (*manus*), either as

¹ Dr. Ivo Puhan, Roman Law, Pristina, fifth edition, pg.174

the power of the father (*patria potestas*). This statutory division of Roman citizens was characteristic of the Roman patriarchal family. The roots of this division first emerged when it was established the patriarchal find, because of the natural division of labor between men and women which brought, „Historic defeat of the female sex“. Pater familias was the only person *sui juris*, while all the others, family members, were *alien juris* persons or persons of foreign law. In ancient right after marriage the wife become *alien juris* person, which was subject to the orders of *pater familias* in the husband's family. In the classic and post-classic right, lost the direct dependence of women in the husband's family on *pater familias*. For this time was worth the definition: “*marriage is a relationship between man and women and the whole community of life, mutual separation of divine and human justice*”. Likewise marriage it took the definition as: “*marriage is the bond between husband and wife, which constitutes the community of inherent life*”. Therefore in Roman law marriage was community of monogamous life which was regulated by the legal provisions between man and women. **Lawyer Gai** has filed a case on the relationship between *sui juris* persons and *alien juris* persons. **Gai** lessons on relationship between *alien juris* persons and *sui juris* mainly include 3 basic groups of issues:

Issues on relationships between the husband and wife (matrimonial law);

Issues on the relationship between father as the head of the *patria potestas* and the children, mainly persons who were under the *patria potestas* (the paternal rights), and

Group issues on completing the ability to act of *sui juris* persons, who due to lack of maturity, because of their gender or because of their mental, moral and physical defects, their capacity to act were, limited (custody law).

Dissolution of marriage

Under the provisions of the Roman law, marriage can be dissolved exclusively by the action of the new legal facts:

Natural events and

Human actions

Dissolution of marriage due to natural events: the death of one spouse and for *deminutio capitis*.¹

Natural death of the husband, the wife or both spouses cause the dissolution of the marriage as well as the causing lost of the legal ability. After the death of one spouse, the marriage barriers fell down due to the existence of the marital relationship. In that case, men can immediately associate new marriage, while for women was set *tempus lugendi*.² Marriage was solved also in all cases where any roman citizen suffer *capitis deminutio maxima*-loss of freedom and *capitis deminutio media*-loss of citizenship, because both of the institutions were related to the loss of the citizen status, including also the loss of *jus conubii*.³

Dissolution of marriage by *divorce*

In ancient law was allowed dissolution of marriage by divorce which did not depend on the court's decision, as it was in the contemporary right. This was based on the preliminary legal act with whom marriage become and it was called the *actus contritus* that means contracts act. This was exclusively the right of the husband and the right of the pater familias in husbands family. Dissolution of marriage was allowed because of adultery, because of alcoholism, due to miscarriage, etc. The woman had no such right, because this wasn't allowed by position in the family as an *alien juris* person. Correlative form of divorce was final connection to: marriage connected with a religious ceremony- *conferatio*, and it was solved by *differatio* form, said better before the clergy; while marriage when the wife on the occasion was considered daughter of the husband's family- *usus*, was solved by real dissolution of marriage in order of her husband. In ancient Roman law, at the time of Romulus was allowed dissolution of marriage, but only as a husband's right and in his favor. It was known the unilateral dissolution of marriage with the husband's will, with *-manus*. The husband at any time had the right to remove

¹ Reduction of rights, change the prior status of a person.

² Bereavement, serving to avoid blood-commixti sanguinis, respectively suspicion of paternity if the woman was pregnant at the time when the other spouse died.

³ Possibility of marriage between persons belonging to different layers

from the marriage his wife with what before the family court, he presented the reasons of dissolution of marriage and if his main reasons were serious, he had the right to evict his wife and hole the *miraze*. As result of this kind of dissolution of marriage, happened that the wife was "sold" as an family girl of the preliminary marriage based on the purchase of the girl, in the marriage where dominated the husband with *manus* or the preliminary marriage this was related to the common life, between the girl and the boy for one (1) year term. Normally such a divorce is done by the husband's side. In this, the wife had no role. In reality this was a rejection of the wife by the husband's side, instead of the ordinary dissolution of marriage. This way of marriage dissolution was not considered if the husband understood about the wife's betrayal who was with – *manus*. In this case he had **ius acidendi**, called the *right to murder*.¹ In the law of XII tables which also represents the first Latin legal document written since 2500 years, in Table IV point 3 Cicero quotes (phil. 2,28,69,) "**Illam suam res sibi habere iussit ex XII tab., claves ademit, exxgit**". By this we get to know that the right to resolve the unilaterally marriage belongs only to the husband. Legal form was: husband orders his wife to pack up (effects) of its own, hand over the keys of the husband's house and other facilities, and leave the domus -his house. Later dissolution of marriage other than in the *manus* it was recognized the right of the women to demand the dissolution of marriage and these marriages were recognized as marriages without *manus*, positively without the power of the husband. Also is allowed dissolution of marriage by mutual consent of the spouses. For very reasonable reasons dissolution of marriage could be asked even by the *pater familias* of the wife. The reasons for divorce were not certain. Dissolution of marriage could be done even when there are no main reasons, except the desire of the one spouse. Provided form of dissolution of marriage was estimated as a declaration before witnesses or written *libellus repudii* and it was free from any religious element. The only requirement that was necessary for the validity of marriage was *deductio uxoris in damum mariti*², and the desire of spouses in marriage to belong to the same class and to have children together.

There were no legitimate courts, to prevent divorce without reason. Although later brought several financial norms that bind the parties, but e this had no effect. Later in the period from **134 BC until the arrival of Constantine**, the marriage could be resolved very easily, which led to the increasing number of divorces. Marriage was considered resolved if the husband leaved his first wife and married again with another, or if only informally stated his desire to divorce. Thus, marriage could be resolved by unilateral request and desire - *repudium*- and with agreement of both spouses -*communi consensus*. In the post-classic right, especially during the reign of Emperor Constantine due to changes in moral views who brought Christianity, they brought religious provisions due to dissolution of marriage and increased influence of Christian doctrine, which declined quite number of divorces. He noted that- "Marriage convinced by both spouses cannot be resolved in the same way".³ Constantine raised again the death penalty for a woman who did not remain faithful to her husband, and it was considered as one of the most serious causes that affect the dissolution of marriage. On the other hand, he acknowledged the woman who has a husband soldier the right to demand dissolution of the marriage, if he was absent for a period of five (5) year.

At this time there were two basic types of divorce:

Divortium cum damno- or divorce followed with bad consequences, and

Divortium sine damno- or divorce without bad consequences.

Divorce *followed by bad consequences* divided into two types:

- In divorce without cause provided legal and,
- Unilateral divorce with the fault of one of the spouses.

Harmful consequences that struck one spouse to blame for dissolution of marriage with bad consequences was: loss of dowry, the new marriage ban, deportation.

¹ Although the right of divorce was the first since the Romulus and the Law of XII tables, as the first dissolution of marriage in ancient Rome recognized Antonijusa Lucijusa divorced in 447 BC, which has expelled from the marriage his wife.

² Going woman in her husband's house.

³ Marko M., divorce and causes for divorce, page.55

Divorce *without bad consequences* divided into two types:

- Divorce by mutual consent of the spouses, and
- Divorces by the spouses will but only for justifiable reasons such: impotence, sexual diseases etc.

The causes that gave rights to the innocent spouse to dissolve the marriage without any harmful consequences were: adultery, serious criminal offenses, endangering life, immoral life, etc.

The form of dissolution of marriage was the written statement before witnesses! With the **advent of Justinianus** in power, there were changed and codified many laws, as well as provisions for dissolution of marriage which were taken as basis by many other state legislators, especially in the territory of Byzantium and Russia. According to him, dissolution of marriage is not obligation only for the husband, but this is one of his rights and according to this, he again recognized the right of dissolution of marriage with the agreement of both spouses. He also foresaw lighter sentences for the woman who betrayed her husband and her accomplices. As reasons that could be basis for dissolution of marriage are: the inability of one of the spouses within three (3) years, if one spouses converted into slave, soldier husband's absence, if the wife did not remain faithful to her husband, etc.

CONCLUSION

After analyzing the concept of marriage and its dissolution in Roman law, we can conclude that the regulation of their causes that led to dissolution of marriage and the ways envisaged by the laws of that time are the result of social order to that period. Thus we see that in ancient Roman law, when man had power over wife-with *manus*, the right to dissolve the marriage had only the husband, while the wife had even no family or property rights. Later in the classic right when overpowered marriages without *manus*, the basic principle of Roman law on the issue of relations between spouses in this period said "**libera matrimonia esse debent**" –marriage should be free! The application of the principles referred to the dissolution of marriage, enabled dissolution of marriage to be done with decision by the husband or with the decision of the wife, also with mutual relationship of the spouses. Practice form of dissolution of marriage was the first statement written before the witness written- *libelous repudio*. In the post-classic right, for different reasons in moral views who brought Christianity, the emperor's created strict rules on dissolution of marriage, since marriage was considered **sacred** and once if it was connected, it couldn't be broken except by death. While the arrival of *Justinian* in power, it sensitized once again the issue of dissolution of marriage, and it was recognized again the dissolution of marriage with the agreement by the spouses. The wife again won the right to demand the dissolution of marriage, the family and property rights who belong to her as a result of dissolution of marriage. The study of Roman law in general and special rules governing the right institutions and social relations, it is of particular importance for any jurist since it teaches us the historical development of the states and justice and also the legal language which even today is a general terminology in the appointment of many concepts, institutions, legal principles.

BIBLIOGRAPHY

Roman law, Dr. Ivo Puhan, fifth edition, Pristina,

Lex duodecim tabularum-legal relations, regulated by Law of XII tables, Dr. Musli Halimi, Tetovo 2004,

Istituzioni di diritto romano, Vincienzo Arangio-Ruiz, 1957,

La famiglia romana, Carla Fayer,

Divorce and causes for divorce, Marko Mladenovic, Belgrade, 1974.

Job Discrimination and Ethics in the Workplace

PhD Cand.. Gentisa Furxhi

University "Fan S. Noli", Economic Faculty, Korca, Albania

email: gfurxhi@gmail.com

Prof. as. dr. Sonela Stillo

University "Fan S. Noli", Economic Faculty, Korca, Albania

sonelastillo@yahoo.com

Msc. Enslemvera Zake (Furxhi)

Head of Treasury Branch of Korca Region

email: eni_furxhi@yahoo.com

Abstract

Every society wants to have an ethical community. Although, that every citizen wants to be treated as equal, studies show that discrimination and gender inequality in employment relationships are present in every society, at any time. Discrimination is: *treating a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of their skin color, sex, sexuality, etc*¹. Job discrimination is when institutional decisions, policies, or procedures are at least partially based on illegitimate forms of discrimination that benefit or harm certain groups of people. Developed societies have a lower rate of job discrimination than developing societies have. Although, it is unclear why in these societies with economic civilization and culture development, job discrimination still exists, when the right of employment is sanctioned and guaranteed by Labor Code and by specific laws. The most common forms of job discriminations are discriminations based on gender, race, ethnic origin, religion, age. New forms are based on disability, sexual orientation, genetics and lifestyle. Not all discrimination is intentional or conscious. Sometimes people favor some groups of people over others as a matter of personal preference, or unconsciously accept stereotypes. Whatever, job discrimination is intentional or it is conscious, it is always immoral. Job discriminations violates utilitarian, rights and justice principles of ethics. Our study is focused to see how much job discriminations is widespread in Albanian society. We will analyze forms of discriminations to have a clear view which are the most common job discriminations types in Albania. Also, we will figure out if employees who have been discriminated in the workplace, have reported this unethical behavior to their supervisor or at the relevant state bodies. At the end, we will see if there has been any punishment to those who use discrimination to the employees.

Keywords: *job discrimination, ethics, discriminations forms.*

1. Introduction

The term *discriminate* appeared in the early 17th century in the English language. It is from the Latin *discriminat* - 'distinguished between'. So, discrimination in its root meaning is not at all wrong. It simply refers to the act of distinguishing one object from another. Today, this term (discrimination) refers to "wrongful discrimination," or distinguishing among people on the basis of prejudice instead of individual merit. Job discrimination is when institutional decisions,

¹ Cambridge Dictionaries online 2016

policies, or procedures are at least partially based on illegitimate forms of discrimination that benefit or harm certain groups of people. Discrimination in employment involves three basic elements¹:

It must be a decision not based on individual merit.

The decision must derive from racial or sexual prejudice.

The decision must have a harmful impact on the interest of employees

Discriminatory acts themselves can be categorized according to the extent to which they are

intentional and institutionalized. An act may be part of the isolated behavior of a single

individual who:

Intentionally discriminates based on personal prejudice.

An act may be part of the routine, institutionalized behavior of a group.

The act must intentionally discriminate out of personal prejudice

Discrimination, in an organization, exists when a disproportionate number of a certain group's members hold less desirable positions despite their preferences and abilities. Usually, there are made three types of comparisons to provide if an organization is discriminatory:

comparisons of average benefits given to various groups,

comparisons of the proportion of a group found in the lowest levels of the organizations,

comparisons of the proportion of a group found in the most advantageous positions in the organization.

Job discrimination is when institutional decisions, policies, or procedures are at least partially based on illegitimate forms of discrimination that benefit or harm certain groups of people.

Developed societies have a lower rate of job discrimination than developing societies have. Although, it is unclear why in these societies with economic civilization and culture development, job discrimination still exists, when the right of employment is sanctioned and guaranteed by Labor Code and by specific laws. The most common forms of job discriminations are discriminations based on gender, race, ethnic origin, religion, age. New forms are based on disability, sexual orientation, genetics and lifestyle.

Not all discrimination is intentional or conscious. Sometimes people favor some groups of people over others as a matter of personal preference, or unconsciously accept stereotypes. Whatever, job discrimination is intentional or it is conscious, it is always immoral. Job discriminations violates utilitarian, rights and justice principles of ethics. Job discriminations violates utilitarian principle because it causes an inefficient use of human resources. Also, discrimination violates basic human rights and it leads to unequal distribution of rights and obligations amongst the members of the society.

2. Forms of discriminations

Sex Discrimination- is when "people are treated differently because of their sex".

¹"Job Discriminations: it's nature"; Business Ethics MGT610 pg.114

Women have been for decades discriminated by society. They had lower salaries and they hold lower job positions than men. During the 20th century women gained rights and got equal status among men and there was a huge progress for women.

Different studies prove why women's paycheck is smaller. Most of the time women chose their

careers based on what they like. On the other hand, men chose future jobs based on high salary and status in society.

b) Age Discrimination- occurs when employees are treated less favorably because of their age. Older workers are always discriminated in the workplace, because it is believed that for older workers is harder to learn new things and they get sick more frequently. So, their employment is more expensive than younger workers.

c) Racial Discrimination- occurs when people are treated differently because of their race or color. Race discrimination can be direct or indirect. It may also take the form of harassment or victimization.

d) Disability discrimination- is when a person with a disability is treated less favorably than a person without the disability in the same or similar circumstances. It is also disability discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people with a particular disability.

e) Sexual orientation discrimination- refers to harassment or differential treatment based on someone's perceived or actual gay, lesbian, bi-sexual, or heterosexual orientation. Many workplaces, and even a number of states, have policies and laws against sexual orientation discrimination.

f) Lifestyle discrimination- Many employers attempt to control employees' private lives by firing people who smoke or drink in their own homes or engage in risky hobbies like motorcycle riding. The employer justified its decision on the ground that the consequences of the off-duty behavior in some way spill over to the workplace, affecting the employer's legitimate interests¹.

3. General framework of employment laws in Albanian Republic

Constitution of the Republic of Albania sanctions the rights and fundamental freedoms as a guarantee and a fundamental element of democracy. The right to nondiscrimination in employment and the exercise and enjoyment of this right finds place in the Constitution, under which "No one can be discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious and philosophical, economic, educational, social, or ancestry"². The definition of gender discrimination is not provided in the Constitution, but in the Convention on "Elimination of All Forms of Discrimination against Women" as a UN Convention which was ratified by the Republic of Albania in 1993.³

The Labor Code of the Republic of Albania, approved by Law 7961, dated 12. 07. 1995, is based on fundamental constitutional principles. It respects international conventions ratified and internationally recognized rights. This code prohibits discrimination based on sex that affects an individual's right to be equal in employment and training, in the recruitment procedures and working conditions, in the performance of duties, in payment, in social assistance and termination of contract work, as well as in participation in trade unions.

Law no. 9970, dated 24. 07. 2008 "On Gender Equality in Albania", aims to provide effective protection from sex discrimination and any form of behavior that encourages discrimination because of sex, as well as to determine the

¹Stephen D. Sugarman "Lifestyle Discrimination in Employment", Berkeley Journal of Employment & Labor Law Volume 24, Issue 2, Article 9

²Article 18, point 2 of the Constitution of the Republic of Albania

³Ilir Rusi "The Albanian legal framework on non-discrimination and gender equality in employment relationships", Academicus - International Scientific Journal,

necessary measures to guarantee equal opportunities between women and men, to eliminate discrimination based on sex, in any form that it appears.

Also, in Albania employees are organized in unions in order to protect their rights in workplace. These unions are protected by law. Labor law has been improved by the suggestions these unions have given time after time.

4. Job discriminations in developed society

Every society wants to have an ethical community. Although, that every citizen wants to be treated as equal, studies show that discrimination and gender inequality in employment relationships are present in every society, at any time. Developed societies have a lower rate of job discrimination than developing societies have. Although, it is unclear why in these societies with economic civilization and culture development, job discrimination still exists, when the right of employment is sanctioned and guaranteed by Labor Code and by specific laws.

Though the gap between men and women's wages is smaller for lower-wage earners, there is still a significant gender wage gap at all levels of the wage distribution, particularly at the middle and the top (see fig. 4. 1). To close this gender wage gap, women need to see wage growth faster than their male counterparts. Although women have seen modest wage gains in the last several decades, the main reason the gender wage gap has slowly narrowed is that the vast majority of men's wages have stagnated or declined. The best way to close the gender wage gap is for both men and women to see real wage increases, with women at a faster rate than men. ¹

According to an October 2014 report by the World Economic Forum examining gender equality across the world, the United States ranks 65th in its survey of 142 countries, and earns a wage equality score of only 66 percent -- meaning women earn only two-thirds of what men earn for similar work. The report, which drew from nine years of data, found that there has been "only a small improvement in equality for women in the workplace" since they began surveying the issue, and predicted that women won't see full gender equality in the workplace until at least the year 2095²

Some data about earnings of women and men by race in USA for 2014 are given in the report of 2015 by U. S. Bureau of Labor Statistics (see fig. 4. 2). Asian women and men earned more than their White, Black, and Hispanic or Latino counterparts in 2014. Among women, Whites (\$734) earned 87 percent as much as Asian women (\$841), Blacks (\$611) earned 73 percent, and Hispanics (\$548) earned 65 percent. In comparison, White men (\$897) earned 83 percent as much as Asian men (\$1,080); Black men (\$680) earned 63 percent as much; and Hispanic men (\$616), 57 percent.

STATISTICS

Earnings differences between women and men were the most pronounced for Asians and for Whites. Asian women earned 78 percent as much as Asian men in 2014, and White women earned 82 percent as much as their male counterparts. In comparison, Black and Hispanic women had median earnings that were 90 and 89 percent, respectively, of those of their male counterparts.

Women's earnings since 1979 have increased considerably across the major race and Hispanic ethnicity categories. Earnings growth has been greatest for White women. Between 1979 and 2014, inflation-adjusted earnings (also called constant-dollar earnings) rose by 31 percent for White women, compared with an increase of 19 percent for Black women and 15 percent for Hispanic women. In contrast, inflation-adjusted earnings for White and Black men have been essentially flat, while Hispanic men's earnings declined by 8 percent since 1979. ³

5. Case study. Job discrimination in Albania

¹Alyssa Davis "Women Still Earn Less than Men Across the Board"; Economy Political Institute; April, 2015

² World Economic Forum, [October 2014](#)

³BLS Reports | November 2015 • www.bls.gov

The main aim of our study was to see how much job discrimination is wide spread in Albania business environment. Another goal was to realize which were the most frequent discriminations policies/practices used by businesses in workplace. We gathered data from 60(sixty) businesses in total from 882respondents, because 2% of respondents refused to collaborate. 54% of businesses were production businesses and 46% were service businesses. 74% of respondents were employees and 18% were managers and 8% were CEO. Some of the most interesting datas of our study are shown below.

As we see from fig. 5. 1, 56% of respondents have been discriminated during their years of work. This show that the major part of albanian businesses are discriminatory.

The most frequent types of discriminations were sex discrimination(28%) and age discrimination (15%), (see fig. 5. 2.). There were no sexual orientation discriminations, we belive that this is not because albanian society is not discriminatory in this point. But the real reason is that albanian people do not show free their sexual orientation because they are afraid from the society prejudices. Lyfestyle discrimination was based only on use of drugs and alcohol.

Although, a major part of respondents (56%), have been discriminated in the workplace, in different ways, only 24% of them have reported this unethical and prohibiden behaviour(see fig. 5. 3). This is due to the fact, that albanian people to not really bealive in justice and they have fear to lose their job if they go against their employer.

The best part of respondents who have been discriminated have reported this fact to the staff (15%),

(see fig. 5. 4.) because they do not belive that the owner or the manager will act in a differently way. This is why only 2% reported to the business owner and 3% to their manager.

We think that the major reason why employees do not report their discrimination to the right bodies, is because they do not have relevant facts or colleagues who prove that they have been discriminated(see fig. 5. 5). Sometimes their not discriminated colleagues have fear to lose their job if they support these employees in their issue.

5. Conclusions

Discriminationand gender inequality in employment relationships are present in every society, at any time. Job discrimination is when institutional decisions, policies, or procedures are at least partially based on illegitimate forms of discrimination that benefit or harm certain groups of people. Developed societies have a lower rate of job discrimination than developing societies have. The most common forms of job discriminations are discriminations based on gender, race, ethnic origin, religion, age. New forms are based on disability, sexual orientation, genetics and lifestyle.

Not all discrimination is intentional or conscious. Sometimes people favor some groups of people over others as a matter of personal preference, or unconsciously accept stereotypes. Whatever, job discrimination is intentional or it is conscious, it is always immoral. Job discriminations violates utilitarian, rights and justice principles of ethics.

World Economic Forum examinedin 2014 gender equality across the world, found that there has been "only a small improvement in equality for women in the workplace.

Constitution of the Republic of Albania sanctions the rights and fundamental freedoms as a guarantee and a fundamental element of democracy. The right to nondiscrimination in employment and the exercise and enjoyment of this right finds place in the Constitution. The Labor Code of the Republic of Albaniaprohibits discrimination based on sex that affects an individual's right to be equal in employment and training, in the recruitment procedures and working conditions, in the performance of duties, in payment, in social assistance and termination of contract work, as well as in participation in trade unions.

Also, in Albania employees are organized in unions in order to protect their rights in workplace.

Although, there are good laws against discriminations in workplace, Albania society have to deal more with job discrimination, because as we saw from our study it is essentiallya discriminatory society. Most common forms of

discriminations were sex and age discriminations. There were low rate of employees who reported their discriminations, because Albanian people do not really believe in justice and they have fear to lose their job if they go against their employer.

6. References

Alyssa Davis" Women Still Earn Less than Men Across the Board"; Economy Political Institute; April,2015. <http://www.epi.org/>

Bureau of Labor Statistics, U. S. Department of Labor, "Women's earnings in 2014"; November 2015. www.bls.gov

Constitution of the Republic of Albania; Article 18, point 2.

Coleman, Major G. "Racial Discrimination In The Workplace: Does Market Structure Make A Difference?. " *Industrial Relations* 43. 3 (2004): 660-689. *Business Source Complete*. Web. 2 Dec. 2012.

Dessler, Gary. *A framework for Human Resource Management*. 5th. 1. New Jersey: Pearson, 2009; pg. 27-59.

HysenCela. "Etika e Biznesit", 2012

Gaskill, Dan. "Ethical and Social Problems in Contemporary Society." CALIFORNIA STATE UNIVERSITY, SACRAMENTO. ;Web. 5 Dec 2012

IllirRusi "The Albanian legal framework on non-discrimination and gender equality in employment relationships", *Academicus - International Scientific Journal*, 2012

Jones, Dan. "Age Discrimination In The Workplace: A 2001 Survey Of Utah Residents Age 40." *Health, Baby Boomers, Election News, Over 50, Retirement Plan*. AARP, Web. 5 Dec 2012.

Orpen, Christopher. "The Effects Of Race Of Applicant And Type Of Job On Hiring Decisions." *Journal Of Social Psychology* 118. 2 (1982): 279. *Business Source Premier*. Web. 3 Dec. 2012.

ROBERTS, PAULINE. "Employers' Liability For Sexual And Racial Harassment: Developing The Reasonably Practicable Steps Defense." *Industrial Law Journal*30. 4 (2001): 388-395. *Business Source Complete*. Web. 3 Dec. 2012

Stephen D. Sugarman "Lifestyle Discrimination in Employment",*Berkeley Journal of Employment & Labor Law*; Volume 24,Issue 2,Article 9

World Economic Forum,"Hourly wages by gender and percentile, 2014" October 2014

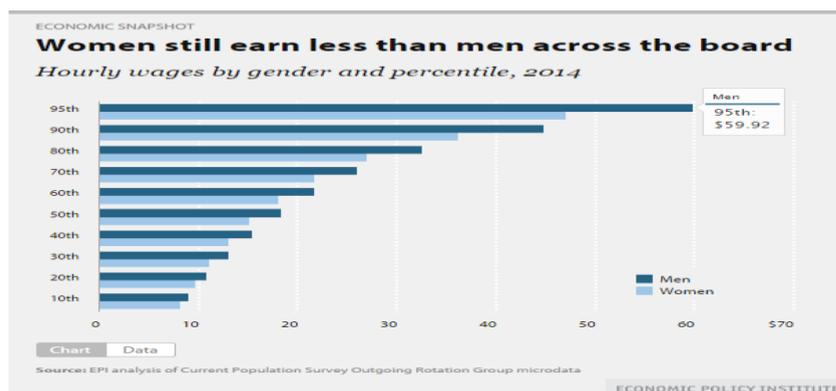


Fig4. 1: Hourly wages by gender and percentile, 2014

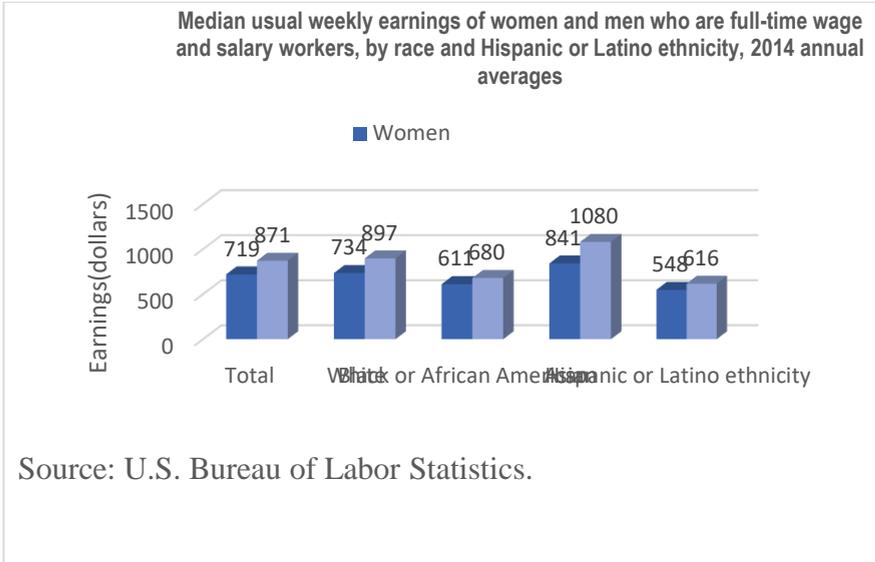


Fig. 4. 2: Weekly earnings of women and men who are full-time wage and salary workers, by race and Hispanic or Latino ethnicity.

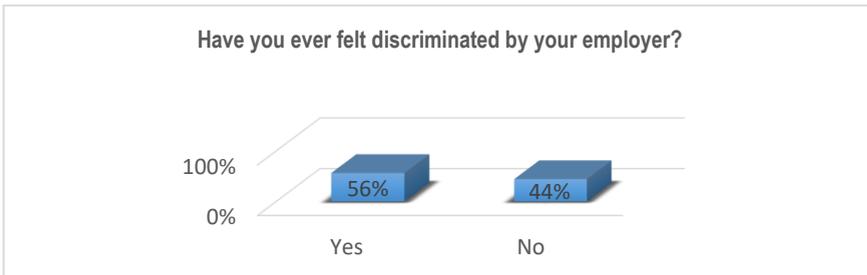


Fig. 5. 1. Employer dicriminations to employees.

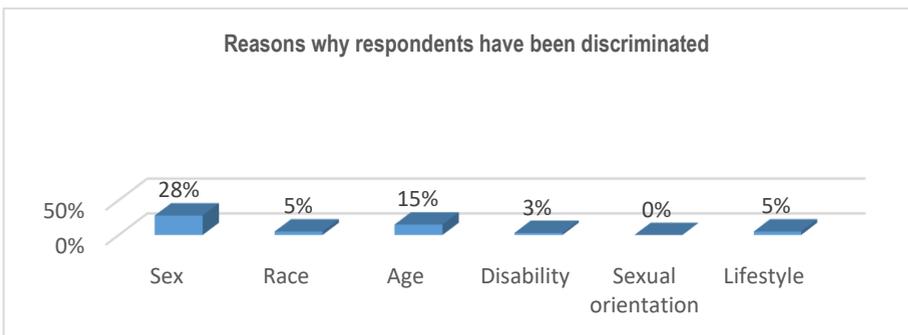


Fig. 5. 2. Types of job discriminations in albanian businesses.

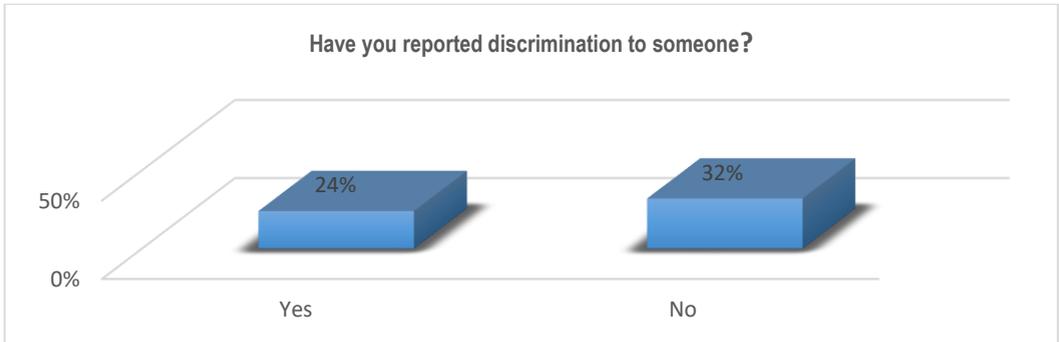


Fig. 5. 3. How job discrimination is reported

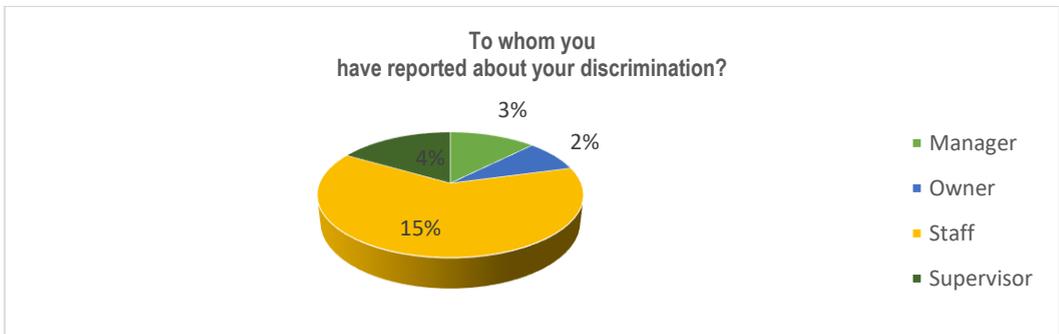


Fig. 5. 4. Employees reported their discrimination to owner, manager, staff, ect.



Fig. 5. 5: Facts or colleagues that prove that employees have been discriminated

Prophetic Medicine (Al-Tibb Al-Nabawī): is Historicity or Fiction?

Prof. Dr. Levent Ozturk

Faculty of Theology, Department of Islamic History and Arts

Sakarya University / TURKEY

leventozturk@outlook.com

Abstract

At the present time, it is obvious that the attention to alternative, protective and complementary applications of medicine has increased and in this sense there is a special curiosity to the case, Prophetic Medicine “al-Tibb al-Nabawī”. The content of this literature known under the headline of Prophetic Medicine “al-Tibb al-Nabawī” that we come across from the 13th century, have not examined scientifically yet and it gains popularity as a reflection of love to Prophet Muhammad and Sunnah perception. Additionally, nowadays we increasingly witness to some treatment modalities and some herbal drugs associated to the Prophetic Medicine “al-Tibb al-Nabawī” and all these practices are given a different meaning (sacred). This situation did not only create information convergence which obstacle retaining historical facts in the correct way but also, more importantly gained a new dimension that threat human health through misinformation and false application. Multidimensional researches such as history of science, history of civilization researches, laboratory studies, and collaborative work and effort of committees that contains different approaches from different countries, are needed to evaluate the information that we come across under the name of Prophetic Medicine “al-Tibb al-Nabawī”. In this paper, we are going to try to argue what the concept of Prophetic Medicine “al-Tibb al-Nabawī” states, how the literature related to this area in the historical time streaming, and the content of it.

Keywords: Al-Tibb al-Nabawī, Prophetic Medicine, Islamic Medicine, Alternative Medicine, Complementary Medicine.

1. Introduction

Today's human being thinks of knowledge as it is rising in an evolutionary line because of the whirlpool formed by “Information Age”. However, the reality that comes to light after the effect of this vortex has passed, a part of today's knowledge date back to tens of millennium and even sometimes used same.

Although “Ars longa, vita brevis: Art is long, and life is short”, the contribution of each scientist to our information mine is very clear and significant. It is the representation of this contribution that the drug ingredients used for ophthalmia or trachoma (inflammation of the eye) 2700s BC took part in the Egypt Papyrus, are similar to today's medicine ingredient. Once again, it represents the reality that taking part of the circumcision operations practiced 1400s BC in a gatrooned in Egypt Karnak Temple, and the using of the results of Hippocrates in the 5th century BC and of Galen in the 2nd century in both east and west world throughout the centuries.

Again, here it is necessary to remember that the information and the societies getting information do not always progress in an evolutionary line. For instance, Egyptian Science was in an important level in the period of 3000s BC while there were some eras that it fell behind in the period of 2000s BC and 5th centuries AD. Although Ancient Greek and Roman Science took considerable steps in the BC centuries, they went back after the period of 4th century. This shows us that information process is with ups and downs (Guthrie, pp. 1-84; Reeves, pp. 1-61; Magner, pp. 1-50; Kelly, pp. 1-50).

2. Arabic and Islamic Medicine

When we explore on the pre-Islamic Arab culture with this perspective, taking into consideration the civilization basins and knowledge treasury before itself, it is possible to say that it is underdeveloped in comparison with other civilizations. Although site-specific vegetation and mineral resources privilege partially to Arabs, it is understood that the information they had did not pass further from folkloric medicine. In the Arabic society, soothsayers and individuals who repeat various words to treat were at the forefront. Some people perceived illnesses as a result of bad destiny. Travelling healers were coming to Mecca and its periphery in the days of Arabic fairs. In the region, there were some individuals who developed themselves by taking medicine education in the regions of Iran, Iraq and Anatolia. However, their numbers were limited with a few (Ibn Abū Usaybia, pp. 161-170; Jawād Alī, VIII, 381-386; Browne, pp. 9-11, Öztürk: 2013, pp. 63-73).

In this historical urban which we draw its frame, Prophet Muhammad, living among them as a person of the same culture, charged with the prophecy post. The question of whether all Prophet Muhammad's statements were information that Allah (the God of Muslims) tendered or the statements of him were his humanitarian experience, was a mystery for both believers and unbelievers also within that day.

3. Prophetic Medicine

In this respect, it can be said that two fundamental perceptions occurred for believers from the earliest years of Islam. According to one of these, whatever Prophet Muhammad said and did, it is the information given approval by revelation. However for others, just statements submitted by Prophet Muhammad about religion are consequence of revelation. His human attitudes and information are his own inherent characteristics and information of the era. For instance, as basic examples, Prophet Muhammad's cupping, using black hellebore, recommendations cassia (senna) rather than euphorbia pithyusa (shubrum) as aperients can be evaluated in two perspectives (Abd al-Razzāq, 5687, 5696, 5698, 5699; Ahmed Issa, pp. 42, 54, 80).

According to people with first perspective, they are the information given approval by revelation. However for the second perspective, they are representations of Arabic culture and Prophet Muhammad's individual experiments and knowledge. It is possible to say that these main approaches still continue today. However, it would be to the point to state that these are generic approaches and to admit that we are in a huge need of comprehensive studies which will provide us to understand how the events came true in the history.

As we mentioned before, the experiments which is related to medicine that history of humanity has obtained date tens of thousands of years. It is known that medical applications have taken roots for long centuries and they have crossed into other cultures and geographies. They are not subjects today which have studied deeply yet what medically information has Prophet Muhammad's era, worth of this information in comparison with other geographies in the era, the level of it in comparison with previous periods and geographies. It is possible to say that lots of treatment methods applied in Prophet Muhammad's era had ancient origins.

It stands up a very challenging point that the words of the prophet Mohammad about the healing depend on the cupping, cauterization and drinking hydromel (honey diluted in water) were a reflection of the Hippocratic medicine on the hadiths tradition. In addition, it is very interesting that the Prophet Muhammad's preferring not to use cauterization, also just like Hippocrates's choice (Abd al-Razzāq, 5680-5683; al-Bukhārī, Tib, 3, 13; Coxe, pp. 46-68).

In lots of statements existing in the hadith books, it is possible to run across with the universal fund of knowledge which includes sometimes Hippocratic and sometimes Galenic information. Today, it is a much more required issue to make special studies to determine which one of these belongs to Arabic culture and Prophet Muhammad's private experiments or prophetic revelation.

4. The Conquest of Islam and New Progresses

It will enable to see the subject as a whole to skim through swiftly to the experiences after Prophet Muhammad. The Islamic conquest process which is started with the era of Abū Bakir (A. D. 632-634), the first caliphate of Islam, transport the Islamic

society to the geographies which had ancient cultures and traditions and opened a new information field to the Islamic society. However, it had to wait for two centuries because of the fact that the pre-Islamic Arabic society did not have scientific tradition, and in addition to this the political conflicts occurred in Umayyad's and Abbasid's eras (Öztürk: 2012, pp. 620-624).

The flourishing and recovery of the ancient civilizations in the Arabic geography was shaped at the end of this process. The procured medical texts belonging to India, Iran and above all Greece, have translated intensely in the 9th century. At the beginning, some of translations were problematic. Occasionally, one translator corrected many times his own translations when he was transferring medical information to Arabic. However, everybody Muslims and non-Muslims that forms Islamic Society, succeeded to remove the information hunger hand in hand with. The texts were transferred to the world of science. Discussions were made about it and 10th century left its mark on history as "Islamic Renaissance" with these translations and compilations (Browne, pp. 1-33; Guthrie, pp. 87-88; Öztürk: 2012, pp. 670-677).

5. First Books of Prophetic Medicine

Correspondingly to these developments, classifications in the Islamic resources started to take shape. The medicine field which has the greatest impact to life were started to be considered important although it were not of interest. It is understood today by some researchers that some works showed as the first "Prophetic Medicine" book which is written by Ali al-Rizā (d. A. D. 818) and Abd al-Malik ibn Habīb (d. A. D. 853) were fictional when the validity of both contents and names of works are taken into consideration (Ali al-Rizā, pp. 7-10, 18, 20, 149, 157-159; Ibn Habīb, pp. 55-74).

Although there was not a private title in the works of the first writers of traditions, a new classification was started to be observed after 850's AD in the hadith books. This was *Kitāb al-Tibb* (The Book of Medicine). Narratives that took part in different sections were started to be gathered under the title of medicine. However, a rise is observed in the rumors related with medicine in the process of time (Elgood, pp. 40-41; Perho, p. 54).

6. New Developments

Depending on the developments in the medical field in the ninth century, the narrators started to form new titling and classification. Hence, two very important works were committed to paper at the beginning of the 11th century in the context of information and chapters belong to Greek medicine which had started reflecting to the public. One of them was *Kitāb al-Tibb* of Ibn al-Sunnī and the other one was the book carrying the same name of Abū Nuaim (Ibn al-Sunnī, Abū Nuaim al-Isfahānī).

Chapters of the book which belongs to Ibn al-Sunnī was in a level of sufficiency to give us an idea: Knowledge and Merit of Medicine Art, Identification of the Body and Health Precaution, Kinds of Disease and Treatment Methodologies, Plants Obtained Drug and their Benefits, Protection of the Patient and Precaution of Convalescence Period, Knowledge of Food and Drink Influence, Protection of Health (Abū Nuaim, I, 171-172).

The writers such as Abū al-Qāsim Muhammad ibn Habīb al-Nīsābūrī (d. A. D. 1015) and al-Mustaghfirī (d. A. D. 1040) who were writing in the same period, wrote book named *Kitāb al-Tibb* one each and were in an endeavor to compilation of some hadiths which did not take part with the main lines in the Reliable Hadith sources related with medicine (Al-Nīsābūrī, Al-Mustaghfirī). However, these studies were mentioned with the headline "al-Tibb al-Nabawī" in the subsequent centuries (Brockelmann: 1943-1949, I, 165, 362, Brockelmann: 1937-1942, I, 274, 616-617; Ihsanoglu, pp. 34-38). Narratives we confront in these kinds of studies were never as strong as the rumors in the Reliable Hadith sources.

It will be to the point to mention these narratives which took part in the al-Mustaghfirī's work as an example: "Three bites with salt which is taken before the meal, protects human from seventy two kinds of illnesses such as insanity, leprosy, skin diseases etc..." "Ten things generate forgetfulness such as eating cheese, eating things chewed by a mouse, eating sour apple..." (Al-Mustaghfirī, pp. 22-23, 25)

The developments occurred since 13th century, tendered us a new concept. This concept was "Prophetic Medicine: al-Tibb al-Nabawī". This headline was a popular headline at that and the books carrying this headline were books written wishing

to present a wealthy information by attaching all whatever related with medicine to Prophet Muhammad. The existed statements made for the information related to Prophet Muhammad's time in these books, were compromise of information in respect of Greek Medicine.

As a small example, we can give information about utruj (Chinese greppfruit, pomelo, citron) presented by Ibn Qayyim al-Jawziyye (d. AD. 1350). Ibn Qayyim explains properties of the fruit and which part of it is beneficial for which illness after he mentions that Prophet Muhammad likened a believer who reads Qurān to a citron, although there is no information about medicine. Ibn Qayyim uses the recordings related with utruj of the doctors starting with Greek until his own era (Ibn Qay'em el-Jozeyah, pp. 360-362). I don't think so it is easy to link those kinds of information with prophetic medicine. Ibn Qayyim, possibly think that Prophet Muhammad mentioned to utruj with revelation information possibly because of above-cited benefits (also see Perho, pp. 107-108).

7. Conclusion

At the present time, we have to review again what is presented under the cover of "Prophetic Medicine". Additionally, "Prophetic Medicine" culture is also tried to be inserted to the scope of information which is released to the market under the name of "traditional", "alternative" and "complementary" medicine. Today, it has much more importance arguing this new meaning attribution and to question what it states.

Likewise, nowadays we front in an increasing level with some treatment methods and herbal drugs under the name of "traditional", "alternative" and "complementary" medicine. Some of these are recommended by associating with Prophetic Medicine. It is open that a different (sacred) meaning is attributed to the presented information within this scope. However, the case whether the human health is under threat or not while creating a market for offering health to people is lost sight of.

The thing which is needed to be questioned today is that: The information presented to us is whether an expression of prophetic information or it is the ancient Greek and Indian medicine. It is very ironic that the some people lose their health with a manipulated back concept of al-Tibb al-Nabawī although the Prophet Muhammad said "You have to know the value of your welfare, before you lose it."

References

- Abd al-Razzāq, Abū Bakir ibn Hammām al-San'ānī (1970), (d. A. D. 826), *al-Musannaf* (ed. Habīb al-Rahmān al-A'zamī), I-XI, Beirut.
- Abū Nuaim al-Isfahānī (2006), Ahmad ibn Abdullah ibn Ahmad ibn Ishāq (d. A. D. 1038), *al-Tibb al-Nabawī* (ed. Mustafa Dönmez), I-II, Beirut.
- Ahmed Issa Bey (1930), *Dictionnaire des Noms des Plantes*, Caire.
- Ali al-Rizā (1991), (d. A. D. 819), *al-Risāle al-Zahabiyye (al-Tibb al-Nabawī)*, (ed. Muhammad Ali al-Bār), Beirut.
- Brockelmann, Carl (1943-1949), *Geshichteder Arabischen Litteratur (GAL)*, I-II, Brill.
- Brockelmann, Carl (1937-1942), *Supplement (S)*, I-III, Brill.
- Browne, Edward G. (1921), *Arabian Medicine*, Cambridge.
- Al-Bukhārī, Muhammad ibn Ismāil (1979), (d. A. D. 870), *al-Jāmi' al-Sahīh*, I-VIII, Istanbul.
- Coxe, John Redman (1846), *The Writings of Hippocrates and Galen*, Philadelphia.
- Elgood, Cyril (1962), "Tibb-ul-Nabbi or Medicine of the Prophet", *Osiris*, Vol. 14, pp. 33-192.

Guthrie, Douglas (1945), *A History of Medicine*, London.

Ibn Abū Usaybia (n. d.), (d. A. D. 1270), *Uyūn al-Anbā fī Tabakāt al-Atibbā* (ed. Nizār Ridā), Beirut.

Ibn Habīb, Abd al-Malik (1992) (d. A. D. 853), *Mukhtasar fī al-Tib* (ed. Camilo Alvarez de Morales- Fernando Giron Irueste), Madrid.

Ibn Qay'em al-Jozeyah (2003), *The Prophetic Medicine* (trans. Abd el-Qader the son of Abd el-Azeez), Egypt al-Mansoura.

Ibn al-Sunnī (n. d.), Abū Bakir Ahmad ibn Muhammad (d. A. D. 975), *al-Tibb al-Nabawī*, Süleymaniye Library, Fātih, Manuscript no. 3585.

Ihsanoglu, Ekmeleddin (1988), "Türkçe Tıbb-ı Nebevî Yazmaları", *Tıp Tarihi Araştırmaları*, Vol. II, pp. 34-39, Istanbul.

Jawād Ali (1976-1978), *al-Mufassal fī Tārīh al-Arab Qabl al-Islām*, I-X, Beirut.

Kelly, Kate (2009), *The History of Medicine Early Civilizations Prehistoric Times to 500 CE*, New York.

Magner, Lois N. (2005), *A History of Medicine*, 2nd edition, New York.

Al-Mustaghfirī (1966), Abū al-Abbas Ja'far ibn Muhammad, *Tibb an-Nabī* (ed. Muhammad Mahdī al-Sayyid Hasan al-Horasānī), Necef.

Al-Nīsābūrī (1217), Muhammed ibn Habīb (d. A. D. 1015), *Risāletu Tibb al-Nabī*.

Perho, Irmeli (1995), *The Prophet's Medicine*, Helsinki.

Reeves, Carole (2001), *Egyptian Medicine*, UK Pembrokeshire.

Öztürk, Levent (2012), *İslām Toplumunda Hristiyanlar*, Istanbul.

Öztürk, Levent (2013), *İslām Tıp Tarihi Üzerine İncelemeler*, Istanbul.

Medical Negligence Dispute in Malaysia: Choosing Mediation as the Best Constructive Approach to Address the Paradoxes in Medical Negligence Claims

Maizatul Farisah Mohd Mokhtar

PhD candidates, Law School, Brunel University London.

maizatulfarisah@yahoo.com

Abstract

In professional negligence the most challenging and arduous is medical negligence, which consists of various claims. Medical negligence will usually involve doctors and other medical practitioners. In medical negligence the claimant is allowed to bring a personal injury claim to a court which has the jurisdiction under adversarial system. However it is evident from reported cases that medical negligence claims were mostly unsuccessful. The reason lies on the notion of the burden of proof, which cast a heavy burden on the plaintiff according to the fault system. In medical negligence claims, plaintiffs will more often than not, find it very difficult to discharge their burden of proof. In most countries, professional negligence claims are recommended to be dealt with by way of mediation under Alternative Dispute resolution (ADR). Mediation is believed to be easier than litigation and is less complicated. Malaysia is among those countries which has enhanced significantly the utility of ADR. This paper will endeavour to address the problems in proving medical negligence cases by using one of the strongest tools of ADR which is mediation.

Keywords: *Medical Negligence Claims, Adversarial System, Burden of proof, ADR, Mediation, Malaysia*

1. Introduction.

Medical negligence denotes the wrongdoings committed by doctor or medical practitioner such as in misleading treatment cases, diagnosis and in failure to perform and deliver the obligations with care and prudent advice. ¹ As consequences, medical negligence can occur and cause injury and further bring damage to the patient and third party. Tort Law has been selected to intersect medical negligence disputes because of its 'unique feature' and it also help the claimant to gain the financial reward. ² Hence, comes under the domain of "Adversarial System".

Medical negligence cases are dealt according to the civil law in Malaysia and which means that the plaintiff or claimant³ should provide sufficient evidence to shoulder the burden of proof and adequate balance of probabilities⁴ based on the law of evidence⁵. Evidence Act 1950 (Act 56) is the substantive law, which deal with such nature of cases. In medical negligence for a successful claim patient or the claimant has to deal with the substantive and procedure law very well. Hence, for the substantive purposes the Claimant has to deal with both the Evidence Act and the law of Tort⁶ and should address in well-

¹ Ali Mohammad Matta, 'Medical Negligence: New Issues and Their Resolution' [2000] 3 MLJ clxxxiv

² Ibid.

³ Please refer Illustration under section 102 'On whom burden of proof lies' of Evidence Act 1950 (Act 56)

⁴ According to the case of *Ratna Ammal & Anor v Tan Chow Soo* [1967] 1 MLJ 296 on the Balance of Probabilities is defined as:

"When one speaks of a court having to be satisfied on a balance of probability one means that the higher degree of probability favours the conclusion since, if the probabilities were equally balanced, the court would not have been satisfied on a balance of probability."

⁵ Sin Yoong Ming B Econs, 'Tilting the Scales of Balance for Dismissal' [1994] 3 MLJ cxxi

⁶ Puteri Nemie Jahn Kassim, *Medical Negligence Law in Malaysia* (First published 2003, Revised 2008, International Law Book Services, 2008) 149

defined manner. However, for the purposes for the procedural law the claimant has to file a suit according to the Rule of Court 2012.¹

This adversely system has been adopted by many societies as it believe to be the best system to resolve the cases. Furthermore, the said laws i. e (substantive and procedural) give adequate opportunities to both the parties to establish their cases.² As Adversely system is consists of a legal system hence, claimed to be the right method of solving the disputes of medical negligence.³ However, these declarations on behalf of adversely system are very hard to accept. The Author will endeavour in the paper and argue that the "Mediation" is the only systematic and effective system to resolve the medical negligence cases.

2. The Challenge of Adversely System for Medical Negligence Claim.

In cases like Medical negligence it is very hard to fulfil the formalities prescribed in Law of Tort (current fault system). Adversely system requires a lot of procedures to be followed and a lot of evidences to be produced to be able to satisfy the court.

For the sake of arguments in medical negligence cases it's the claimant in most cases it is a patient has to shoulder the burden of proof and that is to provide the evidence of medical report treated wrongly and evidence from a medical expert. Now it's quite difficult for a claimant and a patient to produce such evidences, how could he ask a doctor to write a report for him against the other doctor mentioning his negligence in medical treatment?⁴ Moreover, its quite obvious that the judge who is taking the cognizance of such cases must have an adequate knowledge of dealing the cases of medical negligence, which is quite rare. Not every judge is expert in knowing the medical terminologies and its treatment hence rely only on the medical reports, medical expert opinions and the evidences provided by the medical staff.⁵

In this scenario it's evident to say that the medical negligence trial in the adversely system may last for years and make the case more complicated than ever.⁶ For instance we have a couple of cases which are evident to this fact that the medical negligence trials need longer period than usual to be finally decided. In one of the case Dr. Chin Yoon Hiap v Ng Eu Khoon & ors⁷ which took 16 years to solve, while started 21 years ago before its final judgement. The other case Dr. Soo Fook Mun v Foo Fio Na & anor⁸ which took almost 24 years to finally reach to the end of the case.⁹ While, perusing the cases relating to medical negligence astonishingly some interesting data has been collected which, revealed that in Malaysia medical negligence cases needs approximately 15 to 20 years¹⁰ to be finally resolved. There are other difficulties faced by the injured parties and the significant one is finances. It has been observed that many patients, who are eligible for the

¹ The main statute for procedural in civil claims including medical negligence claims is Rules of court 2012.

² Strengths of The Adversary System, (Sdemirova Global- Australia, 2009),

<<http://sdemirova.global2.vic.edu.au/2009/08/26/strengths-and-weaknesses-of-the-adversary-system/>> Accessed 12 January 2016

³ Arthur Mazirow, 'The Advantages and Disadvantages of Arbitration as Compared to Litigation' (*Mazirow Real Estate Dispute Resolution*, 2008)

< <https://sites.google.com/a/mazirow.com/mazirow-com/articles>> Accessed 12 January 2016

This paper was presented by the author to The Counsellors of Real Estate on 13 April 2008 at Chicago, Illinois.

⁴ Puteri Nemie Jahn Kassim and Khadijah Mohd Najid, 'Medical Negligence Dispute in Malaysia' [2013] International Journal of Social, Human Science and Engineering vol:7 no:6

⁵ Strengths of The Adversary System, (Sdemirova Global- Australia, 2009)

<<http://sdemirova.global2.vic.edu.au/2009/08/26/strengths-and-weaknesses-of-the-adversary-system/>> Accessed 12 January 2015

⁶ Puteri Nemie Jahn Kassim, 'Mediating Medical negligence Claims in Malaysia: An Option for Reform' [2008] 4 MLJ cix

⁷ [1998] 1 MLJ 57

⁸ [2007] 1 MLJ 593

⁹ Puteri Nemie Jahn Kassim, 'Mediating Medical negligence Claims in Malaysia: An Option for Reform' [2008] 4 MLJ cix

¹⁰ Ibid.

medicine negligence, refuse to claim because of the financial crunches¹. In adversely system medical negligence claim appear to be one of the expensive suit².

Apart from that there are other factors which are involved in adversely system to make it sabotage and another important one is the dissatisfaction of the parties, in one of the report Lord Woolf which published in 1996 disclosed that the adversely system in dealing with medical negligence cases though satisfies the law but not the parties.³ This system consists of many loop holes and it takes quite long time than usual to filling the gap. It is evident from the book *Essentials of Medical Law*⁴, in which author reveals that the Tort law which is being practised nowadays has failed to satisfy the dispute parties in cases relating to medical negligence. He further claimed that in medical negligence cases which, involve a lot of procedural formalities, and if lacking any one of them will result in the discharge of the claim.⁵ The inaccessibility of the Tort Law, which results in great difficulty put many potential litigants in jeopardy (who suffered from medical negligence) to pursue their claim.⁶

3. The difficulties of Burden of Proof in Medical Negligence Claim.

As it has been described above that the Law of Tort in adversarial system set up specific legal requirements in order to establish the medical negligence claim. The most important one is the notion of the "burden of proof" on the "balance of probabilities". Law of Tort expect from the claimant to prove the breach of duty and causation. It is evident from the fact that to prove such negligence by a claimant if not impossible very hard in medical negligence than comparing to other personal injury cases.⁷

Standard Duty of Care and Breach of Duty.

Before proceeding further with the matter it is quite important to discuss the issue of "Breach of Duty" which is the essence to prove the negligence exists under the Tort Law. According to the said law it is the plaintiff or claimant who must prove the breach of duty before the court. To prove the breach of duty it is crucial to determine the "standard of care" applied by the defendant in performing the obligation whether the defendant act accordingly with the standard or not. If the duty performed by the medical practitioners bellow the standard duty of care, then his this conduct amount to the breach of duty.

What is the standard of care the law expect from medical practitioner? To determine the standard of care it is essential to first determine the "standard" and then declared the authority who will determine that standard. i. e whether by "the court" or by the 'the standard according to the professional body'.

The standard of care can be understood generally as the legal standards that require by law for defendant to meet in perform the duty. The landmark case that lay down the principle of the standard of care is *Bolam v. Friern Hospital Management Committee*⁸ also known as *Bolam Test* whereby the McNair J recognised the medical board to determine the standard duty of care associated to the professional skill by the medical practitioners. Based on the principle lay down by the McNair J it can be concluded that the Bolam test means first; that the standard by which the court measure is not by way of applying the court or (reasonable man test) but by the standards of a reasonable professional of similar calling,

¹ Update: International Report – No-fault Compensation in New Zealand: Harmonizing Injury Compensation, Provider Accountability, and Patient Safety by Marie Bismark and Ron Paterson [2006] Health Affairs Volume 25. Number 1, January/February 2006

² Puteri Nemie Jahn Kassim, *Medical Negligence Law in Malaysia* (First published 2003, Reprinted 2007, revised 2008, International Law Book services, Kuala Lumpur, 2008) page 149.

³ Section IV Special Areas Chapter 15 Medical Negligence (Access to Justice - Final Report Lord Wolf 1996) <<http://webarchive.nationalarchives.gov.uk/http://www.dca.gov.uk/civil/final/sec4a.htm#15>> accessed 17 March 2016

⁴ Khee Quan Yeo, *Essentials of Medical Law*, (Singapore: Sweet & Maxwell Asia, 2004) page 355.

⁵ Interviewed was conducted between High Court Judge of Malaysian Court (Kuala Lumpur), the Honourable Tuan Vazeer Alam bin Mydin Meera on 8th September 2014.

⁶ Puteri Nemi Jahn Kassim, *Medical Negligence Litigation In Malaysia: Whither Should We Travel?*, [2004] The Journal of the Malaysian Bar XXXIII No 1

⁷ Section IV Special Areas Chapter 15 Medical Negligence (Access to Justice - Final Report Lord Wolf 1996) <<http://webarchive.nationalarchives.gov.uk/http://www.dca.gov.uk/civil/final/sec4a.htm#15>> accessed 17 March 2016

⁸ [1957] 2 All ER 118

hence there is consistency and no lower standard of care, for example for inexperience, and secondly; under this test, there is no finding of negligence if the defendant conforms to and complies with the available practices of members of the similar calling.¹

Hence, under Bolam Test if a person is not amount to negligence and breach of duty and if the action taken according to the practice accepted by the "responsible professional board" even though the duty of care is lower than the standard. In consequences, the standard of care set up by the medical body seem favour on the interest of medical practitioners, therefore the claimant or the injured party having heavy burden to prove the damages suffered by the patients due to the negligence.

The Bolam principle has been overruled in one of the case *Roger v Whitaker*², in which the court determines the "standard duty of care" by declaring that the court and not the "medical body" responsible to determine the "Standard of Care" However, the court will consider the opinion of the medical body as part of the evidence. The development of the medical standard in *Roger v Whitaker* also influenced the medical negligence cases in Malaysia in established the standard of care. *Kalam v Eastern Plantation Agency*³, the court held that:

*The standard of care to be observed by a person with some special skill or competence is that of the ordinary skilled person exercising and professing to have that special skill. That standard of care is not determined solely or even primarily by reference to the practice followed or supported by a responsible body of opinion in the relevant profession or trade. The ultimate question is whether it conforms to the standard of reasonable care demanded by the law. That is a question for the court and the duty of deciding it cannot be delegated to any profession or group in the community.*⁴

The legal issue of standard duty of care in medical negligence case can be determine easily from of the leading case mentioned above in Malaysia, which asserted that the medical body (partially or fully) cannot be authorized to determine any "standard of care" and it is discretion with the court to make the standard of care for the Medical practitioner. Therefore, the court first need to determine the standard of care according to the law and then see whether the doctor's action is according to the standard or not before making him responsible of any breach of duty.

Although the standard duty of care set up by the medical body shifted to the court as the principle lay down on the *Roger v Whitaker* case, however in Malaysia, there are cases that adopted the Bolam test is *Chin Keow v Government of Malaysia*⁵, *Chin Yoon Hiap v Ng Eu Khoon*⁶, *Hong Chuan Lay v Eddie Soo Fook Mun*⁷, *Liew Sin Kiong v Sharon Paulraj*⁸, *Inderjeet Singh v Mazlan bin Jasman*⁹, *Mariah bte Mohamad v Abdullah bin Daud*¹⁰, *Kow Nan Seng v Nagamah*¹¹, *Elizabeth Choo v Government of Malaysia*¹² and *Swamy v Mathews*¹³.¹⁴ Although, there are cases follows the *Roger v Whitaker*

¹ K Kuldeep Singh, *The Standard Of Care In Medical Negligence Cases In Malaysia — Is There A Diminution Of Judicial Supervision By Adopting The 'Bolam Test'?*, *Malayan Law Journal Articles*, [2002] 3 MLJ xci

² [1992] 109 A.L.R

³ [1996] 4 MLJ 674

⁴ see pp 688F-G, 689A; *Rogers v Whitaker* (1992) 175 CLR 479 followed; *Bolam v Friern Hospital Management Committee* [1957] 2 All ER 118 and *Elizabeth Choo v Government of Malaysia & Anor* [1970] 2 MLJ 171 distinguished

⁵ [1967] 2 MLJ 45

⁶ [1998] 1 MLJ 57

⁷ [1998] 7 MLJ 481

⁸ [1996] 5 MLJ 193

⁹ [1995] 2 MLJ 646

¹⁰ [1990] 1 MLJ 240

¹¹ [1982] 1 MLJ 128

¹² [1970] 2 MLJ 171

¹³ [1967] 1 MLJ 142

¹⁴ Gopal Sri Ram J, *Court of Appeal of Malaysia (2002), The Standard Of Care: Is The Bolam Principle Still The Law?*, *Malayan Law Journal Articles*, [2000] 3 MLJ lxxxii

case and rejected Bolam principle, for example in case titled *Kamalan v Eastern Plantation Agency*¹ however Malaysian's court, still preferred to use both the principles in determine the authority which make the Standard of care.

It can be concluded by viewing the above mentioned arguments and the principle laid down in both cases that no matter if the standard of care is made by the court or by any medical authority it will be very difficult for the claimant to shoulder the burden of proof.

Causation

It is very important to mention here that after proving breach of duty it is essential for establishing the negligence the next step is to prove the Causation for the claim of damages. The "causation" can be define as 'actual' cause of the damages. In the other words, the causation must be established in order to prove the damages have occurred. In order to establish the causation under the tort law, there is the test known as 'But For' Test which based on the question that does the harm suffered by the plaintiff would be less if the defendant takes a reasonable action and behaved properly? The answer in affirmative can make the defendant liable for the damages. According to Giesen "... *establishing a causal connection between medical negligence and the damages alleged is often the most difficult task for a plaintiff in medical malpractice litigation..*"² However causation will be much complicated and difficult to identify if there is more than one possible cause that amount to the medical negligence.

The plaintiff has to prove that because of the action taken by the defendant cause the injury to the patients or third party. However the most crucial questions raise here "what is the legal requirement to establish the causation in medical negligence cases?" There are two stages developed by courts to determine whether plaintiff has proven the causation which is the *question of factual causation* (causation applies the "but for test") and the second stages is the *question of legal causation* (causation in law).³

In *Chappel v Hart*⁴, the judge makes the most interesting question which is '*What would or would not have happened if Dr Chappel had provided her with adequate information as to the risks involved?*' If Dr Chapel did inform to Mrs Hart about the risk does this will change Mrs Hart decision to undergo the surgery?⁵ Before answering the question, the most crucial task to the plaintiff is to prove that the defendant in the first place failed to give such information what is the risk involved. The plaintiff needs to establish the case by identify the significant and most relevant information that should be informed and for ordinary people is beyond the capability to determine such information before the occurred events. The patients most likely will depend on medical practitioners to disclose the detail of treatment including the risk. Then the question can be established whether such risks disclose will give any effect to Mrs Hart decision. If Mrs Hart can prove that she might change the decision to undergo the surgery if the risk been provided to her therefore the failure to provide the information about the risk by Dr Chapel can amount to the causation Mrs Hart suffered the injury due to the risk involved. This case however applied the principle in the case of *Roger v Whitaker*⁶ and exercised the concept of patient autonomy.⁷

The trial judge in the case of *Chester v. Afshar*⁸ found that the defendant not liable for the negligence that applied the decision in *Chappel v Hart*, which the plaintiff failed to prove the causation however in the appeal the judge allowed the appeal on the ground that the claimant had established the causation. In this case the court stated that, it is a compulsory for a plaintiff to prove the causation. In addition according to the court the material risk can affect the decision to avoid or minimise the risk of injury. In other words the disclosure of the material risk may change the decision of the claimant to

¹ [1996] 4 MLJ 674

² Giesen, D., *International Medical Malpractice Law* (London: Sweet & Maxwell, 1988)

³ Puteri Nemi Jahn Kassim, *Medical Negligence Law in Malaysia* (first published 2003, revised 2008, International Law Book Services 2008) 88

⁴ [1998] 156 ALR 517

⁵ Puteri Nemie Jahn Kassim (1999), *Medical Negligence: Causation and Disclosure of Risks in The Light of The Decision of Chappel V Hart*, [1999] 4 MLJ cci Malayan Law Journal.

⁶ [1992] 109 A.L.R

⁷ *Ibid*

⁸ [2005] 1 AC 134

undergo the surgery. Because of the non-disclosure the material risk also cause the loss change to pursue other options for the treatment because of the non-disclosure material risk by the respondent. In proving the causation according to this case may now be less of challenge¹ compared to the previous principle of law applied in causation. It is because the general concept of causation is the injury for instance cause by the action taken by the medical practitioners towards patient. However in this case, although the injury will occur because there is the material risk and is nothing to do with the standard duty of care and breach of duty (during the surgery and treatment) but the important legal issue is the disclosure of material risk that cause the injury that maybe can be avoided.

In the landmark Malaysia case *Dr Chin Yoon Hiap v. Ng Eu Khoon & Ors & Other Appeals*², whereby according to the judge, the principle of the causation is not depend on the fact that there are breach of the duty by defendant and the injury suffer by the plaintiff is the presumption of the causation which is the breach of duty cause the injury. The most important in order to prove the causation by the plaintiff in the claim is the causal link between the defendant negligence and the plaintiff injury.

In the case of *Lechemanavasagar S. Karupiah v. Dr. Thomas Yau Pak Chenk & Anor*³, the judge in the case *Rohana Yusuf J* follows the decision held by *Malik Ahmad JCA* in *Dr Chin Yoon Hiap's case*⁴ which is finding the causation for this case which is the causal link and the burden to prove the causation remain to plaintiff. The court then went on to find that there was no evidence of causal link between giving of the tablets or the Milo and the infection suffered by the plaintiff. Therefore the plaintiff failed to prove the causation in the claim.

Apparently, in this case it is important for plaintiff to succeed in the claim to prove the causation in which way of giving evidence in the causal link between the injury and the action taken by the medical practitioners. The breach of duty and the injury itself doesn't amount to the causation. Hence, the burden on plaintiff to prove the causation that require by the law is not an easy process, which is lot more complicated although the standard of care and breach of duty by the defendant is proven.

In most cases a simple application of the 'but for' test will resolve the question of causation in tort law. For example the 'but for' the defendant's actions is would the claimant have suffered the loss? If yes, the defendant is not liable. If no, the defendant is liable. But for Test is a doctrine which states that causation exists only when the result would not have occurred without the accused party's conduct. In the landmark cases *Barnett v Chelsea and Kensington Hospital Management Committee*⁵, The issue for this case is whether the death caused by the negligence of the doctor who failed to attend and examine Mr. Barnett. According to *Nield J* in this case,

".. that the plaintiff, Mrs. Bessie Irene Barnett, has failed to establish, on the balance of probabilities, that the death of the deceased, William Patrick Barnett, resulted from the negligence of the defendants, the Chelsea and Kensington Hospital Management Committee, my view being that had all care been taken, still the deceased must have died.."

From the above mentioned case we conceived that it is not easy to prove the case while applying this doctrine in making the causation in negligence cases especially when the patient already suffer from the illness or injured or maybe the patients is old. Failure to prove causation will affect the claim for medical negligence. It evidently that the "But for Test" is not the best test to use to prove the causation because the plaintiff must prove that but for the negligence of the defendant the plaintiff has suffered the injury and damages.

¹ Puteri Nemie Jahn Kassim, 'Chester v. Afshar: Loosening The Grip On Proving Causation For Lack Of Informed Consent' [2004] 5 CLJ i

² [1998] 1 CLJ

³ [2008] 3 CLJ 76

⁴ [1998] 1 CLJ

⁵ [1969] 1 QB 428

The difficulties of proving the burden of proof which is breach of duty and causation eventually lead to the disadvantages of the adversarial system in resolve the dispute. In mediation process, address all negotiation issues raised by the parties and are not limited to legal cause of action and also the burden to prove. Contrary in mediation, the parties voluntarily agreed to attend mediation are those who fully understood the purpose to resolve the dispute and achieve mutually understanding not to “convict” any party or the action to prove the other part commit any misconduct.

4. The Use of Mediation for Medical Negligence Claim.

Among all of the methods of ADR, mediation has captured the attention of a significant number of scholars as it has been touted as the most reliable and effective method in resolving medical negligence cases. In Malaysia the application of mediation has also been introduced in 2010 by Federal Court in the Practice Direction No. 5 of 2010 Practice Direction on Mediation, however, there are no specific provision in the practice direction for medical negligence but the practice direction is applicable for medical dispute under 4. 1 (a) *Claims for personal injuries and other damages due to road accidents or any other tortious acts because they are basically monetary claims.*

Determination of the challenging and complicated legal issues which is burden of proof by proving the breach of duty in adversarial system however differ in ADR whereas ADR process is not rely on laws whereby in mediation process are not reliable on the substantive law which are complicated and difficult to comply. ¹ Therefore, there is no specific legal requirement to be proved in mediation process in order to resolve the dispute.

On the other hand, the main objective of this method is to provide a forum or environment where the dispute parties may discuss in peaceful manner to achieve mutual agreement. ² There are five reasons why mediation works which are: it is economical, fast, in most instances the parties perceive it to be fair, it minimises risk for the parties whether the risk is financial, cultural or any other sort of risk and the whole process and the outcome is confidential unless the parties otherwise agree. ³

Medical negligence claim in court decided by the court based on the satisfaction of fulfilling the law’s requirement for medical negligence (substantive and procedural law), meanwhile in mediation “empowers” parties in that disputing parties understand the process and control the outcome⁴. Furthermore, in fault system, the roles of judge to determine the question of law, however, contrary in mediation, the role of mediator to achieve a good communication among parties, to help the parties understanding the needs, value and emotion each party, to help the parties to have a good relationship and to encourage the parties to have various option of settlement in order to achieve a mutual understand⁵. According to the court in the case of *Alvin Mylock v Champion International and Sedgewick Claims Management*⁶ is “*the main task of facilitative mediator is therefore to clarify and to enhance communication between the parties in order to help them decide on mutually agreeable settlement*”. Contrary in medical claim under adversarial system in court, the relationship between doctors-patients can be affected because in order to establish the burden of prove for the case, the parties have to fight against each other.

Although the main objective of medical negligence claims in adversarial system to resolve monetary damages, however other personal issue that unable to be settle via adversarial system that arise among the claimant is personal issue⁷ such

¹ Interviewed was conducted between High Court Judge of Malaysian Court (Kuala Lumpur), the Honourable Tuan Vazeer Alam bin Mydin Meera on 8th September 2014.

² R.J Veerapan, ‘The role of Mediation in Clinical Negligence Disputes’ Issues in *Medical Law & Ethics* page 3.

³ Campbell Bridge (Senior Counsel Maurice Byers Chambers Australia), *Mediation Of Personal Injury Litigation- Why It Works* [2011], 2nd ama Conference Rediscovering Mediation In The 21st Century (24-25 February 2011)

⁴ Chief Judge of Malaysia Arifin Zakaria (2010), *Responsibility of Judge under Practice Direction No. 5 of 2010.*

Keynote speech at Seminar on Mediation with Judge John Clifford Wallace on 1 October 2010

⁵ Justice Mah Weng Kwai, ‘Mediation Practice: The Malaysian Experience’ [2012] 5 MLJ clxvi

⁶ [2005] 906 So 2d 363 (Florida, District Court of Appeal)

⁷ Puteri Nemie Jahn Kassim, ‘Mediating Medical Negligence Claims in Malaysia: An Option for Reform’ [2008] 4 MLJ cx

as the 'story' behind of negligence occur and seeking for apology from the defendant. On the other hand, this personal issue raise by the claimant are able to be resolve via mediation. ¹

Medical negligence claims in fault-based system under adversarial system have the limitation period, whereby, the claimant shall bring the case not more than limitation period as stated in limitation acts. According to Limitation Act 1953 (act 254), any tort claim must be brought to the court not more than 6 years from the cause of action accrued, however for the case brought by the third party on behalf of the deceased, the limitation period are 3 years. Furthermore, for any medical negligence claim against government including government doctor or government hospital the imitation period is 2 years under Government Proceeding Act 1956 (Act 359), the limitation period is 2 years only. As consequences, failed to comply with limitation acts, the court has the discretion according to the law to reject and dismiss the case. Hence, the claimant or injured party will loss the chance to seek for justice and obtain the compensation. Contrary with mediation process, no limitation period applicable, therefore, the claimant or injured party may bring the dispute at any time although under limitation periods acts, the dispute is exceed the limitation period.

Based on the advantages and massive contribution of mediation, it has been proven that mediation is the best alternative to resolve medical negligence claim that that capable to overcome the challenge and difficulties of fault based system under adversarial system.

5. Conclusion

According to Tun Salleh Abbas FJ in his judgement at the Federal Court in the case of Kow Nan Seng v. Nagamah & Ors², has come out with compelling commentary in regards to medical negligence law. *"The law on medical negligence is clear enough but its application is often difficult as facts and circumstances are not the same in each case and so must vary from case to case. For the purpose of this judgment it is necessary to state, even if briefly, the law on the subject so as to guide us in determining on the facts of this case."*

Based on the commentary above, although there is clear medical law but the establishment and the use of medical negligence law is the hardest part. As discussed above the requirement to fulfil the case in the balance of probabilities requires the establishment of burden of proof that consist 2 major legal burdens which are breach of duty and causation is so high and complicated. Lack of evidence in provided the proofs will jeopardise the case and the plaintiff might lose the case. Although, there is suggestion to shift the burden on defendant³ but it hard to enforce such theory since the plaintiff is the party that "accuse" the defendant and the party who started the case therefore is reasonable for the plaintiff to have the burden of proof. Furthermore, the development in determination of standard of care and breach of duty is no longer upon the medical body but decided by court, this does not mean that less legal burden of proof the case before court. For instance, the claimant still needs to bring the medical expert to prove the case. As consequences, the success rate for medical negligence claim is lower in comparing with other personal injury claim. ⁴ Therefore, the need to have another alternative method to resolve medical negligence dispute and overcome the weakness exist in current fault based system is crucial.

Mediation a very power full tool of alternative dispute resolution appeared to be the most sophisticated, effective and friendly in resolving the dispute between the parties around the world and even in the Malaysia. The impact of this tool in sorting out the dispute is remarkable, less expensive, less time consuming and very friendly. The author has mentioned some very serious problems in adversely system in solving the claims about medical negligence. However, mediation has proved to be the system with flexible principles and efficient outcome. This is the need of the time, to recognize this system and encourage it in various cases to solve out the dispute specially the cases which are sensitive in nature and which cannot be crumbled under the legal formalities of the law.

¹ Ibid.

² [1982] 1 MLJ 128

³ S Radhakrishnan , Medical Negligence, Malayan Law Journal Articles, [2002] 4 MLJ v

⁴ Section IV Special Areas Chapter 15 Medical Negligence (Access to Justice - Final Report Lord Wolf 1996)

<<http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/civil/final/sec4a.htm#15>> accessed 17 March 2016

Bibliography

1. Ali Mohammad Matta, 'Medical Negligence: New Issues and Their Resolution' [2000] 3 MLJ clxxxiv
2. Evidence Act 1950 (Act 56) s 102
3. Ratna Ammal & Anor v Tan Chow Soo [1967] 1 MLJ 296
4. Sin Yoong Ming B Econs, 'Tilting the Scales of Balance for Dismissal' [1994] 3 MLJ cxxi
5. Puteri Nemie Jahn Kassim, Medical Negligence Law in Malaysia (First published 2003, Revised 2008, International Law Book Services, 2008)
6. Rules of Court 2012
7. Strengths of the Adversary System, (Sdemirova Global- Australia, 2009)
<<http://sdemirova.global2.vic.edu.au/2009/08/26/strengths-and-weaknesses-of-the-adversary-system/>>
8. Arthur Mazirow, 'The Advantages and Disadvantages of Arbitration as Compared to Litigation' (Mazirow Real Estate Dispute Resolution, 2008) < <https://sites.google.com/a/mazirow.com/mazirow-com/articles>>
9. Puteri Nemie Jahn Kassim and Khadijah Mohd Najid, 'Medical Negligence Dispute in Malaysia' [2013] International Journal of Social, Human Science and Engineering vol:7 no:6
10. Puteri Nemie Jahn Kassim, 'Mediating Medical Negligence Claims in Malaysia: An Option for Reform' [2008] 4 MLJ cix
11. Dr. Chin Yoon Hiap v Ng Eu Khoon & ors [1998] 1 MLJ 57
12. Dr. Soo Fook Mun v Foo Fio Na & anor [2007] 1 MLJ 593
13. Puteri Nemie Jahn Kassim, 'Mediating Medical negligence Claims in Malaysia: An Option for Reform' [2008] 4 MLJ cix
14. Update: International Report – No-fault Compensation In New Zealand: Harmonizing Injury Compensation, Provider Accountability, and Patient Safety by Marie Bismark and Ron Paterson [2006] Health Affair Volume 25. Number 1, January/February 2006
15. Section IV Special Areas Chapter 15 Medical Negligence (Access to Justice - Final Report Lord Wolf 1996)
<<http://webarchive.nationalarchives.gov.uk/+http://www.dca.gov.uk/civil/final/sec4a.htm#c15>> accessed 17 March 2016
16. Khee Quan Yeo, Essentials of Medical Law, (Singapore: Sweet & Maxwell Asia, 2004) page 355.
17. Interviewed was conducted between High Court Judge of Malaysian Court (Kuala Lumpur), the Honourable Tuan Vazeer Alam bin Mydin Meera on 8th September 2014.
18. Puteri Nemie Jahn Kassim, Medical Negligence Litigation In Malaysia: Whither Should We Travel?, [2004] The Journal of the Malaysian Bar XXXIII No 1
19. Bolam v. Friern Hospital Management Committee [1957] 2 All ER 118
20. K Kuldeep Singh, The Standard Of Care In Medical Negligence Cases In Malaysia — Is There A Diminution Of Judicial Supervision By Adopting The 'Bolam Test'?, Malayan Law Journal Articles, [2002] 3 MLJ xci
21. Roger v Whitaker [1992] 109 A. L. R
22. Kamalam v Eastern Plantation Agency [1996] 4 MLJ 674
23. Elizabeth Choo v Government of Malaysia & Anor [1970] 2 MLJ 171
24. Chin Keow v Government of Malaysia [1967] 2 MLJ 45
25. Hong Chuan Lay v Eddie Soo Fook Mun [1998] 7 MLJ 481
26. Liew Sin Kiong v Sharon Paulraj [1996] 5 MLJ 193
27. Inderjeet Singh v Mazlan bin Jasman [1995] 2 MLJ 646
28. Mariah bte Mohamad v Abdullah bin Daud [1990] 1 MLJ 240

-
29. Kow Nan Seng v Nagamah [1982] 1 MLJ 128
 30. Swamy v Mathews [1967] 1 MLJ 142
 31. Gopal Sri Ram J, Court of Appeal of Malaysia (2002), The Standard Of Care: Is The Bolam Principle Still The Law?, Malayan Law Journal Articles, [2000] 3 MLJ lxxxi
 32. Giesen, D., International Medical Malpractice Law, (Landon: Sweet & Maxwell, 1988)
 33. Chappel v Hart [1998] 156 ALR 517
 34. Puteri Nemie Jahn Kassim (1999), Medical Negligence: Causation and Disclosure of Risks in The Light of The Decision of Chappel V Hart, [1999] 4 MLJ cii Malayan Law Journal.
 35. Chester v. Afshar [2005] 1 AC 134
 36. Puteri Nemie Jahn Kassim, 'Chester v. Afshar: Loosening the Grip on Proving Causation For Lack Of Informed Consent' [2004] 5 CLJ i
 37. Lechemanavasagar S. Karuppiah v. Dr. Thomas Yau Pak Chenk & Anor [2008] 3 CLJ 76
 38. Barnett v Chelsea and Kensington Hospital Management Committee [1969] 1 QB 428
 39. R. J Veerapan, 'The role of Mediation in Clinical Negligence Disputes' Issues in Medical Law & Ethics
 40. Campbell Bridge (Senior Counsel Maurice Byers Chambers Australia), Mediation Of Personal Injury Litigation- Why It Works [2011], 2nd AMA Conference Rediscovering Mediation In The 21st Century (24-25 February 2011)
 41. Chief Judge of Malaysia Arifin Zakaria (2010), Responsibility of Judge under Practice Direction No. 5 of 2010
 42. Justice Mah Weng Kwai, 'Mediation Practice: The Malaysian Experience' [2012] 5 MLJ clxvi
 43. Alvin Mylock v Champion International and Sedgewick Claims Management [2005] 906 So 2d 363 (Florida, District Court of Appeal)
 44. Kow Nan Seng v. Nagamah & Ors [1982] 1 MLJ 128
 45. S Radhakrishnan, Medical Negligence, Malayan Law Journal Articles, [2002] 4 MLJ v

The Policy for Maintenance of National and Rural Roads Network in Albania

Dr. Alma Golgota

Aleksander Moisiu^{*} Durres University

MSc. Diana Bardhi

Metropolitan University of Tirana

Abstract

This paper examines the effects of Territorial Reform on the maintenance of national and rural roads and makes recommendations regarding the implementation of maintenance under the new organisational structure. The background and logic behind those recommendations is elaborated in the body of the paper through summarising the principal actions and policies required to be adopted in order to achieve a proper standards of road maintenance under the new territorial strategy system of local government. It is important to recognise that the roads which will fall under the responsibility of the new bodies are just a part of the overall road system. They should not be considered in isolation and in some respects it is desirable that national policies and standards be adopted which will cover the whole of the road system. In these areas it is important that policy development take place in the context of cooperation between the various responsible institutions, primarily Ministry of Transport, Ministry of Local Issues, Albanian Roads Authority (ARA), Albanian Development Fund (ADF) and the new local government authorities, the LGA1s.

Keywords. national and rural, maintenance, inventarization, territorial

Introduction

There has been a steady process of decentralisation with the local government bodies carrying responsibility for a wide range of services and utilities including the local roads system. LGU finance comes from a mix of local funding in the form of taxes and fees and from unconditional grants from the centre. Overall this funding is roughly 50% local and 50% central.

This model of local government and decentralisation has suffered from serious challenges. These consisted of lack of a national policy development framework, lack of clear legal and regulatory framework, and extreme fragmentation of local authorities causing weak capacities of the local government. Lack of consensus and partisan behaviour among local elected officials, and lack of consensus inside local government associations have weakened local governance vis-à-vis the centre and caused delays in several important reforms. Additionally, the process of consultation between local government associations and the centre has been unsystematic and ad-hoc. Shared functions and competencies are vague, mainly as a result of a deficient and unclear legal framework regulating the structure, roles and competences of the central and local authorities at regional and local level.

Critically, fiscal autonomy of local government is also a challenge. Local authorities do not have appropriate financial resources or local revenues commensurate with their own and shared competences. LGUs are heavily dependent on financial assistance from the State

¹ In order to avoid any confusion between the present organization of local government units and the proposed future organization, the proposed 61 new units have been referred to throughout this paper as Local Government Authorities (LGAs) rather than as Municipalities.

The Government was well placed to support wide capital investments in rural and national road infrastructure network and in view of this program was a necessity to have a cataloguing of this type of road. base on their geometry, ownership, date of last investment. This catalogue can be used to establish a comprehensive national roads database as well as serving the LGAs individually. Initial field cataloguing need only comprise complete GPS data for road alignment. However, with suitable equipment, this exercise can also provide photographic records along all roads without significant additional effort.

Cataloguing should include National as well as LGU roads since the National network is not clearly defined and is likely to be handed over in part to the LGAs. Cataloguing should be carried out through ADF teams working with local staff. Cataloguing of the more remote commune roads is particularly urgent since inputs from existing commune staff may be essential to identifying these roads. It is desirable that LGA staff should have some ownership of the project through participation in the cataloguing process. It is acknowledged that there is a conflict between this requirement and the need to involve commune staff. Suggestions are made for resolution of this conflict through the use of a 2 stage cataloguing exercise. The cataloguing exercise may be extended to include ARA roads should ARA consider this necessary to gather additional data. The final roads catalogue should include, or be expandable to include, the complete road system of Albania. Cataloguing should be carried out through ADF and LGA staff teams working together. LGA staff must feel that they have ownership of the project and commune staff are likely essential to full identification of remote roads. All roads to be driven for their full length to record complete GPS location data. In the case of larger municipalities only, existing mapping may be used rather than drive over location.

A Roads Database

A basic computerised GIS database of roads can form the basis for comprehensive estimates of maintenance requirements. The basic database will comprise all data collected during the Cataloguing exercise defined above. The database will provide a complete GIS compatible mapping of the catalogued road system. Once established the database can be expanded to include any and all additional details of the road system through entry of additional data on an ad hoc basis. Database will differentiate between Fixed data (eg. road sections location and length, width, structure locations) Variable data (eg road roughness, structure condition, general condition data). The database should be established on a central computer and be accessible to all LGAs for information entry and retrieval. Access via internet connection and via 3/4 G phone system. Set up computer database/GIS programme. Input data from cataloguing to computer. Establish database system using outside consultants as required. GIS or Engineer expert receives data from field teams and enters into Database software. Ensures that all field data is database compatible and error free. Computer system including backup system. Software. Initially as for Cataloguing but with a continuing maintain and update operation.

Reallocation of National Roads

Current records of the National road system are inconsistent. The Cataloguing exercise should include the present National roads to define them and to locate them in a system consistent with the local roads catalogue. The National Roads should be reallocated between ARA and LGAs Approximately half the existing National road system provides links between new LGA centres and existing Commune centres (and, in a few cases, between remote communes and nearest National Road lying outside the LGA)- these are called the main Roads many of these main roads have been improved under SLRP1; there is a commitment to lenders to transfer improved National roads to ARA. It is proposed that Main roads should be transferred to ARA and the balance of National Roads transferred to LGAs. This should satisfy most of the Lender commitments. Transfer of Main roads to ARA should be the basic principal behind reallocation of National Roads but can be reviewed with ARA and LGAs on a case by case basis. Non Main roads will not be transferred to ARA. Some Main roads may be retained by LGAs if it is decided that this is expedient. Review National roads for transfer to LGAs and to ARA on case by case basis using the Main roads principle. Make any necessary orders or pass legislation to effect the agreed transfers. The initial central review to be carried out by ADF in conjunction with ARA and MoT. Local reviews to follow with LGAs. Finalise transfer proposals with any legislative action required. ADF to negotiate with donors to resolve any conflicts with existing loan commitments. Basic proposals for transfer of National roads to be fixed within the time of

¹ SLRP: Secondary and Local Roads Project; improving 1500 kilometres of Regional and LGU roads

whole urban planning process is over, almost the end of June 2016. Subsequently finalised with LGAs when these are established and when cataloguing is complete.

Classification of Roads

Review the existing classification criteria and expand/modify to suit new situation. Avoid unnecessary changes Road classification to be reviewed mainly to reflect redistribution of Regional Roads, Align road classification with Maintenance Responsibilities Correct any anomalies identified during cataloguing/review Review LGA roads to identify Urban and Primary and Secondary Rural roads as defined in the text of this paper. Central review and definition of criteria by MoT, ARA and ADF. ARA and LGA level reviews to establish classification within the national and each local road system. Working group from ADF, ARA and MoT to review classification system and guidelines. ADF to define preliminary classifications for all LGA roads and then to finalise with LGA representatives. Initial review phase prior to establishment of LGAs. Finalise road classifications within LGAs as soon as possible after these are established and staffed.

Levels of Service and Maintenance Standards

A national system of Levels of Service and corresponding Maintenance Standards should be established. Levels of Service are the qualitative standards which users can reasonably expect from different classes of road. Maintenance Standards are numerically defined physical parameters which must be achieved to provide the various Levels of Service.

As a minimum, setting up a system of standards will require participation of ARA, MoT, ADF; at some point representation for LGAs would also be desirable. The object should be establish appropriate standards for each class of road and traffic level.

This is not a trivial exercise. Standards need to be set according to economic criteria considering maintenance costs, road conditions, vehicle operating costs, values of time and other factors. Establishment of National Standards to be done within 12 months. Establish appropriate Levels of Service for the roads within each LGA in accordance with these standards and compare with actual levels at present.

Common Contracts

A common family of standardised maintenance contract forms should be established for use on most road maintenance works in Albania. Three common contracts would cover at least,

Performance Based Maintenance Contracts

Admeasurement Contracts

Simplified Performance Based Maintenance of low volume gravel roads.

Contract forms to be established jointly with ARA and used by ARA and all LGAs. Use of standard contracts makes tendering much simpler for contractors and makes evaluation much simpler for the Employer(s) Standard contracts can be expected to keep costs down over the long term. Prepare standard contract forms to cover 95% of maintenance requirements for national use. Joint ADF/ARA working group to agree scopes and prepare draft contracts. To be reviewed/commented/approved by MoT and appropriate legal authorities. Possibly make use of Consultants presently employed with ARA and ADF.

Road Roughness and Traffic Volumes

Road Roughness is a key indicator of paved road condition and maintenance requirements. Historical roughness data is a key indicator of the rate at which any specific pavement section is deteriorating. There are presently no comprehensive roughness surveys being carried out. Traffic volumes are a second key indicator of a roads importance and of the economic

justification for additional maintenance. There are presently no comprehensive traffic surveys being carried out. Roughness of paved roads and traffic volumes on all roads should be measured regularly:

Roughness at annual intervals

Traffic at annual intervals with additional counts to establish and then control seasonal variations.

Decide how to set up a unit or units able to carry out these activities. Roughness should utilise a national unit. Traffic counting could be done at the LGA level with a national unit carrying out verification checks. Set up and operate the units - possibly with outside funding assistance to set up. Liaise with ARA to mesh with their activities in this area.

Funding and Costs of Maintenance

LGUs do not spend enough on maintenance. Money spent of maintenance now saves much more money being spent on rehabilitation later LGUs use "investment" projects to make good some of their maintenance failings. This results in complete blurring of the real total of expenditures on maintenance. Further, LGU accounting formats do not allow for the clear identification of all direct maintenance costs/expenditures. It is estimated that total LGU expenditure (Municipalities and Communes) on maintenance and on "Investment" in lieu of maintenance is around ALL 1.95 billion and that this should rise to ALL 3.5 billion if a reasonable standard of road maintenance is to be achieved. These figures do not include the present Regional Roads invested from ARA. These figures assume only the most basic standards of maintenance (effectively, just maintain access) for the bulk of the Rural gravel roads

These figures do allow for an element of "improvement through maintenance" on the poorer surfaced roads. Provide LGAs with the requisite funds to meet their responsibilities. Implement controls to ensure that LGAs spend appropriately on road maintenance. This may involve specifying percentages of funds for certain activities or the provision of separate funds for maintenance; alternatively LGAs could submit draft budgets for approval; they would then be tied to the approved budget. Review the system of accounting proformas/subheads and revise to ensure that all types of expenditures are clearly identifiable in the permanent records. Review and revise the overall systems for allocating funds to ensure they provide incentives to maintenance rather than "investments" to make up for lack of it. In the longer term, use a maintenance management system to estimate the required total annual spend on maintenance and the optimum distribution of available funds.

Decentralisation and Local Government Reform

The whole background to, and the proposals for, the reform of Local Government in Albania are available in the report on the National Crosscutting Strategy for Decentralization and Local Governance (NCSDLG) 2014-2020. It would be pointless to repeat the information provided in that report in detail here, however, a brief recapitulation of the salient points may be of help in understanding the background to the contents of this paper.

Government in Albania is currently effectively organised on three levels:

The Central Government,

Twelve Regions or Qarks

61 Municipalities

There are also 36 Districts, however, these play only a minor role and do not affect consideration of road maintenance issues.

This organisation model dates from the adoption of the Constitution (1998) and the National Decentralization Strategy, adopted in January 2000. The most important specific step was the approval and implementation of the Law No. 8652 of

31 July, 2000, "On the Organization and Functioning of Local Government", which sanctions the rights and authorities of the local governments units..

The situation and these criticisms from the Strategy Report are general and relate to the whole field of LGU operation. Since the maintenance of the local road systems is the province of the LGUs, the defects in LGU governance and funding are of critical importance in considering the ability and effectiveness of LGUs in the field of road maintenance.

The present proposals for Territorial Reform are a part of a broader strategy to improve the quality and standards of local government and to further the process of decentralisation.

It has become clear that a major factor in the poor and confused governance exercised by the present LGUs is their small size. This problem has actually grown worse over the years as a result of migration from the countryside to the cities and there are now considerable numbers of LGUs with populations of just a few thousand and some with populations less than one thousand. The proposed Territorial Reform is partly an effort to improve this situation by reducing the number of governing units to create a more limited number of reasonably sized entities which should be more suited to exercising the decentralised responsibilities which they have been given.

This Paper is concerned not with the general philosophy of decentralisation nor, directly, with the overall range of devolved responsibilities; its purpose is to examine the present state of local roads maintenance for national and rural ones, to assess how this will be affected by the proposed Territorial Reforms with the creation of the 61 new LGAs and to consider what measures might reasonably be implemented to assist the new LGAs in the improved maintenance of the road systems which they will inherit from the present LGUs and, probably, from the Qarks.

To supplement this brief appreciation of the situation regarding Decentralisation and Territorial Reform a short assessment of the legal background and possible future legal requirements is presented as below.

ROADS MAINTENANCE CURRENT SITUATION

The existing Albanian legal framework on road maintenance is a product of different and intersectorial rules, essentially based on the road transport rules, such as the Albanian Road Code¹ and respective bylaws, and the law on local governmental units². Several other legal provisions are correlated to this issue.

During recent years the Albanian government has been focused on improvement of the road infrastructure with the intent of helping the economic development of the country. The road structure was not satisfactory and internal financial resources have never been sufficient to permit the full development of the road system. In an effort to improve this situation Albania has, in recent years, received conspicuous donations and grants for road improvement from foreign entities, such as the World Bank, EIB, KFW, EBDR, etc.

Despite these investments, to date the whole situation of the road system remains problematic. These problems do not concern only the infrastructure and budgeting issues, but also require an improvement of the legislation in force and the implementation procedures. Furthermore, legal questions will now arise as a consequence of the new territorial reform of the local administrative units and any corresponding decentralization of competences. This specific topic is analysed in Section 2 below.

With regard to the development of a sustainable road maintenance system, the current legislation and the de facto situation demand improvements. Based on the Secondary and Local Roads Programme analysis, it seems that the existing legislation requires improvements focused on road maintenance issues. As detailed in the policy paper, there are different aspects that are not transparent and clear to date. A legal review of such aspects is detailed in this document and suggestions for improvement are provided.

¹ Law 8378 dated 22.7.1998, "Road Code of the Republic of Albania", as amended

² Law 8652 dated 31.7.2000, "On the organization and functioning of the local government", as amended

Currently, the management of roads is handled either by the central government or by the local governmental units. National/State roads are administered by the central government through the Albanian Road Authority, an entity created specifically for this purpose by a special law¹.

With regard to local government units; qarks, municipalities and communes, the administration and the maintenance of roads are competences, specifically granted by the legislation on local governmental to LGUs as a derivation of the decentralization principle and the autonomy of LGUs granted by the constitution².

In addition to the above competences within their territorial jurisdiction LGUs have also other competences related to roads management, based on the Road Code provisions³, such as the classification of roads, the creation of the respective road maps, keeping the road cadastre.

The Present Road System

The present system of road classification in Albania is theoretically a functional system based on an appreciation of the functions of each road. Functions range from use by transnational traffic and communications between the major cities at one end of the scale to providing access to remote mountain villages at the other.

The functional classification is reflected in the de facto division of the road system into three main classes or groups, each with its own administration:

The National Network administered by the Albanian Roads Authority (ARA)

The Regional Network (Secondary roads) administered by the Qarks

The Urban and Local roads administered by the LGUs (Communes and Municipalities)

The basic system has, however, become corrupted to some extent over time with roads being effectively reclassified in order to reallocate them to a different maintenance organisation in the hope that they will receive improved maintenance and not because of any change in their function.

This degradation of the system was started through the perceived inability of some Qarks and LGUs to carry out their maintenance functions adequately. Roads were therefore transferred "up" the system to the higher organisation which was considered more able to handle the maintenance. The Secondary and Local Roads Project (SLRP) is further confusing this situation through lender's covenants requiring that rehabilitated secondary roads (or all Secondary roads) be allocated to ARA after completion without regard to their logical place in the system.

The national roads form the backbone of the countries road system and are managed and maintained by the Albanian Roads Authority (ARA, successor to the General Roads Directorate, GRD). The ARA was set up with the idea of removing roads administration from the general political arena, however, the original intended level of independence has not been achieved and the ARA remains very much a part of the political system. The national roads comprise the principal through routes of the country. They provide direct service for cities and larger towns and the main border crossing points, generating and attracting a large proportion of trips and forming the key integrated network providing access to the subsidiary routes and locations. The National network is well defined and comprises some 3285 kilometres of road which will increase to about 3975 kilometres when currently planned transfers of rehabilitated Secondary roads from Qarks to ARA are finalised. If all Secondary roads are transferred, the national network will increase to around 7000 kilometres.

¹ Law 10164, dated 15.10.2009, "On the Albanian Road Authority"

² Article 13 of the Albanian Constitution: "Local Government in the Republic of Albania is based on the principle of decentralization of power and exercised according to the principle of local autonomy".

³ Articles 13 and 14 of Albanian Road Code

The Regional, or Secondary, roads are the next lower tier of roads in function and importance; they link lesser cities and provide links for all the primary centres, communes and municipalities, both to each other and/or to the main national network; they provide the necessary additional linkages which are essential to facilitate communications at the regional level and to feed traffic into the national network. These regional roads are administered by the twelve regional authorities, the Qarks, and currently total about 3700 to 3900 kilometres before any transfers to ARA are taken into account. The exact length is uncertain because Qark responses to a variety of questionnaires have provided conflicting details of their road systems.

Local roads are the lowest tier in the system and provide communications within the local government units; they provide for internal communications within the LGU and feed traffic to the regional road network and to the national road network where direct connections exist. Local roads are in the ownership of the LGU (commune or municipality) within which they lie and the LGU is responsible for their maintenance. Local roads may conveniently be considered in two subclasses:

Urban or municipal roads

Local Rural Roads

The urban and municipal roads are a mix of paved and gravel roads whilst the local rural roads are mainly gravel surfaced although with some (usually short) lengths of asphalt paved road, generally in the more important commune and village centres.

The strict legal situation is somewhat more complex. Up to 1998 all the roads were under the jurisdiction of the GRD. Whilst the budgets for national roads were awarded separately and specifically for the national roads, the financing of the regional and communal roads was made available through the award of unconditional grants to the regional authorities. These grants also included provisions for the services and expenditures for other departments for which the regional authorities had responsibility. The decision for how much of the grant was to be expended on the regional and communal road networks was therefore the responsibility of the regional councils.

The Council of Minister's Decree no. 405 on the national and rural road network administration in the republic of Albania was issued on the 8th January 1996.

Based on the proposal of the respective Ministries of Construction and Ministry of Tourism the Council of Minister's Decree defined the roads to be under the administrations, respectively, of GRD, Qarks and LGUs (Communes and Municipalities). The decree also required the Ministries to issue guidelines, complete the road inventory and develop organisations to administer the road networks.

The Council of Ministers Decree no. 104, date 20. 2. 2003, included the division of rural roads into communal rural roads and regional rural roads and definitions of these roads as follows:

Communal rural roads are those connecting:

The commune centres with the villages and settlements or the roads connecting the villages with each other within the jurisdiction of a commune.

Regional rural roads are those connecting:

The commune centres with district centres or the national road network; road between two or more communes;

Roads that have a special importance, such as the roads connecting the commune centres or villages with museums, archeological centres or other tourist zones".

However, this decree is no longer in force following the issue of the Albanian Road Code which now has the legal authority to administrate and classify the road network and provides a more complex version of this classification system thus:

"According with their constructive technical and management characteristics roads shall be classified as following:

Highway

Main interurban road

National interurban road

Main urban road

National urban road

Rural road"

Fortunately, it then goes on to provide a simpler regime, stating:

"According their use, function and needs to the administrative character these roads are divided into:

National roads, whose entity property is the state;

District road whose entity property is the district (Qark)

Communal (urban) roads whose entity property is the municipality

Interior roads whose entity property is also (depending on the circumstances) the municipality or commune. "

As will be seen, this second definition is substantially in accord with the simple descriptive classification set out at the start of this section and effectively reflects the actual situation at present. For practical purposes the general principle in defining the regional roads has been to maintain the provision of Decision 104 given above: Regional rural roads are those connecting the commune centres with district centres or the national road network, together with roads between two or more communes and roads that have a special importance, such as the roads connecting the commune centres or villages with museums, archeological centres or other tourist zones.

Network lengths

11. 1 The National Network

The national network is under the sole administration of the ARA. The ARA is an organised institution with proper records of the roads under its control. The result is that the national network is properly defined and catalogued. At 2013 the network comprised a total of 3285 kilometres of road including motorway, dual carriageway and single carriageway road lengths. Whilst most of the national network is paved, either asphalt or cement concrete, there remain some sections which are still only gravel paved.

As a result of transfers of rehabilitated Secondary roads from Qarks to ARA commencing in 2014, the length of road administered by ARA is rising substantially. It is not clear if these transferred roads are now to be considered as a part of the National Network or if they are to be classified separately as Secondary or Regional roads maintained by ARA. The length involved is discussed in the following Section.

11. 2 The Regional Roads

The regional roads are administered by the 12 Qarks. The length of the Regional road system is less clear than that of the national network.

Lengths of regional road for each Qark have been considered based on listings in a variety of places.

The central database

Tables in the 2009 SLRP reports by Roughton

Returns by all 12 Qarks to Ministry of Transport query in 2014

Statements, by some Qarks only, in response to queries raised by this project in 2014. In a few cases these queries are answered twice - with different results.

Further responses by Qarks to additional requests made to try and clarify the situation October 2014

As can be seen from examination below of the lengths recorded in this table there are some very substantial discrepancies regarding the lengths of road under each Qark's responsibility. Some of these discrepancies might be due to confusion over the inclusion or omission of roads scheduled to be handed over to ARA but this cannot explain cases where the regional road length has apparently increased over the last 5 years nor can it account for cases where the length has apparently decreased by more than the amount scheduled for handover. In addition there seems no good explanation for the difference between the central database lengths and the SLRP report lengths from 2009 since we understand that these were both compiled on the basis of reports from the Qarks at that time. Additional work is needed to determine the precise lengths of the Regional Roads and to define any roads which are not strictly Regional Roads but are nevertheless under Qark control. However, for present purposes, it is probably sufficient to state that the Regional roads total about 3,800 kilometres, of which 690 kilometres have definitely been or are due to be handed over to ARA under the SLRP commitment that ARA will take over maintenance of rehabilitated Secondary Roads.

The further or alternative commitment, that all Secondary roads will be handed over to ARA for maintenance is discussed separately below.

The details of these various listings are given in the table below:

Tab.	1		:				Various listings	
Qark	ADF Database	SLRP Report 2009	Qark Responses to Questionnaire 2014	Qark list of Roads 2014	Qark Responses to MoT 2014	Qark Response to ADF Question Supplement 2014	Total Length Scheduled for ARA Handover	
Berat	199.1	199	88.6	88.6	80.6	112.6 *	50.9	
Diber	403.2	403			347.2	403.2 **	52.9	
Durres	134.4	90	116		115.5	115.5	32.5	
Elbasan	471.8	478		528	562.1	562.1	73.9	
Fier	368.3	368	437.7 ***	454.5	417.2	410.3 ***	78	
Gjirokaster	225	199			220		15.2	
Korce	541.6	591	584	578.7	624.3		28.1	
Kukes	328.6	340	183.5	183.5	183.5		76	
Lezhe	386.3	296			400		45.8	
Shkoder	302	302			404		140.5	
Tirana	276.69	277			97.7	278.29	71.16	
Vlore	147.6	249			140.7 ****	271.7	24.8	
Total	3784.59	3792			3452.1		689.76	

Notes

* includes Berat - Sinje (17.9 km) which has been handed over to ARA

** includes 55.5 km listed for handover to ARA

*** Fier supplied 2 lists of roads. 410.3 the most recent. 437.7 is dated 12/2012

**** This length quoted to MoT is Vlore District not Qark

Urban and Communal Roads

The total length of Urban and Communal roads is a far more obscure and contentious problem than that of the National and Regional elements of the system.

The central records show that there are approximately 6,060 kilometres of communal roads. In the course of preparing this paper and in the initial phases of this project a total of some 53 communes and 11 municipalities have been interviewed. The total length of communal roads within the 53 communes, according to the details provided by the local administrations, is 2549 kilometres compared with a length of 805 kilometres from the central record. If this scale of under-recording is duplicated throughout the 308 communes then the overall length of communal road is likely to be around 19,000 kilometres. We believe that this is far higher than any previous estimate of LGU communal road length.

Although we have been unable to locate comparable central records of municipal road lengths, the figures which we have found in the field are much less daunting. Eleven municipalities have been examined (including the large municipalities of Durres and Fier) and the total length of municipal roads within this sample is just 407 kilometres split roughly 50/50 between Paved and Gravel roads. Disregarding Tirana itself, the implication here is that the total length of municipal roads may be of the order of 1300 kilometres of paved road and 1300 kilometres of gravel roads. However, this is a very rough extrapolation and it must be noted that we have serious doubts about the road lengths quoted in respect of Durres (too low) and Fier (too high).

In any case, in round figures, the Urban and Communal road system is expected to have a total length in excess of 20,000 kilometres.

The principal reasons for the very high value of the estimated length of communal roads are probably twofold:

Initial misreporting

Communes taking responsibility for routes not previously reported as roads.

It is our understanding that central records relating to commune road length were compiled on the basis of returns made by the Qarks in the period 2007-9. It is not clear that the Qark returns were based on details submitted by the communes. In some cases communes have noted that the central list of roads definitely omits significant commune roads linking major villages to the commune centre.

In discussion with various communes it seems that for many of the more obscure village roads they see their obligation as one to keep the road open rather than as a comprehensive maintenance obligation. It would appear that a large number of existing access roads may never have been formally recorded beyond the commune level as roads under maintenance.

Despite the expressed preference for carrying out their own maintenance, the Qarks interviewed generally had very little equipment to do so and their activities are largely limited to straightforward routine maintenance tasks executed by labour, as shown in table below:

Tab 2: The quantity of carrying in different qarks

Qark	Trucks	Exacavator	Roller	Tractor/Trailer
Fier	1	1	1	
Kukes	1	2(1)		
Korce	4	1		3
Durres	1	2	1	
Berat	1			

None of these Qarks has any obvious capability to deal with asphalt paving works. The general scale of equipment is too low to draw any worthwhile conclusions except to note that it confirms the acknowledged inability to deal with anything but routine maintenance. In the case of those Qarks with an excavator this appears to be used to deal with drainage problems (Durrës and Fier) and with minor landslides (Korce and Kukes).

The costs of maintaining their road networks vary considerably from Qark to Qark. The costs given in the table below are based on reported expenditures from Qarks for the year 2013.

Tab 3: The costs of maintaining the road

Qark	Road Length	Percent of Paved Road	Total Cost of Maintenance (ALL/year)	Cost of maintenance/ Km/year (ALL)
<i>Elbasan</i>	<i>528.0</i>			<i>140,000</i>
Fier	437.7	71%	40,100,000	91,615
Kukes	183.5	26%	25,030,000	136,403
Korce	578.0	21%	60,470,000	104,619
Durrës	116.0	64%	31,984,000	275,724
Berat	88.6	32%	20,695,000	233,578

Note: Elbasan figure based on estimated cost using contractors

It is noticeable that the Qarks with the least road (Berat and Durrës) have the highest rates per kilometre for maintenance whilst those with the most road have the lowest rates. The overall average cost of maintenance across the 6 Qarks considered, works out to ALL 130,550 per kilometre per year.

Territorial Reform and its Implications

In order to understand the implications of reform it is necessary to have a picture of what the new LGAs might consist. To create such a picture we have examined five of the proposed new LGAs each of rather different character:

Kukes. Mountainous. Moderate Central Municipality. 928 Sq. km. Population 48,000.

Pogradec. Semi mountainous. Moderate Central Municipality. 610 Sq. km. Population 61,500.

Durrës. Coastal. Dominated by a large municipality. 281Sq. km. Population 168,500.

Fier. Coastal, Large central municipality. 630 Sq. km. Population 120,500.

Polican. Central, mountainous. Only 3 constituent LGUs. 286 Sq. km. Population 11,000.

Each of the communes and municipalities (the LGUs) comprising the five selected proposed LGAs has been asked to complete a questionnaire to provide details of the LGU covering its roads and road maintenance capacity and its funding. Each of these LGUs has then been visited by a Consultant's team member to discuss the questionnaire response and to amplify data in respect of the roads within the LGU and the LGUs actual responsibilities and activities in respect of roads maintenance and improvement. By amalgamating these responses we have attempted to gain a picture of what the proposed LGAs obligations and possible funding will be in respect of road maintenance. This will give a picture of the situation with which the new LGA administration must deal.

In addition to visiting all the component LGUs we have also visited the relevant Qarks to review their present road maintenance capabilities and obligations. This may become an important issue if the Qarks cease to have responsibility for roads maintenance and their obligations are passed, in whole or in part, to the LGAs.

The proposed Kukes and Pogradec LGAs are the only ones of the five LGAs studied which conform exactly to the old District outline. Two others, Durres and Fier, are essentially old Districts shorn of some of their constituent communes whilst a fifth, Polican, is a new construct.

Definition of Road Catalogues

The changes outlined above would not alter the principle of functional classification but would provide for the distribution of the Regional roads to ARA and to the LGAs. This process of distribution would automatically include a review the current Qark road catalogues eliminating the current anomalies of roads which have been wrongly defined as Regional. They will also provide an opportunity for the ARA to review its own road catalogue and provide a clear definition of a primary and secondary national network. It is highly desirable to rationalise both ARA and LGA catalogues to remove anomalies which have accrued over the years.

14. 1 The Costs of Road Maintenance

Section **Error! Reference source not found.** examines expenditures on road maintenance within the Qarks, Municipalities and Communes and estimates current expenditures per kilometre at:

Qarks ALL 130,000 per km. per year

Municipalities ALL 340,000 per km. per year

Communes ALL 40,000 per km. per year

These figures illustrate the estimated current maintenance rates based on ESTIMATED road lengths. It is also advisable to consider the absolute estimated expenditures:

6 Qarks: ALL 178 million (12 Qarks 356 million)

11 Municipalities ALL 133. 5 million (75 Municipalities 910 million)

53 Communes ALL 96. 7 million (308 Communes 562 million)

These figures are very low. They effectively cover the costs of routine maintenance only, with no allowance for periodic maintenance or for improvements incurred as a result of inadequate maintenance.

These costs do not include substantial management costs, especially for the communes where there is really no element of management at all included within the costs. The commune accounting and record systems do not break out many of the costs associated with maintenance, in general they detail specifically only the costs of materials supply, casual labour and, sometimes, permanent labour. Voluntary labour is, of course, not costed, and the costs of permanent labour are not always clearly assignable.

Routine maintenance alone is not the major element in a fully costed, fully functional maintenance regime. Roads deteriorate and incur higher maintenance costs as time goes by until periodic maintenance is required. The full maintenance costs can only be estimated by considering the complete cycle of events over a prolonged period.

Routine and Periodic Maintenance costs per km. Annualised over 20 years (ALL)					
Growth Rate	2.50%	Platform Width	6.7	6.7	6.7
		Traffic AADT	1000	500	2000
New Roads	No Winter Maintenance		452995	410809	512655
New Roads	Three month Winter Maintenance		487255	445069	546915
Old Roads	No Winter Maintenance		856012	695785	1082607
Old Roads	Three month Winter Maintenance		890272	730045	1116867

The costings over such a twenty year cycle are estimated in Annex D and result in the following estimates of annualised costs:

Tab 4: The estimates of annualised costs

The "platform width" of 6.7 metres is the average width of the surfaced area (as opposed to the carriageway width between edge lines) over the Phase 4 and Phase 5 SLRP contracts. Maintenance costs are influenced by platform width since this affects both pavement patching costs and periodic maintenance costs.

A winter maintenance requirement increases the general maintenance rate appreciably but is not a great contributor. This is because the overall maintenance costs are driven more by the pavement degradation and periodic maintenance costs than by the routine maintenance.

The rate for old roads is much higher than for new roads because the estimate foresees a serious effort in the first 5 years to bring these roads up to a reasonable pavement standard - Improvement through maintenance.

Applied to the probable LGA road holdings and assuming that the regional roads are handed to ARA these rates produce an overall annual cost of maintenance to the LGAs, based on the average of costs over 20 years, of:

Tab 5: The rates produce an overall annual cost of maintenance to the LGAs

Estimated LGA Maintenance costs - without Qark Roads			
Road Type/origin	Length - Km.	Cost/km/yr ALL	Total - ALL
Urban Roads - Paved	1248	873,100	1,089,628,800
Urban Roads - Gravel	1745	156,000	272,220,000
Primary LGA Roads New Paved	500	427,900	213,950,000
Primary LGA Roads Old Paved	540	873,100	471,474,000
Primary LGA Roads Gravel	5020	156,000	783,120,000
Secondary LGA Roads	15150	44,200	669,630,000
Total LGA Maintenance Cost			3,500,022,800

These figures are not a precise amount required by the LGAs for road maintenance but are an indication of the scale of expenditure which they will need to build up to if they are to implement comprehensive and effective road maintenance strategies designed to keep their roads in reasonable condition and to gradually upgrade their less satisfactory roads to an acceptable standard.

Conclusion

The control of routine maintenance operations does not generally require the application of test procedures other than the use of a measuring tape or stick and a straightedge.

The quality of materials for patching, pothole repair and other interventions to paved carriageways can be difficult to control adequately because the volumes are so small. In general, the only practical means of material quality control for bituminous surfacing for these purposes is to accept certification from the supplier. Because of this it is desirable to limit acceptable suppliers to those with a proven track record of satisfactory materials supply or to those who can demonstrate the acceptability of their materials through programmes of regular testing.

At its crudest, the adequacy of routine maintenance can be verified simply by driving over the road. If there are no perceivable faults then maintenance, at least in the visible aspects, is basically satisfactory. If any possible faults are observed then it becomes necessary to stop and measure defects for checking against specified requirements in respect of both the dimensions of the defect and the frequency of occurrence.

This form of visual inspection on its own is not sufficient. There are areas of the road structure which are not always visible and these too must be checked for compliance with requirements. Such areas will include drainage and culvert cleanliness on a regular basis and, perhaps less frequently, items such as embankment slopes, erosion around major structures and at culvert inlets and outlets, free flow in major waterways.

The key to control of routine maintenance quality is the availability and use of experienced supervisors. Supervisors need to be familiar with the roads they are controlling; they will know where problems are likely to occur, which roads are the most problematic under which conditions, which material sources give good and bad results and which elements of the labour force/contractors require closest supervision.

Properly planned road maintenance designed to keep the system in good order requires substantially more funds than are presently available. A reasonable proportion of the savings anticipated under the reforms should be allocated to improved maintenance. Improved maintenance should bring about a reduction in the level of investment in "Improvements" necessitated by lack of maintenance.

In order to ensure that some minimum level of maintenance is observed, consideration should be given to moderating the nature of the present unconditional grants and earmarking percentages of the grant for specific purposes.

Provided that adequate data regarding road conditions can be supplied, a maintenance management system will help to generate a desirable budget and through this provide a picture of the real national requirements for road maintenance expenditure. A comprehensive system can then accept an actual budget allocation for maintenance and generate the optimum distribution of that budget amongst the various parties and on the named road sections; either the LGAs alone or, if data on the national roads has been included, on both LGA and National Roads.

Such a system can either be installed at the LGA level for planning and budgeting of maintenance or a system can be established under which LGAs will report on road conditions to ADF and ADF will then analyse the road system, nationwide, and generate funding requirements and subsequent budget allocations. In any case it would seem best that ADF be in a position to analyse the whole of the LGA road system, generate desirable budgets and providing an optimum allocation of actual budgets.

REFERENCES

Bekke, H., Kickert, W. and Kooiman, J., 'Public Management and Governance' in Kickert, F. and van Vught, F. A., (eds.), *Public Policy and Administrative Sciences in the Netherlands*, London: Harvester-Wheatsheaf, 1995.

Brown, R. H., 'Bureaucracy as Praxis: Toward a Political Phenomenology of Formal Organizations', 1978, *Administrative Science Quarterly*, vol. 23, pp. 365-382.

Cepiku, D., 'Public Governance: Overcoming the Ambiguity', in Coghill, K., (ed.), *Integrated Governance: Linking up Government, Business & Civil Society*, Monash Governance Research Unit, Monash University, Caulfield East, Melbourne, Australia, 2005.

Cepiku, D., 'La riforma della pubblica amministrazione in Albania', 2002, Azienda Pubblica, vol. 1, no. 2, pp. 155-178.

CLAD, 'A New Public Management for Latin America, Latin American Centre for Development Administration', [Online] available at <http://unpan1.un.org>, accessed on May 2, 2010.

Coman, P., Crai, E., Rădulescu, M. and Stănculescu, G., 'Local Government in Romania', in Local Governments in Central and Eastern Europe, 2001.

Dragoș, D. C. and Neamțu, B., 'Reforming Local Public Administration in Romania: Trends and Obstacles', 2007, International Review of Administrative Sciences, vol. 73, no. 4, pp. 629-648.

Drechsler, W., 'The Re-Emergence of "Weberian" Public Administration after the Fall of New Public Management: The Central and Eastern European Perspective', 2005, Halduskultuur, no. 6, pp. 94-108.

Dunleavy, P., Margetts, H., Bastow, S. and Tinkler, J., 'New Public Management is Dead – Long Live Digital-Era Governance', 2005, Journal of Public Administration Research and Theory, vol. 16, no. 3, pp. 467-494.

Dunn, W. N. and Miller, D. Y., 'A Critique of the New Public Management and the NWS: Advancing a Critical Theory of Administrative Reform', 2007, Public Organization Review, vol. 7, no. 4, pp. 345-358

Barsi, A. – Fi, I. – Lovas, T. – Melykuti, G. – Takacs, B. – Toth, C. – Toth, Z. (2005): Mobile pavement measurement system: A concept study, Proc. ASPRS Annual Conference, Baltimore, p. 8

Barsi, A. – Lovas, T. – Kertesz, I. (2006): The potential of low-end IMUs for mobile mapping systems, International Archives of Photogrammetry and Remote Sensing, Vol. XXXVI, Part 1/A+B, p. 4

Crossbow (2004): NAV420 Series User's manual \

Farrel, J. A. – Barth, M. (1999): The global positioning system & inertial navigation, McGraw Hill, New York

The Impact of Avoidable Mortality on the Life Expectancy in Bulgarian Population

Assist. Prof. Dr. Mariana Mourgova, PhD

University of National and World Economy (UNWE), Sofia, Bulgaria

mmourgova@yahoo.com

Abstract

Mortality due to avoidable causes of death is one of the most often used quality and efficiency indicators for the health care system and the policies of prevention of morbidity and mortality by causes of death due to behavioural or environmental factors. The objective of the article is to study the impact of avoidable mortality including amenable and preventable mortality on the life expectancy in Bulgaria during the period 2005-2012. The classification of avoidable mortality, proposed by the Office for National Statistics of the United Kingdom in 2011, is used. The methods of decomposing the change in two life expectancies by age and the change in two life expectancies by age according to the causes of death by E. Andreev and E. Arriaga are applied to measure the impact on the change in life expectancy. The main results of the study show that during the period 2005-2012 along with the decrease in the total mortality, also the avoidable mortality has dropped – from 34.72% to 29.12% of the mortality due to all causes of death. The avoidable causes' of death contribution to life expectancy increase is by 1.20 years and it is considerably greater than those of the other causes. Mortality due to amenable and preventable causes of death is also decreasing. Greater is the effect of the amenable causes of death on the life expectancy increase.

Keywords: life expectancy, avoidable mortality, amenable mortality, preventable mortality

Introduction

Avoidable mortality is a major public health concern (Wheller, L. *et al.*, 2007). The concept of avoidable mortality was introduced by Rutstein *et al.* in 1976 in order the healthcare system's quality and efficiency to be assessed and its weaknesses to be identified (Rutstein *et al.*, 1976).

In the last decades the classification related to avoidable causes of death is developed and complemented as a result of the development of science and medicine. Some of the most often used classifications are those proposed by Nolte and McKee (2003), Page *et al.* (2006), and Office for National Statistics (ONS), UK (2011).

According to the ONS definition, avoidable mortality designates deaths from particular conditions, at certain ages, as ones that should not occur in the presence of timely and effective health care or other appropriate interventions (ONS, 2011). Avoidable mortality includes amenable and preventable mortality. Amenable mortality according to Nolte & McKee (2003) is mortality by causes that could have been avoided by means of medicine and are subject to medical interventions. Page *et al.* (2006) define "preventable" mortality as death by causes that could be prevented through policies of prevention of death and morbidity by certain causes, including change of the individual behavior and such that could limit the adverse environmental effect.

Mortality from avoidable causes of death in Bulgaria has not been well enough studied yet. Small number of publications on the topic exists, where avoidable mortality is studied in view of making an assessment of the healthcare system's

efficiency and quality and the prevention policies of morbidity and mortality by preventable deaths (M. Mourgova, 2016) and the differences by sex in the avoidable mortality among the old age population in Bulgaria (M. Mourgova, 2016).

In this article the impact of the avoidable, amenable and preventable mortality on the the change in life expectancy in Bulgaria during the period 2005-2012 is measured. Applying the method of life expectancy decomposition, the contribution of mortality by age due to those causes to the total change in the life expectancy is assessed.

Research method

In our study we used data of the World Health Organization by age and cause of death in Bulgaria according to the Tenth Revision of the International Classification of Diseases (ICD-10).

For the purpose of studying the mortality by avoidable, amenable and preventable causes of death, the classification proposed by the ONS (2011) is used.

To decompose the changes in life expectancy and the changes in life expectancy by causes of death, methods proposed independently one of the other by Andreev (1982) and Arriaga (1984, 1989) are applied.

Results and discussion

During the period 2005-2012 the life expectancy in Bulgaria was increased from 72. 52 to 74. 19 years or by 1. 67 years. The total increase is due to the increase in life expectancy at all ages, except only for the ages from 1 to 4 and from 15 to 19 (Fig. 1), where the mortality increased. The highest increase is observed in the age up to 1 year and in the ages between 65 and 80 years.

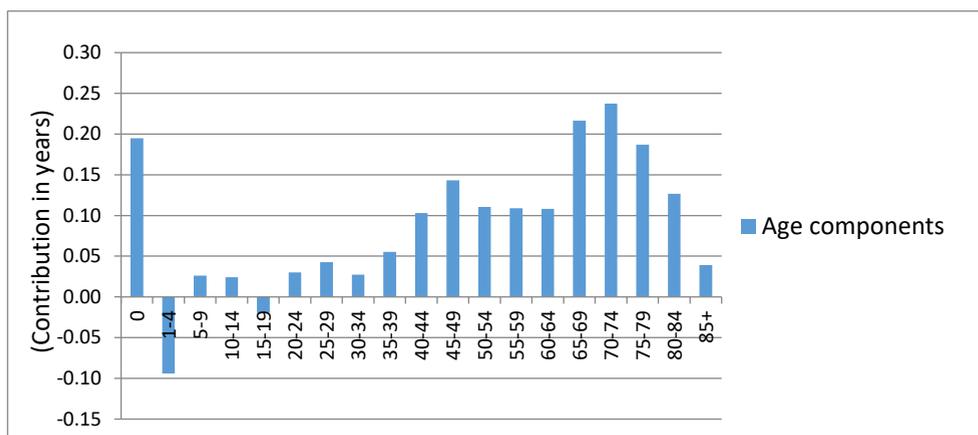


Fig. 1. Age-specific contribution of mortality to the change in life expectancy at birth in Bulgaria during the period 2005-2012

The proportion of avoidable causes of death in the total mortality decreased from 34. 72% in 2005 to 29. 12% in 2012 (Fig. 2). Mortality from the amenable deaths is higher than that of the preventable deaths (Fig. 3). During the period 2005-2012 the proportion of amenable deaths decreased from 24. 41% to 19. 25%, and that of preventable deaths decreased from 19. 67% to 15. 80%.

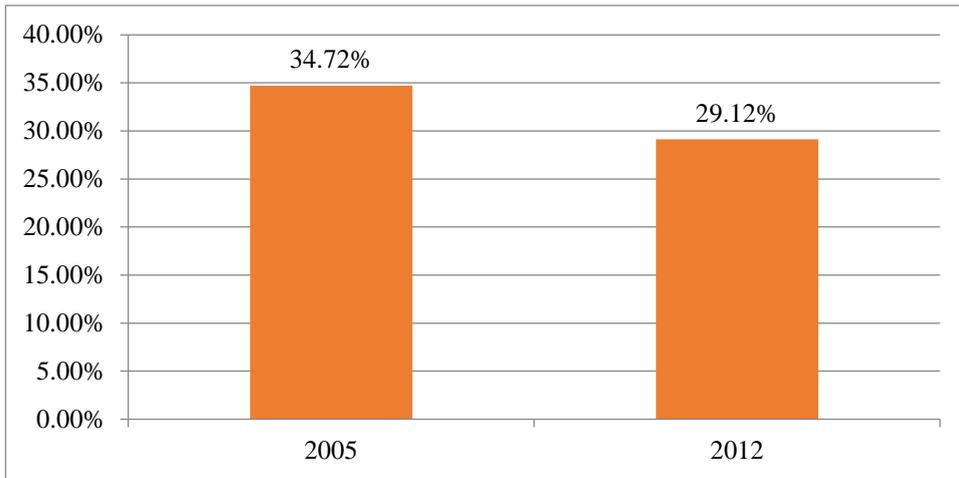


Fig.. 2. Proportion of the avoidable causes of death to the total number of deaths in Bulgaria during the period 2005-2012

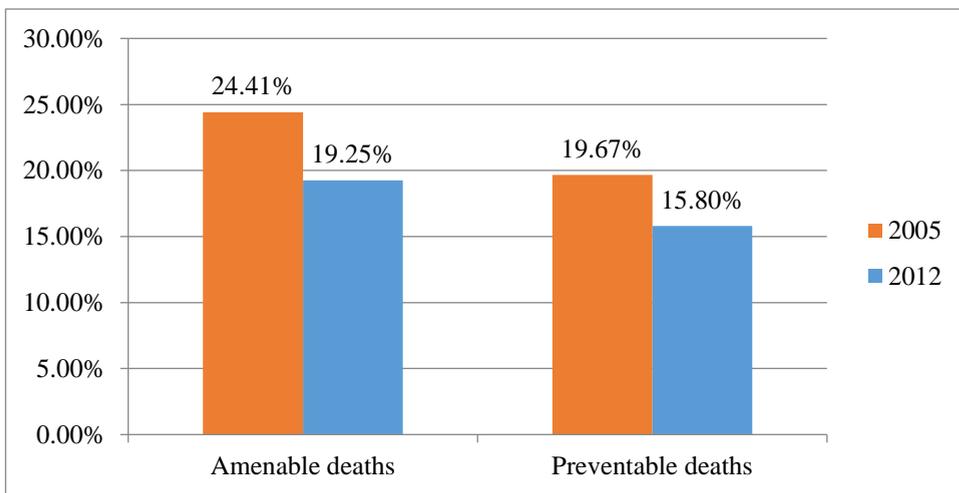


Fig. 3. Proportion of the amenable and preventable causes of death to the total number of deaths in Bulgaria during the period 2005-2012

The decomposition of life expectancies in Bulgaria by age and by avoidable and other causes of death is shown on Fig. 4. The total increase in the life expectancy of 1. 67 years is due mainly to the decrease of the avoidable mortality. Its contribution to the total increase in life expectancy by those causes is 1. 20 years, and by those of the other causes is 0. 47 years.

The decrease in mortality by avoidable causes of death is observed at all ages, except for those of 15 and 19 years. The biggest contribution to the life expectancies has the decrease in the avoidable mortality at ages up to 1 year and the ages between 65 and 75 years. Substantial is also the contribution in the ages between 40 and 60. The mortality by other causes, which could not have been avoided, also contributed to the increase in the life expectancy. Most substantial is their contribution at the ages from 1 year, between 60 and 65 years and over 70 years. The contribution of the unavoidable

causes of death at the ages between 1 and 4 years and between 65 and 69 years is negative, which is due to the increase in mortality by those causes.

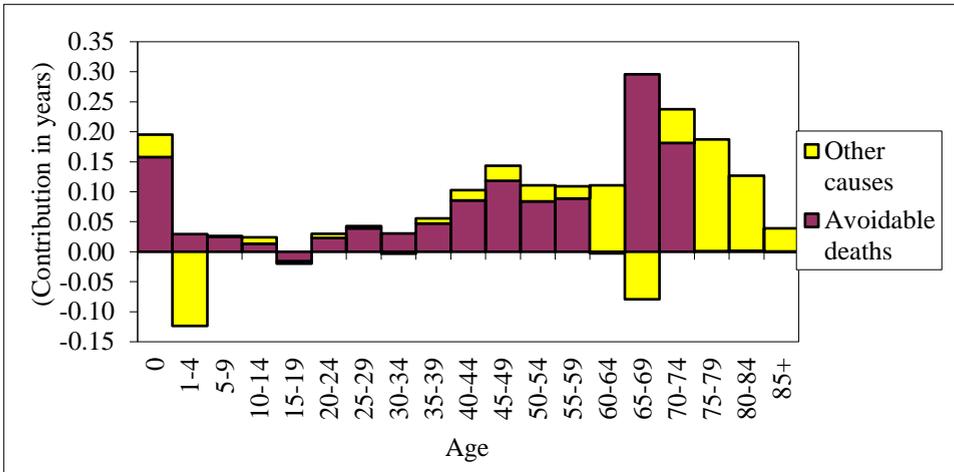


Fig. 4. Age-specific contribution of avoidable and other causes of death to the change in life expectancy at birth in Bulgaria during the period 2005-2012

The decomposition of life expectancy changes due to amenable and preventable causes of death shows that the decrease in mortality by amenable causes of death has greater contribution to the increase in life expectancy - by 0.94 years (Fig. 5.). This contribution is greatest at the ages up to 1 year and between 65 and 75 years. Substantial also is the decrease in mortality by those causes at the ages between 40 and 60 years.

The decrease in mortality by preventable causes of death contributes to the increase in the life expectancy by 0.73 years. Their contribution is greatest at the ages between 65 and 75 years, 45 and 60 years, and up to 1 year, whereas the contribution at the ages between 15 and 19 years and between 60 and 64 years is negative.

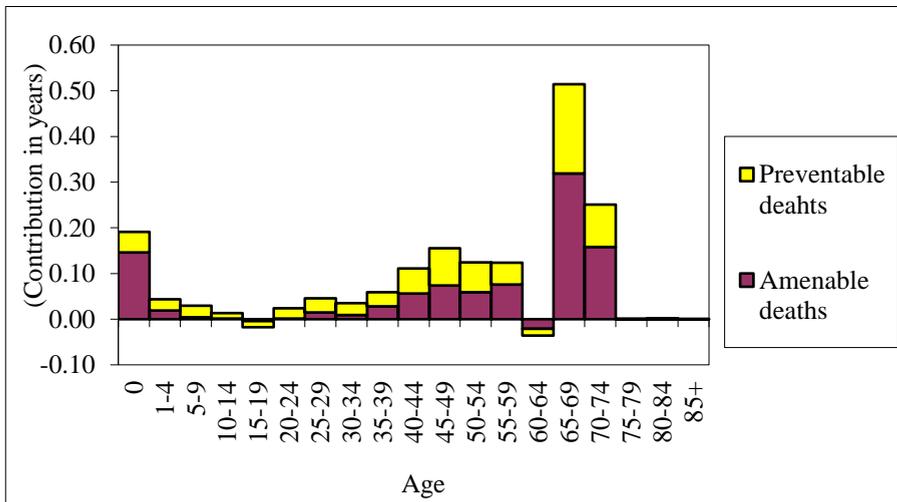


Fig. 5. Age-specific contribution of amenable and preventable causes of death to the change in life expectancy at birth in Bulgaria during the period 2005-2012

In conclusion, the results of the study show that with the increase of the total mortality in Bulgaria, also the mortality by avoidable causes of death decreases, and their contribution to the change in life expectancy increase is substantially greater compared to the other causes of death.

The greater effect of the amenable mortality on the life expectancy increase is an indicator of improvement in the quality and efficiency of the healthcare system. The decrease in mortality by preventable causes of death shows decrease also in the mortality by causes related to the individual behavior and the environmental effect.

Notwithstanding this positive trend, avoidable mortality in Bulgaria exceeds 29% of all causes of death. This relatively high proportion indicates the necessity of a policy of further decrease in mortality by those causes of death through improvement of the health services and prevention of morbidity and mortality by causes, which are related to behavioural factors, such as unhealthy nutrition, overweight, smoking, alcohol consumption and drugs (narcotic substances), and immunizations.

References

- Andreev, E. (1982). Method component v analyze prodoljitelnosty zjizni. [The method of components in the analysis of length of life]. *Vestnik Statistiki*, 9, 42-74
- Arriaga, E. (1984). Measuring and explaining the change in life expectancies. *Demography*, 21(1), 83-96
- Arriaga, E. (1989). Changing trends in mortality decline during the last decades. In: Ruzicka, L. et al. (eds.). *Differential mortality: Methodological Issues and Biosocial Factors*. Oxford, Clarendon Press, International studies in demography, 105-129
- Mourgova, M. (2016). Is effective the health care in Bulgaria. *Naselenie*, Vol. 1, Bulgarian Academy of Sciences (in press, in Bulgarian)
- Mourgova, M. (2016). Sex differentials in old age mortality in Bulgaria by causes of death that could be avoided. In: *Series B. Natural sciences and the humanities*, Vol. XVII. Plovdiv: Union of Scientists in Bulgaria (in press, in Bulgarian)
- Nolte, E. & McKee, M. *Does health care saves lives? Avoidable mortality revisited*. (2003). London: The Nuffield Trust
- Office for National Statistics. (2011). *Definitions of avoidable mortality*. Consultation, February
- Page, A., Tobias, M., Glover, J., Wright, C., Hetzel, D., & Fisher, E. (2006). *Australian and New Zealand Atlas of Avoidable Mortality*. University of Adelaide. Adelaide: PHIDU.
- Rutstein, D. D., Berenberg, W., Chalmers, T. C., Child, C. G., Fishman, A. P., Perrin, E. B., Feldman, J. J., Leaverton, P. E., Lane, M. J., Sencer, D. J., & Evans, C. C. (1976). *Measuring the Quality of Medical Care: A Clinical Method*. *New England Journal of Medicine*, 294, 582-588.
- Wheller, L., Baker, A., Griffiths, C., & Rooney, C. *Trends in avoidable mortality in England and Wales, 1993-2005*. (2007). *Health Statistics Quarterly*. Office of National Statistics, Summer

Development Through Good Governance

Ass. Prof. DR. Marsida Ashiku

Lecturer of Public Finance, Corporate Finance,

Head of Finance and Accounting Department, "Aleksander Xhuvani" University, Albania

marsidaranxa@yahoo. it, marsida. ashiku@uniel. edu. al

Ass. Prof. Dr. Nada Krypa (Tapija)

Lecturer of Business Management Vice Dean of Economic Faculty,

"Aleksander Xhuvani" University, Albania

nadakrypa@yahoo. com, nada. tapija@uniel. edu. al

Abstract

Since the 1990s the concept 'good governance' has become one of the most widely used in debates in development, public policy and international relations. Despite its recent prominence the concept 'good governance' has frequently used in different meanings and implications. Following an introduction, which includes a historiographic note on development discourse, the first part of this paper is intended to be an overview of diverse definitions, interpretations and measuring problems of good governance. The purport of the second part of this paper is to focus on whether good governance matters in development or not, the performance of good governance in Albania. This paper has argued that good governance is indispensable in Albania, because misgovernance is a great hindrance and predicament to development. The politicization of bureaucracy, judiciary, appointment, transfer and promotion in all most all offices, lack of voice and accountability, inefficiency and satisfying the vested interest fall within the purview of misgovernance.

Keywords: good governance, development, international relations, Albania

"Good governance is perhaps the single most important factor in eradicating poverty and promoting development. "

Kofi Annan, Secretary General of the United Nations¹

Introduction

Development is a global phenomenon. The earliest modern theory of development had emerged at the end of the Second World War. President Harry S. Truman's Inaugural Address on 20 January 1949 was very important internationally to the formation of this new paradigm of development. The Western ideology of development assuming that the problems of

¹ K Annan 'Annual report of the Secretary-General on the Work of the Organization' A/53/1 27 August 1998. Available at <http://www.un.org/Docs/SG/Report98/con98.htm> (accessed 31 October 2008)

underdeveloped countries such as poverty, inadequate social services and low levels of industrial production were amenable by the application of superior Western technology, institutions, modes of production and values. But in a short time the achievement of development goals had proved elusive, and a major part of the world had experienced poverty, indebtedness, political repression, economic stagnation etc.

The concept of governance¹ has gained a lot of prominence since the decolonisation process began with the formation of the United Nations (UN) in 1945. After its formation, the UN was faced with the challenges of decolonisation of territories and the granting of self 'governance' or independence to territories. Debates on governance resurfaced again in the early 1990s with political and economic dimensions especially with the failure of SAP. The precise meaning of governance is still subject to many debates both in content, parameters and structure.² According to Weiss, these conflicts of perceptions are due to the ever changing nature of governance, the emergence of diverse global, regional and national frameworks on governance and the increasing interrelatedness of governance to other themes such as economic and social development.³

The idea of good governance has always occupied the discussions of public administrators, civil society and the development as well as aid communities. In its traditional sense, good governance is usually used with particular reference to political governance. In this guise, it is related to such concepts as democracy, participation, human rights, rule of law and transparency, amongst others. Good governance ensures that political authorities and institutions are accountable to the guarantee of all human rights because all rights are universal, interdependent, interrelated and indivisible as enunciated by the Vienna Declaration.⁴ The advent of globalisation and the integration of global economies have further extended the concept of good governance to the efficient management of resources to inspire economic growth and development.

The idea of corporate governance was quickly adopted in different parts of the world but with some major variations because circumstances vary from country to country. Consequently, a variety of corporate governance frameworks were developed. Nevertheless, two main approaches of corporate governance can be identified, with distinctions arising from the different legal systems at work in different countries. Countries that followed civil law (e. g. France, Germany, Italy) developed corporate governance frameworks that focused on stakeholders. In those countries, the role of corporate governance was to balance the interests of a variety of key groups such as employees, managers, creditors, suppliers, customers and the wider community. On the other hand, countries that had a tradition of common law (e. g. Australia, United Kingdom, USA, Canada) developed corporate governance structures that focussed on shareholders' returns or interests.

In this paper, we will try to explore: (a) diverse definitions and interpretations of the concept of good governance; (b) measuring problems of good governance; (c) does good governance matter in development? (d) good governance and development (e) the performance of good governance in Albania.

1. 1 GOVERNANCE: A journey through definitions

The term 'good governance' is a relatively recent fashion. As it is mentioned earlier, it has emerged from virtual obscurity in the last decade of the twentieth century, and takes a central place in the development discourse, carrying the thought that it is 'good governance' that leads to development. In general terms, 'good governance' means developing institutions and processes that are more responsive to the ordinary citizens, including the poor. It implies the promotion of participation, accountability and effectiveness at all levels. Practicians, development workers and international development agencies have taken up the concept as a new way of thinking about public sector, political and administrative structures of developing countries. The IMF⁵, World Bank and United Nations have taken an extensive campaign for promoting good governance

¹ Francis (2000)

² U Simonis (ed.) 'Defining good governance: The conceptual competition is on' (2004) *Wissenschaftszentrum Berlin für Sozialforschung* (WZB) 3-4.

³ T Weiss 'Governance, good governance and global governance: Conceptual and actual challenges' (2000) 21 *Third World Quarterly* 795-796.

⁴ Adopted by 171 countries participating in the World Conference on Human Rights, held in Vienna from 14 - 25 June 1993.

⁵ The International Monetary Fund

as the new reform objective in the Third world. There have also been some thematic approaches to the definition of governance. Some of these are outlined below:

From an economic perspective, the World Bank sees governance as: "Concerned with the management of the development process, involving both the public and private sectors. It encompasses the functioning and capability of the public sector, as well as the rules and institutions that create the framework for the conduct of both public and private business, including accountability for economic and finance performance, and regulatory frameworks relating to companies, corporations and partnerships."¹ Administratively, the UNDP opines that: "Governance can be seen as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interest, exercise their legal rights, meet their obligations and mediate their differences."²

Marie Besancon defines governance as the delivery of political goods, beginning with security –to the citizens of nation-states. Good governance then according to her, results when nationstates provide a high order of certain political goods; when the nation states perform effectively and well on behalf of their citizens³. The International Monetary Fund (IMF) emphasize the importance of sound macroeconomic policies and the fight against corruption, while some bilateral donors and non-governmental organizations (NGOs) put more stress on democratization and human rights. Organization for Economic Cooperation and Development (OECD) on the other hand limits 'good governance' clearly only to the level of public sector, stating, "Good governance is established when public institutions act efficiently, providing an enabling environment for economic growth and development.

1. 2 Understanding Good Governance

The concept of good governance has emerged as an important element of discourse in matters of development. Issues of good governance are increasingly taking the centre stage in development discourse at local and global levels. On the international scene, commitment to good governance is now seen as key to the achievement of development objectives. Good governance has also formed a major part of the commitment of nations to foster sustainable growth and human development in their respective societies. Good governance from a human rights perspective is linked to an enabling environment conducive for the enjoyment of human rights and promoting growth and human development. It has also been described as governing "in a manner essentially free of abuse and corruption, and with due regard to the rule of law. "

Adding his voice to this perspective, the former Kofi Annan, defined good governance as ensuring respect for human rights and the rule of law, strengthening democracy, and promoting transparency and capacity in public administration. ⁴Good governance from an economic point of view "*concerns norms of behaviour that help ensure that governments actually deliver to their citizens what they said they will deliver.*" Good governance in this sense is important in the transparent and disciplined management of resources, the design and implementation of economic policies for pro-poor growth and human development. These conditions range from institutional to legal mechanisms entrenching the following: (a) Public participation in the process of governance;(b) Accountability and transparency on the part of government and its institutions; (c) Respect for the rule of law and human rights; (d) Efficient and effective public sector management.

1. 3 Measuring Problems of Good Governance

Measuring good governance is a complicated issue due to the absence of it's among its proponents, but of course it is not impossible. Simply, governance, as mentioned earlier, was defined as nation states delivering certain political goods to its citizens. Good governance is always performance oriented. As these political goods refer to the nation state providing concrete lists of goods like democracy, health care, rule of law etc., it should be possible to measure the extent to which the nation states are doing or failing in doing their governing i. e. delivering these political goods. Once it is possible to

¹ World Bank *Managing development: The governance dimension* (1991) 1; See also OECD *Participatory Development and Good Governance* (1995) 14. Available at <http://www.oecd.org/dataoecd/27/13/31857685.pdf> (accessed 15 October 2008).

² UNDP *Reconceptualising Governance* (1997).

³ Besancon 2003:1.

⁴ Weiss (n 26 above) 797, 801-5.

measure governance, it is also possible to analyze the impact of other variables on governance, what role does governance in development, economic growth?

Different methodologies and tools have been developed to measure good governance, depending on the purpose of measurement, for example, to analyze the overall situation or general trends within a country, to determine the degree to which a specific government is respecting its obligations in principle, or to determine the practical situation on the ground. We identified five types of measures of good governance, including: (1) civil and political liberties or political freedoms as proxy measures for the rule of law, (2) the frequency of political violence as an inverse measure of good governance, (3) expert assessments and opinion of good governance for investment, (4) objective indicators such as 'contract intensive money' as a measure of individual confidence in the domestic financial institutions or the 'economic rate of return' of governmental projects, and (5) mixed measures economic modernization. Each of the mentioned initiative however has its own strengths and weaknesses.

2. GOOD GOVERNANCE AND DEVELOPMENT

From the above discussions on the meanings, concepts and elements of governance and good governance, it becomes imperative to explore the role good governance plays in the development process. This is underscored by the fact that since governance is all about managing institutions, systems, processes and complex relationships; it invariably could impact in a lot of ways on the ends of development. Apart from impacting on social and political progress through the creation of environments to foster interests and social well being, governance also impacts on economic growth and human development. This is seen from the manner in which government exercises control and manages human and material resources as well as provide social services and infrastructure.

Does Good Governance Matter in Development? Currently, as it is noted earlier, the international multilateral agencies have profoundly been given importance on good governance in the developing countries. According to donors good governance is closely associated with economic development.

2.1 Good Governance -Positive contribution to development

Various developing countries which are quite comparable in terms of their natural resources (land, water, arable soil, minerals, climate etc.) and social structures have over the past thirty years shown strikingly differing records of economic and social progress. Measured by the criteria of child mortality, life expectancy and literacy, the key indicators of quality of life, some countries have made considerably greater progress than others, even though they all operate in the same world economic environment and have comparable colonial pasts.

In light of this fact, coupled with the uneasiness caused by irresponsible rulers in a number of countries, the matter of "governance" has come to the forefront of the debate over development policy. "Governance" is the art of public leadership. There are three distinct dimensions of governance: (1) the form of political regime; (2) the process by which authority is exercised in the management of a country's economic and social resources; and (3) the capacity of governments to design, formulate, and implement policies and discharge functions. The criteria that constitute good governance have been drawn from these three dimensions, and include:

legitimacy of government (degree of "democratization"),

accountability of political and official elements of government (media freedom, transparency of decision-making, accountability mechanisms),

competence of governments to formulate policies and deliver services,

respect for human rights and rule of law (individual and group rights and security, framework for economic and social activity, participation).

“Good governance” puts people into the center of development. “Where people grow, profits grow”: this well-trying business rule is applicable to development policy as well.

3. PERFORMANCE OF GOOD GOVERNANCE IN ALBANIA

In the past two decades, the Albanian state and its society have witnessed a relatively long transition period from 50 years of a communist totalitarianism towards a democratic free market economic regime. Among other things, the transition period featured major changes of the country's geopolitical diplomatic relationships with the rest of the world, where European Union (EU) integration goals replaced isolation and xenophobic policy. In addition to positive developments, the Albanian transition has been also associated with negative phenomena like high and persistent unemployment, corruption, weak domestic institutions and partially free markets. Despite the country's progress in many areas, progression towards EU integration goals is very slow.

In a broad sense, it is clear that governance quality in Albania has proved good enough to enable (or, in some areas, bring about) improved development outcomes. It could be argued that, given its highly disadvantageous starting conditions following the 1997 crisis, Albania has exceeded expectations in economic performance and governance. Extensive research points to a correlation between a country's quality of governance and its level of economic development. It would thus be unrealistic to expect Albania, a middle-income country with young state institutions and a recent history of tremendous political, economic, and social transformation, to match the quality of governance of higher-income countries with well-established institutions.

European Union is one of the most important drivers of change. Albanian government has identified EU membership as its key policy objective and therefore has started the implementation of the required reforms in the areas of public administration and rule of law in particular. The most recent development has been visa liberalization approved by the European Parliament (2010), which was a result of EU's recognition of Albania's advancements in the strengthening of law enforcement capacities, implementation of the legal framework in the area of the confiscation of organized crime assets in particular. European Union has identified Public Administration's legal framework and civil service system to be mostly in line with the European standards and practice.

International Community, Media and the general public are also important actors, which together with the EU should play an increasingly significant role in the future. Due to the high state capture and administrative corruption in Albania, reforms should first of all be directed towards changing the incentive structure of the political leadership. Costs of state capture should be increased and gains available from controlling the state reduced. Since leadership is part of the problem, the International Community should play an active role in supporting the implementation of proper anti-corruption policies, which should be developed through a transparent political dialogue involving an active participation by the civil society.

Media is an important actor in facilitating this process. It should continue uncovering corruption scandals and discussing the meaning of corruption, which in some cases, such as paying a bribe to a doctor to receive treatment even though healthcare in Albania is a public good, has become a norm. It is very important that the international community supports the establishment of independent media channels. Since Albania doesn't have an extensive democratic history, the public still needs to discover its rights. When voters learn to hold representatives accountable for their actions, the demand for proper governance policy oriented politicians will emerge.

4. CONCLUSION

Good governance agenda is an emerging priority for the international community. It can be considered more pragmatic for meeting the public demands, promoting efficiency and development of a country. Although some observers, policy makers and administrators question these new interest by international organizations, stating that an unacceptable attempt to impose 'Western values not being compatible with our culture'. But we think that good governance is very important in the context of Albania. In this paper I argued that good governance is indispensable in Albania, because misgovernance is a great hindrance and predicament to development.

The politicization of bureaucracy, judiciary, appointment, transfer and promotion in all most all offices, lack of voice and accountability, inefficiency and satisfying the vested interest fall within the purview of misgovernance. Because misgovernance is evident in every sphere of our national life. Without improving the key indicators of good governance, like rule of law, voice and democratic accountability, stable political regimes, government effectiveness and control of corruption it is not possible to achieve rapid per capita income and improve other social indicators. A modest growth in income cannot guarantee better rule of law or improved voice and accountability.

Misgovernance has serious implications such as unattainability of growth path, suffering of pro poor strategies, lack of foreign investment, unstable political regimes etc. Good governance may extremely complex but it is essential for curbing corruption, reducing poverty and to ensure a dynamic economy and development. For achieving good governance, on the one hand, we need strong accountable and effective political institutions, patriotism and, on the other hand, aid agencies such as, IMF, UNDP, World Bank etc. should have a long-term commitment of funds and expertise to support governance reform projects.

REFERENCES

Albania Progress Report 2011{COM(2011)666}

Bank of Albania (2010), (2011), "Corporate Governance in Albania"

Besancon, Marie (2003, " Good Governance Rankings: The Art of Measurement" WPF Reports

Hirst, Paul (2000), 'Democracy and Governance' in Pierre, Jon (ed.), Debating Governance- Authority, Steering and Democracy, Oxford: Oxford University Press. p. 14

International Monetary Fund (2011), Country Report No. 11/31

Kaufmann. D, A. Kraay, M. Mastruzzi (2003). Governance Matters

Keefer, Philip and Stephen, Knack (1995). "Institutions and Economic Performance: Cross- Country Test Using Alternative Institutional Measurs", Economic and Politics, 7: 207-227.

Landman, T and J. Hauserman (2003), Map-Making and Analysis of the Main International Initiatives on Developing Indicators on Democracy and Good Governance, University of Essex, Human Rights Centre.

Mauro, Paolo (1998), "Corruption and the Composition of Government Expenditure", Journal of Public Economics, 69:263-279.

Myrdal, Gunnar (1970), The Challenge of World Poverty. Penguin. P. 239.

Santiso, C. (2001), "Good Governance and Aid Effectiveness: The WorldBank and Conditionality", The Georgetown Public Policy Review, Vol. 7, No. 1, pp. 1-23.

Tanzi, Vito and Hamid Davoodi (1997), ' Corruption, Public Investment and Growth', IMF Working Paper, Washington DC: International Monetary Fund, October

Does Enhancing of the Competitiveness Influence on Foreign Direct Investments in Western Balkan Countries?

Matea Zlatković

The Faculty of Economics, University of Banja Luka,

matea.zlatkovic@efbl.org

Abstract

Foreign direct investments present a valuable source of national competitiveness as they have attributes of capital flows provide knowledge and technology transfer from one country to target country. In this paper are used variables defined by World Economic Forum which construct Global Competitiveness Index for assessing competitiveness of the country. The purpose of the research is to examine does the national competitiveness increase enhance the level of FDI flows in transition Western Balkan economies that are not yet full members of European Union. The findings claim that larger increase in FDI per capita stocks in majority analyzed countries would have if making infrastructure more competitiveness, accelerate their technological readiness and improve innovation while certain countries should work on health and primary education and higher education and training. According to the results, there is no correlation between FDI flows and macroeconomic environment, institutions, development of financial markets, good market efficiency, labor market efficiency and business sophistication. Applying benchmark method, it is established the most competitive WB country as benchmark value for other transition countries in its neighborhood for enhancing their competitiveness, specially in the regional market. Also, it is obtained what if analysis to detect potential rise of FDI per capita stocks as a consequence of potential changes in some competitiveness variables. It is also calculated the potential increase in FDI/capita due to similar changes in different competitiveness variables.

Keywords: Competitiveness, Foreign Direct Investment, Transition Economies, What If Scenario.

1. Introduction

Significance and scientific researches on the topic foreign direct investment (FDI) have risen during the last twenty years. Knowledge in FDI involves various disciplines such as international economics, international business and management in order to completely comprehensive the phenomena of FDI. FDI represent a crucial factor of national competitiveness because its attributes ensure technological and knowledge transfer to target countries. Positive influence of FDI on economic growth supports the idea to engage significant efforts to attract FDI. Competitiveness is correlated to high living standards, quality standards, reduction of costs, efficiency, productivity, innovations, and so on. Therefore, government policy needs to be directed to attracting FDI inflows. On the other hand, literature indicates that competitiveness presents a significant factor of FDI. The studies regarding relation between competitiveness and FDI are insufficient in the literature mainly because of absence of unique accepted definition of competitiveness of economy (Criste et al., 2008).

The interest of this paper is to find out how rise of competitiveness can attract more FDI inflows. In order to determine potential rise of FDI, it will be used Global Competitiveness Index (GCI) defined by World Economic Forum (WEF) to measure economic competitiveness. This measure of competitiveness is considered to be one which includes wide range of different aspects of competitiveness and it is pretty accepted from foreign investors. Use of this index provides policy makers possibility to identify certain aspects of competitiveness with greater chance for improvement. Also, the potential FDI inflows can be objectively predicted.

The paper is constructed from several parts. In the first part some theoretical background and previous empirical studies regarding relation between competitiveness and FDI are presented. Research methodology for assessment of the potential

rise of FDI due to rise of certain aspects of competitiveness are shown in the second part. Also, in this part are presented obtained results which are discussed. In the end, there are provided some conclusion of the research.

2. LITERATURE REVIEW

Various studies are more focused on the location factors of competitiveness due to increasing FDI inflows in early '90s (Dunning, 2000). The significance of the location determinants of the competitiveness in domestic country is strongly emphasized with Dunning's eclectic paradigm or OLI paradigm. According to him, international production depends on three types of advantages: ownership, location and internalization advantages. Location factors are mainly defined by local environment and shape by the public policy, other two types of advantages are depending on the multinational companies that are interested into movement their investments into target country. This focus on location characteristic of competitiveness is in great deal the consequence of globalization influence and transition process specially in Western Balkan countries. These characteristic of competitiveness are continuously by the influence of the changes (Popovici & Călin, 2014).

Also, many theoretical and empirical studies give plenty attention to transition of FDI flows, from inherited to created resources. According to Dunning (2008) the ability of the country to attract potential investors lies in its competence to establish a set of difficulty to imitate, distinctive, created assets. This country's competence is determined by its possibility to adapt FDI flows according to its cultural, educational and social system, government policy and market's structure (Wilhelms, 1998). Qualitative variables of the location regarding to quality of life such as violence, corruption, pollution and other unacceptable behaviours have important role too (Dunning, 2003).

Dunnig and Zhang (2008) claim that capabilities, resources and markets which compose the physical environment of the country and human environment composed from institutions are the most important attributes of the competitiveness. These authors include inherited and ceratess resources, educated labour, market knowledge and organizational capacity into category of the physical environment. Human environment is constructed from institutions, law and regulation, cultural and public mechanisms of enforcement.

The policy framework for FDI is constructed from the institutional factors such as entry regulations and operations according to UNCTAD (1998). Market dimension, infrastructure, educated labour force, availability of inherited resources and etc represent economic factors. In the end, business environment related to means for investment to promote and incentives, bureaucracy and low level of corruption.

There is empirical study on the relationship between the international competitiveness of EU15 countries and FDI inflows performed by Anastassopoulos (2007). In this research is used IMD Competitiveness Yearbook to measure competitiveness, designed by IMD World Competitiveness Center. According to him, the competitiveness is constructed from four pillars: economic performance, government efficiency, business efficiency and infrastructure. The obtained results show that there are northern and southern EU countries in regard to factors which influence on attraction of investors. In northern countries, investors pay attention to market characteristics, level of bureaucracy, efficiency and openness of the business sector. On the other hand, in the southern countries, investors focus on the reduction of the investment risk and government efficiency.

Regarding studies on relationship between competitiveness and FDI inflows, Castro and Buckley (2001) provide an analysis of competitiveness and its relation to FDI inflows in Portugal. The main findings of this study are in claim that competitiveness for FDI erodes because of inability of country to compensate higher production costs due to created resources. Study conducted by Narula and Wakelin (1998) emphasizes the technology as engine of the competitiveness. Results indicate that technological capability and availability of human capital influence on FDI inflows. In addition, more innovative countries play important role for investors. Foreign capital will be attracted if investment environment improves through infrastructure development, education and training and provides healthier macroeconomics surrounding (Sass, 2003).

3. RESEARCH METHODOLOGY, RESULTS AND DISCUSSION

In this paper are analyzed Western Balkan countries such as Albania, Macedonia, Serbia and Montenegro. The aim is to test the following hypothesis:

Hypothesis 1: There is relationship between national competitiveness and foreign direct investments in WB countries.

Hypothesis 2: The increase in competitiveness enhances the foreign direct investment inflows in WB countries.

First, it is tested existence of the positive relationship between FDI and competitiveness. In order to measure competitiveness it is used Global Competitiveness Index (GCI) constructed from 12 pillars, designed by World Economic Forum (WEF). The level of FDI is measured by FDI stocks per capita. All these indicators are presented for 2014. Bosnia and Herzegovina as one of the members of WC countries are excluded from sample due to missing value of GCI in examined year. One of the interests of this paper is to determine how increase in certain pillars of competitiveness can contribute to attract FDI. In many studies is shown the positive relationship between FDI pillars of competitiveness. The particular value of this research is in its interest to focus on establishing certain relations on the example of WB countries.

In next *Figure 1* are presented average values of competitiveness and FDI stocks per capita with aim to compare them between EU28 countries and WB countries. As it can be seen, the average value of GCI for EU28 is 4.73 and it is higher than value of GCI for WB countries, which is 4.05. The greater gap is recorded in terms of FDI per capita. The average value of FDI stocks per capita in EU28 is cc 11 times higher than in WB countries. During these comparisons it need to bear in mind the number of members in each compared category.

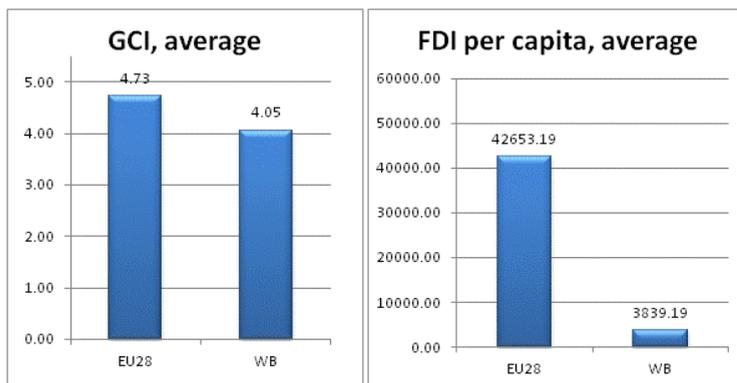


Figure 1: Average values of GCI and FDI per capita stocks in US\$, in 2014 (UNCTAD, Eurostat & WEF, 2014)

The main subject of this paper is analysis of WB countries with exception of Bosnia and Herzegovina due to lack of information about observed variables. The main characteristic of these countries is transition economies. So, it is supposed to expect more similarities regarding to FDI attracting and Level of competitiveness.

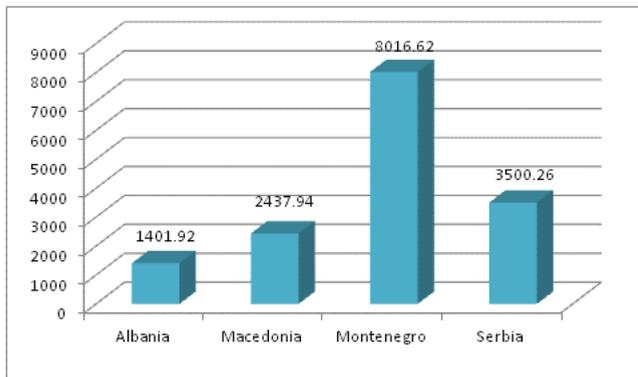


Figure 2: Volume of WB FDI per capita stocks in US\$, in 2014 (UNCTAD & Eurostat, 2014)

According to Figure 2 it can be noticed the difference in FDI per capita in these countries. Montenegro has the highest value of this indicator nearly 5 times more than the last ranked Albania. Conclusion is that Montenegro managed to accumulate faster foreign direct investments. Furthermore, Montenegro provides more public policies and has more positive changes that influence on attracting more and more foreign investors, as result of favorable business surrounding.

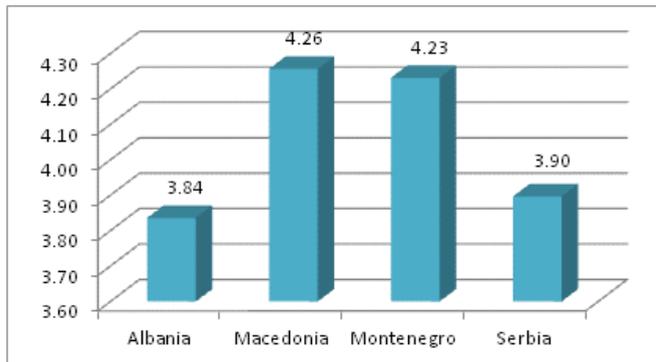


Figure 3: Global Competitiveness Index in WB countries, in 2014 (WEF, 2015)

There is a heterogeneous picture of competitiveness while examining the values of GCI for WB countries in Figure 3. Countries like Macedonia and Montenegro managed to increase the level of competitiveness faster than other two. The best ranked is Macedonia and on the last place is Albania. Overall, there are slight differences between the level of competitiveness between Macedonia and Montenegro and also between Albania and Serbia. These findings are not completely consistent with differences among them in terms of FDI per capita stocks. The leading position has Montenegro in both indicators. As to Macedonia, it has low values of competitiveness in following pillars: technological readiness, business sophistication, innovation and infrastructure that are one of the main causes of insufficient attractiveness of the country for foreign investors.

Competitiveness is described using Global competitiveness Index, designed by WEF, which consists from twelve pillars. These pillars of competitiveness are derived into three subindexes of competitiveness: basic requirements, efficiency enhancers and innovation and sophistication factors. Detail structure of GCI is presented in Table 1. The weights are attributed to each subindex according to value of GDP per capita that enables classification of each country into certain stage of development. There are three different stages of development: factor-driven, efficiency-driven and innovation-driven in every stage of development. WB countries are in second stage of development called efficiency-driven where first

two subindexes have equally dominant part in economic development. Detail factors that compose GCI are shown in *Table 1*.

Table 1: Composition of the GCI (WEF, 2015)

<i>Domain</i>	<i>Indicators</i>
<i>Basic requirements</i>	<i>Institutions</i>
	<i>Infrastructure</i>
	<i>Macroeconomic environment</i>
	<i>Health and primary education</i>
<i>Efficiency enhancers</i>	<i>Higher education and training</i>
	<i>Goods market efficiency</i>
	<i>Labour market efficiency</i>
	<i>Financial market development</i>
	<i>Technological readiness</i>
	<i>Market size</i>
<i>Innovation and sophistication factors</i>	<i>Business sophistication</i>
	<i>Innovation</i>

Almost every factor presented in previous table will be used to assess the influence of competitiveness on FDI in WB countries. Only indicator of the market size is excluded from examining because it comprises variables that are difficult to influence on the short and medium term. Chosen indicators have certain level of similarity to other determinants of FDI used in literature. The values of twelve pillars of competitiveness for each WB country are presented in *Table 2*.

Table 2: The values of the 12 competitiveness pillars in the WB countries, in 2014 (WEF, 2015)

<i>Country</i>	<i>Albania</i>	<i>Macedonia</i>	<i>Montenegro</i>	<i>Serbia</i>
<i>Pillar</i>				
<i>Institutions</i>	3.38	4.26	3.96	3.21
<i>Infrastructure</i>	3.52	3.73	4.10	3.93
<i>Macroeconomic environment</i>	3.82	4.93	4.46	3.51
<i>Health and primary education</i>	5.85	5.64	6.31	5.76
<i>Higher education and training</i>	4.53	4.32	4.68	4.25
<i>Goods market efficiency</i>	4.15	4.64	4.34	3.78
<i>Labour market efficiency</i>	4.02	4.21	4.24	3.73
<i>Financial market development</i>	3.39	4.49	4.26	3.50
<i>Technological readiness</i>	3.30	3.99	4.28	4.45
<i>Market size</i>	2.94	2.91	2.16	3.68
<i>Business sophistication</i>	3.61	3.78	3.69	3.21
<i>Innovation</i>	2.73	3.28	3.37	2.89

As above mentioned, all 11 competitiveness pillars with exception of the market size are used in further analysis. Therefore, it is examined are these indicators correlated with the FDI stocks per capita, for each WB country. Obtained correlation analysis results are presented in *Table 3*.

Table 3: Correlation analysis results (Author's own calculations)

<i>Pillar</i>	<i>Pearson correlation coefficient</i>
<i>Institutions</i>	<i>0. 290895661</i>
<i>Infrastructure</i>	<i>0. 905439035</i>
<i>Macroeconomic environment</i>	<i>0. 216032574</i>
<i>Health and primary education</i>	<i>0. 879552461</i>
<i>Higher education and training</i>	<i>0. 584486757</i>
<i>Goods market efficiency</i>	<i>0. 064627342</i>
<i>Labour market efficiency</i>	<i>0. 371393706</i>
<i>Financial market development</i>	<i>0. 429293735</i>
<i>Technological readiness</i>	<i>0. 617319794</i>
<i>Business sophistication</i>	<i>0. 102577047</i>
<i>Innovation</i>	<i>0. 687434682</i>

The values of the Pearson correlation coefficient between 0. 5 and 0. 7 indicate a positive moderate correlation between each competitiveness pillar and FDI. This is the case with higher education and training, technological readiness and innovation. Further, the values of this correlation coefficient greater than 0. 7 indicate existence of the high positive correlation. Based on the obtained results of the correlation analysis, the high correlation is between infrastructure and health and primary education and FDI stocks per capita. According to this, in further analysis are used only indicators that have the strongest relationship with FDI. The first hypothesis regarding the existence of the relationship between FDI and competitiveness is proved.

Obtained results are similar to those presented in literature: it is shown positive relationship between FDI and infrastructure, as well as in Wheeler & Mody (1992), UNCTAD (1998), Cheng & Kwan (2000), Sass (2003), Anastassopoulos (2007), with health and primary education, as in Alsan, Bloom & Canning (2006), Desbordes & Azémar (2009), with higher education and training, as in Egger et al. (2005), Gittens (2006), Zhuang (2008), technological readiness, as in Narula & Wakelin (1998) or UNCTAD (1998), with innovation, as in Baldwin, Braconier & Forslid (1999), Blomstrom & Kokko (1999), Hu & Jefferson (2001), Cheung & Lin (2003).

Considering the competitiveness variables are correlated with FDI per capita, it is assumed that increase in competitiveness will improve FDI per capita in the country. The interest of the paper is to find out what volume of the FDI will be attracted if country increase in separated competitiveness pillars. The next stage of the research is to determine the benchmark level of competitiveness that should be target level for each WB country. In order to determine the benchmark level it is used the highest values of competitiveness pillars for each country. In this case, Montenegro has the best indicator of competitiveness, except for one regarding technological readiness. Benchmark value of each indicator and related country are presented in *Table 4*.

Table 4: The benchmark level of variables (WEF, 2015)

<i>Indicator</i>	<i>Benchmark value</i>	<i>Country</i>
<i>Infrastructure</i>	<i>4. 1</i>	<i>Montenegro</i>

<i>Health and primary education</i>	6.31	Montenegro
<i>Higher education and training</i>	4.68	Montenegro
<i>Technological readiness</i>	4.45	Serbia
<i>Innovation</i>	3.37	Montenegro

Furthermore, it is calculated for each country and percentage difference of obtained indicator from the target value. The calculation results are shown in Table 5.

Table 5: The percentage difference of the competitiveness pillars from the benchmark level (Author's calculations)

Country	Albania	Macedonia	Montenegro	Serbia
<i>Infrastructure</i>	16.5%	9.8%	0.0%	4.3%
<i>Health and primary education</i>	7.9%	11.9%	0.0%	9.6%
<i>Higher education and training</i>	3.2%	8.2%	0.0%	10.0%
<i>Technological readiness</i>	34.6%	11.4%	3.9%	0.0%
<i>Innovation</i>	23.3%	2.7%	0.0%	16.6%

*Values 0 % indicate the benchmark level

Presented percentage differences are used to calculate the potential change of the FDI as a result of positive change in different aspects of the competitiveness. So, in the Table 6 are shown results obtained by multiplying correlation coefficients with potential increase of the values of the competitiveness pillars. Below are presented the percentage change in FDI per capita if each WB country improves its competitiveness to the benchmark value, respectively to reach at least the competitiveness level of Montenegro in majority of analyzed indicators.

Table 6: The potential percentage change of FDI per capita (Author's calculations)

Country	Albania	Macedonia	Montenegro	Serbia
<i>Infrastructure</i>	14.92%	8.90%	0.00%	3.85%
<i>Health and primary education</i>	6.96%	10.43%	0.00%	8.42%
<i>Higher education and training</i>	1.88%	4.80%	0.00%	5.86%
<i>Technological readiness</i>	21.35%	7.02%	2.43%	0.00%
<i>Innovation</i>	16.00%	1.84%	0.00%	11.41%

*Values 0% regard to target countries.

If improving the quality and availability of the transport, electricity and communication infrastructure the highest change of FDI per capita will be recorded in Albania, nearly 15%. Then follows Macedonia and Serbia, with nearly 9% and 4% change of FDI per capita, respectively. The highest change of FDI will have Macedonia (10.4%) as a result of potential enhance of the state of public health, quality and quantity of the basic education. Similar results will be in the case of Serbia (cc 8%) and Albania (cc 7%). Regarding to higher education and trainings obtained results show little need to improve in case of Albania because it would lead to increase in FDI per capita just for 1.88%. On the other hand, the largest benefit from its competitiveness increase would have Serbia because it would provide her increase of FDI per capita by cc 6%. Better technological adaptation by individuals and business and ICT use will have the best influence on the Albania FDI per capita which will increase by 21.35%. The leader in this competitiveness area in the WB region is Serbia. Improvement of the capacity for and commitment to technological innovation would have the greatest impact in the case of Albania. The Albania FDI would rise by 16%. Similar increase in FDI per capita is possible also in case of Serbia due to improvements in this competitiveness indicator. According to the positive sign of the change of the FDI per capita stocks as result of the increase

of the competitiveness indicators in the benchmark values, the second hypothesis of this paper is confirmed. It is concluded that increase in competitiveness enhances the foreign direct investment inflows in WB countries.

In *Table 7* are provided nominal values of potential increase in FDI per capita which was obtained as a product of the FDI per capita stocks in absolute terms and percentage change of the FDI per capita as consequence of effort of each country to enhance its competitiveness up to benchmark values.

Table 7: Potential increase in FDI per capita stocks, in US\$ (Author's calculations)

Country	Albania	Macedonia	Montenegro	Serbia
<i>Pillar</i>				
<i>Infrastructure</i>	209.10	217.08	0.00	134.86
<i>Health and primary education</i>	97.59	254.32	0.00	294.57
<i>Higher education and training</i>	26.30	117.13	0.00	205.02
<i>Technological readiness</i>	299.30	171.16	194.59	0.00
<i>Innovation</i>	224.25	44.96	0.00	399.29

*Values 0 regard to target countries.

The largest rise of the FDI per capita is in case Macedonia and Albania as a result of improvement the quality of infrastructure. It could rise by 217 and 209 US\$, respectively. In regard to health and primary education its enhancing would bring Macedonia 254.32 US\$ just due to reach the benchmark value of this competitiveness pillar. Better quality of higher education system and training practice could provide Serbia 205.02 US\$. Technological improvements would have the most important influence on Albania FDI stocks (rise by nearly 300US\$). Regarding enhancing innovations used by individuals and business Serbia could get additional nearly 400US\$ if it reaches the benchmark value of Montenegro. According the provided results the largest FDI per capita increase due to improvements in determined competitiveness pillars would have Serbia. If Serbia reaches the benchmarked Montenegro in these five competitiveness indicator it could get nearly 1,034 US\$. Second WB country with the largest benefits from improving competitiveness is Macedonia with potential nearly 805 US\$.

4. CONCLUSION

Foreign direct investments present a significant factor of national competitiveness. They provide capital flows in term of technological and knowledge transfer. Some of the variables that are structure units of the mainly used measure of the competitiveness – Global competitiveness Index defined by World economic Forum have significant relationship with FDI in case of WB countries.

In the first part of the paper it is performed the correlation test between eleven competitiveness indicators that construct GCI, provided by WEF, and FDI stocks per capita. On the sample of four WB countries it is found that FDI stocks per capita are significantly correlated to infrastructure, health and primary education, higher education and training, technological readiness and innovation. These results are similar to results obtained in some other studies in literature, as mention before. According to results, there are no correlation with macroeconomic environment, institutions, financial market development, good market efficiency, labour market efficiency and business sophistication.

After determined correlation certain competitiveness indicators and foreign direct investments it is calculated the potential change of the FDI due to change in competitiveness indicators. It is found that majority of countries have the significant increase of FDI stocks if making infrastructure and health and primary education more competitive, by reaching the benchmark values of the Montenegro. Montenegro as a benchmarked competitiveness country needs to improve its technological readiness that could provide FDI stocks increase by nearly 200 US\$. In this way, Montenegro would have leading part in all examined competitiveness indicators in the WB region. Regarding enhancing innovations used by

individuals and business Serbia could get additional nearly 400US\$ if it reaches the benchmark value of Montenegro. This competitiveness needs to play the most important role in foreign investment policy of Serbia. Second WB country with the largest benefits from improving competitiveness is Macedonia with potential nearly 805 US\$. Macedonia has to focus mainly to improve the infrastructure and health and primary education competitiveness pillars because these enhancements would provide the largest FDI increase. Interesting results are found in the case of technological readiness competitiveness. Serbian has the leading part and second place occupies Albania. Albania has to improve infrastructure and health and primary education because these ensure certain volume of FDI stocks. Regarding technological readiness and innovation Albania is the closest to Montenegro benchmarked values in comparison to Serbia and Macedonia.

LITERATURE:

Alsan, M., Bloom, D. E. & Canning, D. (2006). The Effect of Population Health on Foreign Direct Investment Inflows to Low- and Middle-Income Countries, *World Development*, 34(4), 613-630.

Anastassopoulos, G. (2007). Countries' international competitiveness and FDI: an empirical analysis of selected EU member-countries and regions. *Journal of Economics and Business*, 10(1), 35-52.

Baldwin, R., Braconier, H. & Forslid, R. (1999). MNCs, growth and location externalities, *CEPR working paper*.

Blomstrom, M. & Kokko, A. (1998). Multinational corporations and spillovers. *Journal of Economic Surveys*, 12(3), 247 – 278.

Castro, F. B. & Buckley, P. J. (2001). Foreign Direct Investment and the Competitiveness of Portugal. *IV Conferencia sobre a Economia Portuguesa CISEP – Centro de Investigação Sobre a Economia*.

Cheng, L. K. & Kwan, Y. (2000). What are the Determinants of the Location of Foreign Direct Investment? The Chinese Experience. *Journal of International Economics*, 51(2), 379-400.

Cheung, K. & Lin, P. (2003). Spillover effects of FDI on innovation in China: Evidence from the provincial data, *China Economic Review*, 15, 25 – 44.

Criste, A., Moşneanu, E. A. & Glod, A. G. (2008). O abordare a conceptului de competitivitate națională. *Studii Financiare*, 4/2008.

Desbordes, R. & Azémar, C. (2009). Public governance, health and foreign direct investment in Sub-Saharan Africa'. *Journal of African Economies*, 18(4), 667-709.

Dunning, J. H. (2000). The eclectic paradigm as an envelope for economic and business theories of MNE activity. *International Business Review*, 9, 163–190.

Dunning, J. H. (2003). Relational assets, networks and international business activity. In Dunning, J. H. & Boyd, G. (Eds.), *Alliance capitalism and corporate management: Entrepreneurial cooperation in knowledge based economies*, 1–23. Cheltenham, UK: Edward Elgar.

Dunning, J. H., Zhang, F. (2008). Foreign direct investment and the locational competitiveness of countries. *Transnational Corporations*, 17(3), 1-30.

Egger, H., Egger, P., Falkinger, J. & Grossmann, V. (2005). International Capital Market Integration, Educational Choice and Economic Growth. *IZA Discussion Paper*, 1863.

Eurostat. (2014). Foreign direct investment statistics. http://ec.europa.eu/eurostat/statistics-explained/index.php/Foreign_direct_investment_statistics (accessed on 20. 02. 2016.)

- Gittens, D. (2006). The Effects of Foreign Direct Investment on the Accumulation of Human Capital in Developing Countries: Are There Implications for future growth? *Fordham Economics Dissertations*, 3.
- Hu, A. & Jefferson, G. (2001). FDI, technological innovation, and spillover: Evidence from large and medium size Chinese enterprises, mimeo. Brandeis University: Waltham, MA
- Narula, R., Wakelin, K. (1998). Technological competitiveness, trade and foreign direct investment. *Structural Change and Economic Dynamics*, 9(3), 373-387.
- Paul, A., Popovici, O. C. & Călin, A. C. (2014). The attractiveness of Central and Eastern European countries for FDI. A public policy approach using the TOPSIS method. *Transylvanian Review of Administrative Sciences*, 42 E, 156-180.
- Sass, M. (2003). Competitiveness and Economic Policies Related to Foreign Direct Investment. *Working Paper No. 3*, Ministry of Finance, Strategic Analysis Division, Hungary.
- United Nations Conference on Trade and Development. (1998). World Investment Report, trends and determinants, Geneva, United Nations. UNCTAD FDI database: <http://unctad.org/en/Pages/DIAE/FDI%20Statistics/FDI-Statistics.aspx> (accessed on 21. 02. 2016.)
- United Nations Conference on Trade and Development. (2014). The World Investment Report 2014. http://unctad.org/en/PublicationsLibrary/wir2014_en.pdf (accessed on 21. 02. 2016.)
- Wheeler, D. & Ashoka, M. (1992). International Investment Location Decisions: The Case of U. S. Firms. *Journal of International Economics*, 33(1-2), 57-76.
- Wilhelms, S. & Witter, M. (1998). Foreign Direct Investment and Its Determinants in Emerging Economies. *African Economic Policy Discussion Paper No. 9*.
- World Economic Forum. (2014). The Global Competitiveness Report 2013-2014. http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2013-14.pdf (accessed on 20. 02. 2016.)
- World Economic Forum. (2015). The Global Competitiveness Report 2014-2015. http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf (accessed on 20. 02. 2016.)
- Zhuang, H. (2008). Foreign Direct Investment and Human Capital Accumulation in China. *International Research Journal of Finance and Economics*, 19, 205-215.

Social Impact of the Urban Transformation (Diyarbakir Sampe)

Mehmet Seyman ÖNDER

*Assis. Prof. Dr., Bingöl University, Faculty of Arts and Sciences, Social Works Department
onderseyman@gmail.com

Abstract

The implementation of 'The Urban Renewal Project' in Suriçi district of Suriçi county of Diyarbakır city was aimed in accordance with the protocol signed by the relevant institutions in 18.12.2008; however, that project couldn't have been implemented because of the severely reactions gotten by the local community by year 2016. It was aimed with that project to research the reasons of the reactions of the target group that resides in the project area and to reveal the potential social effects of the project over the target group from the sociological point of view within the context of 'The Urban Renewal Project'. Because of building an opinion about what the possible social effects were, a situational analysis was carried out on the low-income group who lives in Suriçi area and in housing estate in Üçkuyular campus and who has the same social, cultural and economic features with the target group. The questionnaire technique was used in Suriçi and Üçkuyular for achieving desired data, and two different questionnaire forms were prepared for them. It was interviewed with 196 householders in Suriçi and 50 householders in Üçkuyular.

Keywords: Urban transformation, Urban renewal, Suriçi, Üçkuyular.

Introduction

The purpose of this project is to specify the demands of the target group who resides in the project area and to reveal the potential social effects of the project over the target group from the sociological point of view within the context of 'The Urban Renewal Project'.

The expectations of the target group must be considered for being wholesomely improved and implemented of the intended project. It is thought that there is a concern about meeting the expectations caused by uncertainty sense predicted as resulted from a lack of knowledge in the target group. Our assumption has been tested by this study. Another problem that the study would like to reveal is what will be the reactions against a possible urban transformation project. Because of that the assumption, which is about that the target group accepts the need of an urban transformation in Suriçi but believes that they will be damaged from a possible implementation, was tested.

Another important factor of the urban transformation project is its social effects which it will create. Social effects are differed from each other as being effected from spatial factors, environmental conditions and evolutionary changes with person to person, person to group and group to group relationships. Firstly, it was researched what kind of relationship differentiation would the spatial factors cause. It was investigated in which level the changes of the relationship of a family with itself and with its environment would be after passing a high rise house from a detached house. Another factor is the environmental conditions. Within this context, how the environmental changes in which the target group live would affect the life standard was tried to be determined. The other factor is what will be the extent of the individual and group communication.

Scientific method of research was used for revealing the expectations of the residents of Suriçi from Urban Transformation Project and the possible social effects of the project. Having created a perspective about what the possible social effects were, a pre-existing situation analysis was made with the target group and the low-income group, who live in housing estate of Üçkuyular campus and who are in the same social, cultural and economic level with the target group. Üçkuyular campus is composed of two different areas. Two classes, both middle income and low-income families, live in the campus. But the target group is the families chosen from the area where the low-income class lives. The questionnaire technique was used in Suriçi and Üçkuyular campuses for achieving the desired data. Two different questionnaire forms were prepared for Suriçi and Üçkuyular. It was interviewed with 196 householders in Suriçi and 50 householders in Üçkuyular.

1. Urban Transformation Approaches in Turkey

Although the urban transformation approach is understood multi-dimensional in Turkey, it is mostly approached as unidimensional. The urban transformation, which was planned in the legal frame of the urban transformation project, was basically approached on its physical dimensions; and need for its cultural, intellectual and moral restoration wasn't completely identified. TOKI (Housing Development Administration of Turkey) was involved actively in urban transformation with the rights of given by the housing estate law dated in 5.5.2004 and numbered with 5162 and by the decree law about general staff and its system. This situation has been caused for emerging a new approach.

According to this approach, renewal of the suburbia and the areas that lead to visual pollution by the standardized houses is urban transformation. It was aimed to remove the visual pollution and centralizing in the cities developed irregularly and in the way of masses whereas the aim was a planned and qualified urban transformation which doesn't damage to the environment, historical and cultural structures (Çolak,2014; Kılınç & Çelik, 2009; Turgut & Ceylan, 2009).

Lefebvre says that desire and representation underlie the main state urbanism. He states that the claims of them about the fact that these two factors have a connective character and keep the consistency in the society are unnecessary (Lefebvre, 2013: 143). New comments have been emerged about that the cities have been both the channel and actually the transporter of the power struggle throughout history. Within this context, it is essential how the cities were instructed and how the urban spaces were designed (Akçalı, 2013).

1.1 Criticisms against Urban Transformation

It was aimed to annihilate the chronic problems of the city via urban transformation; although these problems were resolved partially, new problems emerged with the project tried to be carried out. Because of that various criticisms are made over urban transformation approach. According to Marxist thought, generally leading groups have created one kind or other private places, old cities and wilderness. The new one is to create a mass and total social environment. That the producing activity expands so widely is actualised according to the favours of the people who invent and manage it and profit from it. This not only puts the place in surplus value production but also aims to reorganize the productions depended on the information and judgment centres. According to these approaches, urbanism conceals this huge operation. It hides the basic characters, meaning and purpose of the operation. It conceals them with a positive, humanist and technological profile. It is a capitalist strategy. This strategy stultifies "the user", and the participant becomes a simple resident. Capitalist strategy degrades them not only as a house but also the functions of the surplus receiver of the house. Urbanism ideology exaggerates the significance of the operations that it allows and is called "concerted". It gives the users an impression that it approaches the persons and things coequally in a suitable and modern way (Lefebvre,2013:147).

City planners aim to resolve the problems of the cities clearing the lower socio-economic class out of the city centres, that Burgerss wants to draw attention in the Dew Points Model theory (Dolu, 2010: 206). Generally, TOKI is widely criticised about these reasons. But the housing estate in Diyarbakır city made by TOKI isn't far away from the city centre even if it is in the city surrounding. Specially, because of the expansion of the city through the TOKI area made it stay in the city centre. However, luxury buildings and edifices were built in these new structuring

areas. That the housing estate of TOKI which has a simple and ordinary view remains in between edifices and luxury buildings displays simply the socio-economic level of the residents.

Another criticism for urban transformation is being standardised of the social sphere with the standardizing of the spatial areas. Some researchers have analysed drawings of the French architects; and distinguished that the drawings of 8 thousand architects are almost similar to each other, and there are such small differences between themselves (La Corbusier, 2005: 116). Lefebvre says that the place thought as a production is a result of the production relationship which paid attention or approached by an active community. According to him, urbanists seem as ignoring or not knowing that they are themselves in the production relationships and complete the order of these relationships. Much as they think that they manage the place, they just carry it out in reality (Lefebvre, 2013: 146). French architects state that it shouldn't be given any initiative to the ordinary individuals in the building of the housing types and their demands shouldn't be taken in consideration. Because every family demands their houses considering their current requirements apart from social habits. While crowded families demand houses with many rooms, women demand the ones with wider kitchens and bathrooms (La Corbusier, 2005: 163-167). Architects' views about not taking the thoughts of the families into consideration are such as to support the Lefebvre's expressions. That the urbanists involved in the production relationships and drawing in accordance with these relationships are understood from their similarity with the drawings of the 8 thousand investigated architects. When the standardized production of the TOKI houses is considered, it is understood that they are in a similar system. While TOKI houses are planning, only technical subjects like engineering factors are considered. Some community facilities such as mosque, school, shopping malls, etc. are also built around these houses. However, the inside or type of the houses aren't formed considering the social structure. There are a lot of different category of people from low-income group who are from counties to middle class group, from agriculture sector to service and production sector inside the target groups which TOKI takes into consideration. Although they appeal to many different groups about life conditions, the houses produced by TOKI are all standardised. This situation reveals a very huge risk like standardizing life styles of the social groups.

One of the critics on urban transformation is about the approaches of TOKI about transformation. It is stated that the chance of being a householder over 20 years such as paying rent in the housing estates which are unprofitable and built by TOKI in the city surroundings is offered like a golden opportunity. It is said that this option offered to the lessees is indeed an expressively softer type of displacement. According to this approach, the lives of the neighbourhood residents are ended being banished from the areas where they've lived for years. Because the maintaining of the lives of the poor depends on their relationships which they've established with their life space in their living places. If you take them 30-40 km away from the city and a place (a life) to where they don't get used to, you cut their relationships from job opportunities, social networks, cultural practices and spatial patterns (Koca et al., 2013: 220).

1.2 The Building Logic of the Houses

The types of the houses are changeable according to the logic of the building makers or causers and according to the opportunity and need of the residents. The houses made as "build and sell" by private sector are built very carefully at maximal level about providing the residents of that area and in accordance with the socio-economic level of the area. The houses built by TOKI generally address to low or middle class group. Therefore, while TOKI is building the houses, it considers the economic possibilities and requirements of the residents. The basic logic of the directors while building the houses is to satisfy people's main living need even if at minimal level. That's why it isn't considered that interior design of the houses isn't useful.

The houses built for low-income group generally have an area between 65 and 85 m². In 27,7% of the houses in Turkey, 5 or more people live in a house. But this rate is 63,4 in Diyarbakır. These numbers are average out at Diyarbakır (TUIK, Turkish Statistical Institution, 2011). It is also seen from the study that there are more children in the families whose educational levels are low with reference to the hypothesis of the fact that more the educational and income level rise, more consciousness about family planning. These data show that most of the people who live in Diyarbakır have at least 3 children. It is revealed that children live in the salon in 1+1 houses, and the children who are a child of a family with 3 or more children have a single room at most 5 or 8 m². The

number of persons for living in a room including salon is 1,7 in Diyarbakır (TUIK, 2011). It shows that possibilities apart from needs are important while building and allocating such small houses to big families.

It can be said that the houses built for low-income class by housing development administration aren't very useful for maintaining a normal family's life. However, there's a different usefulness beyond "build and sell" logic with regard to environmental planning. The private sector which build and sell for low income groups build almost adjacent houses where you can hardly breath and which haven't any environmental planning or social life areas. Their main production logic is building houses which profits high, have minimal cost and also have interior usefulness.

1.3 The Resistance Developed to Urban Transformation

Sometimes a resistance is developed against urban transformation by the residents who live there. This resistance is sometimes caused by some of the neighbourhood residents who would like to gain much advantage. Aforementioned residents find less the amount of the money offered for their own houses and demand much. However, these type of resistances can't be very effective because these are generally individuals, and laws support the municipal authorities that serve for transformation. Another type of the resistances is revealed by some left ideal parties, associations and unions. Urban transformation in Turkey became effective after AK Party, which is a right ideal party, had come into power. Therefore, on behalf of creating a new strategy against right ideal party, left ideal groups try to prevent urban transformation which is one of the biggest argument used for community development and which can sometimes change into an unearned income. What type of socio-cultural effects the urban transformation will create on the city dwellers doesn't discussed by anybody but it is used as an argument by the government party for community development and by the left ideal group for preventing unearned income.

1.4 Urban Transformation in Diyarbakır

People have flowed into cities together with developing of the technology and production in Turkey as well as all other developed countries. While the problem of non-planned urbanization caused from immigration has been resolved in developed countries, it is still a very hot topic in Turkey. A new dwelling unit called slum was formed instead of urbanization because of economic reasons from 1950s to 1980s; financial impossibilities caused by immigration, lowness of industrialization and development level in Eastern and South-Eastern Turkey after 1980s; and populist municipal works and political culture which prevent planning and implementing of the reconstruction in ghettos which are seen as a potential vote centre in election terms (Kılınç & Çelik, 2009).

Various projects have been implemented to prevent providing of transformation of slums and new forming of them in many part of the Turkey. Unfortunately, complete result hasn't been taken from these projects many times. For example, it was aimed to decrease the slum areas directing the slum residents to the Yenişehir campus built within the context of preventing slums and urban transformation works in Erzurum. But middle class groups who live in old houses in the city centre such as officials, workers and artisans settled in these houses in Yenişehir, and these families gave an opportunity to other people for replacing the empty houses renting their houses out. This project partly prevented forming of new slum areas even though it couldn't restrain them (Kocaman et al., 2008).

The reason of urban transformation in Diyarbakır is unplanned urbanization as well as in all Turkey. But the difference of it from the ones in other cities is that the place where the transformation will be done is Suriçi area which is one of the oldest settlements in the world. Unplanned urbanization has been seen in this area since 1960s which has a large number of historical structures in and above the ground in the form of strata. Buildings are so near to each other. 20% of the structures in this area are still among the historical buildings. Unfortunately, a major part of these buildings have been restored not in accordance with its origin and destroying its architectural texture; and they've been used as houses. These historical buildings have also lost their touristic features because of reinforced concrete buildings made subsequently. The lowest income group live in this part of Diyarbakır. Hence, the buildings are so uncared in this district which has a great number of lanes. It was aimed to carry out the urban renewal (Slum transformation) project by force of the protocol signed by relevant institutions in 18.12.2008 within the context of integrating Suriçi district of Suriçi county, which is in the centre of Diyarbakır, one of the oldest

settlements in the world and is surrounded with one of the biggest castles in the world, into tourism. Workers can start to settle in different parts of the cities by means of house diversity in the developing cities and rising of transit system. The reason when the workers choose their houses is related with their economic incomes. The houses of the low-income groups and middle-class groups are abreast in the biggest campus of housing estate administration in Diyarbakır while the districts are expanded according to socio economic structure. Being abreast of the houses causes positive results with regards to adopt themselves and a communication with each other, but not every time. Because the low-income persons in Diyarbakır are generally composed of the families which came by immigration in 1990s. Some of these families succeeded to adapt the urban life giving up their cultural habits from county whereas some of them have been maintaining their behaviours such as animal husbandry and sound pollution. This causes various troubles for middle class adapted mostly to urban life.

2. Findings and Interpretation of the Findings

The findings achieved from two different areas were evaluated comparatively, of which are Suriçi campus that has a historical structure and planned to be being urban transformation and Üçkuyular campus formed by TOKI. The residents of both campuses are composed of the same socio-economic and socio-cultural class. Because the low-income group of Üçkuyular campus is composed of the persons who came from Suriçi and other the same socio-cultural areas.

The effects of the same social stimulus result similar reactions in the similar social classes. The problems of the both campuses were researched and compared with each other.

Table 1: Common problems in Suriçi campus

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Robbery</i>	123	62,8
<i>Drug addiction</i>	116	59,2
<i>Power cut</i>	84	42,8
<i>Lack of social domains</i>	36	18,4
<i>Cleaning and Environmental plan</i>	35	17,9

It is seen in the table that social problems are the most effective ones seen in the campus. It was explained that the robbery with 62,8% rate is the most faced problem in Suriçi campus. 59% of the persons to whom the problems were asked complained from drug addiction. Physical problems such as power cut (42,8%), lack of social domains (18,4) and cleaning and environmental plan (17,9%) are less than social problems.

Table 2: Common problems in Üçkuyular TOKI campus

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Not being any shopping mall</i>	30	60,0
<i>Drug addiction</i>	14	28,0
<i>Robbery</i>	13	26,0
<i>Prostitution</i>	12	24,0
<i>Lack of educational institutions</i>	10	20,0
<i>Environmental plan</i>	5	10,0

It was seen problems similar with Suriçi in Üçkuyular campus. But when it is compared with Suriçi, it was seen a decrease at 50% level in social problems such as robbery and drug addiction. Because the houses in Suriçi campus

are detached, bungalow, tumbledown and like ruins, it is suitable for drug production and robbery. As it is stated in the broken window theory, the streets where there are slums and hovels turn into the places that are used generally by prostitutes, drug sellers, vagrants, street gangs, narcotic addicts, namely all kinds of criminals. To sum up briefly, according to broken window theory, small disorders invite bigger disorders and finally vital crimes (Beşe, 2006). Data achieved from Suriçi support broken window theory. As a matter of the fact that Üçkuyular composed of apartments in the form of sites got decreased the rate of crimes such as narcotic addict and robbery. But it is remarked that the prostitution has increased. That there are mostly 1+1 studio houses in the area has made Üçkuyular attractive for prostitutes because of lack of security in the area since the sites are newly-built. It is stated that the biggest problem faced in Üçkuyular (60%) is not being of shopping malls. The reason why the complaints were so high was that Üçkuyular campus of low-income class was new, and the shopping malls and other social domains hadn't been completed yet when the research was made.

The support given to urban transformation in the area was determined as only 34,7% despite its positive effects on decreasing crimes. That the level is so less arise from some concerns of people against urban transformation.

Table 3: Possible negative features of urban transformation

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Injustice will be in property price</i>	124	63,3
<i>My economic conditions will be worse</i>	126	64,3
<i>I will be removed from the city</i>	86	43,9
<i>I will be settled in the houses unsuitable for my life style</i>	55	28,1
<i>I will be removed from my neighbours and relatives</i>	53	27,0
<i>I will be removed from my social life in my district</i>	13	6,5
<i>Other</i>		

One of the biggest concerns of the neighbourhood residents is that TOKI can treat inequitably while paying the expropriated price of urban transformation. This price generally is changeable according to the size of the land of the house. The price of a detached house built on a 250 m² land is more than a triplex house built on 120 m². This situation has caused a wrong sense in the residents. They think that it must be paid more for high rise houses regardless of being less of their lands.

6,1% of the residents haven't any income. These people maintain their life only receiving government aid and some other institutions' aids. The total ratio of the persons whose income is under minimum wage is determined as 66,6%. The residents of Suriçi use the water illegally as much as don't pay doorman due because they live in detached houses. In case they move in the TOKI houses, they will pay for house, apartment due, electricity and water, transportation. It will be impossible to supply these expenditures for the persons whose income is under minimum wage. So it is the biggest concern of them against urban transformation that their economic conditions will be worse (64,3). Hence, it was seen that 78% of the residents of Üçkuyular couldn't pay their monthly instalments because of their economic problems even though their instalments¹ were so low. But 66,8% of the residents in Suriçi said that they were happy form their lives. The reason why they are happy is that there is a balance between their incomes and expenditures.

58% of the persons asked for the subject in the Üçkuyular campus stated that their life standards in TOKI houses were getting better in proportion to their previous settlements. The rate of the persons who said that their life standards didn't change is 22% while the rate of the ones who stated that their life standards became worse is

¹ TOKI sells its houses with instalments till 120 months, and takes lower payments from low-income groups.

20%. 96% of the participants explained the reason why they chose TOKI houses as “being householders” regardless of change in their life standards.

One of the possible problems of the project is that they will be centred in one area and will carry their problems from Suriçi to their new settlement. That it is a high probability is revealed clearly in our findings, too. When it was asked to the residents the question “if you don’t accept TOKI houses, to which district would you like to move?”, 19,9% of the participants answered directly as Şehitlik district¹ whereas 15,9% of them gave the “Yenişehir district” answer. It was understood in the interviews that most of the persons who gave the Yenişehir answer would like to move Şehitlik district. Namely, it is estimated that 35% of the persons who will leave Suriçi will centre in Şehitlik district. The main reason of this situation is that the rent payments and house prices are lower than the other part of the city as well as there aren’t such payments like expenditures of doorman, apartment, electricity and water. It is, in brief, economically more liveable for them.

Suriçi residents are of the opinion that the houses that will be allocated for them are highly out of the city. When we asked their thoughts about where the houses should have been built, 29,8 of the participants answered as “city centre”. If the rates of the persons who said districts are considered, the rate of the persons who would like that TOKI should be built in city centre will be directly or indirectly 66,6%. Both the numbers achieved from the findings and the explanations of the participants in the interviews show that the concern of being isolated in case of being settled out of the city is dominant. Also, it is understood that some of the residents wouldn’t like to leave from their district in no way by the time it is considered that 12,6% of the neighbourhood residents would like TOKI to be built in Suriçi.

Another social effect of the urban transformation is its changes on neighbourhood and relative relationships.

Table 4: The state of neighbourhood relationships in Suriçi

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Good</i>	169	86,2
<i>Normal</i>	18	9,2
<i>Bad</i>	9	4,6
<i>Total</i>	196	100,0

Suriçi campus is composed of narrow streets. The houses were constructed adjacent and collaterally to each other. The doors of the houses lined through both sides of the streets look each other. Neighbourhood relationships are quite advanced because the most of the houses are detached and yard-type. Chatting of the neighbours in front of the houses and using of the narrow streets as sitting areas are often observed. As it is seen in the above table, the rate of the persons who said they were in good relationship with their neighbours is 86,2%. But negative results arise also on social relationships together with urban transformation.

Table 5: The state of neighbourhood relationships in TOKI houses

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Good</i>	23	46,0
<i>Normal</i>	18	36,0
<i>Bad</i>	9	18,0
<i>Total</i>	50	100,0

¹ Şehitlik is a district bind with Yenişehir town. Socio-economically low-income people live in this district. A very big part of the district is composed of deedless (illegal) houses. It is similar to Suriçi with regard to both socio-economical and socio-cultural features.

The residents of TOKI houses in Üçkuyular campus are in better relationships than the residents of Suriçi although both groups have the same socio-cultural structure. The rate of the persons who said that their relationships are good with their relatives is 46%.

Table 6: The numbers of the relatives in TOKI houses

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Have no relative</i>	34	68,0
<i>1 house</i>	8	16,0
<i>2 houses</i>	4	8,0
<i>3 houses</i>	1	2,0
<i>4 houses</i>	2	4,0
<i>9 houses</i>	1	2,0
<i>Total</i>	50	100,0

The neighbours of the 22% of the participants from TOKI houses are composed of their relatives; and the rest 68% of them live away from their relatives.

Table 7: The state of neighbourhood and relative relationships of the TOKI residents with regard to their old settlements

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Became worse</i>	20	40,0
<i>Became better</i>	10	20,0
<i>Nothing changed</i>	20	40,0
<i>Total</i>	50	100,0

It is seen that the neighbourhood relationship in Suriçi campus is very high and they keep good relationships with each other. But it is seen that 22% of the residents in Üçkuyular are weak at relationships with their relatives and neighbours even though they live near their relatives. 40% of the residents of Üçkuyular stated that their neighbourhood and relative relationships became worse with regard to their previous settlements. This data shows that the physical environment that we live effects the relationships of individuals with other people. Rising of the apartment floors which are elements of the modern life, Communication between people is getting cut off, and relationships are being effected negatively.

There is a structure in Suriçi campus similar to "mechanical solidarity society" of Durkheim. The reason of this arises from the fact that the residents composed of the persons come from countryside.

Table 8: The state of immigration of the residents of Suriçi campus

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Habitant of Diyarbakır</i>	76	38,8
<i>Immigrants between 1950-1969</i>	14	7,1
<i>Immigrants between 1970-1979</i>	16	8,2
<i>Immigrants between 1980-1989</i>	27	13,8
<i>Immigrants between 1990-1999</i>	49	25,0
<i>Immigrants in and after 2000</i>	14	7,1
<i>Total</i>	196	100,0

As it is seen in the table, 61,2% of the residents in Suriçi campus are composed of the persons immigrated from countryside to Diyarbakır at sequential time intervals. Because Suriçi looks like countryside more than the other parts of the city with regard to houses even though it is in the city centre, it allows the residents to maintain their previous life styles.

Table 9: Current life styles of the residents in Suriçi campus with their perspectives

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Maintaining rural life</i>	60	30,6
<i>Maintaining urban life</i>	53	27,1
<i>Neither rural nor urban</i>	83	42,3
<i>Total</i>	196	100,0

When it is considered that the rate of the habitants of Diyarbakır is 38,8%, it is so interesting that the rate of the persons who feel themselves as urbanite is 27,1%. This shows that even the persons born in this city don't feel themselves as urbanite; moreover, it can be seen that 28,1% of the residents who live in Diyarbakır for or more than 20 years couldn't have adapted to urban life yet.

Table 10: Current life styles of the residents in TOKI houses with their perspectives

	<i>Frequency (Person)</i>	<i>Percent</i>
<i>Rural</i>	11	22,0
<i>Urban</i>	11	22,0
<i>Neither rural nor urban</i>	28	56,0
<i>Total</i>	50	100,0

While the rate of the persons who evaluate their lifestyles as rural in Suriçi is seen as 30,6%, this number decreases to 22% in Üçkuyular. But there is an increase in the number of the ones who don't feel themselves neither rural nor urban. This situation derives from being far away of the campus from the city centre and not having been completed the view of its modern city sites even though they live in apartments which is a necessity of urban lifestyle. Cities are the places where the individuals should treat according to formal rules and the social orders are based them in proportion to countryside. The main features of urbanites are reaching the information provided by the urbanites more than countrymen, answering different lifestyles, recovering from "village" thought with interacting, hope of being tolerated and open-mind. It can't be said that the urbanization has caused for both developing of urbanization conscious and culture and mentality of treating according to the formal rules (Kılınç & Çelik, 2009). The emphasis in the evaluations made over the relationships of place and human is relative to the effective decisiveness of the place design in forming of lifestyles. The writers and thinkers who evaluate this subject remark that the architects who have full knowledge of place via place maintain it also on human life.

Conclusion

Urban transformation practises are made for reforming of the featureless and unhealthy places formed after rapid urbanization. With regard to its concept, urban transformation aims to make better the life standards of the cities. The city areas which gotten worse with illegal housing and being occupied of the public lands should be reused for the sake of city via the urban transformation projects. But sometimes, this is done with a destructive perspective while being carried out. Urban transformation practises in Turkey generally handle the transformation only with regard to its physical side. These types of practises increased in developed western countries in 1960s are understood as a unique concept in Turkey; and this can cause revealing of the problems which don't involve its social features. It can be said that the plans and programs of the urban transformation practises experiences in Turkey haven't been formed at the result of the strategies and actions based on current situation.

It is understood that dwelling production fails to satisfy low and middle income groups about offering alternatives, in particular with the houses built by public sector. Specially, it is observed that accessibility for the houses built by TOKI for low-income group is still so limited, they are useless when the individual numbers of the families are considered (6 persons

or more generally live in the 65% of the houses in Suriçi), they don't satisfy their need. It was determined that public domain which is one of the main problems of our cities felt behind the projected standards of the regulations. Its main reasons are not being achieved of the domains by public, allocating these areas planned for public to other usages and not being realized of investments which should be done such as schools, health facilities. The fact that making of the social and technical infrastructures after superstructure can be seen among the reasons of production public domains under standards.

Ignoring current spatial identity texture and features in the urban transformation projects in our country, it can be given new and unsuitable planning decisions; and the structures produced in the area can't establish the bond between past and future. This situation causes creating of cities that's the origin of the bigger problems in future. It can be sad that the residents of these areas are urged to either move other parts of the city or form another slum area out of the city while the cities are transformed with capital (fund) logic.

The neighbourhood residents are composed of the groups that can survive with solidarity relationships for keeping up in illegal labour market and living in the city. It can be understood that they feel themselves secure with the effect of solidarity culture and being together with the persons like them although their life standards are quite low. But they can suffer a trauma when they are unwillingly forced to leave the places where they feel secure, then to move to either housing estate out of the cities or another part of the city.

When the data achieved from the study is considered, it is seen that the neighbourhood residents would like to live in detached houses similar to the ones in agricultural villages. The rate of the persons who wouldn't like to move TOKI houses and who accept moving to the detached houses with garden built by TOKI are respectively 78,1% and 80,1%. The types of the houses offered for low-income group by TOKI are the same. But these types of houses aren't suitable for the family structure of this area when it is considered that the average number of the family members is 7,6 according to the data achieved from our research of family members of the residents. Averagely 7,6 persons must live in each 1+1 60 or 80 m2 house.

It was seen that 78% persons of the residents who lived in the houses in Üçkuyular built for low-income group by TOKI delayed their payments and couldn't pay their debts. It is the main problem of the low-income individuals live in TOKI houses. 40% of the persons live in TOKI would like to return to city centre. But it was understood later in the face to face interviews that many of the ones who didn't want to return maintained to stay at these houses because the property belonged to themselves. So a risk can be revealed because the low-income persons can turn towards unauthorized land market or form new slum areas in the city centre.

All in all, it is foreseen that the negative effects of the transformation can be removed considerably if the social structure of the area is considered, the types of the houses, public domains and environmental planning are formed according to it even though there has been a sense against that urban transformation damages the social structure.

It is thought that urban transformation must be done in the districts which are out of the cities or in the centre and where criminal rates such as prostitution, narcotic addiction and robbery are high and there is highly unplanned structuring. Or the social structure in these areas can be destroyed with social corruption.

Bibliography

Akçalı, S. İ. (2013). Dönüşen Kent ve Yaşam Biçimleri: 'Yeni Yaşam Mekânları' Bağlamında Geç Kapitalizmi Okumak. *Journal of Akademik Araştırmalar* (57), 77-94.

- Beşe, E. (2006). Kırık Pencereler Teorisi Bağlamında Kentsel Yaşmada Güvenlik ve Suç. *Journal of Polis Bilimleri*, 8(1), 1-24.
- Çolak, Y. (2014). Adil Kent Yaklaşımı ve Kentsel Dönüşüm: İstanbul Esenler Örneği. *Journal of İnsan ve Toplum*, 4(7), 57-84.
- Dolu, O. (2010). Suç Teorileri: Teori, Araştırma, Uygulamada Kriminoloji. Ankara: Seçkin Publications.
- Kılınç, Z. A., & Çelik, A. (2009). Kentsel Dönüşüm ve Kültürel Dönüşüm. *Journal of Sulçuk Ünivesitesi İİBF Sosyal ve Ekonomik Araştırmalar* (9), 145-163.
- Koca, A., Çalışkan, O. Ç., Kaya, E., & Gürkan, A. (2013). Kentleri Savunmak: Mekan Toplum ve Siyaset Üzerine. Ankara: Nota Bene Publications.
- Kocaman, S., Zaman, S., Kara, F., & Keçeli Arif. (2008). Erzurum Kentinde Gecekondu Önleme ve Kentsel Dönüşüm Çalışmaları. *Journal of Marmara Coğrafya* (18), 177-210.
- La Corbusier. (2005). İnsanca Yaşamak İçin Şehir ve Konut. Ankara: Babil Publications.
- Lefebvre, H. (2013). Kentsel Devrim. İstanbul: Sel Publications.
- TUİK. (2011). Hane Halklarının İl Ayrımında Konuttaki Oda Sayısına Göre Dağılımı. in 12 02, 2015 Türkiye İstatistik Kurumu (Turkish Statistical Institute) : From the link of http://www.tuik.gov.tr/PreTablo.do?alt_id=1047.
- TUİK. (2011). İllere ve Hane Halkı Büyüklüğüne Göre Hane Halkı Sayısı. 12 02, 2015 tarihinde Türkiye İstatistik Kurumu (Turkish Statistical Institute): From the link of http://www.tuik.gov.tr/PreTablo.do?alt_id=1047.
- Turgut, S. R., & Ceylan, E. Ç. (2009). Gecekondu Alanlarında Kentsel Dönüşüm Uygulamasına Bir Örnek: Küçük Çekmece/Ayazma Tepeüstü Kentsel Dönüşüm Projesi. *Journal of Çağdaş Yerel Yönetimler*, 18(3), 23-51.

International Child Abduction in Civil Matters Pursuant to Kosovo Legislation

Ma. Sc. Nehat Idrizi - PhD

Judge at the Court of Appeals in Pristina and Doctoral Candidate at the UET in Tirana.

Abstract

Migration and settlement of Kosovo citizens, whether on individual basis or family groups in other countries, amongst others, have also caused the problem of international child abduction. This abduction was done by one of the parents or a temporary guardian. Although cases involving international child abuse have practically occurred, children have not been protected lacking legal provisions. For the first time in Kosovo, this matter was regulated by promulgation of UNMIK Regulation no. 2004/29 on Protection against International Child Abduction dated 05 August 2004. Pursuant to Kosovo legislation the child abduction shall mean removal or retention of a child which constitutes breach of rights of custody attributed to a person or any other body, under the law of the State in which the child was habitually resident immediately before the removal or retention. Hereby it is intended to recon in aspects of international child abduction and their prompt return from Kosovo to the Requesting State, the child return procedures and cases from the court practice. The court authorities having jurisdiction set forth by law, shall implement the child return procedures once the legal conditions are met, and for the purpose of such implementation, they may issue different measures. The Basic Court of Pristina shall have exclusive first instance jurisdiction in Kosovo. The Ministry of Justice being the central authority shall carry out the administrative procedure for a voluntary return of the child to the Requesting State.

Keywords: Child abduction, child return, procedure, law, measures.

Introduction

Children are the most important members in every society, in particular to every family and its future. Migration and settlement of Kosovo citizens as individuals or as family groups in foreign European and world countries due to various reasons, new marriages entered and dissolutions as a result of deterioration of marital relations in the countries out of Kosovo, have resulted in international abductions of children by one parent or temporary guardian. In this paper will be discussed aspects of international child abduction as well as their more rapid return from Kosovo to the requesting state. Therefore, cases of international child abduction have a significant impact on international relations of Kosovo with other states and much more rapid return of those children to such countries is of particular importance. Provision of international legal assistance in Kosovo is regulated by the Law on Contested Procedure.

Basic courts are competent to provide international legal assistance and to decide on the recognition of foreign court decisions. In order to protect the rights of children, some protective measures are foreseen for children in all judicial procedures. All state bodies, in particular the courts, are obliged to engage maximally and to ensure the protection of children's rights, even in cases of their international abduction by the temporary custodian, an obligation that results from provisions of the Convention on the Civil Aspects of International Child Abduction. Although cases of international child abduction have practically occurred earlier, the children have not been protected because of the lack of legal regulations. This issue has been regulated in Kosovo for the first time by UNMIK Regulation No. 2004/29 on Protection against International Child Abduction dated 05 August 2004, whereas in 2010 the Assembly of Kosovo adopted the Law on the Civil Aspects of International Child Abduction. State bodies and courts, during the proceedings on issues dealing with children, are required to protect the best interests of children. Convention and the law, on one hand, are intended to protect children from the harmful actions of unjust removal to another state and, on the other hand, to prevent their unjust removal

or retention and their return to the requesting state. Judicial bodies, as competent bodies, apply the procedure for return of the child and for the purpose of carrying out this procedure, they may issue different measures. After the entry into force of the Law on Courts, the Basic Court in Prishtina has the exclusive competence of first instance, and The Ministry of Justice conducts administrative procedure for the voluntary return of the child to the requesting state.

1. International and National Legal Framework

International Legal Framework

Changes made in the social system in Kosovo have also caused the changes in the legal system in order to harmonize it with international standards in the field of human rights and especially the rights of children. In order to implement international standards in the field of protection of children's rights, in the Constitution of Kosovo is foreseen direct implementation of Convention on the Rights of the Child. This convention is included in the Constitution and applies as part of positive law in Kosovo.

The Convention binds all state bodies and private institutions that in their activity the primary interest should be the children's interest. The convention provides that "[...] States shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status¹. States shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. Furthermore, this convention provides that: "[...] In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration². States shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision. Every child has the inherent right to life and to the maximum extent possible, the survival and development of the child shall be ensured. State undertakes to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law. Children have the right to give their opinion or even to be heard. Authorities are obliged to "provide the child capable of forming views of its own, the right to express those views freely in all matters relating to the child, giving views of the child due weight in accordance with the age and maturity of the child. The essential part of this right is that children have the right to be heard and their views should be taken seriously in matters that affect their interests. The Convention provides that children should not be separated from their parents, except in cases stipulated by the law by the authorities on their behalf. The Hague Convention on the Civil Aspects of International Child Abduction regulates the issue of child abduction. The aim of the Convention is to protect children from the harmful effects of international abduction ensuring a prompt and effective return of the child in the country of last residence thereafter. According to Article 3 of this Convention removal or the retention of a child is to be considered wrongful where: it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and at the time of removal or retention those rights were actually exercised, either jointly or alone. The return of the child is aimed at restoring the situation that existed earlier prior to removal and not allow the parent to have any advantage from the child abduction.

1. 2. National Legislation

Cases of international child abduction have significant influence on international relations of Kosovo with other states. Processing and prompt resolution of these cases is influential and is of great importance in relation to included parties and the requesting state. The issue of international child abduction for the first time was regulated in Kosovo by Regulation No. 2004/29 dated 5th August 2004 and the provisions of Article 2 foresee the implementation of the Hague Convention on the Civil Aspects of International Child Abduction, and the competent court to decide on claims for return of the children had

¹ See Convention on the Rights of the Child, Article 2 ,parag.1

² Ibid, Article 3 parag.1

been former District Courts of Kosovo on the territory where the child was found. On 28 October 2010, the Assembly of Kosovo for the first time adopted the Law on the Civil Aspects of International Child Abduction. The provisions of Article 3 of this Law provide that when a case is regarded as international child abduction, the law stipulates that: "The removal or the retention of a child is wrongful where: a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been exercised with an exemption of the removal or retention¹. The law aims to ensure the prompt return of the abducted child to his country of origin (repatriation of) and to ensure respect for the right of custody or contact with the child who is resident of Kosovo or the Requesting State. In order to be considered as a case of international child abduction, certain criteria must be met as:

The requestor must prove that the child was domiciled in that country (the Requesting State),

The removal or retention of the child was wrongful and in breach of rights of custody provided for in the law of the country of residence and that the requestor actually exercised these rights at the moment or time of removal of the child,

Removal of the child must be outside the resident state border,

The child may not be more than 16 years old.

2. Procedures of Child Return

The Law on the Civil Aspects of International Child Abduction defines the procedure which should take place to ensure the return of the child to the requesting state, where the child is removed or retained wrongfully to another country. Initiation of the procedure that has to do with the civil aspects of international child abduction aims to ensure fast return of the child to the requesting state and to ensure respect for the right of custody and contact with the child. The procedure begins with a request that the custodian or any institution claims that the child is removed or retained in violation of custody rights. The procedure of child return to the country of origin is urgent and fast. Initially, an administrative procedure is conducted by the Ministry of Justice. The Requesting State through its Ministry of Justice sends the request together with supporting documentation to the Ministry of Justice of our country. If this Ministry fails to return the child, the case is forwarded to the Basic Court in Pristina which conducts the proceedings regarding the return of the child to the Requesting State. Central Authority (Ministry of Justice) and the court, taking into account the primary interest that this child may have from the settlement of the issue by agreement, from the beginning and throughout the entire procedure should engage with the parties to the procedure that the return of the child is voluntary or by agreement, by engaging experts in the social field, psychologists and mediators.

2. 1. Types of procedures for the return of the child

Child return procedure has some specifics that distinguish it from other procedures. Law on Civil Aspects of International Child Abduction provides two types of procedures for the return of the child:

Administrative or voluntary return procedure of the child, and

Judicial Procedure

2. 1. 1. Administrative Procedure

The foreign state submits the request for return of the child to the Ministry of Justice which after receiving the request verifies the legal requirements are met, i. e. that it is accompanied by all documents necessary to assess whether the case has to do with international child abduction. Before proceeding of the case to the court, Ministry of Justice addresses a request to the temporary guardian to return voluntarily the child to the requesting state. The Ministry informs by notification

¹ See Convention on the Civil Aspects of International Child Abduction, Article 3, parag.1

the temporary guardian on the request and proposes the voluntary return of the child to the requesting state within seven days or to reach agreement on the return of the child. If the temporary guardian does not comply within seven days from the receipt of the letter, the Ministry of Justice shall initiate court proceedings and transmit the application to the Basic Court of Pristina.

Kosovo Ministry of Justice has played an important role in particular in the activities of international cooperation on legal issues in cases of international child abduction. Within the Ministry of Justice operates Department for International Legal Cooperation (DILC). All requests for International Legal Assistance originating from foreign countries should be directed primarily to the Ministry of Justice or to the Department for International Legal Cooperation. The Court works closely with the Ministry of Justice, respectively DILC, on all matters dealing with the civil aspects of international child abduction, and complies with the Convention and the Law on the Civil Aspects of International Child Abduction. Procedure of the international legal assistance in civil matters is regulated by the Administrative Instruction issued by the Ministry of Justice. According to the Law on the Civil Aspects of International Child Abduction, the Kosovo Ministry of Justice is the Central Authority in Kosovo, to implement the request for return of the child¹. The request for return of the child is submitted to the Ministry of Justice, but can also be submitted to the Basic Court in Pristina. Upon receiving a request from the Ministry of a foreign state, it determines whether it meets the requirements set by law. It cooperates with the central authorities of other countries to provide as soon as possible the return of the child to the Requesting State.

In order to be considered a completed application shall contain:

information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child wrongfully;

the date of birth of the child;

- the grounds on which the applicant's claim for return of the child is based; and
- all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

Besides this information, the request for the return of the child must be attached other required documents such as: an authenticated copy of any relevant decision or agreement, a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence or from a qualified person, concerning the relevant law of that State, and any other document relevant for the case.

Ministry of Justice, as the central authority, shall take several measures that are in the interest of the prompt return of the child such as:

- to discover the whereabouts of a child who has been wrongfully removed from requesting state,
- to prevent harm to the child by taking interim measures,
- to ensure the voluntary child return or to bring an amicable resolution on child return,
- in case of failure of voluntary return, to proceed the request to the court,
- to provide consultants and legal assistance,
- to undertake the necessary measures to ensure the safe return of the child,

¹ See Law on the Civil Aspects of International Child Abduction, Article 4, parag.1

- to exchange information with central authorities of the requesting states to eliminate barriers to the implementation of this law.

Ministry is not a party to the procedure but it may interfere in the interest of the applicant or child through written documents which the Court should take into account when deciding on the request.

2. 1. 2. Judicial Procedure

According to provisions of Article 8 of the Law on the Civil Aspects of International Child Abduction, former District Court of Pristina had had exclusive jurisdiction in the first instance to hear and determine requests for return of the child. After the entry into force of the Law on Courts, the exclusive competence of first instance has the Basic Court in Pristina¹. The Court, when considering an application for return of the child, issuing orders and decisions, proceeds in accordance with the provisions of the Law on Non-Contentious Procedure. In accordance with the provisions of this law, a child is considered a person under the age of sixteen (16)². After the court receives the request for return of the child, all other proceedings that have to do with determining of child custody in any other court in the territory of Kosovo shall be suspended to the conclusion of the procedure for return of the child.

Before the initiation of the court proceedings, Ministry of Justice addresses a request to the temporary guardian to voluntarily return the child. As soon as the request is received, the Court verifies that it meets formal requirements set out in Articles 4 and 6 of the law. This verification of formal requirements must be done in a short time as soon as possible in order to ensure prompt return of the child. If application is not complete, the court shall ask the applicant to complete it. The court is bound to decide on an application within a period of 42 days from the date of request received. This timeframe is important since if the requirements are met, the child is promptly returned to the requesting state. Procedure to return the child has precedence over other procedures. In cases where the child has reached the age of maturity, the Court hears the child. According to provisions of Article 6 of the European Convention "On relations with children", children have the right to be informed, consulted and to express their opinions. Regarding the assessment that a child has reached the age of maturity, the law has not defined any age limit. Upon completion of the proceedings, the court may: order the return of the child to the requesting state or reject the request for return of the child in cases where the requirements provided for in Article 12 of the Law have been met. The Court, in the proceedings of the return of the child, proves only the fact that the wrongful removal or retention of the child is: a violation of the provisions of the Convention and the Law relating to custody of the other parent and if it determines that a violation exists, the child should be returned to the Requesting State.

Basic Court in Pristina, in cases of international child abduction has authority:

- to order the return of the child to the requesting State if the child is wrongfully removed or retained in Kosovo,
- to issue a statement that the removal or retention of a child outside the territory of the Republic of Kosovo has been wrongful,
- to issue an order or decision, as appropriate, in order to decide on wrongful removal of the child or to enforce the return order,
- to issue orders to temporary guardian in order to ensure much faster return of the child.

In cases when the Court orders the return of the child, all other orders that have to do with the rights of guardian over the child and which have been issued by any other court in Kosovo have no effect.

Parties have the right to appeal to the Court of Appeals in Pristina against the decision issued in the first instance court.

¹ See Law on Courts of Kosovo, Article 22

² See Law on the Civil Aspects of International Child Abduction, Article 2, item 1.1

2. 1. 3. Execution Procedure

Basic Court of Pristina has jurisdiction for implementing the order to return the child to the requesting state. Execution procedure aims through enforcement to realize the request of the party which won the right by court decision. Execution procedure is the last stage of judicial proceedings. Without execution procedure, the parties are deprived of the right acquired by the decision of the competent judicial body. If the temporary guardian fails to comply with the court order to return the child, in such case in terms of the provisions of Article 10. 2 of the law, the temporary guardian may be punished by a fine of up to 10,000 euros.

In this procedure also applies the principle of disposition of the parties, since the initiation of the execution procedure depends on the will of the party. In cases where the child's temporary guardian does not return the child voluntarily after the decision of the court, the court undertakes all actions by the enforcement proceedings of that court decision. In such cases, the court closely cooperates and coordinates with the Centre for Social Work where the child is and the Kosovo Police, namely the Department for International Cooperation of the Ministry of Justice.

3. Interim measures

The Court, as per request made by the Ministry of Justice, or ex officio, before the award decision may order interim measures in order to ensure the welfare of the child and to prevent the changes of the whereabouts and to prevent the circumvention of the return of the child¹. As interim measures may be issued: the measure to prohibit border crossing namely to parents and any third person to prohibit them to change the place of residence of the child, in particular that the child be sent outside the state border without prior permission of the court. Border authorities are required to prevent any removal of the child from the territory of Kosovo, delivery of identity card or passport to the authorities (police or court), measure of contact with the child by the requesting parent. Throughout the proceedings, the court must consider whether there is a need for safeguards to prevent the concealment or removal of the child from the country.

4. Cases from Judicial Practice

Several cases have been taken and analysed in the process of this paper from former District Court of Pristina and now the Basic Court in Pristina. In these cases are presented some personal specifics of the requesting party and temporary guardian (the person who has abducted the child) such as: cases of initiated request by the husband or wife, the return of the child made in judicial or voluntary proceedings, how many of them returned to the requesting state, and age and gender of children.

Table: Initiated request for the return of children from husband or wife, return made in judicial or voluntary proceedings, how many judicial decisions are executed and the children's age and gender.

Requests filed		State						Child gender		Age		Court Decision		
Fathe	Mothe	German	Austri	UK	Albani	Belgiu	Monte	Mal	Fema	M	M	Approv	Reject	Dismiss
1	7	2r	2r	1r	1r	1r	1r	7	5	4	18	6r	1r	1r

*r – request(s)

The study of eight court cases that have been analysed and studied features in these cases treated show that seven of them are initiated by the wife or mother while only one case by the father. This means that the abduction of children is made mostly by their fathers. All cases of the return of the children are made in judicial proceedings and no case by voluntary procedure. Only one request was submitted by the citizens of Kosovo for the return of the child, while the other cases were requests from foreign states. From the requests for return of children filed, only one case has not yet been executed by the court decision, that is, the children have not been returned to the requesting state even though there is a final decision of the court. Age of children involved in these cases had a minimum of four years while the maximum was 18 years old. Regarding gender, five of them were female while seven male. Regarding states, two requests were from

¹ Ibid, Article 15

Germany, two from Austria, one from Albania, one from Belgium, one from England and one from Montenegro. Of the eight cases reviewed, six requests were approved and ordered the return of the children to the requesting state, a request was dismissed because the children were aged over 16, and in one case, the request for the return of child, was rejected.

5. Conclusions

The issue of child abduction has a significant impact on relations with foreign states and rapid return of the children to the country of origin or where they had residence has a special significance. In this paper are presented findings about international child abduction which are regulated by the Hague Convention on the Civil Aspects of International Child Abduction and the Law on the Civil Aspects of International Child Abduction. There are also given explanations regarding the procedure for the return of children, such as administrative and judicial procedures. As the competent authorities for conducting the procedure of fast return of the child to the requesting state under the law are the Ministry of Justice, as the Central Authority, in the administrative procedure and the Basic Court of Pristina in the judicial proceedings. In the final part are treated interim measures which may be issued with the aim to provide the return of the child as well as cases from judicial practice from which there is no case of voluntary or mediated return of the children. From the requests submitted, it is verified that the majority of them are made by mothers meaning that fathers have been the persons who have abducted the children and only one court decision remained unexecuted.

Sources

Constitution of the Republic of Kosovo

Hague Convention on the Civil Aspects of International Child Abduction

Convention on the Rights of the Child

European Convention "On relations with children"

Law on the Civil Aspects of International Child Abduction of Kosovo

Law on Family of Kosovo

Law on Courts of Kosovo

Law on Social and Family Services of Kosovo

European Convention on the Exercise of Children's Rights

UNMIK Regulation, No. 2004/29 on Protection against International Child Abduction dated 05 August 2004

Dr. Hamdi Podvorica, E Drejta familjare (*Family Law*), Prishtina, 2011

Dr. Arta Mandro, E Drejta familjare (*Family Law*), Tirana, 2009

Court decisions

Decision of the District Court in Pristina, N. nj. C. nr. 1/2011, date 03. 03. 2011

Decision of the District Court in Pristina, N. nj. C. nr. 2/2011, date 29. 03. 2011

Decision of the District Court in Pristina, N. nj. C. nr. 4/2011, date 05. 10. 2011

Decision of the District Court in Pristina, C. nr. 1/2012, date 10. 02. 2012

Decision of the Basic Court in Pristina, C. nr. 259/2013, date 10. 04. 2013

Decision of the Basic Court in Pristina, C. nr. 503/2014, date 17. 03. 2014

Decision of the Basic Court in Pristina, C. nr. 2458/2014, date 24. 10. 2014

Decision of the Basic Court in Pristina, C. nr. 2955/2013, date 08. 01. 2014

Case C. nr. 1903/13, date 19. 09. 2013 Basic Court in Pristina

The Church, the Pulpit, and the Poor. the Role of Preaching in Poor Relief Efforts in the Thinking of Samuel McComb (1864-1938)

Simuț Ciprian, PhD

Emanuel University of Oradea, Romania

ciprian.simut@emanuel.ro

Abstract

The problem of the poor has been a constant in the life of nations. There have always been poor people to whom society, governments, and the Church have been looking in various ways across the ages. One important aspect is the way the Church has behaved in relation to the poor, because it is the institution that preaches a certain kind of moral code, and a certain kind of human value. This paper focuses on the role of preaching and the role of the Church in poor relief efforts, as presented in the writings of Samuel McComb (1864-1938). The main argument in the thought of McComb is that the Church will always need to be involved in poor relief efforts, but not simply by helping the poor with material needs, but also by offering spiritual guidance. These efforts should be coupled with the preparing of the believers to be directly involved in poor relief, based on a moral code, which is presented and explained from the pulpit.

Keywords: church, pulpit, preaching, poor, morals

Introduction

There is an important social factor in modern society that has retained its appeal for a great number people, namely the Church. A quick look at any church history book and one will certainly notice that the Church has played an important part in society, both in the realm of worldly affairs, as well as in the affairs of the soul. It is a fact that not all the actions of the Church were righteous, and abuses were quite frequent. However, it is doubtless that it had, and it still has, a genuine care for the poor, the afflicted, the abused, the orphan, the widow, and anyone who has a need. The following paper will analyze the arguments presented by Samuel McComb (1864-1938) regarding the importance of preaching for society, as well as the importance of preaching and the Church in poor relief efforts. The paper will focus mainly on the books written by McComb, but it will not look at any statistical data, because the argument is based on his religious and pragmatic principles. The thesis of this paper is that preaching and the Church can have a positive impact in society, not by adapting to every aspect of social change, but by presenting a mature and well developed system of moral values. In spite of the fact that McComb was part of the Emanuel Movement, this paper will not analyze any of the aspects related to the movement, mainly because the part of McComb's argument that is analyzed, has no direct link to the movement.

Samuel McComb begins the tenth chapter of his book, which bears the title *Religion in Modern Society*, with a straightforward question, which leaves no room for interpretations, namely what is the role of religion in modern society? The book in which this question is raised was published in 1910, more than a century ago. In the meantime the world has seen two world wars, countless regional wars, on various continents, the rise terrorism and the massive migration of population into Europe. Such events force thinkers to evaluate the role of society, its elements and they it is organized, in order to preserve or further the development of society.

The Need for Religion in the Modern World

As soon as he asks the question, McComb answers by showing how some of his contemporaries saw the relevance of religion for their time. The first category believes that religion is obsolete, there is no more rational or emotional use for it. However, it can still be tolerated as long as it acts as a police force in subduing the humbler classes. This idea presents

some in favor of splitting society into classes, rather than pursuing the benefit and the elevation of one's neighbor. Such an idea can be detrimental to the entire idea of human progress. Dividing people into classes is not progress, but rather a quite shameful regress to darker times, when one was forced to live in a set environment and with a set value, due to one's birth. McComb connects this idea with that of a rather sexist remark, namely that religion can be tolerated if it is an 'aesthetic outfit of the feminine mind'. Such a remark reduces the role and value of a woman to a creature of whimsical emotions, rather devoid of any high rational capabilities. Downplaying the role of women with regards to religion and society is an obvious proof of devaluing women's value as human beings. This argument does not have to be connected to the feminist movement, or the equal rights movement, but to a clear and obvious fact of history: women have played as crucial roles in history as man have (McComb, 1910, p. 281).

After presenting this first category of people, McComb concludes that with such people there is no argument, because they define others as lesser beings. However, McComb believes that most people still consider religion as a reality. These people find it quite difficult to reconcile the role of religion with the realm of experience. For these men the question regarding the contribution of religion to modern life is particularly important, because it can set the difference between high or low human value. McComb begins his argument from the Church, which he claims is the 'institution which claims to represent the Christian religion, to incarnate the spirit of its Founder, and to realise His ideals' (McComb, 1910, p. 282). The problem is that the Church did and does not connect the idea to the deed. As McComb underlines, it appears the Church missed on incarnating these ideals. He looks at the life and work of Jesus Christ and his achievement, and the achievements of the Church. The difference is overwhelming. He also appeals to an earlier essay in which he depicts Christ as addressing his messages in two realms of human experience: normal and the abnormal, or the healthy and ordered state, or the disordered, unhealthy state. His question is whether the Church is able to live out both realities (McComb, 1910, p. 282).

The connection between principle and reality is represented by Jesus Christ himself. In order to make his point, McComb has to present the fundamentals of Christian life and practice. In this case, such a fundamental principle is the relationship between a spiritual office and the representative of that office. According to McComb Christ had a prophetic ministry, which was passed from him to man by the office of the preacher. The preachers must fulfill a number of duties, that were fulfilled by Christ, otherwise, the connection is lost. McComb believes that the preacher should promote virtue by calling people to live it out. The pulpit therefore acts as a guide to morals and the active involvement in sustaining and promoting virtue. Preaching is one thing, but preaching with a specific purpose of fulfilling in one's life a set of principles is quite another. If the church, as an institution, and the preacher do not stand out in the crowd as a guide to virtue, the source of a specific kind of morals will be either lost, or presented by other institutions, which will, most likely, dilute it. The church stands out in society as a specific institution, which promotes a specific kind of ethos, through a specific kind of offices. These all orbit around the preacher's office (McComb, 1910, p. 282).

The Hands-on Preacher

Living out the Christian faith is no easy task. However, McComb argues that a preacher should resort only to preach. There is much more at stake for his office than talk from the pulpit on various themes. According to McComb the preacher needs to 'solve doubts and perplexities' (McComb, 1910, p. 283). The preacher's office has an intrinsic element of constant human interaction. Life is complicated and difficult. There are various challenges faced by church members on a daily basis. Problems vary from the simplest to the most complex. The job or better yet, the calling of the preacher is to know first of all his working material, the Bible, and then to adapt the timeless truths to the social, religious, political and economic context of the people he pastors. The church members face problems constantly, which they try to solve on their own. Some succeed, others do not. Regardless of the issues McComb argues that the preacher's task is to stay with his people and guide them. Doubts and perplexities, as McComb calls them, are no easy task, but the believers know that the preacher should be there for them to explain how to solve matters of the spirit and their application to every-day life. The preacher is, therefore, not a simple orator, but an actively involved person, who deals in morals (McComb, 1910, p. 283).

Another aspect of the preacher's activity is revealing 'new vistas of truth' (McComb, 1910, p. 283). In modern society there is no shortage of problems. People do not or cannot escape meeting other people and live in society, in connection to the other. This is in itself a problem, because it is the very source of inter-human friction. Therefore, the problems are quite big. Relational issues are present in one's private life, family life, social life, at work and in relation to the private and state institutions. Help can come from many, but the preacher stands out as the person who could do most good, because he

deals in moral good and in applying such teachings to every day problems. The church and the ministers can become a decision making force in the relationships of believers and the rest of the world. The new vistas of truth are the teachings extracted from Scripture, understood in their proper context, and applied to new or modern or contemporary situations. In a most optimal scenario, the preacher is a highly educated person, who is able to see the way past teachings apply to contemporary and personal problems. However, this is not the case all the time. Higher education can be replaced with common sense and meekness. These two characteristics stop the preacher or the minister to express opinions in matters that he does not understand. The teachings of the Bible, the fundamental writings for the Christian minister, are, therefore the starting point for any debate, but its teachings must be adapted to the problem at hand. In some way, regardless of the problem presented, a dedicated minister will not abuse the Scripture, but will inevitably find some text within it, that he would use at least to better explain his own take on the problems.

McComb goes back to history in order to present his argument. He sees sermons as tools to awaken the conscience, to point out the abuses of power at all levels, to start and sustain revivals that changed the faces of nations, and guided people into the work of self-regeneration. In his mind there is no stopping what a well built sermon can do. A powerful message delivered from the pulpits or, where not possible, simply from the mouth of a well-prepared preacher changed cowards into heroes, moved people against evil, cleared the issues people struggled with, and even attempted to bring people out of the miseries of their time (McComb, 1910, p. 283). In short, McComb sees the element of the sermon as a paradigm shifter.

Having the history of Christianity and the history of preaching at hand, McComb rightly asks whether the power of preaching has past. One of the culprits was agnosticism. However, he sees this threat as passing. Its paralyzing power vanished, and the result was a revival of interest for the religious mysteries. However, McComb is quite realist, but with a touch of drama, and acknowledges that people will look not to the pulpit for solving their problems, but to the 'professor's lecture, the review article, the newer drama, the formal treatise' (McComb, 1910, p. 284). Due to the form and content of these elements, he argues that preaching or the sermon has lost its appeal. There was a power shift in his age, but not from agnosticism to faith, but from preaching to agnosticism to lay erudition. As McComb scans his historical context, he argues that, in spite of the appeal of academic thinking, but devoid of the spiritual, there is a resurgence of 'religious eloquence', because event if the 'Word of God is not bound' (McComb, 1910, p. 284). The weakest element in this context is not God or the Bible, but the preacher. If there is anything going wrong with religion, it is because man, more precisely: the preacher has done something wrong. McComb stresses the importance of preaching because it can make a difference for the real problems of man. Preaching is not only about God, but about God, man, and how the two interact. Therefore the sermons bring a palpable supernatural element into the every-day life of believers (McComb, 1910, p. 285).

The force of the preacher's sermon and the power of his influence are limited by a couple of elements. First, the preacher should make proper use of 'sound and thorough religious thinking, by the note of intellectual conviction' (McComb, 1910, p. 285). McComb blames the preachers of his time because they lack this element. The general sensation is that the preachers have never understood what intellectual depth their theology has. McComb presents this ideas as 'ethical and intellectual grandeur of Christianity' and 'its boundless wealth of truth which, touching man at every point, lifts him out of time into eternity and satisfies the craving of the intellect for unity largeness, and power' (McComb, 1910, p. 285). His definition of what Christianity deals with in terms of content, is important to help contemporary congregations, regardless of denomination and historical background, to lean towards and embrace the academic training of at least a part of its congregants and ministers. The reason is that when entering the realm of academic training the chances of understanding the philosophies and morals that can be different from the backbone of Scriptural teachings. When the contact between opposites takes place, argumentation gives birth to new ideas, new trains of thought, new ideological ground to discover. The contact breeds new understandings for all that makes human value count or not. McComb goes back into the history of preaching and he gives the examples of various preachers from all history of Christianity, so he argues in favor of rational interactions in order to discover and apply moral discernments to issues of every-day life (McComb, 1910, pp. 285–286).

McComb does not argue in favor of keeping the truths of old, but to re-vitalize the teachings of the Gospel for the understanding of modern man. The historical context is different, and modern man might have to face different problems, but the core text of Christianity is the same, namely the Bible. The job of the preacher is to 're-study and re-vitalise the regnant ideas of the Gospel of Christ, who will steep them in the living realities of experience and make them once more the possession of heart and conscience' (McComb, 1910, p. 286). McComb does not retreat into mysticism or extreme

rationalism. He mingles the spiritual and the rational into a coherent system of teachings, which can aid modern man in his daily problems.

Christianity and Moral Values

Christianity as a useful tool for modern man is the main aspect of McComb's endeavors. Modern man could, but should not renounce Christianity out of whim. Instead, modern man should scout and research his options and devotions, in order to get the best context for his life on earth. Christianity is a matter of both heart and conscience. The rational and the spiritual are not mutually exclusive. McComb is aware of the capacity of preachers to speak with no practical application of their teachings in real life problems. Instead of simple exhortations, McComb suggests that preachers must implement positive suggestions for their audiences. The preachers deal in religious ideas, which can left in the high spheres of a spiritual intangibility. However, such an approach to sermons is counterproductive. The hearers must be given the method of applying the ideas about the spiritual and the moral realms into their daily situations. McComb makes an important remark about the spheres of knowledge. He argues that the preachers should not ignore the scientific and the practical means through which truth can be delivered. Science and the practical are not against the spiritual, and McComb argues in favor of both realms to interact. There is not spiritual truth that cannot be applied to daily life, as well as there is no scientific fact that can go against the spiritual truth (McComb, 1910, p. 286).

McComb was part of the Emmanuel Movement, which started in a church, and worked on the principle of mind over body, but with a strong emphasis on medicine and good habits. The aim of the movement was to cure various functional nervous disorders, with the aid of proper psychological methods. Positive suggestions were part of the methods of treatment, but also an active involvement of the spiritual side. God is a most active part of the healing process, but He does not heal all in the same way. Furthermore, the promoters of the Emmanuel Movement had to face detractors who argued that they lacked faith since they did not allow God to heal without the use of medicine. The answer was always the same, namely that God heals all and every disease, but in a close collaboration with the sick, who needs to re-order one's moral principles. As part of the healing process, hypnotism was also used (Elwood, McComb, & Coriat, 1908). The *Religion and Mind* book covers all the fundamental details for understanding what and how Emmanuel Movement worked and what it stood for. The rationale behind McComb's argument in his *Christianity and the Modern Mind* is closely connected to the movement. He does not resume his activity to healing the functional disorders or various other physical ailments, but he focuses on the larger social sphere.

The practical side of McComb's approach is for people to understand what bad habits are, and how they can and need to be changed with good ones. His remark that 'it is not enough to glorify the face of goodness' (McComb, 1910, p. 287) is the foundation on which he argues in favor of eradicating poverty. McComb argues in favor of teaching the methods by which men may make goodness their own. Goodness is not something that grows by itself. It is learned and exercised. McComb presents the purpose and the importance the modern pulpit should have in modern society, namely to 'be rich in suggestiveness, in scientific aim; in hints that make for practice' (McComb, 1910, p. 287). His opinion marks the importance of the spiritual and the religious to communicate and cooperate with the scientific. The pulpit should not deny the truth of science, lest it becomes absurd and stands to loose ground and people. The pulpit thus becomes a promoter of mental health and a communicator of spiritual truth in relation to science and scientific development. The church and the preacher do not impede and do not go against science, but accept in full knowledge the importance of science for the religious man and the believer. Also, the pulpit should not stand idle towards implementing the teachings of Scripture, or the moral side of the teachings into the every-day life of men. The practical side aims towards the repair of the functional psychological disorders and the healthy relationship with one's neighbor.

The Two Kinds of Poverty

After explaining what the purpose of preaching is, McComb addresses three issues of great interest for the modern man: poverty, sickness, and crime. This paper focuses on the presentation of McComb's perspective on poverty. Christianity

does not rely on a cluster of miscellaneous writings, without having a central figure, whom focuses them into a coherent set of values. For Christianity the person of Christ is fundamental. Without him the message of Scripture would be a simple set of moral and historical teachings. Because traditional or conservative Christians see Christ as the Son of God and the second Person of the Holy Trinity, the entire Bible is considered as having absolute value. Therefore, issues such as poverty are not seen only as an inter-human relational issue, but it is a relation that has a spiritual foundation, as well as a Person who is actively involved in it. McComb presents the life of Christ as one deeply involved in to the lives of others. However, he marks the fact that Christ was especially close to the poor, the sick, and the unfortunate. The purpose of his friendship with these people was to relieve them of their suffering (McComb, 1910, pp. 287–288).

Of significance is the reversal of value, the Judgment scene (Matthew 25:31-46), where Christ identifies with the sick, the poor, and the criminal. Of these he was certainly poor, but the imagery can be extended. He became sick with the sin of humanity and a criminal in the eyes of the multitudes who accused and condemned him. The image is complete in the final perspective of his life and ministry. By identifying with the destitute, McComb believes that the moral standard is set not by the relationship of one with him, but by the relationship of one to another, having the foundation in faithfulness in Christ. One might possess the power and patience to build a set of actions that could alleviate poverty, and even propel one towards wealth, but this is not possible unless there was some outside influence (McComb, 1917b, p. 70). The example of Christ is to be copied and fulfilled by the church also in present day. McComb believes that what Christ was for Palestine then, must also the Church be for society today. This means that the church/es must take up the legacy of Christ's ministry and fulfill it in society today (McComb, 1910, p. 288). The church and its ministers do not exist for their own sake, but for the sake of the other, starting from their faith in a transcendent God. The message of the pulpit should be people oriented.

When McComb analyses the issue of poverty in the life and ministry of Jesus Christ, he comes to a quite peculiar conclusion: the issue does not present itself as important for Jesus as it does for modern society. The issue is almost inexistent. McComb also points to the reason: the eschatology of Jesus, which presents all those who suffer in this age, as inheritors of vast riches in the new kingdom. He did not come to overthrow governments and destroy political structures. He did come to reform a man, and to enable man to help fellow man. Any resort to violence and destruction does not fit the logic and moral of loving one's neighbor (McComb, 1919, p. 233). This new kingdom is a new social state, a regenerated state, which places the formerly suffering individual in complete contrast to those who kept him in that state. McComb turns to the example of Jesus and the Pharisees where he says that Caesar should get his part and God should get his part. In this new expectancy, Caesar may keep all his cut, because it amounts to nothing. The possession of earthly wealth and riches is not the reason man must live in history. If one is poor, than his share is in God, not in gold (McComb, 1910, p. 289).

The material world is put in stark contrast with the spiritual realm of God and his subsequent eternal kingdom. According to McComb Christ's message was about a conscious detachment from materialistic desires and the entrapment. The point of his message was, therefore, not material welfare. The problem itself is not the material possessions of man, but one's attachment to them. Christ is presented as the example to follow. However, following Christ is not about copying his actions, but doing the things he did, through the understanding of his reasoning. A conscious conviction is different from a bare copying action. McComb talks about Christ as having gained liberty, power, and oneness with his Father, but not only through meditation and prayer, but also by 'His own utter detachment from material things, in His perfect renunciation of all forms of self-hood' (McComb, 1910, p. 289).

This idea presents a challenge for the history of the church, because, as McComb argues, from the early church times, poverty has been constantly preached and glorified, in spite of the riches gathered by the church/es. Renunciation was presented as a sure way of gaining eternity, together with other acts, but the church had no problem in joining the political sphere. McComb underlines that the Church was not called to act as such, but in a complete submission to the freedom Christ offered through the conscious attachment to his teachings. In spite of the 'mountains of riches' and the grasping of the 'sceptre of Caesar', the Church was called to do something it never truly achieved. McComb believes Christ preached poverty in order to take man's desire for the things of sense, and turn his attention towards the things of the spirit. An immediate problem arose: poverty for the sake of poverty or poverty as an end in itself. This was not the message of Christ. The spiritual values are not meant to destroy man's joy and freedom, but to ennoble life, to lift man's value and love for oneself and for one's neighbor. The consequence of poverty for poverty's sake was that 'all life became impoverished and the healthy instincts of human nature crippled' (McComb, 1910, p. 290). Therefore, poverty is by no means what society

has been seeing since the message of Christ. Instead it should be an enlightened way of life, in which genuine joy and fulfillment are the crowns of one's life. Detachment from the material things, and the conscious embrace of spiritual values, should lead to a worry free way of life, to a worldview that seeks the spiritual to the detriment of the material, and the cultivation of genuine love towards God, oneself, and one's neighbor.

Poverty is not an end in itself, as McComb argues, because the purpose of it is to 'ennoble life, to make man larger, happier, and more effective' (McComb, 1910, p. 290). Scarcely can anyone conceptualize poverty in such terms, without thinking about the countless alcoholic and drug addicted people, whom we equate with poverty. Such poverty man cannot desire, the reaction, quite natural, is to act in such a way as to avoid it. People are involved in helping the poor, either as individuals, or as groups of volunteers, or as professional social workers. However, Christ did not preach this image of poverty, and McComb believes that the point of Christ's preaching on poverty is not for man to become an alcoholic or drug addict, although this type of poverty must be addressed thoroughly. As McComb argues, the poverty Christ preached was one that was about the conscious detachment from earthly possession, or the avoidance of materialist addiction. This kind of poverty does not deny possession of goods, but it does argue freedom from the love of goods or materialistic desires. The worries associated with possession are therefore canceled, the desire to become rich is replaced with peace and a healthy reorientation towards the true values of the spirit. Self-imposed poverty guides man's principles and desires towards the 'higher regions of activity and happiness and spiritual freedom' (McComb, 1910, p. 290). This kind of poverty involves one's person, as well as the one's relations towards others. Perhaps the desires of man are connected intrinsically with what one sees around and in others' lives. However, true happiness and true human values are to be found in a healthy detachment from the materialist desires, and the new found focus on the spirit, on oneself and one's neighbor's needs.

In an unavoidable and expected contrast lies poverty as one sees it all around. McComb argues that poverty as man generally understands it 'involves no exercise of the will, no choice of the higher good, and offers no outlet into larger freedom' (McComb, 1910, pp. 290–291). Materialist poverty should have the enrichment of the soul as an almost immediate reaction. This is not the case, however, with the poor of the world, or with the poverty as an end in itself. Poverty should free men from any materialistic enslavement, in order to allow his attention to focus on spiritual values, human value, and the progression of society, and the overall humanity. As McComb presents poverty it 'degrades, debases, and enslaves man. It pollutes and destroys, but no longer emancipates' (McComb, 1910, p. 291). Misunderstood poverty and materialistic abusive love, both enslave man. The two extremes leads to no benefit, except for oneself, in the case of the materialist, and a deep dissatisfaction and depression, in the case of the poor. This kind of poverty transforms men into criminals, who, in religious terms, sin and are prone to temptations that hurts one's neighbors. The final step in the debasing situation of the poor is suicide (McComb, 1910, p. 291). Taking one's life is not the result of genuine joy or fulfillment.

The poverty recommended by Christ is different from the poverty that plagues society. The first is about ennobling and emancipating man, while the second is the result of social injustice. Inequalities between classes and the incapacity of men, governments, leaders, and organizations to solve the problem of crippling poverty only makes the desolate sight of abasing poverty even more destructive and corrosive. The common element of both kinds of poverty is the detachment from material things or riches, but the second kind of poverty brings no uplifting of the soul, no inner joy, and no pleasure in life without the possession of riches. People fear a great many things, and poverty is only one of them. However, fear is crippling, and keeps men from forming authentic moral values. They cannot be put into practice. This is why poverty cannot be addressed properly (McComb, 1915, p. 57). McComb rightly asks what the Church has done to relieve people from this kind of destructive poverty and argue in favor of the ennobling kind of poverty. McComb is well aware that the state has an active role in helping the poor, but the Church has a precise purpose in this problem. The abject poverty that McComb talks about has the destructive effect of canceling the 'moral and spiritual influences' that could help these poverty stricken to find a way out of their situation. McComb uses a strong word when talking about losing the moral and the spiritual influences, namely the word 'sterilise'. Abject poverty sterilizes both moral and spiritual influences, which means that they are completely lost and impossible to regain (McComb, 1910, p. 291).

McComb marks the difference between two types of poverty. The first is a freely accepted status, as the result of an informed and conscious philosophical or theological thought is a positive acceptance of such a situation. However, the second type of poverty leaves men without destitute. Their life is empty of any opportunities, it swirls into sadness and misunderstanding. Once these are installed in one's life, the joys of one's own home become a distant cry, and 'shuts up the sufferer in a solitude and shadows his path with fear and despair' (McComb, 1910, p. 292). The second kind of poverty

is no simple matter. The church has a word and a genuine interest in solving such matters, but the financial side of the battle is clearly insufficient. The church cannot and should not eradicate poverty through material or financial means. These can be used, at best, at a local level, to relieve the poor of their immediate needs, such as food, shelter, and clothes. However, the real aid and the most effective means the church can use to eradicate poverty, or at least set an increasing trend to help the poor, is to use the pulpit or preaching in an effective way, which would ensure that the hearers – believers or not - change their perspective on the matter. The preacher should be able to understand how the mind works in order to properly address matters of the mind and the soul (McComb, 1909b, p. 10). If people change in the pews of most churches, the change in the matters of poverty will change as well much faster and more efficiently. The happiness of man is an important issue for society and church, but it is the system that needs to be reformed. This is necessary because it the same system that a few rich, and the many poor (Elwood et al., 1908, p. 146).

The War of the Church

The church/es do not live in an

Abstract world. Thus, the message delivered from the pulpit must reach the real life issues of the hearers. The purpose of the church, McComb believes, is 'to realise the aim of its Founder', but by doing this, the church 'must apply to the life conditions of these and such as these, the truths of the Christian doctrine' (McComb, 1910, p. 292). The Church cannot be separated from Christ. Regardless of the denomination, the figure, the message, and the ministry of Christ are all part of the essence of the church's life. Any message must address the practical side of life, the real issues faced by the congregants each day. McComb names three distinct ways in which the Church can and should implement the values of Christ in the life of modern society. The first way is to acknowledge and proclaim the sacredness of man's life for God. In other words, the Church must make sure that the message of the sermons proclaim the value of man before God. Man's value must be stated in order to make one responsible for their 'immortal destiny' (McComb, 1910, p. 292). There is a specific and well defined purpose for such a message. It refers to creating a society based on love, or the law of love. For McComb the law of love is equal to cooperation. In order for such a law to work it is imperative for greed and selfishness, to be systematically driven out from men's 'heart' (McComb, 1910, p. 293).

In this context the Church has no easy task. McComb argues that it has to 'pit its energies and wage relentless war' against poverty seen as 'malignant power' (McComb, 1910, p. 293). There are no breaks in the war against poverty and there is no postponing of efforts. If poverty is seen as a disease which ruins the souls and forces man against man, as well as takes God out of men's lives, it must be addressed as a matter of urgency. The incapacity of men to have communion and change society for the better because of poverty, presents itself as a challenge that can cripple nations, by ruining individuals. Not all advice will work on the poor, because even if some such advice seem easy to grasp and implement, the vice has a terrible force of enslaving the senses and the mind (McComb, 1917a, p. 37).

According to McComb the Church deals not only in the spiritual, but it should also be involved in 'great industrial and social problems' (McComb, 1910, p. 293). The scale to which the Church must operate is unimagined. In spite of the history of the Church's involvement in trade and politics, the new involvement in industry and the social sphere, transforms it into an institution of great importance. McComb was no stranger to what industry and social problems were in his time. The involvement of the Church meant dealing in the issues of the people working and living in the industrial environment. Being involved is not the same as identifying with a certain political or economic doctrine. McComb warns that the Church should not identify with the doctrine of Socialism, nor any of its offshoots. However, Christ's teachings do have a number of common points with actual social problems, Christ was not a socialist. The involvement of the Church should be seen in such domains as child labor, congested living quarters, and the education of the youth in physical and moral aspects (McComb, 1910, p. 293). If the Church retreats into sterile dogmatic or liturgical debates, the vast majority of the reachable will remain outside the Church. According to McComb the Church is by no means an institution that deals purely with the spiritual, but it gets down into the streets, into the cruel realities of the social realm. Some turn religion into their own most horrid fear. They worry about institutionalizing their fear, but they lack the insight for true religion, which is related to the divinity, not to man (McComb, 1909a, p. 61). It should be on constant alert in order to spot the issues that threaten or have already destroyed part of human value and the spiritual connection to God. Therefore, the Church become an important player in the realm of industrial and modern issues. The Church becomes a reformer of economics, not by speculating, but by being involved in the lives of those who make up society, the people.

A controversial issue for Christianity is to proclaim the moral structure of the Universe and the eternal judgment of God. McComb argues that these two elements are at the heart of all things. This idea has yet another practical or, rather, political aspect. McComb believes that in order for a state organized in accordance with Christian principles, it must believe that the moral structure of the Universe and the eternal judgment of God are part of its fabric. As the Church must fulfill the message of Christ and it must follow in His example, it must also argue in favor of society built on such principles. The State is compelled to place the moral structure at the base of all the elements that make up society, the political system, and the social structures. The principles of industry cannot be different from those of the general Christian moral principles that make up the fabric of society. The logic of McComb's social structure is that, in spite of the fact that a Christian state would need the aid of benefactors, the Church should uphold and proclaim a moral order which is based on the principle of justice (McComb, 1910, p. 294). In this society there are no individual moral structures that can work separately from the main moral structure. This does not cancel freedom of speech or freedom of will, but it does offer a fundamental principle.

Extending beyond the Boundries of the Church

The Church does not exist in a confined space, but it should reach out, beyond its members, to the world and its needs. The Church that follows the example of Christ, argues McComb, takes care of its own, but also of those who are outside the denominational or religious walls. McComb calls this kind of church the 'almoner to the poor' (McComb, 1910, p. 294). The Church is an open institution, made up of volunteers, who are, at the same time, people, human beings, prone to error, but also prone to goodness and openness in love towards their neighbor. This is why when McComb talks about the Church it can refer both to the institution – administered by the clergy, pastors, deacons; as well as to the members of these churches, the believers. Among these members there are the poor. According to McComb, they need the help of the congregation/church, but the church/congregation should not limit their help only to their own, but also to the destitute outside of the congregation, regardless of who they are and how they got destitute. The Church can be and should be, through the pulpit, a 'champion of the cause of the poor and the oppressed' (McComb, 1926, p. 13) There are three elements, in McComb's vision, that are needed in order to properly minister to the poor. First there is the need for spiritual influence. This means that the help provided through the material needs must be accompanied by a message of hope that is founded in the relationship between God and humanity. The second elements is moral uplift. This means that the message for the poor needs an element of moral guidance, which should have the result of getting one's life back on track, by giving up vices, and striving for clearness of thought, steady emotional state, and healthy body. The third element is Christian sympathy. This means that the poor who is helped must know that there is no hidden desire behind the help one receives, there is no hidden agenda, and he or she will not be the scape goat in some elaborate scheme aimed at illicit profit (McComb, 1910, p. 295). The Christians must love their fellow man. This love should be based on genuine faith in God, genuine moral construct, and genuine desire to help wherever it is necessary.

There is most important idea that McComb presents to the churches as a warning. Since charitable boards and associations came into existence, with the specific purpose of aiding the ministry and creating a professional environment for aiding and helping the needy, the church members have not been as involved in the ministry of the poor as before. Therefore, McComb argues that the churches should begin involving the members in poor-relief activities. The difference between the work done through an association and the work done by the churches is that the latter can 'console the unhappy, and the destitute, and train the soul in the spiritual values of life' (McComb, 1910, p. 295). The ministry of the church implies the active involvement of regular members, and that face to face involvement can aid the better understanding of one's capacity and the other's needs. Perhaps one the most important aspects of personal involvement is the removal of fear from the poor's heart, and replacing it with peace, fellowship, and brotherhood (McComb, 1910, p. 295). The personal involvement does not mean that the one who helps the poor will simply give without receiving anything. Instead it is a reciprocal aiding endeavor. The giver will understand better the needs of the poor, he/she will be able to develop one's humanity, care, meekness, gratitude, and one will develop genuine desire to help further.

McComb believes that in order for the Church to be or become and stay an institution of value to society, it must be in constant contact with its source of power, the spiritual realm, and its founder, Jesus Christ. However, power is not meant in a violent and oppressive manner, but as the strength to gather people, from within and without, to work together for noble causes, which would aid humanity as a whole, as well as individuals, in their ennobled human status. The Church should be the 'friend and helper of humanity', 'the defender of the weak, the poor and the oppressed', but also the 'leader in the service of man, which is also the service of God' (McComb, 1910, p. 317). If the Church manages to break the barrier of

isolation and retirement into sterile theological debates, it will become an institution with a genuine human face, and a human heart. The connection between the spiritual realm and the physical realm will aid many to understand what the Church does and how it can help, together with other valuable institutions, the poor and the needy. The Church can be a paradigm shifter, and a powerful ally to anyone who desire to genuinely help the poor and the destitute.

Bibliography

Elwood, W., McComb, S., & Coriat, I. H. (1908). *Religion and Medicine. The Moral Control of Nervous Disorders*. New York: Moffat, Yard and Company. Retrieved from <https://archive.org/stream/religionandmedi00mccogooog#page/n17/mode/2up>

McComb, S. (1909a). *The Christian Religion as a Healing Power*. New York: Moffat, Yard and Company. Retrieved from <https://archive.org/stream/christianreligio00worrich#page/60/mode/2up/search/poverty>

McComb, S. (1909b). *The power of Self-suggestion*. New York: Moffat, Yard and Company. Retrieved from <https://archive.org/stream/powerofselfsugge00mccoiala#page/10/mode/2up>

McComb, S. (1910a). *Christianity and the Modern Mind*. New York: Dodd, Mead and Company. Retrieved from <https://archive.org/stream/christianitymode00mcco#page/n11/mode/2up>

McComb, S. (1915). *Faith the Greatest Power in the World*. New York and London: Harper & Brothers. Retrieved from <https://archive.org/stream/faithgreatestpow00mccorich#page/56/mode/2up/search/poverty>

McComb, S. (1917a). *God's Meaning in Life*. New York and London: Harper & Brothers. Retrieved from <https://archive.org/stream/godsmeaninginlif00mccorich#page/36/mode/2up/search/poor>

McComb, S. (1917b). *The New Life. The Secret of Happiness and Power*. New York and London: Harper & Brothers. Retrieved from <https://archive.org/stream/newlifeseretofh00mccorich#page/70/mode/2up/search/poverty>

McComb, S. (1919). *The Future Life in the Light of Modern Inquiry*. New York: Dodd, Mead and Company. Retrieved from <https://archive.org/stream/futurelifeinligh00mcco#page/232/mode/2up/search/poor>

McComb, S. (1926). *Preaching in Theory and Practice*. New York: Oxford University Press, American Branch. Retrieved from https://archive.org/stream/MN41768ucmf_2#page/n29/mode/2up/search/poor

The Pension System of Bosnia and Herzegovina: Problems and Perspectives

Nikolina Bošnjak

Ph. D student at Faculty of Economics, University of Rome "La Sapienza", Italy

nikolina.bosnjak@uniroma1.it

Abstract

The ageing of population, economic crisis and expectation that state should ensure the social security and adequate living standard to its citizens are imposing a big pressure on modern state budgets and pension systems. In this paper we will state all main problems of Pension System of Bosnia and Herzegovina, with a special accent on the political system interference in reform strategy and process. We will also identify the main guidelines for reform process, and once again emphasize the importance of benevolent political system into its implementation.

Keywords: Pay as You Go Pension System, Pension System Reform, Political System

Introduction

The main role of Pension Systems is to provide stabile and adequate living standards to workers, when they are older and not able to work and earn anymore. The sustainable and stabile pension system is one of very important tasks of each modern state, since they are important part of social security system. It is a general trend nowadays that pension systems are under a big pressure to deliver adequate living standards to elder generations in conditions when population is ageing, and national economies have to overcome the crisis that hit them in the beginning of XXI century.

There is a big debate about the future of pension systems worldwide and new models and solutions that could improve the sustainability and disburden the state budgets. This paper is only a small contribution to that discussion, but one of the sparse papers that deals with the problem of Pension System of Bosnia and Herzegovina (hereinafter BiH).

The main topic of the paper will not be the technical computation of BiH Pension System sustainability, since bare data show that system is not sustainable even now, and we dare to say that any projections will show that BiH Pension System is rushing into a deeper chasm. The main topic here will be the identification of main challenges BiH Pension System it has to overcome, with emphasize on the political system influence and role.

The opinions stated here are author's point of view and conclusions regarding the one of the burning questions of BiH economic policy.

Pension System of Bosnia and Herzegovina

The current Pension System of Bosnia and Herzegovina is, like the state, the successor of Former Yugoslavian Republic Bosnia and Herzegovina Pension System.

The civil war in BiH ended in December of 1995 when Dayton Peace Agreement was signed. As stated in Annex 4 of The Dayton Agreement, the Bosnia and Herzegovina is divided on two separate and highly autonomous entities – Federation of Bosnia and Herzegovina (hereinafter FBiH) and Republic of Srpska (hereinafter RS). Each of these two entities has its own constitution, legislation, government, and institutions. Still BiH is a complete state (not a confederation) with a central government, rotating state Presidency, central bank and constitution.

This duality exists in Pension system organization too. The Pension system of BiH consists of two separate Pension Funds - Pension Fund of FBiH (Federal Pension and Disability Institute) and Pension Fund of RS (Pension and disability insurance fund of Republic of Srpska).

Each of these funds operates in accordance to Laws of its entity. The both pension schemes are organized as public, pay-as-you-go schemes with mandatory participation for all employees, self-employed and farmers. The principles upon which the both pension schemes are laid down are intergenerational solidarity and mutuality. The insured are covered from risks of old age, disability and death¹, while, in general, one must fulfill two conditions in order to be assigned a pension benefit - age of worker and years of contribution into the Fund.

Pension Fund of Federation of Bosnia and Herzegovina

According to current laws, under which Federal Pension and Disability Institute operates, the insurant have rights on old-age pension benefit when:

she is 65 years old and has at least 20 years of pension insurance service which is consisted of years for which he have been insured and have been contributing into fund as an worker and years of special insurance service (years that he have been in the military during civil war);

she has 40 years of pension insurance service, no matter on his age.

Insurant also has right on early old-age pension benefit if he is 60 years old and has 35 years of pension insurance service (for males) and if she is 55 years old and has 30 years of pension insurance service (for females).

The amount of pension benefit paid is calculated as an accrual percentage from pension benefit basis. Pension benefit basis is calculated as an average from all incomes the employee had earned during his working (contributing) period. The accrual rate is 45% from pension benefit basis for first 20 years of pension insurance service and for each additional year of pension insurance service the accrual rate is enlarged for 1.75 percentage points, so accrual rate maximum value is 75%.

The amount of pension benefit is permanently reduced for 0.5% for women and 1% for men, for each year of earlier retirement (each year of retirement before they are 65 year old).

The pension benefits and administration of the Pension Fund are financed from contributions for pension and disability insurance that are paid into Fund each month, revenues from voluntary insurance, revenues from other activities of Pension Fund and from Federation budget transfers². Current contribution rate is 23% from gross wage, where 17% is at the expense of the employee and rest of 6% is employer part.

Pension Fund of Republic of Srpska

The revenues of Pension Fund are coming from wage contributions, voluntary insurance contributions, other Fund's activities and budget transfers. Current contribution rate in RS is 18.5% on gross wage and contributions are main source of Pension Fund incomes. Budget transfers are covering war veteran pension benefits that are not acquired on the basis of contribution payment and insurance service, as in FBiH case.

There are two conditions that insured must satisfy in order to be eligible for an old age pension benefit. Those conditions are the age of insured and pension (insurance) service.

¹ In case of insured death, the rights on pension benefit transits on dependent family members.

² Budget transfers are covering war veteran pension benefits that are not acquired on the basis of contribution payment and insurance service.

The insurer is qualified for an old age pension when:

she is 65 years old and has 15 years of insurance service

she is 60 years old and has 40 years of pension service (for males)

58 years old and has 35 years of insurance service (for females)¹.

The pension benefit amount depends on the level of wage earned during working period and on length of contribution period. Since 2011 Law on Pension and Disability Insurance the old age pension benefit amount is calculated using point method, where pension benefit amount is obtained when personal insured person's points are multiplied with value of general point valid at that moment.

General point value on the day when 2011 Law passed was 9. 241875 BAM and according to Article 82 and 83 of 2011 Law it should be harmonized each 1st of January. The rate of general point harmonization is equal to one half of sum of yearly rate of average net yearly wage change and rete of consumer prices change in pervious year on territory of RS.

Personal insured person points are obtained by multiplication of personal insured coefficient and duration of his pension service. Personal insured coefficient is obtained from division of sum of yearly personal coefficients with pension service duration period, while yearly personal coefficient is equal to ratio between total yearly incomes of insured person on top of which contributions are paid and yearly average wage for that year in RS (Federative Republic of Bosnia and Herzegovina). Yearly personal coefficient is calculated for each year starting from 1970 until the year of retirement, with exception of 1992 and 1993 when hyperinflation distorted the income figures, and its maximum value is 4.

Pension system of Bosnia and Herzegovina challenges

Like the country itself, the pension system of BiH has many problems to deal with. In this paper we have an opportunity to identify the main challenges which have already been recognized by two main studies of Pension System of BiH – The Pension System Reform Strategy² (Government of Republic of Srpska, 2010) and Strategy of Reform of Pension System in FBiH³ (Government of Federation of Bosnia and Herzegovina, 2013), but also to point out the importance of interference of political system into pension system functioning and reform.

The main problems identified by these two documents are:

The problems of BiH economy

Unsustainability of the System due to low dependency ratio

Demographic problems

Adequate living standard of elder, etc.

The economy of BiH has been ruined during the war conflicts, and it took 15 years for economy of BiH to reach again its pre-war GDP per capita level. After the war conflicts ended the Bosnian economy has experienced and great recovery mainly due to foreign aid and grants it has received. According to Central Bank of BiH in period 1996-2002, more than 6

¹ These norms are still not used, because of transition period until 2025 that was designed for passage to these rules together with the creation of Pension and Disability Law from 2011.

² The Pension System Reform Strategy (2010) was the first analysis of Pension System of RS. It was done by the Working Group for Pension Reform which was formed by Government of RS with the task to create a Pension System Reform Strategy and new model of RS Pension System.

³ The Strategy of Reform of Pension System in FBiH (2013) was done by the Working Group for Pension Reform Strategy, formed by the Government of FBiH.

billion of US \$ has been donated to BiH. These funds have mainly been used for financing of infrastructure rebuilding and technical assistance. In the following years, the foreign aid has decreased and BiH authorities have supplemented it with loans from international financial institutions.

In 2014 BiH had a GDP per capita of 7 084 BAM (3 622 EUR)¹ which positioned it as one of the poorest European countries. The biggest problems on Bosnian way to economic growth are big unemployment rate and negative trade balance. The unemployment rate was 27,5% of total labor force in 2014², while youth unemployment was at extremely high level – around 60% in 2013. The high percentage of employed in public sector, compared to those in private sector imposes a big pressure on budget and public expenses.

BiH is having a negative balance of General Government budget for years and it amounts around 2% of GDP. This budget deficit is financed with borrowing, so current External debt of Bosnia and Herzegovina is 8,128 billion of BAM which presents around 30% of its GDP. The total external indebtedness of BiH is not so high, compared to other countries in its region, but the problem is in the way the money is used – mostly to finance current consumption. Almost 30% of State budget is being spent on public employees' wages, while 38% is transferred through social benefits system³. Thus there is no creation of the industrial base that would allow the country's loans repayment when the time comes.

The large consumption is mostly based on imported goods. BiH is having problem with growing negative net trade balance which reached 30% of GDP. The problem to reduction of trade balance deficit represents the unfavorable structure of traded goods. Bosnian export products are usually of low added value, while it imports products with high added value and highly technically sophisticate products.

The high unemployment rate and high number of pensioners at the same time caused the low dependency ratio of both BiH Pension Funds. The number of pensioners and insured together with dependency ratio for August 2015 are given in Table 1.

Table 1 – The Pension Funds dependency ratio

August 2015	Pension Fund of Republic of Srpska	Pension Fund of Federation of Bosnia and Herzegovina
Number of pensioners	250 812	397 032
Number of insured	284 765	451 248
Dependency ratio	1.14	1.14

The low dependency ratio is the measure of unsustainability of pension system. Pay-as-you-go systems are designed to perform well in young nations, where economy is growing and there is enough number of employed to sustain the pensions without any pressure for the system. The dependency ratio with whom PAYG system could work and be sustainable is 3, and in BiH we could not achieve that even if we would have full employment.

The situation with low dependency ratio will not improve in future. Nevertheless, according to UN projections it can only worsen. The main reason, beside the difficult economic situation, is unfavorable demographic structure and ageing of population, which is the general trend across almost all European countries. BiH is losing approximately 5 000⁴ of its inhabitants annually due to negative natural increase of its population. The Natural increase rate has dropped from 5.9‰ in 1996, to -1.3‰ in 2013⁵, while the old-age dependency ratio⁶ has increased from approximately 12 in 1996 to 22 in

¹ World Bank Database data

² The registered unemployment rate is even higher. According to Agency for Statistics of BiH in 2014 it was around 44%.

³ Central Bank of BiH database

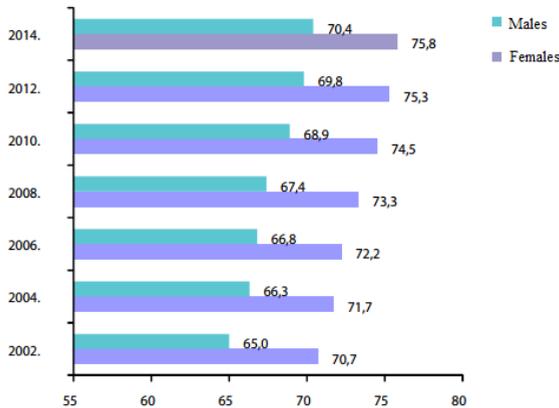
⁴ This number is, according to Agency for Statistics of Bosnia nad Herzegovina data, constantly increasing in last 6 years.

⁵ Demographic bulletin of Agency for Statistics of Bosnia and Herzegovina

⁶ It is measured as number of persons of age 65+ per 100 persons of age 15-64

2015, while projections on UN¹ say that in next 40 years this number will triple, so in future we can expect just higher pressure on Pension System and Budget of BiH. Apart from natural increase rate decrement, the pressure of increasing number of older population on Pension System is caused also by growth of expected life duration. Graph 1 shows us the movement of average age of deceased in last 7 years in BiH.

Graph 1 – The average age of deceased in BiH



From the Graph 1 it is evident that elder people's life expectation is constantly increasing in BiH in last 7 years. This will inevitably put additional financial pressure on Pension Systems of Bosnia and Herzegovina in future.

Also, here we should mention the nonexistence of proper data upon which the analyst and policy planner could plan the Pension reform strategy. The results of last census of 2013² are still not available, due to political issues between entities. Also the lack of educated and trained experts disables the development of new model for BiH Pension System.

Another big problem which BiH has to face is significant emigration of workforce, which continued even in post war years toward developed western countries. According to Zwager and Gressmann (2009) study, the migrants from BiH belong to educated and most economically active cohort of population.

Important role of pension fund is to provide adequate living standard to elder. This function of Pension Fund is expressed via average pension benefit – net wage ratio. In Table 2 we can observe this ratio for BiH Pension Funds.

Table 2 – The ratio of average pension benefit and average salary in august 2015

August 2015	Republic of Srpska	Federation of Bosnia and Herzegovina
Average Pension Benefit (BAM)	342. 39	367. 14
Average net wage (BAM)	834	840
Pension benefit – net wage ratio	41%	43. 7%

We can see that pensioners in BiH enjoy approximately 42% of income that working population receive. When we take into consideration that average net wage in BiH is one of the lowest in Europe and that around 60% of pension benefit users

¹ World Population Prospects: The 2015 Revision, United Nations, Department of Economic and Social Affairs, Population Division (2015)

² The census of 2013 is the first census after prewar census of 1991

receive minimal pension benefit we can conclude that pension benefit amount in BiH does not provide an adequate standard of living in older age. The elder people are the poorest part of population of BiH.

Although pension benefits are quite low and do not provide an adequate income for the old age, they in total amount do represent a big burden for both Pension Funds in BiH. Both Funds have finished previous year with loss, and were forced to take loans in order to pay out the pensions. Also, the budget transfers for big number of pensioners whose benefits are financed from budget are imposing a big pressure on Budget of RS and FBiH. Approximately 8,58% of budget of RS was transferred to Pension Fund in 2014 to cover for pension benefits.

Observing the data and projections¹ of both Pension Funds, it is quite easy to conclude that they are not sustainable, and that Pension Reform must move into direction of sustainability.

Nevertheless, the main role in organization and reform process of pension system has the political structure of the state. We strongly believe that in case of BiH, the political system is one of the main obstacles for Pension System Reform and improvement of sustainability.

Maybe the best example of inefficiency of Political System of BiH is the fact that Law that improves financial sustainability of Pension Fund has to be imposed by OHR.² The pension benefits increment and Pension Fund Reform have always been a pre-electoral promise of politicians. Unfortunately, Pension Fund Reform that would impose stricter conditions for retirement and made Pension Fund sustainable for long term would challenge a big resistance of citizens. Politicians with their short term horizon do not want to risk and lose votes because of unpopular measures.

This political situation actually often led the Pension reform in BiH in opposite direction. The pension fund continued to accumulate deficits, while pension benefits continued to increase because of politicians' interference,

To be precise, there is not one problem, but a great deal of them. Some of those are the unconcern of political structure, government inefficiency, bad Law implementation and in general whole system's bad functionality.

The Federal Pension Fund has not received a positive auditor's opinion since the Office for Budget Revision of FBiH has started to conduct revision in 2000. In every public auditor report there have been significant objections. In first years the objections were about wrong accounting treatments, non-implementation of Laws and Government Decrees, nonexistence of good system of internal control that would oversee the retirement process and its legality, but after the payment coefficient has finally started to be implemented the Political System has started to interfere. The Government has promised pension benefits under favorable conditions to some groups, but has not transferred funds from its budget for these pension payments. Likewise, The Federal Government has approved the unlawful payment coefficient increment. The Federal Government continued to raise pension payment coefficient since the pension growth has always been one of the pre-election promises, so amounts of Government debt have augmented and started to jeopardize the Fund's liquidity.

The fact that Federal Pension Fund had to claim its rights on budget transfer with a court suit in 2009 shows the shortness of horizon that politicians have regarding the sustainability of Pension Fund, the inefficiency of Government and non-implementation of Laws by Government itself.

The situation and the development trajectory of Pension System were similar in RS, too. The Laws of both entities were similar in its initial days, but with small differences in old age pension benefit requirements. The RS Pension Fund also had obeyed the Decision of Office of High Representative regarding harmonization of its pension benefit expenses with current revenues from contributions and budget transfers.

¹ The projections of both fund's future were done in two separate reform strategies documents, by Working Groups of each Government.

² The Office of High Representative in 2000 imposed the Decree which improved the sustainability of Pension System. The Decree on Amendment of the Law on Pension and Disability Insurance in FBiH, The Official Gazette of FBiH 49/00

Evidence that should not be neglected comes from audits reports, where it is evident that this OHR Decree and Entity's Laws were not respected. The audit's opinions in period from 2001 until 2012 are or negative or given with reserve.

The unlawful usage of current revenues for foregone period's pension payment which is opposite not only to Pension Fund regulation, but also to Budget of RS Law is just one of these flaws, which is constantly repeated year after year. This practice, together with Government decision to increase the pensions and mismatch between expected and real budget transfers led to accumulation of Pension Fund deficits. The deficits were, again unlawfully, covered with short term loans.

The other significant shortcoming, according to audit's opinion, was the non-existence of effective internal control system that would prevent mistakes and misuse of Fund's resources and its official's authorizations.

Another issue that should be taken into consideration is that although auditors have year after year reported about unlawful actions regarding Pension Fund functioning, no one from responsible Government and Fund's officials was sanctioned or even called to give some explanations and responses regarding the situations. This stands for both entities, FBiH and RS.

Overall, the Pension Fund of RS is the subject of a big national debate. The Social and Pension System Reform is the one of the main pre-electoral promises of politicians. With their short horizon, politicians usually promise Pension Reform and higher pensions to current pensioners, economic growth and brighter future for all citizens, while the Bosnian and RS reality is a bit different. The pensions are increased under pressure of current pensioners who form a significant part of voters. On the last general elections 2014, the pensioners consisted 20. 4% of total voters, so politicians did not want to take risk and lose their votes.

When we consider the political willingness for reform it is difficult to determine whether it is benevolent willingness to make a sustainable Pension System that would tend to meet the needs of current pensioners and workers (future pensioners), or the fact that BiH authorities are required by the conditions of credit arrangement with IMF to conduct fiscal system and pension system reform.

The one thing that is easy to determine is that there is not willingness or any conditions for Pension Funds merger. Although existence of two separate Pension Funds in a country as small as BiH is, their merger is out of debate and we will not discuss it further. There are still strong national tensions between three constitutive nationalities, and those tensions act in the direction of growing independence of entities, and it is sure that even mentioning of Pension Funds merger could just provoke these national tensions between Serbian nation on one side and Muslims and Croatians on another.

Pension System of Bosnia and Herzegovina perspectives

The two main documents of state policy for Pension System Reform are The Proposal of Strategy for Pension System Reform in RS (2000) and The Strategy of Reform of Pension System in FBiH (2013). These documents were adopted by Governments of entities and the main guidelines for current Pension System improvement are stated to be:

Economic growth and development which will improve employment and worker's income

The inclusion of other population groups (except employed and self-employed) in pension system

The reduction of early retirement

Improvement of internal controls and fiscal discipline

The revision of disability pensions and war veterans pensions

The prolongation of insurance period and tightening of requirements for retirement

The above measures are the parametric reforms of current system, and some of them are so far included in the legislation and implemented. The more important reform direction is the reform of system itself. The Governments of BiH entities

should consider the gradual transition¹ to fully funded pension funds and support the creation of voluntary pension plans². The problem is that according to Strategies of Pension Reform of RS and FBiH, there are no basic fiscal conditions for even gradual transition to fully funded plans. Again, the role of the political system is crucial in defining the strategy and implementing it.

The author's view is that the role of life insurance (which market share is growing in recent years) should be analyzed and taken into consideration as the supplement of Voluntary Pension Funds. Also, the real estate of elder could have an important role in their social protection and providing the adequate living standards. The further researches are needed in this direction to analyze the workers population attitude toward new models and their influence on elder people standard and economy overall.

One of the most important public policies should be the definition of state pronatal policy. The need for this kind of state policy is not motivated just by pension system sustainability, but the sustainability of state itself. The elements of this policy could and should be incorporated in pension system to, in order to ease the pension contribution burden for families with children. As in the previous case, the further analysis is necessary to define the possible modes of this policy and their future implications.

Conclusion

With this paper, we have tried to give our modest contribution to Pension System of Bosnia and Herzegovina debate. There is not a lot of research done in this field although it is of big importance for the economic policy of Bosnia and Herzegovina and each individual future too. So we hope that this piece of work will at least point out some problems and maybe indicate few new ideas for their overcoming and future research.

In the first part we gave a short description of BiH dual pension system and its legislation. In second part we shortly discussed main problems of BiH pension system, which previously have been identified by Government Strategies of Pension Reform. The biggest problem, under author's opinion is the political system interference in pension policy. The short horizon politicians are using pension policy to reach their own goals and win votes, while the pension system of BiH is sinking into debts. When accomplishing their objectives the politicians re neglecting the laws and audits report which are warning them on unlawful transactions and funding sources.

Still, the reform of pension system is stated to be one of the main objectives of Government, and some formal steps have been made toward its realization. But, as we stated above, when considering the political willingness for reform it is difficult to determine whether it is benevolent willingness to make a sustainable Pension System that would tend to meet the needs of current pensioners and workers (future pensioners), or the fact that BiH authorities are required by the conditions of credit arrangement with IMF to conduct fiscal system and pension system reform.

In the last part of the paper we gave a brief overlook of main reform guidelines already pointed out by Pension Reform Strategy Documents of both Governments. Also, the

References:

Law on Pension and Disability Insurance in FBiH, The Official Gazette of FBiH 29/98, 32/01, 18/05, 73/05, 59/06, 73/06, 4/09

The Law about contributions, The Official Gazette of FBiH 35/98, 54/00, 16/01, 37/01, 1/02, 17/06, 19/08

The Law on Pension and Disability Insurance in Rs (The Official Gazette of RS 134/11)

The Law on amendment of Law on Pension and Disability Insurance in RS (The Official Gazette of RS 82/13)

¹ The gradual transition is the only possibility for BiH pension funds since the transition costs are too high and could not be carried by the state budget at the moment

² The Law on Voluntary Pension Funds has been imposed in RS, but so far neither one Voluntary Pension Fund has been established.

The Law on contributions (The Official Gazette of RS 116/12)

The Law on Amendment of Law on Pension and Disability Insurance in Republic of Srpska, the Official Gazette of RS 82/13

The Decree of Government of RS on unscheduled harmonization of general point and pension benefits, The Official Gazette of RS 89/14

The Law on Pension and Disability Insurance in FBiH, The Official Gazette of FBiH 29/98

The Law on Pension and Disability Insurance in RS, The Official Gazette of RS 27/93

The Decree on Amendment of the Law on Pension and Disability Insurance in FBiH, The Official Gazette of FBiH 49/00

The Audit's Reports of Federal Pension and Disability Insurance Institute, reported by the Audit office for the Institutions of FBiH for years: 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2010, 2011, 2012

The audit's reports of The Pension and Disability Insurance Fund of RS, reported by The Supreme Office for the Republic of Srpska Public Sector Auditing for years: 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2010, 2012, 2013

Voluntary Pension Funds in RS: The Needs and Perspectives, The Working Group for development of Strategy for Pension System in Republic of Srpska Reform, 2008

The Amendment of Law on Income Tax, The Official Gazette of RS No. 120/08

The Proposal of Strategy for Pension System Reform in RS, The Government of Republic of Srpska, Banja Luka, 2010

The Strategy of Reform of Pension System in FBiH, The Government of FBiH, Sarajevo, 2013

The Law on Pension Reserve Fund of Republic of Srpska, the Official Gazette of Republic of Srpska No. 73/08, 50/10

De Zwager, N. & Gressmann, W. (2009) Maximising the Development Impact of Migration-related Financial Flows and Investment from Austria to Bosnia and Herzegovina. IASCI and IOM Report, prepared for OeEB.

Averting the old age crisis", (1994) A World Bank Policy Research Report, The Oxford University Press

Pensions et a Glance: Public Policies Across OECD Countries (2005), OECD

<http://www.ohr.int/>

<http://www.cbbh.ba/?id=1&lang=en>

<http://www.fzmiopio.ba/index.php?lang=ba>

<http://www.fondpiors.org/>

<http://www.saifbih.ba/default.aspx?langTag=bs-BA>

<http://www.gsr-rs.org/>

<http://www.pref.rs.ba/>

Applying Sociological Knowledge to Produce Positive Social Change. - New Forms of Employment and the Case of Flexicurity

Nikos Nagopoulos

Associate Professor, Department of Sociology, University of the Aegean,
University Hill, GR-81100, Mytilene, Greece.

tel: (+30) 22510 36536, n. nagopoulos@soc.aegean.gr

Kostas Rontos

Associate Professor, Department of Sociology, University of the Aegean,
University Hill, GR-81100, Mytilene, Greece.

tel: (+30) 22510 36517, k. rontos@soc.egean.gr

Abstract

This paper considers flexicurity as a potential strategy to improve labour market, especially in times of economic crisis. Flexicurity is defined as a graded strategy aimed at simultaneously improving a) flexibility and security in the labour market b) social cohesion at a time of intense social changes with lack of social protection and instability c) flexible and reliable contractual arrangements (FCA) d) comprehensive lifelong learning (LLL) strategies e) effective active labour market policies (ALMP); and Modern social security systems (MSS). Thereafter, the paper presents a state of the art regarding the typologies of the flexicurity concept. Based on the state-of-the-art, and in order to explain the different levels of flexicurity strategies among EU member states, the authors suggest the criteria of examining and analysing the features of the good examples of flexibility policies at the regional and local level of EU. Based on those criteria, the authors then develop a typology of flexicurity initiatives. The specific characteristics of those initiatives are analysed. Finally, a discussion about the types of regions for application is taking place.

Keywords: Sociological knowledge, social change, flexicurity, typology of initiatives

Introduction

Flexicurity is defined by the European Commission (EC) as a “graded strategy aimed at simultaneously improving flexibility and security in the labour market” (EC, 2007a: 5). It has gained a prominent place in the European Employment Strategy, representing the balance between the labour market and the needs of employees for security against labour market risks. This strategic planning of balancing flexibility and security in relation to employment, income and social protection provides new innovative forms to combine economic growth and social cohesion.

In particular, the EC underlines the importance of an “*integrated flexicurity approach*” (European Commission, 2007, p. 4), which ‘*requires policies that simultaneously address the flexibility of labour markets, work organisation and labour relations, and security – employment security and social security*’ In practice, the EC reference to the flexicurity approach implies that the latter should guide the strategies and actions of the Member States (MS) in a broad range of policy domains and could possibly challenge existing relevant arrangements to a significant extent. The Basic components of flexicurity as identified by the EC are:

- Flexible and reliable contractual arrangements (FCA) (from the perspective of the employer and the employee, of “insiders” and “outsiders”) through modern labour laws, collective agreements and work organisation;
- Comprehensive lifelong learning (LLL) strategies to ensure the continual adaptability and employability of workers, particularly the most vulnerable;
- Effective active labour market policies (ALMP) that help people cope with rapid change, reduce unemployment spells and ease transitions to new jobs;
- Modern social security systems (MSSS) that provide adequate income support, encourage employment and facilitate labour market mobility. This includes broad coverage of social protection provisions (unemployment benefits, pensions and healthcare) that help people combine work with private and family responsibilities such as childcare. ” (EC 2007, p. 5)

2. From flexible and active employment policies to the Flexicurity model

The European Employment Strategy (EES) has established full employment, encouragement of quality and employment productivity, cohesion support and better governance, especially through a large involvement of social organisations and consultation that is promoted by the political bodies, the institutional trade unions and the structural groups of NGOs and citizen communities as basic goals. In parallel, the European policy on social inclusion is characterised by the intention of a highly cohesion level and social protection and the enhancement of cooperation between members states for fighting against discriminations and exclusion from the labour market (Amsterdam’s Agreement, article 2, 136 vol, 139). In this framework, the National Action Plans for the Social Inclusion demonstrate the undertaking of a total national social plan, according to the integration guidelines (inclusive policies). It is the first step for the development of a coherent community of active citizens (Nagopoulos, 20014). On the other side, the private sector as well as in independent bodies like NGOs, volunteer organisations and informal networks of social care participate in this new approach of welfare ‘pluralism’.

Furthermore, the issue of labour relations in the European Union is a priority in the social agenda, proposing a comprehensive approach to address the transformations taking place in the global labour market and in European societies (COM/2000/0551 vol. I, Nagopoulos, 2013). Recognising the importance and significance of labour relations in the process of European integration, the Union is trying - through a series of policies, guidelines, strategies and concrete proposals - to achieve a reduction of unemployment rates, to improve the quality of jobs and to create new opportunities, mainly through the promotion of new flexible forms of work.

In the field of employment however there major developments have been ascertained focusing on the promotion of employment, the improvement of living and working conditions, the provision of adequate social protection, the social dialogue, the development of human resources to ensure a high and sustainable level of employment and combating of social exclusion, taking national specificities into account.

The first direct EU intervention in this field, was achieved with the adoption of the “Green Paper: partnership for a new organisation of work” (1997, Rontos K. – Nagopoulos N., 2014). According to the Union this initiative aims at informing about the flexible forms of the organisation of work and to determinate the content of these forms in order to improve the organisation of work. According to the European Commission the EU initiative “aims to introduce the Member States, social partners and other stakeholders to an open debate about how labour law can contribute to the promotion of flexibility combined with employment security, regardless of the form of the contract of employment”. (Green Paper, COM (2006) 708). This is the first time that the term “flexicurity” (flexibility and security), appears in a community text, making the context of labour changes being promoted clear.

Having flexibility as a priority, the attempted changes are designed to reduce the protection of labour law, in particular through the reduction of the guarantees in collective redundancies and the cost of the individual ones, in return for creating a security system for employees, in order to be reintegrated into the labour market. Safety is also constituted, through the recognition of basic rights, the consolidation of the principles of equal treatment to the flexible employees and the redefinition of the concept of the unemployed.

Furthermore, the European strategy for Flexicurity relies on four main pillars: a. conclusion of flexible working contracts through modernising labour law, the conclusion of collective agreements and better organisation of working time, in the light of the interests of workers and employers, b. Use of reliable and flexible lifelong learning strategies with a view to upgrading the skills of workers, particularly those, who belong to vulnerable social groups, c. Implementation of effective labour market policies aimed at the re-integration into the labour market, or the support of the transition to new jobs, d

Introduction of modern social security systems with a view to strengthening the social welfare state.

In fact, there is an effort made in the direction of balancing out the deregulation of the labour market resulting from the flexibility (mobility, fixed-term contracts, etc.) in order to achieve a higher level of adaptability of employment on entrepreneurial needs, satisfying the requests and demands of workers to secure employment and income but also the needs of vulnerable social groups, such as young people, mothers, immigrants, etc.

3. Empirical examples of flexicurity

The flexicurity debate emphasises the interactions between policies and institutions; and flexicurity might be seen as an integrated approach aiming to optimise the combination of (or trade-off between) the above mentioned four components. However, paths towards flexicurity policies might be hampered by existing policy mixtures or trade-offs (Viebrock and Clasen, 2009). Many countries with strict employment protection tend to have less generous unemployment benefit programmes, whereas “*flexicurity countries*” adopt low levels of employment protection in combination with relatively generous unemployment benefits. Boeri et al. (2006) examined the trade-offs empirically for 28 countries and found that such trade-offs represent fairly stable politico-economic equilibrium. Calls for increasing labour market flexibility by reducing employment protection for regular contracts have therefore proved difficult to achieve politically. However, Boeri et al. 's (2003, 2006) theoretical assumptions and empirical analyses suggest that flexicurity policies consisting of less employment protection and more generous unemployment benefits should emerge in countries with less compressed wage structures. Accordingly, consensus of employment protection reforms is feasible when labour market flexibility is traded with unemployment insurance which re-distributes in favour of the low-skill segments of the labour force.

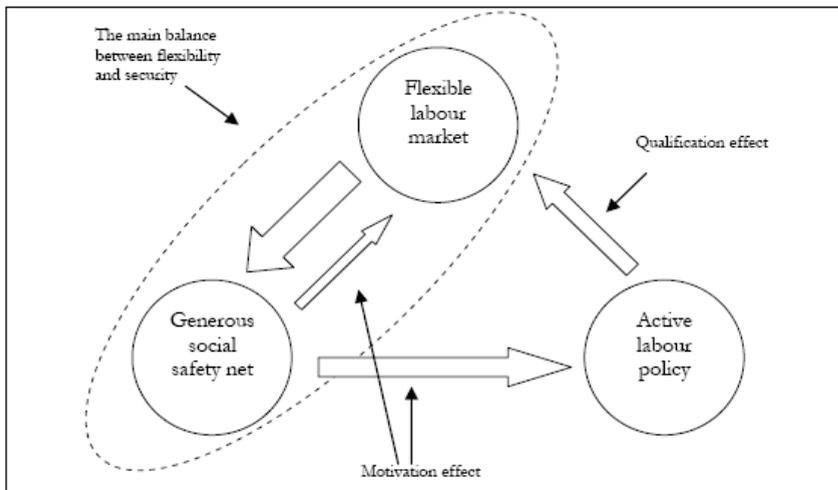
The Danish model of flexicurity rests on the combination of three elements:

Flexible labour markets,

Generous unemployment support and

Strong emphasis on activation.

This combination has become known as the ‘**golden triangle**’ of the Danish labour market policy (see Madsen, 2004, p. 101). Given the international interest in the Danish flexicurity approach, the literature is plentiful (Madsen 2002, Bredgaard et al. 2005, Oorschot (2001, 2004a), Visser (2003) and Wilthagen et al. (2003). According to the argument of the flexicurity idea “*such policies can be beneficial to the firm, employees (on training leave) as well as unemployed persons because employers receive a grant which covers the cost of hiring an unemployed person replacing employees on leave*” (Wilthagen, 2008). Additionally, the role of the social partners in this model is pivotal. The liberal employment protection system with its relatively easy hiring and firing of workers became acceptable for trade unions owing to the existence of a generous and state supported but mainly trade union-based unemployment insurance system. “*For employers, on the other hand, generous unemployment benefits became acceptable as they facilitate flexible responses to shifting market demands in the form of laying workers off*” (Clasen and Viebrock, 2008). The third element, in the form of active labour market policy, is crucial, as it supports the flow of workers between unemployment and employment by upgrading the skills of unemployed people through training. (Viebrock and Clasen, 2009).



Compiled using: Madsen (2003, 101), Bredgaard, Larsen (2007, 12), Andersen, Svarer (2007, 392).

Graph 1: The 'golden triangle' of the Danish labour market policy

Source: Viebrock and Clasen (2009)

The key feature of *the Dutch flexicurity model* is the combination of typical, flexible types of work with social security rights which are similar to those for persons in standard employment. The approach can be shortly described as "*normalising non-standard work*" (Visser, 2002; Wilthagen, 2008, p. 3). Active labour market programmes have been extended and regulations have been introduced to provide temporary agency workers with employment protection, rights to training, wage guarantees and supplementary pensions (Wilthagen, 2008).

As in Denmark, flexicurity policies have been portrayed as a primary cause of the positive labour market performance in the Netherlands. Similarly, the role of the social partners and social dialogue in developing and legitimising flexicurity policies has been emphasised in both countries. It is noted that, both Denmark and the Netherlands illustrate that alternative ways of combining flexibility with security are both theoretically possible and practically feasible. It has to be noted, however, that "*what is now called flexicurity is not the result of a rational policy design in either country but the outcome of gradual processes over time as well as political struggles and compromises*" (Madsen, 2002).

4. State of the art regarding flexicurity indicators and performance

The Employment Committee (EMCO) of the EU (2009), via considering the concept of flexicurity, as an important issue in the work programme of EMCO in 2007 and 2008 suggested that integrated flexicurity policies are examined as a critical tool for dealing with the effects of the economic crisis. They underlined that the assessment of flexicurity is complex and a holistic approach is essential showing the combination and the interaction between the four dimensions (based on the above mentioned four basic components of flexicurity drawn by the EC): contractual arrangements, lifelong learning, active labour market policies and modern social security systems.

EMCO (2007) used indicators regarding components of flexicurity which are directly linked to employment (*Flexible contractual arrangements* and *Active labour market policies*) and the employment related aspects of the two remaining components (*Lifelong learning* and *Social protection systems*). They also noted that the Social Protection Committee (SPC) has contributed to the selection of indicators for the social security component. They suggested that the indicators must be understood as measures indicating more or less of a phenomenon and that there may be other variables with a potential influence. In addition they suggested the following typology regarding flexicurity indicators:

Input indicators of flexicurity (i. e. quantitative assessments of rules and regulations),

Process indicators of flexicurity (i. e. the shares of particular groups of persons affected by policy),

Output indicators (which should be identified for the four flexicurity components).

Table 1: Flexicurity indicators

Source: Employment Committee (EMCO) of EU (2009)

<i>Chart showing input indicators</i>	
<i>Contractual arrangements</i>	<i>Access to flexitime</i>
<i>Lifelong learning systems</i>	<i>Public spending on human resources</i>
<i>AMP</i>	<i>Expenditure on LMP measures per person wanting to work</i>
<i>Social security systems</i>	<i>Expenditure on unemployment benefits per person wanting to work</i>
<i>Chart Showing Process indicators</i>	
<i>Contractual arrangements</i>	<i>Employees in permanent contracts of voluntary fixed-term or part time</i>
<i>Lifelong learning systems</i>	<i>Participation in lifelong learning</i>
<i>AMP</i>	<i>Participants in regular activation per person wanting to work</i>
<i>Social security systems</i>	<i>Unemployment benefit recipients per person wanting to work</i>
<i>Chart showing output indicators</i>	
<i>Contractual arrangements</i>	<i>Persons with upwards mobility or with the same employment security as previous year</i>
<i>Lifelong learning systems</i>	<i>Persons with upwards mobility or with the same employment status as previous year</i>
<i>AMP</i>	<i>Follow up of participants in regular activation measures/ training measures (depending on the data available)</i>
<i>Social security systems</i>	<i>At-risk-of-poverty rate of unemployed</i>

Furthermore, a research was carried out in 2010 by the Joint Research Centre and DG Employment of the EC. This study developed statistical tools to measure flexicurity achievements of EU MS through a set of four composite indicators corresponding to the four dimensions of flexicurity as identified by the EC and presented above (LLL, ALMP, MSS and

FCA). The classification of the EU-27 Countries according to their performance on those indicators is presented in the Table 2 following.

Table 2: The level of flexicurity performance of EU-27 MS

Source: JRC (2010)

	<i>High Performance</i>	<i>Medium Performance</i>	<i>Low Performance</i>
<i>FCA</i> <i>Flexible and reliable contractual arrangements</i>	<i>Austria, Belgium,</i>	<i>Czech Republic</i>	<i>Hungary</i>
	<i>Bulgaria</i>	<i>Denmark</i>	<i>Ireland</i>
	<i>Spain</i>	<i>Germany</i>	
	<i>Finland</i>	<i>Italy</i>	
	<i>France</i>	<i>Lithuania</i>	
	<i>Greece</i>	<i>Luxemburg</i>	
	<i>The Netherlands</i>	<i>Sweden</i>	
	<i>Poland</i>	<i>Slovenia</i>	
	<i>Portugal</i>	<i>Slovakia</i>	
	<i>UK</i>		
<i>LLL</i> <i>lifelong learning</i>	<i>Austria,</i>	<i>Germany</i>	<i>Bulgaria</i>
	<i>Belgium,</i>	<i>Spain</i>	<i>Estonia</i>
	<i>Cyprus,</i>	<i>Malta</i>	<i>Greece</i>
	<i>Czech Republic,</i>	<i>Poland</i>	<i>Hungary</i>
	<i>Denmark</i>	<i>Portugal</i>	<i>Lithuania</i>
	<i>France</i>	<i>Slovenia</i>	<i>Latvia</i>
	<i>Luxemburg</i>	<i>Slovakia</i>	<i>Romania</i>
	<i>The Netherlands</i>		
<i>Sweden</i>			
<i>ALMP</i> <i>active labour market policies</i>	<i>Austria,</i>	<i>Germany</i>	<i>Bulgaria, Czech Republic,</i>
	<i>Belgium,</i>	<i>Spain</i>	<i>Estonia</i>
	<i>Denmark</i>	<i>Finland</i>	<i>Hungary</i>
	<i>Luxemburg</i>	<i>France</i>	<i>Italy</i>
	<i>The Netherlands</i>	<i>Ireland</i>	<i>Lithuania</i>
	<i>Sweden</i>	<i>Poland</i>	<i>Latvia</i>
	<i>UK</i>	<i>Portugal</i>	<i>Romania</i>
			<i>Slovenia</i>
		<i>Slovakia</i>	
<i>MSS</i> <i>Modern social security systems</i>	<i>Austria,</i>	<i>Czech Republic</i>	<i>Estonia</i>
	<i>Belgium,</i>	<i>Finland</i>	<i>Lithuania</i>
	<i>Cyprus,</i>	<i>Greece</i>	<i>Poland</i>
	<i>Germany,</i>	<i>Hungary</i>	<i>Slovenia</i>
	<i>Denmark</i>	<i>Ireland</i>	<i>Slovakia</i>
	<i>Spain</i>	<i>Luxemburg</i>	
	<i>France</i>	<i>Latvia</i>	
	<i>Italy</i>	<i>Malta</i>	
	<i>Portugal</i>	<i>The Netherlands</i>	
	<i>UK</i>	<i>Sweden</i>	

In recent days, a number of typology and criteria about the concept of flexicurity have been developed. Viebrock and Clasen (2009) suggested that “...the notion indicates a carefully balanced combination of flexibility, where it matters for job creation, and protection, where it is needed for social security. Flexicurity is based on the co-ordination of employment and social policies. Employment policies must create the best conditions for job growth, whereas social policies must guarantee acceptable levels of economic and social security to all, including those who enter de-regulated labour markets”. They considered four different types of flexibility and the same for security. Based on Atkinson (1984) and on Wilthagen and Tros (2003, 2004) the types of flexibility identified are the following:

External-numerical flexibility: the ease of hiring and firing workers and the use of flexible forms of labour contracts;

Internal-numerical flexibility: the ability of companies to meet market fluctuations;

Functional flexibility: the ability of firms to adjust and deploy the skills of their employees to match changing working task requirements; and

Payment or wage flexibility: the ability to introduce variable pay based on performance or results.

Wilthagen and Tros (2003, 2004) present a typology of the employment security as follows:

Job security: the certainty of retaining a specific job (with the same employer);

Employment security: the certainty of remaining in paid work (but not necessarily in the same job or with the same employer), e. g. via training and education (and high levels of employment);

Income security: the certainty of receiving adequate and stable levels of income in the event that paid work is interrupted or terminated; and

Combination security: the reliance on being able to combine work with other—notably family—responsibilities and commitments, often discussed under the heading of “work–life balance”.

In addition, Bredgaard and Larsen (2008) suggested that the possibilities of combining flexibility and security are often presented in a matrix showing several possible combinations, presented at the Table 3 following. From this point of view, Bredgaard and Larsen (2008) suggested that “*Wilthagen and Tros’s matrix offers a heuristic tool which can be used to identify different flexicurity policies or combinations of flexibility and security for certain arrangements. It can also be used to identify relationships between flexibility and security in different national labour market regimes*”.

Table 3: The flexibility matrix

Source: Bredgaard and Larsen (2008), Centre for Labour Market Research at Aalborg University (CARMA), Denmark

	Job security	Employment	Income security	Combination security
Numerical flexibility				
Working time flexibility				
Functional flexibility				
Wage flexibility				

Other dimensions of the concept concern the level (national, regional, local or individual) and the range of coverage of different groups and sectors (the entire labour market, sectors, job types or groups). Finally, flexicurity arrangements can be established through different forms of regulation: law, collective agreements or individual work contracts. Interpreted

this way, flexicurity is a complex and multi-dimensional concept that implies integration of different policy fields. Flexicurity arrangements are embedded in broader national contexts (welfare state models, collective bargaining systems, national traditions), just as there are many different forms of flexicurity both in Europe and within individual countries.

However, the criteria for the selection of some successful flexicurity examples and the analysis of their results are complex but challenging. A typology of flexicurity initiatives among EU countries and regions is developed in this paper and presented at the following section.

5. Development of a typology of flexicurity initiatives

In order to explain the different level of flexicurity performance of various EU member states, some previous scholars examine different characteristics (criteria) of the countries and regions. The first criterion is related to previous presented typologies of the flexifutity concept. In particular, each region or local area has different "level of each of the four dimensions of flexicurity" such as FCA Flexible and reliable contractual arrangements, LLL lifelong learning, ALMP active labour market policies and MSS Modern social security systems (Wilthagen and Tros, 2003, 2004). Additionally, in order to explain the different levels of flexicurity strategies among EU member states, important factors are considered to be the following:

'The geographical and natural resources features' of a region or local area. The distinguished geographical and natural characteristics of regions facilitate the development of different types of entrepreneurship venture and job creation. For example, some regional and local areas have insular features and others continental features, while various areas have different natural resources for utilize.

'The present local and regional infrastructure and administrative level'. Indeed, countries where LRAs have a better performance should be distinguished in comparison to those where that performance is less effective. In Northern Countries, such as Sweden, Denmark and the UK, this performance seems to be more effective. Nevertheless, the need for better co-ordination of the Local and Regional Agencies (LRAs) is noticed in the UK. In the Countries of the Central European, Asian and Balkan area the LRAs face more serious problems. The Czech Republic seems to be an exception to the above rule as the LRAs' performance in this country is much better, with a large number of positive results (EU, 2010).

'The role of social partners' in implementing flexicurity policies. In particular, different European regions have different regulatory frameworks and a different political regime.

'The employment – unemployment rate relationship' at country level. There are regions in Northern Europe that have a low unemployment rate and a more permanent employment character, whilst several regions in southern Europe have high unemployment rate.

'The level of technological development' of region or local areas will play a critical role in flexicurity performance, due to the fact that Information and Communication Technologies (ICTs) constitute a prerequisite for flexible work arrangements.

Table 4 presents the criteria of examining and analyzing the features of the present "good examples" of flexibility policies, in the regional and local areas of EU. The first column includes the criteria and the second column presents some analytical characteristics of typology initiatives.

Table 4: Criteria and Keywords

Source: Authors' own

a. a	Criteria	Characteristics of typology Initiatives
1	<i>The level of each of the four dimensions of flexicurity</i>	<i>FCA Flexible and reliable contractual arrangements, LLL lifelong learning, ALMP active labour market policies and MSS Modern social security systems</i>
2	<i>The geographical and natural resources features</i>	<i>Sunny weather, northern and southern countries, geothermic field, urbanisation level, natural isolation, social cohesion, cross-border cooperation.</i>
3	<i>The present local and regional infrastructure and administrative level</i>	<i>Central or regional decision making, LRAs administration.</i>
4	<i>The role of social partners</i>	<i>Employment association, NGOs</i>
5	<i>The employment – unemployment rate relationship</i>	<i>The level of unemployment, the level of employment.</i>
6	<i>The level of technological development</i>	<i>Advanced technological development, R&D</i>

According to a combination of the above mentioned various characteristics of the flexicurity typology initiatives and based on the state-of-the-art, a typology of flexicurity initiatives could be considered, among the EU regions. Those types of regional flexicurity initiatives are presented at Table 5 following.

Table 5: Types of Regional Flexicurity Initiatives

Source: Authors' own

a/a	Type of initiative	Type of regions for implementation
1	<i>Creation of more and better jobs and strengthening social cohesion and economic growth</i>	<i>All regions</i>
2	<i>Flexibility for both employees and employers</i>	<i>All regions</i>
3	<i>Equal opportunities and equality between different social groups</i>	<i>Regions in Southern Europe</i>
4	<i>Guarantee for full pension rights for flexible careers</i>	<i>All regions</i>
5	<i>Income protection and security</i>	<i>Underdeveloped regions, Geographically isolated regions (rural, island)</i>
6	<i>Investing in education and lifelong learning</i>	<i>Regions in Southern Europe</i>
7	<i>Improving access to the European labour market</i>	<i>Underdeveloped regions, Geographically isolated regions (rural, island)</i>
8	<i>Investing in Technological Developments, as a tool to improve human capital</i>	<i>Underdeveloped regions, Geographically isolated regions (rural, island)</i>

6. Conclusions

Flexicurity is defined by the European Commission (EC) as a “grated strategy aimed at simultaneously improving flexibility and security in the labour market” (EC, 2007: 5). It has gained a prominent place in the European Employment Strategy, representing the balance between the labour market and the needs of employees for security against labour market risks. As it evokes a joint commitment to flexibility and security, it has always been a likely candidate to represent the European aspirations to combine economic growth and social cohesion. The “Basic components of flexicurity” as identified by the EC (EC 2007: 5) are considered to be the following: Flexible and reliable contractual arrangements (FCA); Comprehensive lifelong learning (LLL) strategies; Effective active labour market policies (ALMP); and Modern social security systems (MSS).

Flexicurity is usually considered as a potential strategy to improve labour market, especially in times of economic crisis. The cases of the Danish and the Dutch flexicurity models are the most popular. The Danish model of flexicurity rests on the combination of three elements: flexible labour markets, unemployment support and a strong emphasis on activation. This combination has become known as the ‘golden triangle’ of Danish labour market policy. In addition, the key element of the Dutch flexicurity model is the combination of typical, flexible types of work with social security rights which are similar to those for persons in standard employment. This approach is commonly described in the relevant literature as: “normalising non-standard work”.

Based on the state-of-the-art, and in order to explain the different levels of flexicurity strategies among EU member states, the authors suggest that the criteria of examining and analysing the features of the good examples of flexibility policies at the regional and local level of EU relate to: 1) the geographical and natural resources features’ of a region or local area; 2) the present local and regional infrastructure and administrative level; 3) the role of social partners for the application of flexicurity practices; 4) the level of the employment – unemployment rate relationship at the country level; 5) the present local and regional infrastructure and administrative level); and 6) the level of technological development of regional or local areas.

Finally, based on those criteria, the paper presents a typology of regional flexicurity initiatives. It is suggested that all the EU regions could implement the following initiatives: a) creation of more and better jobs and strengthening social cohesion and economic growth; b) development of flexibility policies for both employees and employers; and c) guarantee for full pension rights for flexible careers. In addition, Regions in Southern Europe could focus on: a) equal opportunities and equality between different social groups; and b) investing in education and lifelong learning. Especially underdeveloped regions, together to geographically isolated areas (rural, island) should develop flexicurity policies focusing additionally on: a) Investing in Technological Developments, as a tool to improve human capital; b) Improving access to the European labor market; and c) Guarantee Income protection and security.

In any case, analysing flexicurity initiatives as well as making a comparison between regions in the EU about the flexicurity initiatives possible so to promote the important results of such initiatives are a necessary challenge now more than ever. Future work aims to focus on such a comparative analysis between EU regions in order to get more insight to the complex flexicurity concept, in the frame of regional and local level.

References

- Amsterdam’s Agreement, article 2, 136 vol, 139)
- Atkinson, J. (1984) ‘Flexibility, Uncertainty and Manpower Management’, IMS Report No. 89, Brighton, UK, IMS.
- Boeri, T., Conde-Ruiz, J. I. and Galasso, V. (2003) ‘Protecting against Labour Market Risk: Employment Protection or Unemployment Benefits?’, CEPR Discussion Paper, No. 3990.
- Boeri, T., Conde-Ruiz, J. I. and Galasso, V. (2006) ‘The Political Economy of Flexicurity’, FEDEA Working Paper.

- Bredgaard T and Larsen, F. (2008) Comparing Flexicurity in Denmark and Japan, Centre for Labour Market Research at Aalborg University (CARMA), Denmark, (www.carma.aau.dk)
- Bredgaard T and Larsen, F. (2008) Comparing Flexicurity in Denmark and Japan, Centre for Labour Market Research at Aalborg University (CARMA), Denmark, (www.carma.aau.dk)
- COM/2000/0551,final<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?>
- Clasen, J. and Viebrock, E. (2008) 'Voluntary Unemployment Insurance and Trade Union Membership: Investigating the Connections in Denmark and Sweden', *Journal of Social Policy*, 32, 433–451.
- EC (2007) European Commission, Towards Common Principles of Flexicurity: More and better jobs through flexibility and security, COM(2007) 359 final, Brussels, June 2007
- EMCO (2009), Monitoring and analysis of Flexicurity policies, REPORT ENDORSED BY EMCO ON 24 JUNE 2009.
- Green Paper,COM (2006) 708, Modernising labour law to meet the challenges of the 21st century:
http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0708en01.pdf
- JRC (2010). Towards a set of Composite Indicators on Flexicurity: a Comprehensive Approach, European Commission Joint Research Centre Institute for the Protection and Security of the Citizen.
- Madsen, P. K. (2002) 'The Danish Model of Flexicurity: A Paradise—With Some Snakes'. In Sarfati, H. and Bonoli, G. (eds) *Labour Market and Social Protection Reforms in International Perspective*, Aldershot, Ashgate, pp. 243–265.
- Madsen, P. K. (2004) 'The Danish Model of "Flexicurity": Experiences and Lessons', *Transfer*, 10, 187–207.
- Nagopoulos N. "The Rationalisation of social services in Greece in the framework of European social Policy" *International Journal of Criminology and Sociological Theory*, Vol. 6, N. 1., Januar, 2013, p. 1093 -1102
- Nagopoulos N. "Epistemological Aspects of Social Research for the Qualitative Upgrading of Rational Systems in the Areas of Social Policy", *SCOA-2-109*, 2014.
- Rontos K. – Nagopoulos N. "Regional labour market and job creation. Geographical and socioeconomic characteristics", *International Journal of modern Business*, ISSN, N.
p, 2310-2527, 2013
- Viebrock Elke and Jochen Clasen (2009), Flexicurity and welfare reform: a review, *Socio-Economic Review* 7, 305–331
doi:10. 1093/ser/mwp001 Advance Access publication February 26, 2009 (Centre for International Public Health Policy, University of Edinburgh, UK)
- Visser, J. (2002) 'The First Part-time Economy of The World: A Model to Be Followed?', *Journal of European Social Policy*, 12, 23–42.
- Visser, J. (2003) 'Negotiated Flexibility in Working Time and Transitions in the Netherlands'. In O'Reilly, J. (ed) *Regulating Working-Time Transitions in Europe*, Cheltenham, Edward Elgar, pp. 123–169.
- Wilthagen, T. (2008) 'Flexicurity Practices', European Commission, Brussels, http://ec.europa.eu/employment_social/employment_strategy/pdf/flexi_practices_en.pdf on September 2, 2008.

-Wilthagen, T. and Tros, F. (2003) 'Dealing with the "Flexibility–Security Nexus": Institutions, Strategies, Opportunities and Barriers', AIASWorking Paper No. 10, Amsterdam, Amsterdam Institute for Advanced Labour Studies, accessed at http://www.uva-aias.net/uploaded_files/publications/WP9.pdf.

-Wilthagen, T. and Tros, F. (2003) 'Dealing with the "Flexibility–Security Nexus": Institutions, Strategies, Opportunities and Barriers', AIASWorking Paper No. 10, Amsterdam, Amsterdam Institute for Advanced Labour Studies, accessed at http://www.uva-aias.net/uploaded_files/publications/WP9.pdf.

-Wilthagen, T. and Tros, F. (2004) 'The Concept of "Flexicurity": A New Approach to Regulating Employment and Labour Markets', *Transfer*, 10, 166–186.

Importance of School Social Work in War and Conflicts Zone

Prof. Dr. Nurdan Duman

Yaser SNOUBAR

Abstract

Ongoing wars and conflicts in many countries in the world resulted in various problems effecting Men and societies, especially children. This situation requires serious professional interventions, especially in dealing with children affected by political violence. At the same time they are the most important group in social work interventions which aimed to protect, prevent and treat them. School is actually the best source to reach the children and their parents in such crises, as well it is a best source because it is where social work can help children and provide them with supporting services. Direct and indirect exposure to violence affects their behavior and growth requiring direct work with the child and his family. Undoubtedly that social work intervention with children in times of war and conflict requires sufficient skills and information about the difficulties they suffer. This article discusses the impact of living in an environment of war and conflict on children and the importance of school social work intervention.

Keywords: School social work, war and conflict, political violence, children victims of conflicts

Impact of violence caused by war and conflict on children at school

Living in an environment of war and conflict causes children to lose their rights as well involves the emergence of behavioral problems affecting their physical, moral, social and psychological development. Consequently and negatively this affects the participation of children within the school environment.

A symptom of post-traumatic stress disorder often appears in children who have been exposed to or witnessed violence. These negative effects establish peer relationships and peer school performance. Besides the impact of violence on children, there are other things created by an environment of war and conflicts that have a direct impact on the mental health of children for instance poverty, malnutrition, family relations and violence emergin from environment.

Generally children still under the influence of the conflicts they see in public, television and environment can apply the pattern of violent behavior against each other in school. Exposing or witnessing the violence affects the children's concentration and participation in class and in other activities in school (Snoubar, 2010; Snoubar & Duman, 2015).

Psychological hazards to children includes, terrible events observation and threats against loved ones, show the terrible events in the media, torture, threats and self-blame. Moreover, children from an early age can be danger-measured by reading concerns of their parents. This phenomenon is called social referencing (Masten et al. 1990; Masten and Narayan, 2012). Therefore it is necessary to include the presence of parents in any intervention made to the children.

School Social Work in Conflict Community

School is one of the most important places where could be managed the case in dealing with children in the times of crisis. Accessing to children in times of distress through the school and providing them with psychological and social support is a crucial step in the field of child protection in a risked environment. In fact, school facilitates the work of social workers in determining the risk factors and problems suffered by children and affecting their development and school performance.

Activities that can be done inside the school include large numbers of students and split them to individuals, groups and society. At the same time work can be done with teachers and all school staff in order to support and assist children within the activities, programs or seminars.

In a conducted research to determine the psychological reactions of children to war and conflicting events, findings from the national study of school-based screening in Palestine study the psychological reactions of Palestinian children to Israeli occupation showing that extensive exposure to violence was associated with higher levels of post-traumatic distress and more somatic complaints in Palestinian children. Students reported symptoms meeting the criteria for PTSD and more girls than boys reported somatic complaints. Thus, school-based screening can be a very important method for case identification of student's psychological problems as a result of living in a conflict environment (Abdeen et al, 2008). Therefore school social work practice and interventions play a central role in the contribution to solving the problems for children affected by political violence.

Direct work with children victims of conflicts

Providing a safe space where can be work with children individually or within a group is the first step to be taken in the school social work intervention to protect children in times of distress and address their needs. It is possible to evaluate schools as the most appropriate place to reach children who are living in conflict and war to provide them with the needed support. Social work intervention in the school environment includes working with individuals and groups, as well psychosocial support programs and activities for all affected students. But the application of psychological and social support programs and work with children in times of distress and crisis require the social workers to have special skills.

Richman (1993) Suggests that the social worker or psychologist working with children in distress and conflict environment must have various necessary skills to deal with children in such crises such as communicate skills with children of different ages such like listening, use of easy language understood by the concerned child, use of body language, establishment of a relationship of trust and concern for his/her feelings, observing him/her, knowing or more like understanding when the subject needs help providing the latter with support and consultancy services, understanding what he/she knows about death and talking to them about it, having the ability to deal with children who become handicapped from the conflicts and last but not least communicate the child's family.

In the school environment, social worker uses special knowledge in overcoming learning difficulties and behavior problems of children at school and uses it to helps the school staff and parents to mobilize together for examining the causes of these inconvenient and to find solutions to them. The work of a social worker supports the teacher's work which is why usually social workers at school becomes in close collaboration with teachers. Social worker helps young students in finding solutions to their problems such as teacher-student relations, peer relations and conflicts, student's success at school, aggressive behavior and school absenteeism. Social work practice in schools requires the use of extensive knowledge and skills in the various forms of behavior. He must understand the different norms and behaviors that occur in the physical and emotional development of the child himself. At the same time the latter needs to, have adequate knowledge about issues such as being continuously interacted with the child-teen and colleagues, evaluate the problematic behavior observation, participate in the decision-making process at school, promoting mental health practices that will contribute to early diagnosis and treatment of pathological cases and use social resources according to the needs and problems (Duman, 2000). Recreation and structured activities in the school environment has helped many children in the normalization of their behavior after exposure to violence. Secure game schedules provide a mechanism to monitor their child protection concerns in difficult and hazardous environments. It should be a priority to integrate psychosocial services to schools in times of chaos and encourage family as well as community involvement to reach the children in need (Boothby & Melvin, 2009). Here, appears the role and skills of social workers in working at the community level.

Strategies in order to establish psychosocial support for children in war and conflict situations must beef up appropriate traditional protection and support mechanisms besides drawing on local norms, values, and worldviews. Community participation and mobilization strategies should be at the core of children response to psychosocial needs and support (Duncan & Laura, 2004). Children demonstrate different reactions to the crisis; the loss of a family member, especially the parents is one of the hardest situations that can be faced by a child. The latter in such a case feels verily lonely believing that no one can understand his/her experiences. With the traumatic loss crisis, children have two different kinds of cognitive and emotional experiences and they are: trauma and grief responses (Gaffney, 2006: 1006). In this situation a social worker has to be able to identify a crisis response and deal with it by both adopting a structured approach and then appropriately timing the handing back of control to the individual. Crisis intervention is short-term and intensive; supportive and cognitive behavioral approaches can help to reduce panic symptoms (Higha, 2006: 193).

A social worker has an important role in working to protect and defend children's rights at the international level and act as a mediator. However this one has to communicate with local and international organizations in order to put an end to the violations of their rights and create a safe environment that would offer a psychological and social support programs by working with individual and groups.

Psychological and social promotion of children at the school in the conflict environment

It can provide psychological and social support programs for children affected by wars and conflicts on the basis of the school social work through professional cooperation and the development of programs and models to provide these services.

"Strengthening the role of schools as multifunctional centers. Some development programs focus on the returning back to normalize and stabilize the living conditions. Other programmes are more specialized, helping groups of children deal with specific situations through various methods which often include creative means such as drawing and playing. Such programs aim to strengthen children's social environment, helping teachers and parents to support their children and thus focus on increasing the level of knowledge. It is intended for future development programs such as the psycho-social well-being of children" (Snoubar & Duman, 2015).

Toros (2013) developed The Model of the Psychosocial Support and Crisis Intervention (PSCI) Program as a school-based intervention in conflict and war zone. The PSCI program consisted of five phases: firstly training a team of specialists to work with children in war and conflict environment, secondly training school teachers and seminar for managers, thirdly Development of a network for case management and referral system for critical cases, fourthly supervision and advanced training of master trainers and school support persons, finally Providing treatment for psychological trauma for children and their families through a mobile team of psychologists and social workers.

As reported in model the success of the school social work intervention is based on several dimensions. These dimensions lie in the preparation and training of specialists and involve family and staff within the school community and outside to provide psychosocial support for children victims of armed conflict. This requires skills and sufficient information in the school social worker or case manager.

Conclusion

Reaching children who are victims of armed conflict and to provide psychosocial support is an important issue. Success of this issue is linked to training the largest number of specialists dealing with these cases, in addition to working as a team in order to manage a social case. The school is the main axis of access to young victims of war and conflict. Countries suffering from permanent conflicts often lack centers that can accommodate all children and provide them with psychological and social support. Therefore, schools are the most appropriate places to provide these services in the areas of conflict. Social work has a great and very important role in working with victims that are children, through case management and work with them as individuals and groups, in addition to working at the community level. School social work with its holistic approach working to solve the problems of children in the school and provide psychological and social support programs through professionals having information and skills to work with children in times of distress and crises. Thus this promotion of the importance of school social work in working with children in conflict environment can be recommended to activate the role of school social work in war and conflict zones, especially in permanent conflict zones as in the Israeli-Palestinian conflict. In addition to providing psychosocial support programs for social workers dealing with children in conflict and pressure environment, it should be noted recommendation to develop and implement special training programs by the International Association of Social Workers targeted social workers who are working in the field of school with children who are victims of war and armed conflicts.

References

Abdeen, Z., Qasrawi, R., Nabil, S., Shaheen, M. (2008). Psychological reactions to Israeli occupation: Findings from the national study of school-based screening in Palestine, *International Journal of Behavioral Development*, 32(4), 290-297.

- Boothby, N., & Melvin, C. H. (2009). Towards best practice in school-based psychosocial programming: A survey of current approaches. In R. Mollica (Ed.), *Refugee mental health*. Nashville, TN: Vanderbilt University Press.
- Duman, N. (2000), *Ankara Liselerinde Çeteye Katılma Potansiyeli Olan Öğrenci Grupları ve Okul Sosyal Hizmeti*, Ankara.
- Duncan, J., and Laura, A. (2004). *Children in Crisis: Good Practices in Evaluating Psychosocial Programming*. London: Save the Children Federation.
- Gaffney, D (2006). The Aftermath of Disaster: Children in Crisis. *JOURNAL OF CLINICAL PSYCHOLOGY: IN SESSION*, Vol. 62(8), 1001–1016.
- Higham, P. (2006) *Social Work: Introducing Professional Practice*, London, Sage.
- Masten, A. S., & Narayan, A. J. (2012). Child development in the context of disaster, war and terrorism: Pathways of risk and resilience. *Annual Review of Psychology*, 63, 227-257. doi: 10. 1146/annurev-psych-120710-100356, <http://www.annualreviews.org/eprint/XBCcryq7FzG8kmDbTxeM/full/10.1146/annurev-psych-120710-100356>.
- Richman, N. (1993). *Communicating with Children: Helping Children in Distress*. Save The Children Development Manuals.
- Snoubar, Y. (2010). Savaş ortamlarında bulunan çocukların sorunları ile sosyal hizmet (örnek olarak Filistin). *Sosyal Hizmet, Sosyal Hizmet Uzmanları Derneği Yayını*, sayı 20, 13-17.
- Snoubar, Yaser & Duman, Nurdan (2015) *Using Social Holistic Approach in Working with Children who are in the War Zone*. *Mediterranean Journal of Social Sciences* MCSER Publishing, Rome-Italy, 231-237.
- Toros, K. (2013). School-Based Intervention in the Context of Armed Conflict: Strengthening Teacher Capacity to Facilitate Psychosocial Support and Well Being of Children. *International Journal of Humanities and Social Science*, 3(7) 228-237.

The Representation of Women in Turkish Local Governments

Pinar Savaş-Yavuzçehre

Assist. Prof. Dr., Pamukkale University

pyavuzcehre@pau. edu. tr

Misra Ciğeroğlu-Öztepe

Assist. Prof. Dr., Pamukkale University

mcigeroglu@pau. edu. tr

Abstract

Turkey is one of the countries which has the lowest representation of women in local governments (LGs) in the world. While in many countries, women are more successful to participate in local political decision-making processes, the situation is vice versa in Turkey. The tendency of women to participate in politics at both national and local level is quite low in the country and this arises from several reasons such as the cultural and patriarchal structure of the country, the roles attributed to women by society, the insufficiency of women's education level etc. In this framework, this study aims to evaluate the representation of women in the LGs in Turkey. In this context, the theoretical framework is examined and the data and statistics regarding the issue are analyzed. Our analysis reveals that despite the efforts to increase the political representation of women in LGs, the invisibility of women in LGs is still a significant issue in the country.

Keywords: Turkey, Local Governments, Women, Representation, Women's Studies.

1. Introduction

Women's strong hunches, patience, sense of responsibility and communication skills bring them an advantageous position both in business life and politics. However, despite the absence of any legal obstacles in many countries, women's participation into business and political life is highly limited. It is seen that, women who managed to find a place somehow in the business life or politics must display greater efforts than their male peers to reach the place they deserve or faced much more obstacle than men. Unfortunately, this situation lowers their self-confidence and leads them to abstain from participating in business life and politics. But, considering the fact that the half of the world population is female, the need and significance of the representation of women in business and political life is seen more clearly.

In many countries LGs are the crucial service units because of their closeness to the citizens and local problems. But despite the increasing significance of the LGs, the representation of women in the local units is notably limited. In most countries it can be claimed that women are less actively involved in political, administrative and economic life than men and this situation does not change in the representation of women in both national and local politics. However, LGs should reflect the diversity and composition of the community they serve at all levels and especially at elected level.

Many researches and evaluations in Turkey emphasize the limited number of the women representation in local politics and LGs (Çitçi, 1996; Alkan, 2004; 2009; Gökçimen, 2008; Arıkboğa et al., 2010; Negiz and Uçer, 2012; Anbarlı Bozatay and Kutlu, 2014). After the local elections held in March, 2014; women politicians were elected for 3 of 30 metropolitan municipality mayors; 37 of 1366 municipality mayors; 2198 of 20498 municipal councilors and 58 of 18143 head of village positions (TÜİK, 2014: 137). These percentages have not been changed much over the 85 years since women got the right to be elected in the country.

In this general framework, the aim of the study is to evaluate the representation of women in the Turkish LGs. In this context, after the examination of the theoretical framework about the issue, the data and statistics regarding the women's representation in Turkish LGs are analyzed. Our analysis reveals that despite the efforts to increase the political participation and representation of women in national and local politics, the invisibility of women in LGs is still a serious problem in Turkey.

2. Women in Politics and Local Governments

Women's participation in politics and decision-making mechanisms within the history has taken place among the subjects that have been discussed and studied in different ways and different countries. Particularly in recent years, it has been observed that some significant steps have been taken in terms of the participation of women in the political and economic life and decision making processes within the scope of the global efforts especially on the increasing importance of gender studies and providing gender equality in many fields. Nevertheless, despite the existence of all these efforts, it is not so possible to say that effective results have been gained about the subject.

Essentially, it can be claimed that the patriarchal structure of the state is the main stumbling block in relation to the participation and representation of women in the national and local politics. The feminist theoreticians, who analyze the state, especially emphasize this structure of the state. They express that the public sphere has been formulated in a way peculiar to the men since the modern state emerged and women have been excluded from these fields for the centuries. Thereby, the historical development of state's tasks and functions were also take shape with the historical dominant form of male power. In addition to this, it has been stated that, this patriarchal structure of the state caused the formation of a male-dominated society and this situation poses a serious obstacle in terms of women's participation into the public life with the influence of the domestic roles casted for the women by the society (Robinson, 1995: 7-8). In this sense, the states in today's world have also been maintaining this patriarchal structure not only with the policies they follow and but also with the social, economic and political priorities that they determine. They have also been providing the continuation of the social order which have been formed within the frame of the understanding in question (Öztürk, 2012: 4). Thus, the understanding that limits the role of women with domestic activities and casts non-domestic roles for the men has led to the fact that women have become distanced to the political, economic and administrative life.

As Öztürk (2012: 6) underlines, women either have not been accepted as the citizens for a long time within the political process or have been deprived of their civil rights. It became possible for women to gain their citizenship which was the combination of political life's public and social sides and the right to vote by depending on the citizenship in the late 19th century and the early 20th century (Petmann, 1996; 10-13). Women have begun to gain the right to participate in the political life in different countries in different times with the influence of feminist movements that have been struggling for the political rights and been going on since the second half of the 19th century which emerged in England and other European countries (Öztürk, 2012: 6-9). However; this participation actualizes in a relatively more trouble-free way for women in terms of voting and in a more grueling way in relation to involvement into political decision making mechanisms.

Today, women in many countries mostly fall quite behind the men in terms of the participation in the decision making process regarding themselves, their families and their countries. The issue of women's representation in national and local politics on an equal basis is still a problem that has not been resolved yet. This problem forms an important dimension of the debates within the feminist movement. The limited participation of women in the national and local administrative structures in which key political decisions are made and the distribution of resources taken place, leads to a negative effect on the development of women's political, economic and social opportunities, as well (United Nations, 2010: 112). Therefore, even though the countries show differences from each other with their cultural, social, political and economic structures; there is a common point which is accepted worldwide is that some powerful social, economic, cultural and institutional obstacles exist in terms of women's involvement into the public space and their representation within the political field.

Reynolds (1999: 550) classifies the obstacles regarding women's representation as cultural and social-economic development; political culture; the nature of the state and political foundations. On the other hand, Bari (2005: 3-5) collects the obstacles concerning the issue under the titles of ideological factors, political factors, social-cultural factors, economic factors, social capital and the inadequacy of political capacities. In this context, the low rate of women who take place in occupational and administrative activities; the inadequacy of education possibilities; the deficiency of enough financial

resources; the problems in the harmonization of the business and family life; official political structures; a male-dominated structure in the political parties; political culture and the roles attributed to the women by the society are substantially among the important barriers concerning women's participation and representation in the political life (Bari, 2005: 3-5; EMC, 2014: 8-10).

Nowadays, with the strong effect of the globalization, the international organizations and the international trade and economy policies also influence the development policies of nation states as the exterior factors. Hence, the influences of these components in question on the barriers faced by women in the participation/representation to political life should not be underestimated or ignored. In other words, it should be considered that the globalization and the development policies increase the exclusion, poverty and marginalization and it will not be possible to reach the aims about the gender equality or women's equal representation in national and international level as long as social, cultural, political and economic structural obstacles are not eliminated (Bari, 2005: 9).

In recent years, the number of the studies that contributed to prevent the following obstacles is increasing. Various strategies, methods and regulations have been applied in the national and global level on providing "the equal representation" of women in political parties, local governments and parliaments. Also, some programs about providing the gender equality have been prepared. The global or regional organizations and formations such as European Union, The United Nations, The Organization for Economic Cooperation and Development (OECD) and International Labour Organization (ILO) have carried out crucial studies on particularly gender equality and they have settled on a general strategy (gender mainstreaming) which is necessary to provide gender equality in the global dimension. This strategy essentially aims to place the understanding of the gender mainstreaming into the center of all activities such as politics, management, development, employment, research, dialogue development, the planning, conducting and applying of the programs and projects (United Nations, 2016; 2015). Although the positive influences of these studies have started to be seen in the fields of health, schooling, and economic participation, it is observed that there are still many things to do in the critical fields especially such as politics, management and the participation in the decision making processes (United Nations, 2010).

While the studies regarding the participation and representation of women in the political life in both national and local level are increasing, it can be claimed that the representation of women in local political level is generally higher than the national level in many countries (Alkan, 2004: 3). Particularly, the local governments and local councils are evaluated as a field where the women can take place more actively in political arena. The higher representation of women in the local politics can be explained with the arguments such as; the criteria of convenience to the politics in the local level are more flexible, the local politics is seen as a more suitable field for political apprenticeship (Evertzen, 2001: 6), the local politics is more related with the subjects that concern the daily life of women like water, solid waste, health services, electricity and so on and it is easier to participate in the local politics which is in a closer level for the women when their own restrictions are considered in terms of their responsibilities such as housework and childcare. Of course, it is also possible to see the ideological traces of the patriarchy within these arguments (Jayal, 2005: 2).

Today, local governance is a tool that aims to spread the authority and responsibility in an equal way among the local interest groups and to provide the representation of the opinions of all related groups. Within the scope of this understanding, the local governance concept that adopts and encourages the equal participation of the all stakeholders in the region, should reflect a perspective which is sensitive towards the social demands of whole parts living in the region and fulfills its responsibilities towards its citizens (Abdul-Razak et al. 2014: 5). Accordingly, to implement the local governance effectively, women's involvement in decision-making mechanisms is highly important in terms of both representing all the parts of the related territory equally and providing the local democracy. That's why, to achieve the main goals of the local governance, women should involve in the local politics actively and should be represented equally with the men in local governments.

Evertzen (2001: 7-8) who collects the reasons of why the women should take more place in the local politics under the titles of justice; productivity; variety and changing the political system and she draws attention to the facts that; i) women who forms the half of the population should also take place in the politics at the same rate; ii) women have experiences and resources that will contribute to the politics from different perspectives when compared to the men; iii) women will also be able to create variety and difference in the presentation of the local services as the ones who mostly use the local services

than men who cannot represent the demands of women exactly and iv) they will be able to more beneficial for the political system with their more opportunist point of views. Besides, she states that the participation of women in the local governments which are closer to their own lives is easier than the participation into the national politics. The local politics can also be the first stage in order to enter the national politics by improving its capacities and gaining experience.

Another subject coming to the forefront on the issue is the fact that the women possess a more different perspective and management style as the local administrators than their male coworkers. This difference is seen clearly within the study of Fox and Schuhmann (1999) which included 875 city managers in total in the USA in 1997 and compared the female (435) and male (440) city managers. According to the results of this research; female city managers are more interested in the participation of citizens and society in the decision making processes when compared to the male city managers. They underline the importance of communication more while fulfilling their duties and they are tending to see their own roles as the administrator and facilitator rather than political entrepreneurs (Fox and Schuhmann, 1999: 240). Therefore, women taking part in the decision making processes of the local governments and in senior positions will both lead to a variety in terms of perspective and management style and will contribute to the establishment of effective local governance.

3. The Political Representation of Women in the National and Local Level in Turkey

In Turkey, the main reason for the women to remain in the shadow of men in almost every field is mostly derived from the traditional approaches and prejudices. Women have been tried to be protected since they were born. Motherhood is associated with women much more by bringing the womanhood feelings into the forefront. Most of the time women are struggling to gain the place they deserve in the public and business life. However, they have not been able to find a possibility of representation in politics and business life at the rate of their population in spite of all these struggles. According to the data of 2014; the participation rate of women in workforce in Turkey is determined as 30,3% and it is observed that the main reason for not being able to involve in workforce is "dealing with the household chores" with the rate of 57,6% (TÜİK, 2014: 78-79). It is seen that women also fall behind in terms of attending to the political life and representation when compared to the rate of participation into the business life. According to this, as of February 2016 the rate of female deputy in the country is 14,73% (TBMM, 2016) and only two female ministers (Minister of Family and Social Policies and Minister of Environment and Urbanization) take place in the cabinet (T. C. Başbakanlık, 2016). In this framework, it can be claimed that the participation and representation of women in both business life and politics is in a quite inadequate level in the country.

Proclamation of the Republic is a crucial turning point for women to have the equal rights with men in many fields in Turkey. Women have started to gain their social, political and economic rights with the proclamation of the Republic and it has been developing since that time (Negiz and Üçer, 2012: 2-3). It is seen that the women in Turkey took the first step in 1923 in order to participate to the political life and become deputy. On June 1923, an effort to establish a party called as "Kadınlar Halk Fırkası" under the leadership of Ms. Nezihe Muhittin came to the agenda, and the program and declaration of the party was presented to the government. But this formation was not accepted by the government and turned into an association called "Turkish Women's Union" in 1924 (Toprak, 1994: 7). This effort had an important influence on women's gaining the same equal political rights as men and in following years, firstly the right to vote was recognized for the women (who were 18 years old and older) and the right to stand for election was regulated with the 23rd and 24rd article of the Municipal Law (dated 1930 Law No. 1580). On October 1933, with the alteration of 20th and 25th articles of the Village Law dated 1924, women had the right to vote and to stand for election in the determination of the village head and the selection of the elderly council. Ultimately, the general suffrage was recognized for the women in the legislative elections on December 1934 (Talaslı, 1996: 57). Turkey, which recognized the right to vote and to stand for election for women in the local election in 1930 and in general elections in 1934, became one of the first countries to give this right to the women in the world (Şahin, 2011: 21). Within this framework, 18 female deputies in total entered the Turkish Grand National Assembly for the first time as a result of 5th Period elections on the February 1935. In 1950, the first female city manager was chosen; in 1971, the first female minister took office and in 1993, the first female prime minister formed the government (TÜSİAD-KAGİDER, 2008: 220). The rate of women's representation in the parliament, which was 4,5% in 1935, rose to 9% in 2007 and rose to 14% in 2011 (Gençkaya, 2014: 7). According to the results of last general election that was held in 2015; there are 81 female deputies (14,73%) and 469 male deputies (85,27%) out of 550 deputies in the parliament (TBMM, 2016).

Unfortunately, the representation of Turkish women, who gained the right to vote and to stand for election earlier than their fellows in many other countries, is rather low both in national and local politics. Even though there are not sexist provisions concerning the political rights Turkish laws, the representation of women in politics, political parties, government and among political leaders is quite limited. This situation is an indication that, there are problems in the implementation of political rights which was given to the women in order to be equal with the men, into the practice in Turkey like in many countries (Çağlar, 2011: 59). There are various social, cultural, economic and political reasons in Turkey that prevent women from participating in the political life actively. Particularly, the factors arising from traditional patriarchal family relations and low education level especially in rural parts, the political pressures of husbands, fathers, brothers and even sons on women (Doğramacı 1997: 141 cited in Çağlar 2011) the inadequacy of financial possibilities and lack of self-confidence can be considered as the main barriers preventing women from participating in the political life actively. In addition to this, the lowness of women's representation in the country can also be attributed to the functioning of the democracy and the political parties' women policies, their sexist approaches and applications (Çağlar, 2011: 65). Especially, due to the unwillingness of the political parties nominating women candidates in Turkey, many women who can have the chance to carry the problems and suggestions of women into the politics with the general and local elections are deprived from taking place in the political decision making processes. (TÜSIAD-KAGİDER, 2008: 234).

In recent years, it has been basically seen that the efforts for women's entry into the public life more actively and providing gender mainstreaming in every field have become prevalent across the country, as well. Turkey, has guaranteed to develop policies, make legal regulations and put these laws into practice with the engagements, decision and advices of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in the first place, and the foundations such as European Social Charter, Organization For Economic Cooperation and Development (OECD), International Labor Organization (ILO), Organization on Security and Cooperation in Europe and in accordance with the directives of the Action Plan of Cairo Conference on World Population and Development, the Action Plan of the 4th World Women Conference, Declaration of Beijing and European Union about the equality of woman and man (TÜİK, 2014: XXIII). In addition to this, Directorate General on the Status of Women was established in 1990 as a national mechanism with the aim of developing woman policies and this foundation was restructured in 2004 (Gökçimen, 2008: 19). Besides these efforts, there are a lot of non-governmental organizations that work actively for providing the gender equality in the country. These efforts make important contributions to provide gender mainstreaming. However; despite all these efforts, it is not possible to say that the country has reached to the intended level in terms of women's participation and representation in the political life like many other subjects.

Even though, women cannot find enough opportunity of representation in the political life, they work actively in the women's branches of the political parties. However, in the studies focusing on Turkey (Altındal, 2007; Çakır, 2001; Yaraman, 1998), it is concluded that, women are not effective as a social and political reality in the women's branches that are unable to achieve an effective political activity. It is observed that, in the political parties, without considering the ideological differences, gender-based business division is preserved and women prioritize their party identities more than their identity as a woman. It is also seen that the women working in the women's branches find being seen as a sign in political spectrum is enough, they do not take place in the processes of delivering an opinion in any subjects and decision making processes without receiving approval from their political parties (Çakır, 2001: 407-408) and they mostly apply the decisions that taken by their political party.

It is seen that the women's situation is also not so different from the level of the representation in national politics when it is evaluated about the point of their representation in local politics and local governments. Turkey is one of the countries in the world in which the representation rate of the women in the local governments is the lowest. However; the features of women's participating in local politics in Turkey shows a tendency which is opposite to the world-wide. Even though the women in many countries of the world cannot reach to a serious representation level in national politics, they can be more successful in taking place in local political decisions. But, just the opposite of this case is seen in Turkey (TÜSIAD-KAGİDER, 2008: 235; Alkan, 2004). The reasons such as the traditional structure that influences the representation of woman negatively in Turkish political system and the exclusion, inadequacy of financial resources and technical data, the structures of political parties and the methods of determining candidate, internal problems and lack of self-confidence (Negiz and Üçer, 2012: 5-6) can be regarded as the most basic obstacles in front of women's representation in local politics. According to Alkan (2004: 5); three factors can be underlined in order to explain the inadequate participation of women in local politics in Turkey. The first factor is "figurativeness" in the politics and the second factor is that the majorly limited

social mobility of women even in the level of local community. Ultimately, the third factor can be stated with the fact that the organization of woman has excluded the local from its field of interest until recent periods.

When it is considered that local politics is at least as vital as central politics for women's gaining strength, the importance of eliminating this and similar factors comes into prominence much more. Providing women to participate in local politics actively in the level of municipality and metropolitan municipality mayorship; municipality and metropolitan municipal council, provincial council and being a village head in the country is a necessity in terms of both for the need of values such as democracy, justice, and modernness and providing the active governance. However; when the results of local elections in Turkey are examined, the inadequacy of women's representation in these levels is seen clearly.

4. Women in Turkish Local Governments with Respect to the Statistics

When the statistics about the last four local elections (1999, 2004, 2009 and 2014) in Turkey are examined, it can be claimed that there is a general increase in the number of elected women even though it is not in a sufficient level. This situation is discussed in a more detailed way in the tables below.

Table 1: The Rates of Female Mayors

<i>Mayors</i> <i>Local Elections</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	18	3197	3215	0,6
2004	18	3207	3225	0,56
2009	27	2922	2948	1
2014	40	1356	1396	2,86

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

As it is seen in Table 1, the rate of female mayor is exceedingly low when it compared to the male mayors. While this rate is 0,6% in the elections of 1999, the rate has risen to 2,86% as a result of 2014 elections. The women who are rarely seen at the positions of mayorship are seen more often as powerful and effective deputy mayors.

Table 2: The Rates of Female Metropolitan Mayor

<i>Metropolitan Mayors</i> <i>Local Elections</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	0	15	15	0
2004	0	16	16	0
2009	0	16	16	0
2014	3	27	30	10

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

In the elections of 2014, the women were elected for the mayorship for the first time in three metropolitans. One of these women is the former minister (Fatma Şahin) and the other two are the former deputies (Özlem Çerçioğlu and Gülşan Kışanak). These women, who can be elected for the metropolitan mayorship, have also taken place in politics actively before.

Table 3: The Rates of Female Municipal Councilors

<i>Municipal Council Members Local Elections</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	541	33543	34084	1,6
2004	834	33643	34477	2,4
2009	1340	30450	31790	4,2
2014	2198	18300	20498	10,72

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

The rate of female council members which is 1,6 % in 1999 elections has risen to 10,72 % in the elections of 2014. This case depicts that political parties prefer the women as candidates in councillorship much more instead of mayorship.

Table 4: The Rates of Female Provincial Council Members

<i>Provincial Council Members Local Elections</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	44	3078	3122	1,4
2004	58	3151	3208	1,8
2009	110	3269	3379	3,2
2014	60	1191	1251	4,80

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

Whereas the representation of women in provincial council memberships was 1,4 % in 1999, the rate rose to 4,8 % in 2014. This rate is still rather low. Although it is seen that the representation of women increased in four fields in the elections of 2014 when compared to the past elections, these rates are still notably insufficient. These rates are clearly indicator of the fact that the women forming the half of population cannot be represented in the local governments at the rate of their population. These statistics are not enough to prove that the women exist in local politics in Turkey and they simply point out a "situation of absence" (Anbarlı Bozatay, Kutlu, 2014: 139; Tekeli, 1991: 117). These low rates are neither temporary or periodical nor regional – although they approach to nearly 10% on average in three metropolitans like Ankara, İstanbul and İzmir- (Alkan, 2004). These rates also show that the barriers that are mentioned above have a highly important role in women's attendance and representation in the national and local politics in the country.

In Turkey, the strategies of political parties to determine candidate list are also rather problematic. The ones who own the necessary political sources and possibilities – such as money, time, powerful public relationship, networks, education and experience- are primarily presented candidates and elected in the local level just like in the national level. It is clear that women are disadvantageous in nearly all of these situations (Alkan, 2004). This disadvantage has also reflected to the tables presented above. The fact that there are no female political leaders in Turkey also can be evaluated as another obstacle for women's attendance in politics. The male dominance within the political parties causes women to stand much more aloof from this system.

5. Results and Suggestions

Like around the world, women in Turkey also cannot participate in the political life sufficiently and the political life is governed substantially by the men. The male-centered structure which is generally common in the social life of Turkey manifests itself in the national and local politics, as well. Even though the women in Turkey have gained the right to vote and stand for election in an early period, it is difficult to mention about their active political participation. Whereas the participation of educated women who live in the city and can compete with the men in the politics is relatively higher, the possibility of women living in the rural area to take part in the political life is low. Although the female sympathizers take charge in the propaganda works of political parties intensely, it is not possible to see them equally in the representation. The women are mostly presented as candidates by the male leaders of the political parties with the aim of receiving vote from female voters and they take place within the lists. Hence, the steps that are taken in Turkey in order to increase the participation of women both in national and local politics are still very limited.

While the women in many countries of the world are more successful in participating in the local politics when compared to the national politics, the women in Turkey, on the contrary, are represented in the national politics much more. The representation of women in the local governments that is the most important factor of the local politics in Turkey remains highly limited. The number of female mayors in the level of province and metropolitan is the most significant indicator of the fact that women cannot take place actively and represented in the local politics. The political parties prefer women as the candidates in councillorship instead of mayorship more often. Much as the representation rates of women in the local governments in the last four local elections have shown a tendency to increase, but this increase is exceedingly insufficient. When it is considered that the local governments are the basic executive units that are the closest to the public and carry out the local resources and services and supervise them, the participation of the parts which benefit from these services and resources in the process of decision making actively and equally is a necessity of the democratic sense of rule. Accordingly, the equal representation of women in local governments is profoundly important in relation to realizing a sense of rule which is both democratic and participatory.

Even though there are not any legal barriers against women's representation in the national and local politics; political, social, economic and cultural factors are functioning as main barriers that confront women at this point. It is observed that a lot of studies have been made in Turkey regarding women's attendance in national and local politics actively. Although, these studies should be evaluated as the positive efforts, the expected success about the subject has not been able to gain yet. In this context, the aspects that need approaching primarily about women's representation in the national politics and particularly in the local governments can be listed as follows; first of all women's education level should be increased and non-governmental organizations and female politicians should be more sensitive about the problems of women and the politics regarding women and in this sense, they should take over responsibility in these matters actively. Also, the selections of candidates in the political parties should be democratized and the policies about quota setting (the minimum lot/ rate allocated for women) for the women in the political parties should be adopted by force of establishing an equalitarian structure. Accordingly, central government should make legal regulations in a way that these policies will be able to come true and besides, women's associations and non-governmental organizations should lobby in order to increase the number of female leaders by working for the benefit of female candidates.

References

- Abdul-Razak, A., Prince, A. M. and Eliasu, I. (2014). Examination of Barriers to Women Participation in Local Governance in Savelugu/Nanton Municipality, Ghana, *International Journal of Economics, Commerce and Management*, Vol. II, Issue 4, [Online] Available: <http://ijecm.co.uk/wp-content/uploads/2014/04/2410.pdf> (February 10, 2016).
- Alkan, A. (2009). Gendered Structures of Local Politics in Turkey, *Digest of Middle East Studies*, Vol. 18, No:1, 31-56.
- Alkan, A. (2004), Yerel Siyaset Kadınlar İçin Neden Önemli?, *Birikim*, Sayı 179, Mart 2004, [Online] Available: <http://kasaum.ankara.edu.tr> (January 17, 2016).
- Altındal, Y. (2007). Kadının Siyasal Katılımı Bağlamında Partilerin Kadın Kollarının Sosyolojik Açından Değerlendirilmesi, *Yayımlanmamış Yüksek Lisans Tezi*, Adnan Menderes Üniversitesi Sosyal Bilimler Enstitüsü, Aydın.

Anbarlı Bozatay, Ş., S. Z. Kutlu (2014). Siyasette Kadın Temsili Açısından 30 Mart 2014 Yerel Seçimi Sonuçlarının Çanakkale İli Örneğinde Değerlendirilmesi, Çanakkale Araştırmaları Türk Yılığ, Yıl: 12, Bahar 2014, Sayı: 16, 131-156.

Arıkboğa, E., Ekin Erkan N., Güner, A. (2010). The Rise of Women in Local Politics in Turkey: Whereabouts? Up to Where?, 1st International Congress on Urban and Environmental Issues and Policies, 3-5 June 2010, Trabzon, [Online] Available: <http://mimoza.marmara.edu.tr/~earikboga/yayin/woman.pdf>, (January 11, 2016)

Bari, F. (2005). Women's Political Participation: Issues and Challenges, [Online] Available: <http://www.un.org/womenwatch/daw/egm/enabling-environment2005/docs/EGM-WPD-EE-2005-EP.12%20%20draft%20F.pdf>, (September 10, 2015).

Çağlar, N. (2011). Kadının Siyasal Yaşama Katılımı ve Kota Uygulamaları, Süleyman Demirel Üniversitesi Vizyoner Dergisi, C. 3, S. 4. 56-79.

Çakır, S. (2001). Bir'in Nostaljisinden Kurtulmak: Siyaset Teorisine ve Pratiğine Cinsiyet Açısından Bakış, (Der) A. İlyasoğlu & N. Akgökçe, Yerli Bir Feminizme Doğru, (385-422) İstanbul: Sel Yayıncılık.

Çiççi, O. (1996). Temsil, Katılma ve Yerel Demokrasi, Çağdaş Yerel Yönetimler, Cilt. 5, Sayı. 6, 5-14.

Doğramacı, E. (1997). Türkiye'de Kadının Dünü ve Bugünü, İş Bankası Yayınları, Ankara.

Evertzen, A. (2001). Gender And Local Governance, SNV - Netherlands Development Organisation, Amsterdam, [Online] Available: <http://www.cities-localgovernments.org/uclg/upload/docs/genderandlocalgovernance.doc>, (December 27, 2015).

Fox, R. L. and Schuhmann, R. A. (1999). Gender and Local Government: A Comparison of Women and Men City Managers, Public Administration Review, Vol. 59, No. 3 (May - Jun., 1999), 231-242, [Online] Available: <http://www.jstor.org/stable/3109951>, (February 13, 2016)

Gençkaya, Ö. F. (2011). Kadın Milletvekillerinin Yasama ve Denetim Faaliyetleri ve Rollerini (1935-2007), [Online] Available: http://www.yasader.org/web/yasama_dergisi/2011/sayi18/5-34.pdf, (October 12, 2015).

Gökçimen, S. (2008). Ülkemizde Kadınların Siyasal Hayata Katılım Mücadeleleri, Yasama Dergisi, Sayı 10, 5-59.

Human Rights Education and Monitoring Center (EMC) (2014). Women & Political Representation Handbook on Increasing Women's Political Participation in Georgia, [Online] Available: http://www.coe.int/t/DEMOCRACY/ELECTORAL-ASSISTANCE/publications/Handbook-Women-Georgia_en.pdf (February 08, 2016).

İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü, Seçimler ile İlgili İstatistikler, [Online] Available: <http://www.migm.gov.tr/belediyeleristatistik> (January 12, 2016).

Jayal, N. G. (2005). From Representation to Participation: Women in Local Government, [Online] Available: http://www.un.org/womenwatch/daw/egm/eql-men/docs/EP.3_Jayal.pdf (December 18, 2015).

Negiz, N. ve Üçer, N. (2012). Yerel Siyasette Seçil(e)meyen Kadın: 2004- 2009 Mart Seçimleri Düzleminde Analitik Bir İnceleme, Çağdaş Yerel Yönetimler, Cilt 21 Sayı 2, 1-23.

Öztürk, Z. A. (2012). Uluslararası Siyasette Ve Karar Alma Mekanizmalarında Kadın, Ege Stratejik Araştırmalar Dergisi, 3(1), [Online] Available: <http://docplayer.biz.tr/983489-Uluslararası-siyasette-ve-karar-alma-mekanizmalarında-kadın.html> (February 10, 2016).

Pettman, J. J. (1996). Worlding Women: A Feminist International Politics, Routledge, Londra'dan aktaran Öztürk, Z., A. (2012). "Uluslararası Siyasette Ve Karar Alma Mekanizmalarında Kadın", Ege Stratejik Araştırmalar Dergisi, 3(1), 85-106.

Reynolds, A. (1999). Women in the Legislatures and Executives of the World: Knocking at the Highest Glass Ceiling, *World Politics*, Vol. 51, No. 4 (Jul., 1999), Cambridge University Press, pp. 547-572, [Online] Available: <http://www.jstor.org/stable/25054094>, (September 9, 2015)

Robinson, J. (1995). Act of Omission: Gender and Local Government in the Transition, *Agenda*, 11(26), p. 7-18.

Şahin, F. (2011). Kadınların Siyasal Katılımları Çerçevesinde Kadın Meclislerinin Yerel Siyasetteki Etkinlikleri ve Üye Profilleri, T. C. Başbakanlık Kadının Statüsü Genel Müdürlüğü Uzmanlık Tezi, [Online] Available: http://kadininstatusu.aile.gov.tr/data/542a8e86369dc31550b3ac33/funda_sahin_tez.pdf (February 25, 2016).

Talaslı, G. (1996). *Siyaset Çıkmazında Kadın*, Ankara: Ümit Yayıncılık.

Tekeli, Ş. (1991). Kadınların Siyasetten Dışlanmışlıklarının 55 Yıllık Öyküsü, *Kadınlar ve Siyasal Yaşam: Eşit Hak-Eşit Katılım*, İstanbul: Cem Yayınevi.

Toprak, Z. (1994). Türkiye'de Siyaset ve Kadın: Kadınlar Halk Fırkası'ndan Arşivulusal Kadınlar Birliği Kongresi'ne (1923-1935), *Kadın Araştırmaları Dergisi*, Sayı: 2, ss. 5-12, [Online] Available: <http://www.journals.istanbul.edu.tr/iukad/article/view/1023012363/1023011595> (February 23, 2016).

Türkiye Büyük Millet Meclisi (TBMM) (2016). [Online] Available: https://www.tbmm.gov.tr/develop/owa/milletvekillerimiz_sd.dagilim (February 22, 2016).

Türkiye Cumhuriyeti Başbakanlık (2016). Kabine Üyeleri, [Online] Available: http://www.basbakanlik.gov.tr/Forms/_Global/_Government/pg_Cabinet.aspx (February 22, 2016).

Türkiye İstatistik Kurumu (TÜİK) (2014). *Toplumsal Cinsiyet İstatistikleri*, Ankara, [Online] Available: http://www.tuik.gov.tr/Kitap.do?metod=KitapDetay&KT_ID=11&KITAP_ID=294 (February 22, 2016).

TÜSİAD-KAGİDER (2008). *Türkiye'de Toplumsal Cinsiyet Eşitsizliği: Sorunlar, Öncelikler ve Çözüm Önerileri*, İstanbul, Graphis Matbaa, [Online] Available: http://www.tusiad.org.tr/_rsc/shared/file/KADINRAPOR.pdf (February 22, 2016).

United Nations (2010). *The World's Women 2010: Trends and Statistics*, New York, [Online] Available: http://unstats.un.org/unsd/demographic/products/Worldswomen/WW_full%20report_color.pdf (July 22, 2015)

United Nations, (2015). *Convention on the Elimination of All Forms of Discrimination Against Women*, UN Women, [Online] Available: <http://www.un.org/womenwatch/daw/cedaw/> (11. 8. 2015)

United Nations, (2016). *Gender Mainstreaming*, UN Women, [Online] Available: <http://www.un.org/womenwatch/osagi/gendermainstreaming.htm> (January 21, 2016).

Yaraman, A. (1998). *Üniversite Gençlerinin Kadınların Siyasal Katılımına Yönelik Tutumları*, 4. Ulusal Kadın Çalışmaları Toplantısı, *Kadın Sorunlarının Çözümüne Doğru Yöntem ve Politikalar*, (97-101), İzmir: Ege Üniversitesi, Kadın Sorunları Araştırma Merkezi ve Ege Kadın Araştırma Derneği Yayınları.

Investment Property in the Financial Statements of Capital Groups Listed on the Warsaw Stock Exchange

Piotr Prewysz-Kwinto

WSB University in Torun, Department of Finance and Accounting Poland, ppqq@poczta.onet.pl

Grażyna Voss

University of Technology and Life Sciences, Faculty of Management, Bydgoszcz, Poland, gvoss@wp.pl

Abstract

In recent years, investing in property has become very popular. It is related to a significant decrease in interest rates, which has resulted in a decrease in interest rates on bank deposits and risk-free securities. What is more, this kind of investment seems to be less risky than investing in shares or raw materials due to a steady increase in property prices in Poland in the recent years. Investment property owned by an entity conducting business activity must be properly presented in financial statements, which is next reflected in the evaluation of financial position. Recognition, measurement and presentation of investment property in financial statements have been comprehensively prescribed in International Accounting Standard 40 – *Investment Property*, which was released in December 2003. It was first applied to financial statements prepared for the reporting period starting after January 1, 2005. The standard was revised twice – first in 2008 and then in 2013. The aim of this paper is to describe the recognition, measurement and disclosure of investment property under Polish and international accounting regulations as well as to analyze the presentation of such information in financial statements of the largest companies listed on the Warsaw Stock Exchange. The main methods used include the analysis and evaluation of legal acts and subject-related literature as well as the analysis of information disclosed in financial statements of the largest companies listed on the Warsaw Stock Exchange.

Keywords: investment property, International Accounting Standard, accounting regulations, measurement methods.

Introduction

1. Description of investment property and its measurement methods

The primary legal act in Poland which prescribes accounting principles, including preparation of financial statements, is the Polish Accounting Act of September 29, 1994¹. According to this Act, some entities (including capital groups which issue securities admitted to one of the regulated markets of the European Economic Area) are required to prepare their financial statements in accordance with the international standards IAS/ IFRS, which may differ from the principles specified in the Act.

1.1. Investment property under the Polish Accounting Act

The Polish Accounting Act does not directly define investment property, but there is a reference to investment property in the definition of investments. According to Section 3. 1. 17 of the Act, investments are understood to mean assets held by an entity in order to derive economic benefits from them as a result of an increase in their value, to gain income in the form of interest, dividends (shares in profits) or other benefits, including those from commercial transactions. In particular,

¹ Polish Accounting Act of 29 September 1994, Polish Journal of Law, items 330 and 613.

investments include financial assets as well as properties and intangible assets which are not used by an entity for its primary business.

Therefore, investment property means property which earns profit for its owner or user (e. g. under finance lease) as a result of an increase in its value or other benefits derived from holding it (e. g. in the form of rent or lease of land, buildings or premises), including benefits from commercial transactions.

The criterion which distinguishes investment property from property included in tangible assets is the purpose for which the property is held, regardless whether it was acquired, manufactured, apportioned or reclassified from tangible assets¹. Moreover, in the statement of cash flows cash received from investment property is separated from other assets held by an entity which are used for operating activity². A method of recording investment property depends on the adopted measurement method³.

According to Section 28. 1. 1a of the Polish Accounting Act, investment property should be measured at least at the end of the reporting period in two possible manners: according to the rules applicable to tangible assets or at a market price/fair value and it should be applied to all investment property held by an entity. A description of available measurement methods is presented in Table 1.

Table 1. Measurement methods of investment property under the Polish Accounting Act

<i>Measurement method</i>	<i>Measurement according to the rules applicable to tangible assets</i>	<i>Measurement at a market price/ fair value</i>
<i>Measurement manner</i>	<i>In the statement of financial position investment property is recognised at its cost or at a revalued amount (after revaluation) plus improvement costs and less depreciation charges and impairment losses.</i>	<i>The value of investment property means an asset's fair value less costs to sell at the end of the reporting period.</i>

Source: author's compilation based on the Polish Accounting Act.

1. 2. Investment property under IAS 40

IAS 40 defines two terms related to properties. They are: investment property and owner-occupied property. Investment property is understood to mean property (land or a building - or a part of a building - or both) held by the owner or by the lessee under a finance lease to earn rentals or for capital appreciation or both, rather than for:

- a) use in production or supply of goods or services, or for administrative purposes; or
- b) sale in the ordinary course of business.

According to Section 8 of IAS 40, investment property may include the following:

- a) land held for long-term capital appreciation rather than for short-term sale in the ordinary course of business;
- b) land held for a currently undetermined future use;
- c) land held by an entity (or held by an entity under a finance lease) and leased out under one or more operating leases;
- d) a building that is vacant but is held to be leased out under one or more operating leases.

Investment property is recognised as an asset only when:

¹ W. Gabrusewicz (ed.), *Rachunkowość finansowa dla profesjonalistów*, SKWP, Warszawa 2011, p. 106.

² J. Turyna, *Standardy Sprawozdawczości Finansowej, MSSF, US GAAP, polskie ustawodawstwo*, Difin, Warszawa 2006 r, p. 169.

³ G. K. Świdorska (ed.), *Wzorcowy plan kont z komentarzem do ustawy o rachunkowości i Międzynarodowych Standardów Rachunkowości*, Wolters Kluwer business, Warszawa 2012, p. 101.

- a) it is probable that the future economic benefits associated with the investment property will flow to the entity, and
- b) the cost of the investment property can be measured reliably.

According to the discussed Standard, investment property is initially measured at its cost, including transaction costs such as: fees for legal services, property transfer taxes or notary fees. According to Section 23 of the Standard, the cost of an investment property may not be increased by start-up costs, operating losses incurred before the investment property achieves the planned level of occupancy or abnormal costs incurred during construction or development of the property.

After initial recognition, for measurement at the end of the reporting period an entity may choose one of two methods, i. e. : the fair value model or the cost model as is the case for tangible assets¹. It is important that the chosen model is applied too all investment property. The only exception is the situation when an entity applies the fair value model and there is clear evidence that the entity cannot reliably determine the fair value of a specific property on a continuing basis. In such an exceptional case the entity may apply the cost model. The model must then be applied until disposal of the investment property (Section 53 of the Standard).

It should be underlined that the use of the cost model does not relieve an entity from the requirement to determine the fair value of the property as according to the Standard, such value should be disclosed in the notes to financial statements.

It should be indicated here that fair value measurement is an ambiguous term and the use of such measurement is related to a combination of various measurement methods, as a result of which economic entities may present their assets and financial situation in financial statements in a fair and reliable manner². The rules to determine fair value have been prescribed by a new financial reporting standard - IFRS 13 *Fair Value Measurement*, effective since 2013. According to the Standard, fair value is the price that can be received from the sale of an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date³. The rules to determine fair value are subject to available information and have been divided into three levels of measurement under IFRS 13, i. e. :⁴:

- level I - information obtained from active markets, it is the source of the most reliable data,
- level II - information not obtained from active markets, but observable, i. e. objective and measurable,
- level III - data unobservable, this level is applied when information from the first two levels cannot be obtained.

In the course of an entity's operation there might be a change in use of its property, which results in a transfer of specific assets to or from investment property. It is possible provided that the change in use of such assets is evidenced by:

- a) commencement of owner-occupation - for a transfer from investment property to owner-occupied property;
- b) commencement of development with a view to sale - for a transfer from investment property to inventories;
- c) end of owner-occupation - for a transfer from owner-occupied property to investment property;
- d) commencement of an operating lease to another party - for a transfer from inventories to investment property; or
- e) completed construction or development of property - for a transfer from property under construction (under IAS 16) to investment property.

¹ MSR 40 – Międzynarodowy Standard Rachunkowości 40 – Nieruchomości Inwestycyjne z dnia 29.11.2008, Dziennik Urzędowy Unii Europejskiej, L. 320/323,

² A. Karmańska (ed.), *Ryzyko w rachunkowości*, Difin, Warszawa 2008, p. 347.

³ IFRS 13 – Fair Value Measurement, <http://www.iasplus.com/en/standards/ifrs/ifrs13> (25.07.2015).

⁴ P. Prewysz-Kwinto, G. Voss, *Wykorzystanie MSSF 13 wycena w wartości godziwej w polskich przedsiębiorstwach – wyniki badania ankietowego*, „Współczesne problemy rachunkowości w teorii i praktyce”, Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego w Olsztynie, Olsztyn 2014, p. 98.

One should remember that if an entity uses fair value measurement, a transfer of a property between specific assets may result in a change of the asset's carrying amount, and such changes are directly recognised in the financial result.

Finally, it should be indicated that under IAS 40, every entity is required to disclose various information on investment property in its financial statements. The scope of the disclosures is specified in Sections 74-79 and depends on the adopted measurement model. The most significant disclosures include:

adopted measurement model,

in difficult cases beyond the scope of the standard, the criteria an entity uses to distinguish investment property from property held by the owner,

adopted methods for determining fair value,

indication whether fair value is determined by an independent valuer who holds a recognised professional qualification or measurement is made by the entity,

amounts recognised in profit or loss for: rental income from investment property, direct operating expenses (including repairs and maintenance) arising from investment property that generated rental income and separately those arising from investment property that did not generate rental income.

2. Investment property in the largest companies listed on the Warsaw Stock Exchange

2. 1. Study methodology and study group

The study included the largest capital groups listed on the Warsaw Stock Exchange, i. e. those groups which on August 1, 2015, were included in WIG 30 index¹. For purposes of the analysis, the entities were divided according to the type of conducted business activity, and the results are presented in Table 2.

Table 2. Analysed entities according to the type of conducted business activity

Item no.	Industry	Number of companies	Share
1	Chemical	5	16. 7%
2	Energy	4	13. 3%
3	Financial services	8	26. 7%
4	Mass media	2	6. 7%
5	Textile	2	6. 7%
6	Mining	4	13. 3%
7	Other	5	16. 7%
8	Total	30	100. 0%

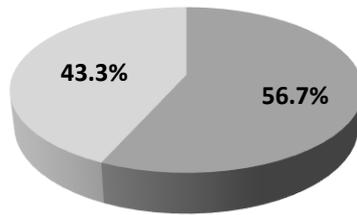
Source: author's compilation.

The entities with the biggest share in the study group included those entities which provided financial services, among which commercial banks were dominant. Item *Other* included capital groups representing the following industries: IT, telecommunications, retail trade, food and real estate. In accordance with the Polish Accounting Act, all entities, being capital groups listed on the stock exchange, prepared financial statements under international standards IAS/ IFRS, and the analysis included both consolidated and separate financial statements prepared for fiscal year 2014 or fiscal year which ended in 2014.

2. 2. Study results

The study started with ascertaining whether the entities under the study held investment property and recognised it in financial statements. The analysis was performed based on disclosures in consolidated financial statements and the results are presented in charts 1 and 2.

¹ WIG30 index has been calculated since September 23, 2013 based on the value of portfolio of 30 major and most liquid companies on the WSE Main List.



- entities holding investment properties
- entities do not have investment properties

Chart. 1. Percentage of analysed companies holding or not holding investment property
Source: author's compilation.

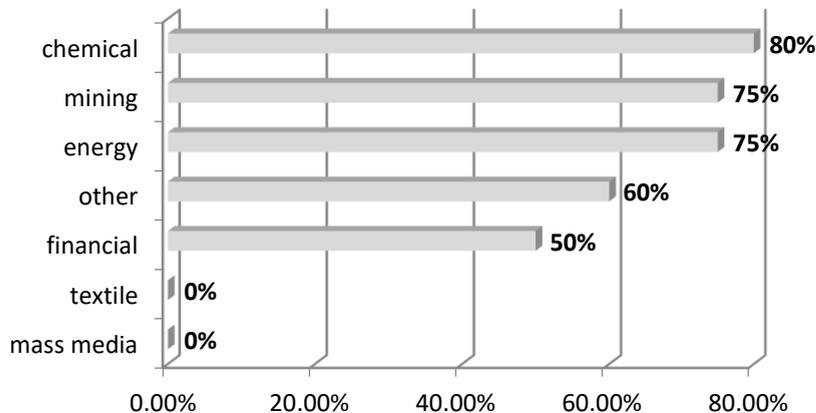


Chart. 2. Percentage of analysed companies holding investment property in relation to conducted business activity
Source: author's compilation.

Almost 57% of the analysed entities held investment property. The analysis of the results based on the type of conducted business activity (Chart. 2) shows that the percentage of entities which held investment property was the highest in chemical (80%), mining and energy (75% each) industries. None of the capital groups from mass media and textile industries held investment property. All entities which held the analysed item of assets presented detailed information on its measurement method in their accounting policy which was included in the

Introduction to financial statements. Descriptions presented by most of the analysed entities included definitions of investment property, applied initial measurement method and measurement at the end of the reporting period as well as methods of recognising measurement differences in financial statements. Moreover, such information was also disclosed in financial statements of two groups which did not hold investment property.

All analysed entities which held investment property presented it in detail in the notes to consolidated financial statements. The disclosed information usually included a list of investment property, its value at the beginning and at the end of the fiscal year, and a detailed list of changes resulting from acquisition or sale of assets, reclassifications as well as adjustments directly related to the applied measurement method. What is more, 60% of the entities which held investment property also presented income generated by such assets in the fiscal year in the notes, e. g. rental charges and related maintenance costs.

It is worth indicating that for more than 80% of the analysed entities investment property did not constitute a significant item of total assets.

The aim of the next stage of the analysis was to ascertain which investment property measurement methods were applied by the entities. The results are presented in Table 3.

Table 3. Investment property measurement methods applied by the analysed entities

<i>Item no.</i>	<i>Measurement method</i>	<i>Measurement at recognition</i>	<i>Measurement at the end of the reporting period</i>
1	<i>Cost</i>	89. 5%	63. 2%
2	<i>Fair value</i>	10. 5%	36. 8%
3	<i>Total</i>	100%	100%

Source: author's compilation.

For the majority of the analysed entities, investment property at initial recognition (i. e. receipt of a given asset) was measured at its cost plus transaction costs. Barely 10% of the analysed entities applied the fair value model at initial recognition. The situation was different when measurement methods at the end of the reporting period were analysed. More than one third of the analysed entities used measurement at present value, i. e. the fair value model whereas less than two thirds of the entities measured investment property in the same way as tangible assets, i. e. at cost less accumulated depreciation charges and impairment losses (historical cost principle). It is worth mentioning that all companies which applied the fair value model additionally indicated that for assets which could not be measured at fair value, the same measurement as for tangible assets was used.

A more detailed analysis of the results shows that the fair value model at the end of the reporting period was mainly applied by chemical industry companies (75% of the entities presented information on investment property measurement method in their accounting policy) and financial services companies (40%). None of the groups from the mining industry applied the fair value model.

What should be underlined here is the fact that only three from the capital groups which used the fair value model presented a more detailed description of the model in their accounting policy. The description indicated the level of measurement in the fair value hierarchy¹ and provided details on applied measurement methods. In all cases either the second or the third level of fair value measurement was used and the entities applied either market approach (comparing prices of comparable investment property - usually applied for measurement of investment property land) or income approach (the total of discounted cash flow generated by investment property). Moreover, in all cases investment property was valued by independent valuers and the resulting measurement differences, both gains and losses, were immediately recognised in the statement of comprehensive income.

It is worth mentioning that the groups which measured and presented investment property in the same way as tangible assets (at historical cost) also had such assets valued by independent valuers and disclosed such information in the detailed notes to financial statements. Half of the companies using historical cost measurement included such information in their financial statements.

3. Investment property in Globe Trade Centre S. A. ²

Globe Trade Centre S. A. is one of the capital groups listed on the WSE and included in WIG-30 index, and is one of the leading companies in the real estate sector in Central, Eastern and Southern Europe. The company was founded in 1994

¹ IFRS 13 *Fair Value Measurement* sets out three levels of measurement, depending on the available information. For further details see: P. Prewysz-Kwinto, G. Voss, Wykorzystanie MSSF 13 Wycena w wartości godziwej w polskich przedsiębiorstwach – wyniki badania ankietowego, „Współczesne problemy rachunkowości w teorii i praktyce”, Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego w Olsztynie, Olsztyn 2014, p. 98.

² Based on consolidated financial statements of Globe Trade Centre for year 2014.

and has been active on the real estate markets in the following countries: Poland, Romania, Serbia, Croatia, Bulgaria, the Czech Republic and Slovakia. Since the Group was founded, it has developed: 60 commercial properties, offering over 1,000,000 sq m of rentable area. Currently, the Group holds and manages 32 commercial properties, office and retail buildings, with the total net rentable area of 613,000 sq m.

In the consolidated statement of financial position (balance sheet) at the end of 2012 the investment property constituted 71% of total assets while at the end of 2014 it was already 80%; therefore, it is worth presenting here the measurement methods the company uses for such assets.

The Group's investment property is measured in accordance with IFRS 40; however, separate measurement methods are used for the investment property already held and the investment property under construction which in the future will be treated as investment property.

3. 1. Measurement of investment property by GTC S. A.

GTC S. A. 's investment property includes land, buildings or parts of buildings held to earn rental income and/or for capital appreciation. In the financial statements, investment property is recognised at fair value according to the fair value model, which reflects market conditions at end of the reporting period. Gains or losses resulting from a change in the fair value of investment property are recognised in the income statement in the year they arise.

Completed investment property is valued by an independent valuer based on market data, using the DCF method (Discounted Cash Flow) or, if more appropriate, Income Capitalisation method or Yield method.

Investment property is derecognised from the statement of financial position when it has been disposed or withdrawn from use, and no future economic benefits are expected from its disposal. Any gains or losses on the retirement or disposal of investment property are recognised in the income statement in the year of retirement/ disposal.

Transfers of specific properties to investment property are made only when there is a change in use, evidenced by the end of owner-occupation or commencement of an operating lease to another party. Transfers of specific properties from investment property are made only when there is a change in use, evidenced by the commencement of owner-occupation or commencement of development with a view to sale.

3. 2. Measurement of investment property under construction by GTC S. A.

The company measures only investment property under construction, for which a substantial part of risks related to its development has been eliminated. Assets, for which this is not the case, are recognised at the lower of cost and recoverable amount.

The following criteria have been adopted to assess whether substantial risks related to investment property under construction have been eliminated:

agreement with general contractor is signed;

construction permit is obtained;

at least 20% of rentable area is leased (based on signed agreements or letters of intent).

Fair value of investment property under construction is determined based on the progress of work at the end of the reporting period. Valuations are performed in accordance with the RICS¹ and IVSC² standards, using residual method approach, discounted cash flow or comparable transaction method, based on the valuer's judgement. Each investment property under

¹ A set of standards prepared by *Royal Institution of Chartered Surveyors, generally used in Great Britain.*

² International Valuation Standards published by the International Valuation Standards Council.

construction is assessed individually. The future value of assets is estimated based on expected future income from the project, using yields which are higher than current yields of comparable completed property. Expected remaining costs are deducted from the estimated future value of the assets. For projects where the expected future completion risk is above average (based on valuer's judgement), a developer's profit margin on uncompleted work is also deducted from their value.

4. Summary

The largest capital groups listed on the WSE measure their investment property under IAS 40, i. e. in accordance with the requirement imposed on such entities by the legislator. The conducted study shows that more than 50% of the entities hold investment property, and almost two thirds use the cost model to measure their investment property, i. e. measure it in the same way as tangible assets. The analysed entities apply the fair value measurement model less frequently, which may be related to the fact that it is more difficult to use, it has been in use for a short time, and it may also be related to the changes resulting from the

Introduction of a new standard - IFRS 13.

All analysed entities which hold investment property disclose information in the notes to consolidated financial statements. The disclosed information includes a list of investment property, its value at the beginning and at the end of the fiscal year, and a detailed list of changes resulting from acquisition or sale of assets, reclassifications as well as adjustments directly related to the applied measurement method. What is more, 60% of the entities which hold investment property also present income generated by such assets in the fiscal year in the notes, e. g. rental charges.

Although for 80% of the analysed entities investment property is not significant in the total statement of financial position, the scope of the disclosures is consistent with the requirements of IAS 40 and allows for assessing the asset and changes as well as a proper analysis of the data.

References

Gabrusewicz W. (ed.), *Rachunkowość finansowa dla profesjonalistów*, SKwP, Warszawa 2011.

IFRS 13 – Fair Value Measurement, <http://www.iasplus.com/en/standards/ifrs/ifrs13> (25. 07. 2015).

International Financial Reporting Standards (MSSF), SKwP, Warszawa 2014.

Karmańska A. (ed.), *Ryzyko w rachunkowości*, Difin, Warszawa 2008

MSR 40 – Międzynarodowy Standard Rachunkowości 40 – Nieruchomości Inwestycyjne z dnia 29. 11. 2008, Dziennik Urzędowy Unii Europejskiej, L. 320/323,

Prewysz-Kwinto P., Voss G., *Wykorzystanie MSSF 13 wycena w wartości godziwej w polskich przedsiębiorstwach – wyniki badania ankietowego*, „Współczesne problemy rachunkowości w teorii i praktyce”, Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego w Olsztynie, Olsztyn 2014.

Świdarska G. K. (ed.), *Wzorcowy plan kont z komentarzem do ustawy o rachunkowości i Międzynarodowych Standardów Rachunkowości*, Wolters Kluwer business, Warszawa 2012.

The financial statements of entities included in the WIG-30 index: Alior Bank, Asseco Poland, Bogdanka, Boryszew, BZWBK, CCC, Cyfrowy Polsat, ENEA, ENERGA, EuroCash, Grupa Azoty, GTC, City Handlowy, ING Bank Śląski, JSW, Kernel, KGHM, Lotos, LPP, mBank, Orange, PEKAO, PGE, PGNiG, PKN Orlen, PKO BP, PZU, Synthos, Tauron, TVN.

Turyňa J., *Standardy Sprawozdawczości Finansowej, MSSF, US GAAP, polskie ustawodawstwo*, Difin, Warszawa 2006

Self Presentation of Communist Albania Through the Antagonist Discourse

Romira Muka

Universiteti Luigj Gurakuqi, Shkoder, Albania

romimuka@gmail.com

Abstract

Given the fact that totalitarian systems use the media as the most powerful tool to produce and disseminate the ideology, the text of this paper is the printed press of that period. I especially selected the journal *Zëri i Popullit* (Voice of People), as it was the main representative press organ of Communist Party which would later become the Labor Party. Understanding the past discourses paves the ground for understanding their continuity or their change during the new systems of governance as it will be after 1990's in Albania. The methodology of this paper is Critical Discourse Analyze. I will use Critical Discourse Analyze at the same time as theory for this study. Since the totalitarian system ruled Albania during that period, the study will be focused on analyzing the hegemonic discourse, seeing antagonism as the basic form of power's self presentation. Also to understand the key moments of self presentation I have selected the articles during the national holidays such as 1st of May the Labor Day 28th of November the Independence Day and 29th of November the Liberation Day. The articles of press during national holidays are selected as key data, because these dates have always been important to deliver messages. This paper aims to establish discursive categories seeing antagonism as main feature of power legitimacy. Based on this argument the research question of this paper is; which are the elements used by printed press for its self presentation to legitimize the power?

Keywords: political discourse, media discourse, critical discourse analyze, hegemonic discourse, self presentation

Introduction

Language is one of the most important elements that help to construct the social structures. As well as language there are several other tools that help to raise up social structures such as; social context, economic context, cultural and political context. The presupposed structures are those concepts build in a society so that society can represent itself. Those structures at the same time help the society to understand the reality and to be part of this reality. Different authors argue the function of language in different ways; some of them argue that language structures the reality and others argues that reality produce the language. The approach followed in this study is the one which describes the language as a reality producer. As I said above the process through which we understand the reality doesn't happen by the spoken language but by the communicative language, therefore I chose the newspaper text as an important communicative text. Newspaper is a very important medium that transmits, produces and distributes messages. Referring to Bertrand (1997) there are four types of regimes of press which coincide with the political regimes during whom they are performing. So to explain the context of newspaper, *Zëri i Popullit*, I have to explain the political system of the period. The case of this study belongs to communist regime of press. Bertrand (1997:16-17) explains that totalitarian governments 'use media to spread the official ideology, to teach this ideology to people, to encourage people to follow this ideology and at the end, to impose it'. He also adds that third world medias pretended to have a very special role to; "serve to development, to educate the people, to conceive in a nation heterogeneous groups and to save the local culture"(Bertrand 1997: 17). By all these means media is used for a proper aim and directly for an effective self presentation. Regarding this approach the question raised is; which are the strategic discursive tools used by printed media during this period? Hypothesis of this paper is; to construct the social reality the communist regime in Albania uses printed media, and the main element through which the antagonist camps are constructed is history. Before arguing the hypotheses I should explain some key concepts such as self

presentation, hegemonic and antagonism that will be followed by critical discourse analyze. Referring to Fairclough and Wodak (1997: 271-80) we can summarize Critical discourse analyze in eight components such as;

1. CDA addresses social problems
2. Power relations are discursive
3. Discourse constitutes society and culture
4. Discourse does ideological work
5. Discourse is historical
6. The link between text and society is mediated
7. Discourse analysis is interpretative and explanatory
8. Discourse is a form of social action.

According to these functions of discourse I will try to explain the ideology, the mediated text that is used to spread the ideology and the interpretative forms such as antagonism.

Methodology

Constructing discourse historical approach Wodak sets six types of different kind as 'field of action', one of them is formation of public opinion and self-presentation'(Wodak 2001:68). One of the genres of this field is press release. Because of that, the data collected from the newspaper including all the articles through this dates will help to explain the antagonist forms that the communist party has used to legitimate the power but at the mean time to represent itself. This paper is carried from years 1945 till years 1985 when Enver Hoxha¹ is dead. I especially chose these dates because after the death of dictator the regime turns out to have some changes with the new leader. As discourse analytical approach I will use the dimension of strategy.

Strategy

The first step of historical discourse analyze is the identification of main themes of content. According Wodak this identification is realized through the pilot reading of empirical data, which will be connected with the proper theories of the study (Wodak et al 1999). A second related dimension of analyze is strategy. De Cillia et al distinguish four types of macro-strategies;

(1)constructive strategies; (2)perpetuation and justification strategies; (3) transformation strategies; and (4);dismantling or destructive strategies (De Cillia et al. 1999:160)

Strategy helps to understand the used discourse for the self presentation. Referring to the presumption of this paper I will try to explain the application of these four macro strategies using the historical dates where we chose the empirical data. Constructive strategies describe the various linguistic ways through which we perceive and build the group. Referring to De Cillia et al; Components of constructive strategies are all persuasive linguistic devices which help invite identification and solidarity with the 'we-group', which, however, simultaneously implies distancing from and marginalization of 'others'(1999: 160).

¹ Leader of Communist Party in Albania that ruled from 1945 till April 1985

Through justification and legitimating which are the main components of perpetuation strategies the discourse tries to construct Our-history. Who we are, why we are, why we should be are the most important perspectives of this strategy (De Cillia 1999:161). The continuity, as well as threaten of this continuity help to construct the history of *Us* (Wodak et al, 1999).

The use of discourse to change a deep rooted aspect of self presentation's identity is realized by transformation strategies. During political discourse analyzes the political oriented press or political actors are the possible re-definers of the new meanings.

The destruction of mythic elements through which the mediated tools or politicians fabricate the history is realized by dismantling or destructive strategies. Wodak explains that, while the existing identities are being dismantled by this strategy, they do not get replaced (Wodak et al, 1999)

Strategies of self presentation

For the self presentation process Jones (1990) establish five strategies; ingratiation, competence, intimidation, supplication and exemplification. As I am presenting a self presentation of a political system, I should be aware that there are some differences in strategy making between individuals and systems. Regarding communist Albania I will chose intimidation, exemplification and competence as strategies used by Communist Albanian Party. A better and shorter description of these chosen strategies is made by Dominick (1999:648) as below; Intimidation: Persons using this strategy have power as their goal. Typical characteristics are threats, statements of anger, and potential unpleasantness. Exemplification: The goal of this strategy is to be perceived as morally superior or possessing high moral standards. Characteristics include ideological commitment or militancy for a cause, self sacrifice, and self discipline. Competence: The goal of this strategy is to be perceived as skilled and qualified. Common characteristics include claims about abilities, accomplishments, performance, and qualifications.

Newspaper's text analyses

Beside different articulation such as classes, ideology, friends, education and culture during this study the history is the articulation which affects mostly the discourse. Through the element of history, we will see how the antagonist camps divide and how the social identity is constructed separately in the proper camps it belongs. History will play an important role to reinforce the antagonism between the different camps. The growth of antagonism will increase the hegemony, therefore the power will be more legitimated. As far as self presentation strategies are, intimidation, exemplification and competence, in this study we will see how these strategies interlink and interact with the discursive strategies and how the history became an important tool during this process. The analyze will be based in three important historical dates. Each of the dates, 1st of May, 28th of October and 29th of October will be analyzed separately as an important and different entity of discourse that help in the construction of self presentation identity of the Communist Party.

While analyzing the text I will try to explain how the self presentation strategies ate interfered and integrated with self presentation strategies constructing both precedents of a totalitarian identity of *Us*.

1st of May

Based on Albanian press, is clear that during the years 1945 two main poles are constructed. These two poles as well as save the equivalence inside them will be different one to the other. The first pole is based on concepts such as; people, party, worker class, peasantry and will be the opponent pole of all the former official of monarchy, former land owners, former member of other organizations or parties, during the National War for Independence, who did not fought in the side of Communist Party. 1st of May as an international holiday will serve to empower the group *Us*, making it part of a larger group of a more global group, beyond the Albanian borders. 1st of May will be the holiday of every person part of communist republics from one continent to the other. To reinforce the group *Us*, there is also a transferring from nation to class. Because working class is more comprehensive. Celebrating the 1st of May internationally makes the group larger and stronger. The regime takes the model of celebration from other communist countries, and uses for the unification with these countries. Meanwhile the opposite patterns are, West Europe and the entire West world. Through exemplification that puts on the high moral standards of the group it is analyzed that party identity with the 1st of May has two imperative discourses

which are protection and peace. The discourse that expresses the protection of peace aims to unify the group and peace has the aim to increase the morality of the group. One of examples that is found mostly can be illustrated with the text below;

"Today our country is unbeaten castle, which protect with courage its freedom and independence, and protect the peace in this place of the world. (Zëri i Popullit,01. 05. 1952)

There is also another paragraph that enforces the idea of peace such as;

"The worker in fabric, the farmer in the field, the student in the school, the officer in the office protect the peace in the same way as the soldier in the border; each of them in their own way with their own tools. " (Zëri i Popullit,01. 05. 1953)

Self presentation through intimidation is seen using the discourse of war. The power that comes through the war makes *Us* powerful in front of inside enemies the old regime and ex powerful class such as monarch and others but at the same time war empower the group of *Us* against the outside enemies such as imperialist and capitalist world. An illustrative example is;

"... 1st of May is being celebrated as the day of international consolidation of working class, as day of detestation and revenge against capitalism, as day of war for freedom and against ruling class. "(Zëri i Popullit, 01. 05. 1950)

Also during the years 1960 there is another text that explains self presentation through intimidation. There is a text cited by Lenin chosen for the front page of the newspaper;

" In this big war there are two worlds that stay one in front of the other: the world of capital and the world of work, world of exploitation and slavery and world of brotherhood and freedom. " (Zëri i Popullit, 01. 05. 1960)

In the text of 1st of May 1971 we can analyze the self presentation through the Competence. The group of *Us* is skilled and qualified. But it is important to underline that all these skills and qualifications are thanks to a well organized party and its leader Enver Hoxha. The text below is a summary discourse of such a strategy.

"The party raised up the worker, made him the only powerful god of his country. Today our intelligent folk that parades side by side has realized a wonderful work, embodying the ideals of communist party and lessons of comrade Hoxha"(Zëri i Popullit,01. 05. 1971)

To reinforce the self presentation strategy of competence we will show a quote cited from Enver Hoxha, established on the front page of the newspaper during 1st of May 1968;

" It is a fact that we have a heroic working class, with a great revolutionary spirit and courage, we have a working class closely related with its party and its folk. "(Zëri i Popullit, 01. 05. 1968)

28th of November and 29th of November

Analyzing the two of the most important historical dates in Albanian history, 28th of November and 29th of November, I will try to show how the self presentation is well integrated in discourse strategies and how the dates changes their importance through the discourse.

The 28th of November is the international Independence Day for Albania. Albania won independence from Ottoman regime on 28th of November 1912. Till the years 1945 for all the Albanians this was the most important historical day. But later on in year 1945 with the new regime, we can see how the totalitarian regime will capture this date and transform its importance to reinforce and make more powerful the 29th of November which is the known as Liberation Day. The communist regime which was installed on November of 1945 made this date as the key point of Albanian history. This date will become important because it glorifies the Communist Party itself, because it sees and shows it as its own success.

Using the strategy of justification and victimization where the 28th of November will be shown as an unfinished attempt, the Communist Party will represent its self as confident, strategic and powerful through the self presentation strategies.

The discourse strategy in this case will help to transform the importance from 28th to 29th and then to glorify the 29th. Examples extracted by newspaper text will illustrate better the situation.

On year 1959 we can see as at the date of 28th the news paper writes about 29th as below;

“Our folk will happily celebrate tomorrow 29th of November...” (Zëri i Popullit, 28. 11. 1959)

Through the strategy of victimization the newspaper’s text shows that;

“ ...even the declaration of independence the Albanian were not really liberated ...” (Zëri i Popullit, 29. 11. 1951)

Because the 28th of November is seen as an;

“The stage that had its full culmination on 29th of November 1944, when Albanian folk manned from Communist Party and comrade Enver Hoxha...” (Zëri i Popullit, 28. 11. 1965)

In almost all the texts that comes out during the date of 29th of November we a discourse that conclude this date as the most important one. An example of all this is the text that shows the form of celebration of this date;

“ ...graciously we celebrate the 29th of November, the Day of Liberation, the greatest date of our history through the centuries” (Zëri i Popullit,29. 11. 1949)

Fading the date of 28th of November, by shifting the importance to 29th of November, and unraveling the heroes of that date, the communist party will construct the 29th of November by exemplification. Through this strategy the party involves all its ideological superiority and sacrifices. Most of the texts found in the newspaper can be summarized with such a paragraph;

“29th of November marks our history, the border between two worlds, the one where the folk was mistreated from ‘the powerful ones’ and where was nothing true and right and the other where we stand up the pedestal of full master of our fates”(Zëri i Popullit, 29. 11. 1964)

An important point of this strategy is military and to conclude the analyze I have picked a paragraph where the military force plays an important role during the self presentation;

“There was nobody there donating the freedom, we gain it with our blood and our struggle, we didn’t need any allied armies to come at our land and help us” (Zëri i Popullit, 29. 11. 1979)

Conclusion

All the systems not only the totalitarian ones use strategies to self present and by this to gain terrain and to legitimize themselves. The same happened in totalitarian Albania as well. Even the communist party used its force and terror, its full power to convince, the power itself was never sufficient. The long-life of regime, more than 45 years, shows that the communist party used media as well to better legitimize itself. Analyzing the texts of the newspaper Zeri i popullit helps us to understand how the regime presented itself and what it chose to self present.

As seen in the analyze part, most of strategies were present, but differently chosen. If in 1st of May they are altogether to make a self presentation, it is different on 28th of November. In the 28th of November the system uses justification and unraveling the myths more than exemplification, intimidation or competence. More than an international day the 28th was used as a bridge that helped to empower the 29th of November. Meanwhile during the 29th of November the strategy that

is mostly used is exemplification. It is not by chance but it is on purpose because, because through this strategy the regime reinforce its values.

References

- Bertrand (1997), *Deontologjia e mediave*, Instituti Shqiptar i Medias: Tiranë
- Chantal& Mouffe (1985), *Hegemony & Socialist Strategy- Towards a radical democratic politics*, Verso: London
- De Cillia, Reisigl & Wodak (1999), *The discursive construction of national identities*, In *Discourse & Society*, Vol. 10 (2)
- Dominick, J. (1999). *Who do you think you are? Personal home pages and self presentation on the world wide web*. *Journalism & Mass Communication Quarterly*, 76, 646-658
- Fairclough, Norman & Wodak, Ruth., (1997), *Critical Discourse Analysis*, London: Sage
- Jones, E. (1990), *Interpersonal perception*. New York: W. H. Freeman and Company
- Wodak et al (1999), *The Discursive Construction of National Identity*, Edinburgh University, Press: Edinburgh

Appendixes

- Fjala e shokut Beqir Balluku. (1949,Nëntor 29). *Zëri i Popullit*,pg. 2
- Konference Solemne – Shefqet Peçi (anëtar i Komitetit Qendror të P. P. SH.). (1951,Nëntor 29). *Zëri i Popullit*, pg. 2
- Rrugë fitoresh. (1959,Nëntor 28). *Zëri i Popullit*,pg. 1
- Fjalimi i shokut Enver Hoxha. (1964,Nëntor 29). *Zëri i Populli*, pg3
- Per beteja te reja,per fitore te reja ne ndertimin socialist. (1965, Nëntor 28). *Zëri i Popullit*, pg. 1
- Zëri i Popullit*, 1 Maj,1952,pg. 1
- Zëri i Popullit*, 1 Maj,1953,pg. 1
- Zëri i Popullit*, 1 Maj,1950,pg. 1
- Zëri i Popullit*, 1 Maj,1960,pg. 1
- Zëri i Popullit*, 1 Maj,1971,pg. 1
- Zëri i Popullit*, 1 Maj,1968,pg. 1

Quality of Service to the Regional Road Transport Service

Suela E. Shpuza

PhD candidate in management

s_shpuza79@yahoo.com

Abstract

Performance is measured and done, the quality represents a key element to achieve the performance, especially customer service quality. In response to the pressure of globalization, the market increasingly competitive and volatile market dynamics that, many organizations actively seeking ways to add value to their services and improve their quality of service. Organizations usually tend to make their operations efficient priority. This process begins with the assessment of nevojave customers, their requirements and assessing the performance of domestic human resources in organization and performance depends on the outcome of the estimated earlier. Since this process can proceed in different directions. The causes of these results may be the lack of information and support of high-level management, performance standards unclear, inaccuracies assessors, very large number of forms to be completed and the use of software for the opposite purpose.

Keywords: Quality of Service to the Regional Road Transport Service

Introduction

Based on the study of literature are formulated questions about the impact of quality of customer service performance network-system Departments of Road Transport Services in Albania, where the interviews are collect information about the process, methods, system and process quality management, applicable standards.

Literature Review

Matrix balanced scorecard (BSC), which was created by the author Kaplan and Norton. this matrix is a management system that enables organizations to clarify the vision and their strategy and translate them into concrete actions. (Kaplan & Norton, 1992). Also, this model provides feedback on internal business processes and external at the same time about their results. (Kaplan & Norton, 1993). BSC-lo It suggests that organizations should be judged from four perspectives, develop quality measuring instruments to collect data and analyze them according to each of the prospects. These prospects are consumers, finance, process and innovation & learning.

Methodology

The methodology has helped us practically easier to make a comparison of variables to test the hypothesis set. Another method used in this paper is descriptive method through which marketing strategies have been described by various authors mentioned in the literature review.

Methods to be used are:

- qualitative method through direct interviews
- quantitative method through structured questionnaire

In the first phase of qualitative methods I use half structured interview as instrument of collection of qualitative data (with representatives of the managements of companies that will be part of that study will not be put aside nor employees).

In the second phase, quantitative methods will be used questionnaire structured as a technician for collecting data (for the purpose of comparing the empirical data questionnaire will serve therefore to collect data which will then be analyzed with software SPSS and statistical tests will be conducted to confirm or reject the hypotheses mentioned above.).

The methodology used for collecting data in the field is based on conducting interviews with these subjects: consumer, with executives & managers Departments of Road Transport Services in Albania. After analyzing secondary data; Well editorial materials research process has started, which was originally identified from the ground state by measuring the variables, it through the interviews which aimed confirmation of hypotheses

During operation is used quantitative methods of data collection, ie questionnaires were used to collect data. This has helped us do that more easily compare the different variables used to test the hypotheses submitted. Another method used in this paper is descriptive method through which marketing strategies have been described by various authors mentioned in the literature review.

Paving the categories specified questionnaires we managed to get the answer always based on a conceptual scheme of study, as well as the study of the econometric model.

Considering the interpretation of hypotheses, their analysis is built by sharing and relevant hypotheses.

Conclusion

"Quality is fitness for use" (Juran, 1979); "Quality is conformity to requirements" (Crosby, 1979), "It is an agreement provided for uniformity and dependence with low costs by adapting to the market" (Deming, 1982, quoted in 1993), Other scholars as Feigenbaum (1983), essentially defining quality as "a way of managing the organization" Six years later, Oakland gave a more practical sense this term implying the latter "fulfilling consumer demands"

After 90 years, with the creation of the International Standards ISO "is the total quality of the characteristics of an entity that appears on its ability to satisfy the needs expressed or implied", (ISO 8482: 1994: vii)

Japanese standards for the industry, the word "entity" used by ISO substitute the word "goods and services", implying quality, "the production system in order economic goods and services that satisfy the demands of workers".

Feigenbaum researcher extends the meaning of this concept in an organization and planning is starting for the first time to highlight what would later be called Total Quality Management.

Quality management in the organizational context will be the application of certain practices and certain techniques, which ensure that the final product or output of an organization, a product or service that is of a high standard.

At an organizational level, the variables that affect the quality of a product or service include those factors that influence the organization in its entirety internally and externally. In analogy with the private sector, the quality has always played a role in public administration, less stated that in the private sector, but its meaning has evolved in recent years

Beltram public sector author distinguishes three stages in the evolution of quality are:

Quality in the sense of respecting the norms and procedures

Quality in the sense of effectiveness

Quality in the sense of consumer satisfaction

In many countries, public administration a significant place of widely sound economic sector which includes employment and production of goods and services. Consequently, we can not remain indifferent to Quality Management in Public Administration.

French public sector has often experience low-quality services, which has led to the generation of low expectations for citizens. The result has been a disappointment and effort without charge but not much real action.

After 90 years the situation took a different direction. Albania appears to be making efforts to modernize the public sector and improving the quality of public services, in an effort to integrate into the EU, which also puts pressure on the expansion of administrative capacity. Albania has taken its first steps towards the implementation of Quality Management.

Quality management has gone through a significant evolution from simply inspection of products to the creation of a completely different vision for the organizations strategy.

Public transport in Albania found major problems faced many as the original of all the problems is the presence of more cars / motor vehicles in traffic compared with public transport; which implies that citizens prefer private transport compared with the public. This situation puts Albania in the ranking of countries with traffic charge.

The main centers are Tirana traffic charge as the capital and center of government and business administration, making that form the focus needs to be there many people from the neighboring countries and beyond.

Movement of people in Tirana is very high, every day; there are about more than 170 thousand trips by private vehicles and public transport round destination / Tirana trip. The number of public transport vehicles is only about 2% of total assets in Tirana.

They were made in the past as well as in Albania in EU countries more research studying why people prefer the use of private cars compared to public transport. And one of the key reasons is that they are not satisfied with the quality of public transport service (Yudiatna 2010, 11). The problem in my opinion is in fact the operators have poor management, then do not have the right strategies in business direction for the organization and provision of quality customer service. There is lack of thinking of outsourcing services for customer perfect. They do not have enough responsibility to provide guarantees excellent customer service, this is also whispers that nowadays people in Tirana and beyond are becoming more critical for public transport services. The service is an important issue for passengers. They want to have the best services of public transport; otherwise they will continue to use private vehicles instead of public transport to do their daily activities. If this continues to happen, public transport in Albania will continue to be gripped in the challenge even greater thus making the Directorate of Road Transport Services in Albania in the future even more not efficient and the services that they are useless to citizens.

According to research undertaken by DShTRrSh if there will be significant changes in the development and construction of roads in Albania, as well as developing practical service quality within the departments of its then will face congestion Total traffic (permanent blocking) in 2019, that unless the government must take serious steps to improve public transport. Building roads in Tirana in particular and in other cities, now growing at a rate of about 0. 01 percent per year, and as such is unable to handle the number of vehicles in the capital. Vehicles grow by an average of 11 percent per year.

There are many ways to solve these problems. The most important step is to put the logic of service quality in management policies, which means using "logic dominated by good service" (SD logic) rather than "Common dominance of goodness" (GD logic), as basic thinking to solve the problem. One of thinking to solve the problem is by using performance measurement of Logical dominant service (S-D logic), as a basis for measuring and evaluating public transport.

These measurements can be performed through a balanced evaluation Matrix (BSC). Measuring performance is very important to help in assessing the suitability and performance of the current service. The basic question is: How do we know if the service is good and necessary reforms? The result of the measurement may be used by some actors who need

that data. Measuring performance also provides instructions on how to use limited resources effectively and efficiently in the design and operation of government services and policies that reflect community needs. Derived from government policies should be thinking based S-D logic. The logic of public transport actors (especially for policy makers) should be changed from G-D S-D logic to logic. GD logic is a sight to do something (transporting someone from a starting point to a destination and providing only the capacity of transport) to process logic SD, which means helping users of public transport to create their process value creation (Enquist et al, 2009). Actors of public transport (especially for policy makers) have to change the logic or thought by thinking of value as something produced and sold to thinking of value as something that is jointly created with customers and other partners (Enquist et al, 2009).

Matrix Balanced Scoreboard (BSC), created by the author Kaplan and Norton. This matrix is a management system that enables organizations to clarify their vision and strategy and translate them into concrete actions (1992).

This model provides feedback on internal business processes and external outcomes simultaneously around them. (1993).

BSC suggests that organizations should be judged from four perspectives, develop quality measuring instruments, collect data and analyze them according to each of the prospects. These prospects are consumers, finance, process and innovation & learning.

References

- Agency, C. C. (2011). Istraživanjè Tržišta Distributivnè Trgovmè Mješovitom Robom, Pretežno Hranom, Pićima I Proizvodima Za Domaćinstvo U Republici Hrvatskoj U 2010. Godini.
- Albaum, G., 1997. "the Likert Scale Revisited: An Alternate Version (Product Preference Testing)" [Online]. Journal of the Market Research Society, 39 (2), 331. Available from: [Http://Business. Nmsu. Edu/~Mhyman/M610_Articles/Albaum_JMRS_1997. Pdf]
- Baltagi, H. B. (1981), „Simultaneous Equations with Error Components”,
- Benacek, V., Zemplerova, a. (1997), Foreign Direct Investillent in the Czech Republic: Environment, Structure and Efficiency in the Manufacturing Sector. Working Papèr No. 110, Prague: CERGE-EI.
- Blanchard, O. (1997), the Economics of Post-Communist Transition,
- Carlin, W., Van Reenen, J., Wolfe, T. (1995), Enterprise Restructuring in Early Transition: the Case Study Evidence, Economics of Transition 3(4), 427-458.
- Comission, E. (2014). Progress Raport for Kosovo. EU: European Commission.
- Communist Economies, Volume 11, No. 1, Pp. 99-125.
- Consequences', Journal of Political Economy, Volume 93, No. 6, Pp. 1155-1177.
- Corporatè Pèrformance: Some Lessons from Transition Economies, Economic Research
- Demsetz, H. (1983), 'The Structure of Ownership and the Theory of the Firm', Journal
- Demsetz, H. and Lehn, K. (1985), 'The Structure of Corporatè Ownership: Causes and Development.
- Demsetz, H. and Villalonga, B. (2001), 'Ownership Structure and Corporatè
- Djankov, S. (1999), Ownership Structure and Enterprise Restructuring in Six Newly Independent Statès, the World Bank, Policy Research Working Papèr, No. 2047 (February).
- Djankov, S. and Claessens, S. (1997), Enterprise Pèrformance and Managers" Profile,
- Djankov, S. and Murrell, P. (2000), the Determinants of Enterprise Restructuring in Transition: An

- DEWATRIPONT, M., L JEWITT, and J. Tirole (1999a): "the Economics of Career Concerns, Part I: Comparing Information Structures," *Review of Economic Studies*, 66, 183-198. - (1999b): "the Economics of Career Concerns, Part II: Application to Missions and Accountability of Government Agencies," *Review of Economic Studies*, 66, 199-217.
- FRANKS, J., C MAYER, and L RENNEBOOG (1996): "the Role of Large Share Stakes in Poorly Performing Companies," Mimeo, London Business School.
- GORTON, G., and G. PENNACCHI (1990): "Financial Intermediaries and Liquidly Creation," *Journal of Finance*, 45, 49-71. - (1993): "Security Baskets and Indexed-Linked Securities," *Journal of Business*, 66, 1-27.
- GREEN, J., and J. J LAFFONT (1992): "Renegotiation and the Form of Efficient Contracts," *Annales D' Economie Et De Statistique*, 25/26, 123-150. (1994): "Non Verifiability, Costly Renegotiation and Efficiency," *Annales d' Economie Et De Statistique*, 36, 81-95.
- HANSMANN, H. (1996): *the Ownership of Enterprise*. Cambridge, MA: Belknap Harvard.
- HART, O. (1995a): *Firms, Contracts, and Financial Structure*. Oxford: Oxford University Press. -- (1995b): "Corporate Governance: Some Theory and Implications," *Economic Journal*, 105, 678-689.
- HIRSCHILLAN, A. (1970): *Exit, Voice, and Loyalty*. Cambridge: Harvard University Press. HOLMSTROM, B. (1979): "Moral Hazard and Observability," *Bell Journal of Economics*, 10, 74-91. - (1999): "Managerial Incentive Problems: a Dynamic Perspective," *Review of Economic Studies*, 66, 169-182.
- JENSEN, M. (1986): "Agency Costs of Free Cash Flow, Corporate Finance and Takeovers," *American Economic Review*, 76, 323-329.
- JENSEN, M., and W. MECKLING (1976): "Theory of the Firm: Managerial Behavior, Agency Costs, and Capital Structure," *Journal of Financial Economics*, 3, 305-360.
- JENSEN, M., and K. MURPHY (1990): "Performance Pay and Top Management Incentives," *Journal of Political Economy*, 98, 225-264.
- KAPLAN, R., and D. NORTON (1996): *the Balanced Scorecard*. Cambridge, MA: Harvard Business School Press.
- KREMER, M. (1998): "Worker Cooperatives as Economic Democracies," Mimeo, MIT.
- KYLE, A. (1985): "Continuous Auctions and Insider Trading," *Econometrica*, 53, 1315-1335.
- LA PORTA, R, F. Lopez DE SILANES, A. SHLEIFER, and R VISHNY (1997): "Legal Determinants of External Finance," *Journal of Finance*, 52, 1131-1180.
- (1998): "Law and Finance," *Journal of Political Economy*, 106, 1113-1155.
- (1999): "Corporate Ownership Around the World," *Journal of Financial Economics*, 54, 471-517.
- MASKIN, E., and J. MOORE (1999): "Implementation and Renegotiation," *Review of Economic Studies*, 66, 39-56.
- MASKIN, E., and J. TIROLE (1999a): "Unforeseen Contingencies and Incomplete Contracts," *Review of Economic Studies*, 66, 83-114.
- (1999b): "Two Remarks on Property Rights," *Review of Economic Studies*, 66, 139-150.
- NOLDEKE, G., and K. SCHILLIDT (1998): "Sequential Investments and Options to Own," *Rand Journal of Economics*, 29, 633-653.
- PORTER, M. (1992): "Capital Disadvantages: America's Failing Capital Investment System," *Harvard Business Review*, 70, 65-82.
- REY, P., and J. TIROLE (1999): "Divergence of Objectives and the Governance of Joint Ventures," Mimeo, IDEI.

Ros, M. (1994): *Strong Managers, Weak Owners: the Political Roots of American Corporate Finance*. Princeton: Princeton University Press.

SCHILLIDT, R (1997): "Corporate Governance: the Role of Other Constituencies," in *Corporate Governance: Les Perspectives Européennes*, Ed. by Alia Pezard and J. M. Thiveaud. Montchrestien: Association d'Economie Financière.

SEGAL, L (1995): "Essays on Commitment, Renegotiation, and Incompleteness of Contracts," Ph. D. Thesis, Harvard University. --(1999): "Complexity and Renegotiation: a Foundation for Incomplete Contracts," *Review of Economic Studies*, 66, 57-82.

SEGAL, L, and M. WHINSTON (1998): "The Mirrlees Approach to Mechanism Design with Renegotiation (with Applications to Hold-up and Risk Sharing)," Mimeo, Stanford University.

SHLEIFER, A, and L. SUMMERS (1988): "Breach of Trust in Hostile Takeovers," in *Corporate Takeovers: Causes and Consequences*, Ed. by Auerbach. Chicago: University of Chicago Press, 33-56.

SHLEIFER, A, and R. Vishny (1997): "A Survey of Corporate Governance," *Journal of Finance*, 52, 737-783.

SINCLAIR-Desgagne, B. (1999): "How to Restore Higher-Powered Incentives in Multi-Task Agencies," *Journal of Law, Economics, and Organization*, 15, 418-433.

SMITH, A (1776): *An Inquiry into the Nature and Causes of the Wealth of Nations*. New York: Modern Library, 1937.

STEWART, B. (1994): "EVA: Fact and Fantasy," *Journal of Applied Corporate Finance*, 7, 71-84. Subrahmanyam, A. (1991): "A Theory of Trading in Stock Index Futures," *Review of Financial Studies*, 4, 17-51.

TIROLE, J. (1999): "Incomplete Contracts: Where Do We Stand?" *Econometrica*, 67, 741-781. TURNBULL, S. (1997): "Stakeholder Cooperation," *Journal of Cooperative Studies*, 29.

VIENOT REPOURT (1995): "Le Conseil d'Administration Des Sociétés Côtées," in *Rapport Du Camille Sur Le Gouvernement D'Entreprise Présidé Par M. Marc Vieille*. Paris: MEDEF; <http://www.medef.fr/fr/lnav/lframe.html>.

WILLIAMSON, O. (1985): *The Economic Institutions of Capitalism*. New York: Free Press.

ZINOWALD, L. (1998): "Corporate Governance," in *The New Palgrave Dictionary of Economics and the Law*. London: Macmillan, 497-502.

Youth Categories and Drugs in Kosovo (2001-2014)

MSc. Rrahman Sylejmani, PhD Cand.

Colonel in Kosovo Police

rrahmansylejmani@gmail.com

Abstract

The use of narcotic substances has become a phenomenon of great concern, not only in Kosovo but also in all other countries of the world. Although in Kosovo there are no accurate statistics on how many individuals are regular users of narcotic substances, it is calculated that there are approximately 20.000 users. To add to this concerning issue, is the fact that the usage of narcotics in elementary and secondary school pupils and students. The objective of this paper is to offer a more realistic presentation of the cases of narcotic users from the new age groups. The goal is to identify the factors that influence the increase of this phenomenon, which is increasing specifically among the youth and is dangerous for public health and the public order and safety. The Kosovo Institutions have approved a National Strategy and action plan for Fighting the Use of Narcotic that is now being implemented. According to the Kosovo Police this strategy has had some positive results. Kosovo Police held more than 150 operations a year in all Kosovo, with a goal of issuing prosecutorial charges against suspected individuals that are active in different individual and group forms, regarding the cultivation and trafficking of drugs. According to the statistics from the Kosovo Police, during the 2012 there was a significant increase of confiscated narcotic substances in comparison with 2011, the percentage of the confiscation of Marijuana has increased around 400%. The use of narcotics among young people is considered as a growing phenomenon. I consider that this is primarily a result of the lack of awareness among the youth regarding the potential dangers for health and social aspects, and lack of specialized institutions for treatment and rehabilitation of the addicted individuals. Lack of appropriate institutional treatment of this phenomenon represents a danger not only for public health but for the safety and public order in general.

Keywords: Narcotic substances, police, institutional, youth.

The use of narcotics in Kosovo

Kosovo had no precise official statistics on drug users, but after the last war in Kosovo in 1998 -1999, in 2001 the authorities began with the recording of the data and it is considered that by 2014 there are approximately 20,000 individuals as drug users. (Available for download at <http://www.telegrafi.com/lajme/kosova-me-20-mije-perdorues-droge-2-42830.html>.)

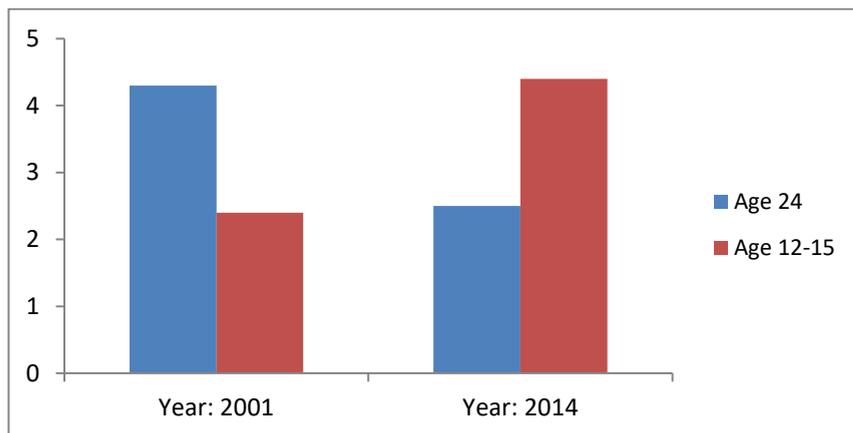
The fact that remains is a concern of the use of narcotic substances in primary and secondary schools in Kosovo. For example, just in the course of 2014 there were 190 marijuana users, 11 users of heroin and 22 cocaine users (these addicts said they are regular users of these substances and that they also used other substances.) (Kosovo Police, the Directorate for Investigation drug trafficking, Annual Report 2014.)

Although precise data is non-existent in the central level to cover the whole territory of Kosovo, it is worth noting that, according to the director of Therapeutic-Rehabilitation Center "Labyrinth" there are more drug users in schools (<http://www.labirinti-ks.org>) where young people begin to use drugs between the ages of 12-16 years.

In total there are 12 registered cases that have to do with schools, with a total of 15 arrests and confiscated 217.67 grams of marijuana.

Reducing the age of drug users as disturbing fact

According to the director of the Center for Rehabilitation "Labyrinth" during 2001, the average age of drug users has been 24 years old. But disturbing fact is that during 2014 it was noted that the age has dropped from 24 year olds in the group between 12-15 years of age. This means that the use of drugs, in addition to the increased phenomenon also began to include younger category of people. According to the Director of the NGO "Labyrinth:" –"[T]he average age of initiation into drug use has decreased over the years. The average age in the beginning of the year 2006 was 19. 2, while in 2013 it was 16. 7. There have been cases when a young person who started the abuse of drugs was 12 years old. (For more, read at: (<http://www.labirinti-ks.org>))

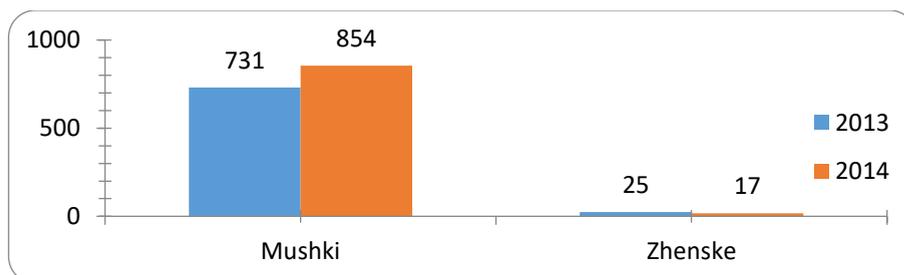


Graph No. 1: age groups of drug users (Source: Statistics taken from: <http://www.labirinti-ks.org/>)

Due to the fact that drug use started to become a phenomenon with ages of 16, this is becoming very troublesome and if more stringent measures institutional are not taken, it will actually lead to danger and risk for age group under 16 years.

One should have in mind that adolescence, which is a very turbulent phase because at this stage of the development young people are overwhelmed with new feelings, they are in search for their dreams and face changes, "child entering the teenage time in many families often arises drastic changes" (Cop-Blažič N., 2003: 21). Therefore, without their corresponding guidelines they can get lost in the wrong way, which can also include the use of narcotics.

From this study it was noted that not only men are drug users.



Graph no 2: gender representation of drug users. **Source:** Kosovo Police, Directorate for Investigation of Drug Trafficking, the Annual Report for 2014 no. ISC-06 / 2-02 / 014/2015

Although a very small number, according to the Kosovo Police, in the above-indicated graph no. 2, it can be seen that also women are drug users. For example in 2013 of 731 men 25 users are female. Also in 2014, the number of female drug users is very small, where they registered 17 cases.

Drug use in primary and secondary schools

It is evident that among drug users are pupils/students in the primary and secondary schools in Kosovo. Although in respect of this phenomenon there are no comprehensive and accurate data, while the Minister of Education of Kosovo, in 2013 report to the Assembly of Kosovo, on the issue of drug use in schools said that: "20% of high school students use different types of drugs and there was a drop in age of beginning of drug use that affects the age of 12-13 years, particularly the 8th grade of primary school, and that the drug is distributed in most bars around close proximity to primary and secondary schools in Kosovo. (<http://www.kuvendikosoves.org/?cid=1,128,5618>.)

The Police stated that 12 registered cases related to schools and their surroundings. A total of 15 persons were arrested and 217.67 gr. marijuana was confiscated, while one case was NN (name unknown). For these cases, school authorities have informed the police but that were received various other information by other sources. (Kosovo Police, Annual Report 2014, the Directorate for Investigation of Drug Trafficking).

The causes of such a situation

If you look at the statistics of age groups of drug users, drug use is associated with a weakening of the nucleus of large families in Kosovo. In 2001, when there were fewer drug users and that age group were not young, that was the age when large families were still present, or rather just as first step of wakening and reduction the large families began to show up.

Weakening role of the extended family and the emergence of smaller close family consisting of only parents and children, or children with one parent, influenced the emergence of disobedience of children against their parents. Normally, there is a difference between childrearing in an extended family with a traditional core, which in addition to parents lived with grandparents, uncles and others, while it is quite different and harder to come up with child raring only by both parents.

School as one of the most important institutions for the socialization and education of young people, which plays a key factor in the education of students at the same time it has become the nest where students learn the first steps of drug use.

As another reason for drug use in schools we consider to be the lack of psychologists and sociologists. Although this year, for example, the Municipality of Prishtina employed 10 psychologists in schools, which is not enough, because sociologists and phsychologists were missing in most of the schools, who are qualified to monitor and treat behavior of students with the sociological and psychological aspects.

Lack of awareness among children about caring for their health, as mentioned above greatly affects all children, especially children who are drug users "[D]rug users are always in front of one unknown and you do not know exactly how their bodies will react after each used doses." (Nora M., L. Sokol, 2012: 196.)

It should be noted that in Kosovo there is no center at the state level for rehabilitation and recovery from addiction and drug abuse. In this situation, drug addicts even when they would like to turn for help have no where to turn, especially to the authorities that are supposed to help all addicts. The only authority that has been helping and meeting the demands of this category is the NGO "Labyrinth."

The use of narcotics in Albania

In the beginning it is very important to note that last time in Albania an inciative emerged in Parliament and civil society to legalize the use of light drugs such as marijuana, which is grown in the south. Until now, such inciative was not met with approval and support by institutions and civil society.

According to the UN report, which refers to a study in 2011 on drugs and crime situation in Albania, it is stated that 'are about 65,000 drug users in Albania: Available at: (<http://shqiptarja.com/home/1/raporti-per-drugs-65-me-Përdoruesi-heroine-not-shqiperi-125038.html>).)

In Albania, according to the chief of department of toxicology in Tirana - prof. dr. Zihni Sulaj: not only men are drug users, but also girls and women make up 10%. Besides, what is even more alarming according to the toxicology service, that couples with children have created an addiction to drugs. (Related article available at: <http://fax.al/read/news/717214/9918411/rritet-perdorimi-i-droges-nga-femrat-mjeket-perbejne-10-te-perdoruesve>.)

Given the fact that Albania and Kosovo are different in terms of population since Albania now has about 1 million more inhabitants and it is considered that there are many more drug users than in Kosovo, speaking in numbers around 45,000 users more than in Kosovo. For example, according to the Institute of Statistics of Albania (INSTAT) - in January 2015, there were 2,893,005 registered residents (<http://www.instat.gov.al>). While the population in Kosovo, according to the Statistics Agency of Kosovo, is 1,739,825, without the north of Kosovo. (<http://ask.rks-gov.net>.)

Another element that distinguishes this country from Kosovo is that we have more drug users among women than men. According to the European Monitoring Centre for Drugs in Albania (EMCD) percentage of women drug users varies from 10-15%, (<http://www.emcdda.europa.eu>). In Kosovo, according to research EMCD implemented in Kosovo, it is stated that women in the total number of drug users account for 2.2%. Available at: (<http://www.emcdda.europa.eu/html/cfm/index211587SQ.html#gps>).

In Albania there are no exact data, but estimates show that drug users are mainly from the younger categories. Every year, the level of drug use by young people is increasing. Number of drug users indicates a growing trend, but what remains problematic is that these users are of teenage years, so that about 6-7% of young people use drugs. This assertion is supported by the study that was conducted among young people in schools aged 14-18, by the Institute of Public Health in collaboration with other national and international bodies, found that 5.4% of respondents had experimented with using cannabis. Available at: (<http://ishp.gov.al>)

Legal mechanisms and strategic documents

Kosovo as a new country, has aligned its legislative basis with all the regulations of the European Union as well as with International Conventions of the United Nations.

The Assembly of Kosovo in 2008, adopted the Law on Narcotic Drugs, Psychotropic Substances and Precursors (Official Gazette, Law No. 02 / L-128.) This law states that "[T]he use, possession, production and trafficking of narcotic drugs, is considered a criminal offense under the criminal code."

Criminal Code of Kosovo, no. 04 / L-82/2012 regarding the drug provided in XXIII chapter for crimes related to narcotics in Articles 273-282, criminal offenses, including the purchase, possession, distribution and sale of unauthorized drugs, illicit production and processing, unauthorized possession, intoxication of others, to facilitate the obtaining of drugs, narcotic plant breeding, organizing, directing or financing of drug trafficking, the conversion or transfer of property acquired by completion of these offenses, the punishment for severe cases and reimbursement of costs for law enforcement agencies.

Any person arrested by the police for possession, use, manufacture and trafficking of drugs is considered as a suspect for a crime or lawbreaker addicts. Such persons are entered in the records database of the Kosovo Police (Kosovo Police Information System KPIS), which records the number of cases and the authors responsible for each type of injury.

The new Criminal Code and new Criminal Procedure Code entered into force in January 2013. The legislator is in a separate chapter predevidio new provisions on how to deal with crimes related to drugs. For possession of less than 3 grams for the first time can be given a fine or imprisonment up to one year. In difficult circumstances (such as crimes involving distribution and trafficking) the punishment may be increased to 12 years. Production of the drug can be punished with a fine and imprisonment of six months to 10 years. In the case of large quantities of drugs, then the penalty can be increased to 15 years. A person involved in the activities of organized crime including drug, can be fined up to 250,000 euros and

imprisonment of at least seven years, and in aggravating circumstances, those who organize, the penalty can be increased to 500,000 and at least 10 years in prison.

Law on Public Health no. 02 / L-078

Law on medicinal products and medical devices, no. 2003/26.

The Kosovo government recently adopted several strategic documents for the period of time 2012-2017, in the context of drugs, Combating organized crime and managing the integrated state border/IBM.

The Strategy on HIV/AIDS and mental health are those negative aspects of drug use. The strategy for mental health services in Kosovo for the period 2008-2013, for example, says it will develop mental health services by 2013, its institutions/facilities for treating drug addiction.

Through the new strategic documents, the government with its law enforcement agencies aim to reduce drug use through various forms of prevention and efficiency of the authorized service to detect and combat all forms of organized crime, including drugs.

Memorandum of Understanding between the Kosovo police and the NGO "Labyrinth" is regulated the strengthening of cooperation and coordination of activities related to the prevention and fight against human trafficking and drug abuse. This memorandum provided as ways of efficiently as possible to implement the action plan of the national strategy against drugs as well as the coordination of activities between the Department on Drugs and the NGO "Labyrinth."

What we see every day in the local media that there are various barriers to the realization of the mentioned projects, which are related to the lack of financial support. Also, we can not find any specific report which will assess and monitor the use of intoxicating substances, which will indicate the level of treatment of drug addicts.

Conclusions and recommendations to improve the situation

As stated above, we believe that awareness among youth categories such as students is not in satisfactory level, in terms of identification and impact of drugs in damaging their health, although some activities by the Kosovo Police, as well as other relevant institutions and organizations, but even these activities for the drugs do not have a permanent character but are confined only to certain dates and periods, and it's not enough.

It is necessary to do more especially in the design of specific programs in the media by showing on confidential way through special TV shows consequences of drug use and socio-psychological consequences that may result by the use of these substances. This element of awareness raising is necessary to be realized in every place where drug use is done by the youth categories and in need of greater addressed in order to preserve their health. Raising awareness for the protection of health for these categories of students is a prerequisite and a contribution to reducing the use of drugs in schools.

In Kosovo, there is no special institution, a centre on the state level for the rehabilitation and recovery of addicts. Drug users have no where to turn to state institutions for treatment or help. Kosovo urgently needs to establish such a center because it will surely contribute directly to preventing and reducing the incidence of this phenomenon.

Legal mechanisms and strategies are rare but it's another question how efficient they are, how much, and how they are implemented in practice. Although Kosovo police, in the context of these strategy, has taken some steps in order to efficiently prevent this phenomenon, which still remains as a problem for all categories of the population and especially for the younger age groups. The Kosovo government needs to constantly, through specific bodies, monitor the implementation of these strategies, which as for now in Kosovo is not satisfactory, which is especially shown in the non-fulfillment of their main goals in the prevention of such phenomena.

In a country that still bears the consequences of transition as is the case with Albania, which is the country of origin for marijuana, its institutions do good that the proposals for narcotic drug legalization do not met with approval, because it still

should not be legalized, because legalization would contribute only to increase of the number of users as well as the smuggling would become even more pronounced than before.

I also believe that Kosovo should not initiate such initiative for legalization for the use and sale of drugs, but all efforts should be directed on greater prevention and also, in terms of social rehabilitation, in particular on treatment and healing of the existing number of addicts through the establishment of specialized institutions to be monitored and financed by the government. Now it is almost all of this a burden of an NGO that is not able to even have the possibility for themselves to cope with the whole of this problem.

Literature

Literature from the books:

Cop-Blazic Nevenka, Put u život bez ovisnosti o drogama, 'Genesis', Zagreb, 2003.

Kosovska Policija, Direkcija za istragu trgovine narkoticima, Godišnji Izveštaj 2014 godine.

Krivični Zakon Kosova br. 04/L-082 od 20. aprilla 2012 god.

Malaj Nora, Sokoli Lekë: Savremeni socialni problem, 'Morava', 2012.

Sokoli Lekë, Droga, ISPS&Rinia, 2001".

Zakon o Krivičnom Postupku Kosova br. 04/ L-123 od 13. decembar 2012. god.

Internet sites used:

<http://kosovopolice.com/?page=1,26,1985>

<http://www.telegrafi.com/lajme/kosova-me-20-mije-perdorues-droge-2-42830.html>

<http://www.labirinti-ks.org/>

<http://www.kuvendikosoves.org/?cid=1,128,5618>

<http://shqiptarja.com/home/1/raporti-per-drogen-65-mije-perdorues-heroine-ne-shqiperi-125038.html>
<http://shqiptarja.com/home/1/raporti-per-drogen-65-mije-perdorues-heroine-ne-shqiperi-125038.html>

<http://www.instat.gov.al/al/rreth-nesh.aspx>

<http://fax.al/read/news/717214/9918411/rritet-perdorimi-i-droges-nga-femrat-mjeket-perbejne-10-te-perdoruesve>

<http://ask.rks-gov.net>

<http://ishp.gov.al/>

Social Circumstances of Deviant People, Case Study in Gjakova Region

Bekim Avdiaj

PhD Candidate, European University of Tirana, mobile tel. +377 44 179 369
bekimi4324@hotmail.com

PhD Candidate at European University of Tirana

Abstract

One of the factors influencing groups to hold together as one united 'body' for a social stability, is also the level of appearance of criminality within the region. Alongside evolution of the society, crime has also evolved and refined. Therefore, in the modern world of technology and science, criminality emerges in most diverse and most advanced forms. Based on that, criminality is encountered in every pore of society, irrespective of development, tradition, culture and nationality, and that from the local level, regional, state and all the way to international dimensions. This is furthermore sustained particularly by social evolutions experienced by the countries in transition, which were subject of a 'reformation' in all social spheres thus without sparing the human values. These trends of global development have, through some deviant cases, resulted with situations where all the existing social norms are being relinquished. Regardless of where you may happen to be, whatever newspaper you read, whatever news edition you watch on TV, one cannot but note that various criminal offences are being discussed or reported about, starting from the most common ones all the way to the terrorist acts. Based on the number and type of criminality, and based on the number of deviant persons, from 1999 onwards Gjakova region results with entirely new 'behaviour' in this direction. Therefore, current studying and analysing of social circumstances related deviant persons of this region consists of an immense and specific importance. Social circumstances and other factors of such persons shall be reflected through this study and that from the analysis generated from 95 of them which, in relation to the number of criminal offences reported with the law enforcement authorities from 2001 until 2012, appears to be 0. 41%. The sample included convicted deviant persons coming from the population of Gjakova region.

Keywords: social, criminality, social development and Gjakova region

Introduction

The present-day social development trend has increased the complication and complexity in the society. Moreover, various criminal activities and occurrences turn up to be even more complex, in particular when they represent a 'cut' between the past, present and the future. Based on the literature on criminology, there was a long-time-persisting opinion that only unstable social strata and individuals belonging to a rather poor economic situation dealt with criminality. This theory is nevertheless dismissed given that individuals from higher social strata and of good economic situation have been lately involved in criminality. Therefore, 'modern' criminality knows no boundaries in sex, age or in economic situations or social strata. These have oftentimes generated social conflicts of scales even dangerous to life and property in global level.

Human-being way of life and thinking is formed and stabilized under the influence of social and economic conditions of a certain period of time (Krasniqi, 1990:297). By way of change of economic and social conditions, especially with the most recent technological developments in all spheres of social life, it is by all means imposed a change in the way of living, in the positive sphere as well as in the negative one and this is an unceasing process. 'Modern' societies in the contemporary world confront with ever increasing criminal activities. Some of such criminal activities dwell on use of violence all the way to the most severe aggressiveness. Gjakova society suffered exactly these activities after the war of 1999. Based on the above it results that an individual's personality, besides behaving within the frame of ordinariness, can also often exhibit negative behaviour, i. e. to deviate.

Social Development and Theories on Criminality

Many a studies have been hitherto conducted in relation to goading of individuals on such behaviour, violating norms and laws of the concerned society, where according to sociological explanation such deviances are learnt during the course of life in society. Nowadays it is not the human being living in caves and kindling fire by way of 'friction', but it is the human being living in one-hundred-storey skyscrapers, the human being flying spaceships in conquering the universe or piloting submarines in exploring the sea and ocean life. Thus, "*while the cultural environment we are born and grow up in influences our behaviour, it may seem that we are with no individuality or free will*" (Giddens, 2004: 94).

Therefore, this beginning of the century has started with an even bigger increase of perils to human life. We now have not only the natural risk but also the risk from the very developments of the society. Today, "*development, modernization, the increasing quality of life culture, are faced with some eminent natural and social liabilities, which have engaged to a full meditation the society, politics, the state and everything*" (Tushi, 2006: 379).

Dealing with criminality was a subject of many a authors and researchers since the early times, labouring to understand such actions. The very infringement of life and material goods has led to such dealings purposing to avoid such risks. These forms and reactions have been made based on the circumstance of the time and depending on the social developments, which every once in a while suffered radical change.

Criminality, as an occurrence dangerous and harmful to the society, has been at the epicentre of many a philosophers and scientists since primeval times. Thus, opinions in relation to this occurrence and causes of its presence *begin from the primordial points of views of ancient Greek philosophers* (Halili, 2002: 69), although there were even earlier opinions continuing to the present days.

Various and numerous opinions have been provided in relation to criminality since ancient times and they continue to the present days and such are opinion from renowned researchers in this field. Various researchers have also provided from most diversified definitions to the most alike ones. Such a statement is also asserted by prof. I. Salihu, according to whom: "*though they agree on the general definition of phenomenology, some differences exist amongst them*" (Salihu, 1985: 125).

With regard to criminality, ideas and opinions have been provided since ancient times. Plato assesses that the impact of ill instinct and soul bring strong emotions and lusts with certain individuals who commit crimes. Based on this, he goes as far as a prevention of criminal occurrences may be achieved only if it is permeated through the inner psychological side, and in addition, he assesses also some of the external factors.

The issue of criminality was dealt even by Aristotle, who assessed that the way of organizing a society plays a role in this matter. Amongst the scholars who elaborated on this occurrence was also J. Jacque Rousseau who claimed that the causes of criminality and ways of preventing criminality lay within the social conditions and circumstances of the perpetrators of criminal offences. According to him, a human being is not born as a criminal but rather the society and societal environment as well as socio-political conditions and circumstances drive him in conducting criminal behaviour and committing criminal acts (Halili, 2002:74). This view parallels also with the current reality in Gjakova region. Based on this reality currently we currently have concrete criminal behaviour and activities which are a result of the of the social environment, social and political circumstances and conditions.

In addition, viewpoints which, from their appearance to the present day, represent and provoke debates and critical discussions are the viewpoints of sociologist E. Durkheim. According to him, the causes and roots of crime are in the very nature of human society, in the social surroundings and in the want of social control. Criminality is characteristic to every society and it is a loyal companion of all human societies. He goes as far as underlining that: the society in which criminality has decreased is in an unhealthy and not normal social situation. Such society lacks processes and manifestations that drive forward the development of the society (Vold, Bernard, Snippes, 1998: 124-126).

Gabriel Tad provides his viewpoint on criminality advising that the main cause of its appearance are "*social circumstances and problems in adapting to the existing life conditions*", where he emphasizes "*the process of imitating and learning criminal behaviour*" (Halili, 2008: 95). That criminality emerges from the society itself, is also asserted by the philosopher

Emil Dyrkheim, according to whom: *“cause of criminality and its roots are in the very nature of human society, in the social environment and in lack of social control”* (Halili, 2008: 96).

One of the key measures in combating criminal occurrences is the identification of factors that abet individuals in criminality. An assessment on criminality is also provided by Giddens expressing, amongst the rest, that: *“In the recent years there have been attempts to use an interpretation with rational choices in analysing of criminal offences. This implies that people are not goaded in criminal activities, but in an active manner they chose to engage in them. They believe it is worth of taking a risk. Persons having “criminal mentality” are those who envisage profit from situations when they break the law, or while being conscientious of the risk they may be apprehended”* (Giddens, 2004: 136).

Social Circumstances Change and Impact

Since its very rise, human society has been confronted with and continues to be challenged by change, many times also facing with breaches of rules, norms and existing laws. Therefore, incidents started occurring as of the age of the first human society, infringing thus the rules of social life based on the customary law. In order to safeguard of these activities it was necessary to react towards the persons committing such activities. For this reason, the criminality phenomenon is an issue that provoked many a researcher to deal with it, *“it is a constant negative occurrence which has accompanied human society from the first primitive community to the present day* (Hajdari, 2004: 189).

Referring to the most recent studies in the aspect of criminology, criminogenic factors of appearance of antisocial and criminal occurrences in a society are the factors that affect significantly the occurrence of criminal behaviour, and they are: *the economic-social group of factors, ideo-political factors, micro-group factors, socio-pathological factors and others* (Millutiniviq, 1985: 375-376).

Many a researches have been conducted to the present with regard to instigation of individuals in such behaviour, breaching norms and laws of a certain society, where according to the sociological explanation these deviances are learnt while living in the society. With regard to social change, it results that there are three main segments that cause social change: physical environment, political organizing and cultural factors. Moreover, many observers have suggested that what is taking place nowadays is transferring to a new society which no longer bases itself on industrialism. They claim that we are entering a development stage that is beyond the industrial one (Giddens, 2004: 619).

The Overview of Social Circumstances of Deviant Persons in Gjakova Region

Age: Referring to the data released by research, it results that we have to do with the involvement of all ages that have been the subject of legal violations and that in satisfactory percentage of all categories. This shows that deviate behavior knows no age.

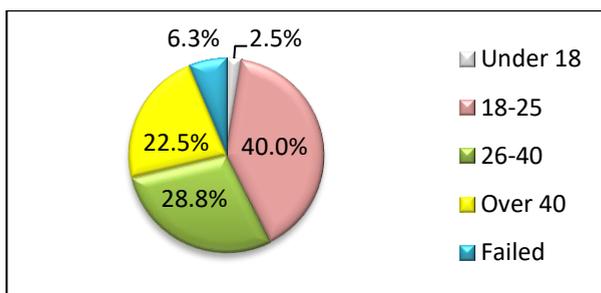


Diagram 1. Age of convicted deviant people

Gender: Many texts in criminology still include almost nothing for women, except for rape and prostitution parts and most of the theories of avoiding are leaving women almost aside. Although women are less likely to participate in avoiding activities than men, it cannot be the reason to leave out of consideration (Giddens, 2004: 145). However, the recent social

developments in the field of crime have involved the deviants regardless of gender, resulting that the subject of legal violations were both sexes.

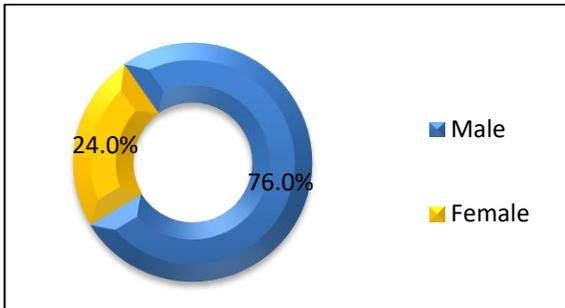


Diagram 2. Gender of convicted deviant people

Education level: During the field research it appears that in criminality have been included all levels of education. This proves that in the 'modern' world, from deviant behavior to the crime are involved not only citizens with a low level of education, but also them with a higher level. This comes as a result of developments in technology and the most diverse businesses. So it turns out that crime has raised the intellectual level and that today not only those who do not have education are committed to crime.

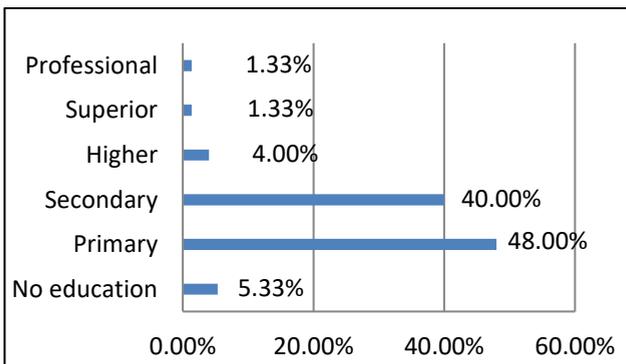


Diagram 3. Education Level

Marital status and family: It seems that we are dealing with the champion that is part of a broader community and less belongs to individuality. We are dealing with people who are basically part of the family. Considered in social terms, this is the category that has no obligations to many others, but it is precisely this category that deals more with society.

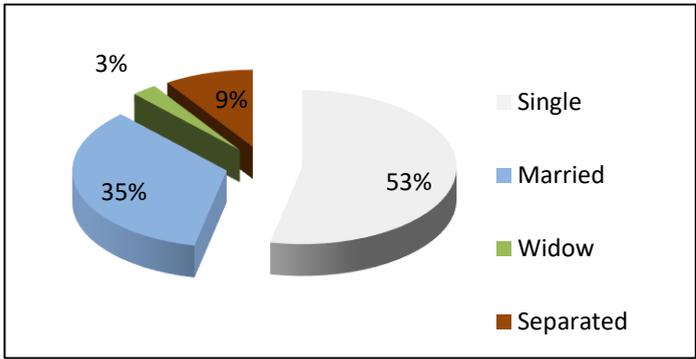


Diagram 4. Marital status

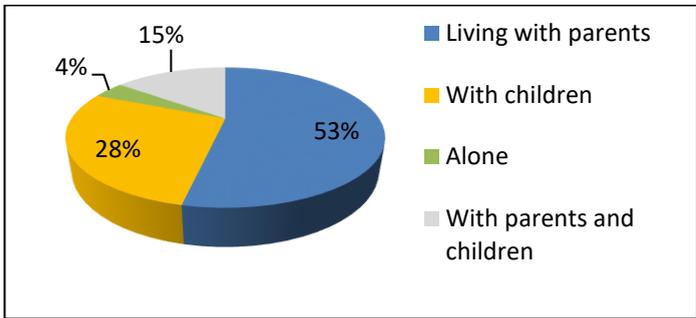


Diagram 5. Family status

Residence: Considering that the evolution of social and criminal acts have involved roughly the same as the urban area, as well as the rural areas, we have inclusion sample from both areas. It dominates the urban areas because of greater population, where population is concentrated after 1999, given that during these years there have been numerous internal migrations, where the city is populated by the population of rural areas.

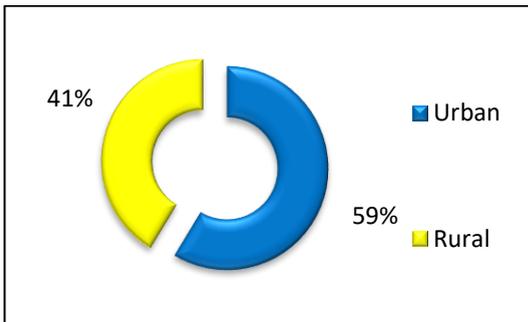


Diagram 6. Residence

Employment status and economic situation: Based on these, we see the prisoners come not only from the poor economic situation, but also from the medium and good levels. This presents an interesting feature on encouraging various individuals and groups in order to insert the path of crime, where it appears that not only persons whose survival security

was imposed through criminal activities, but in crime, much more, are being encouraged people dealing with such activities only for faster enrichment, and there are those who do the dirty work just because of passion.

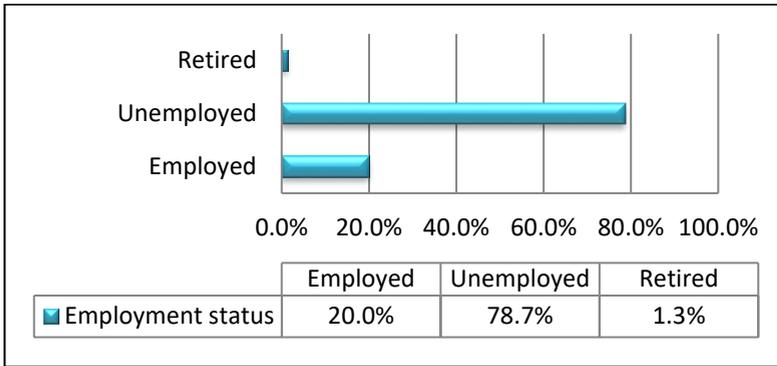


Diagram 7. Employment status

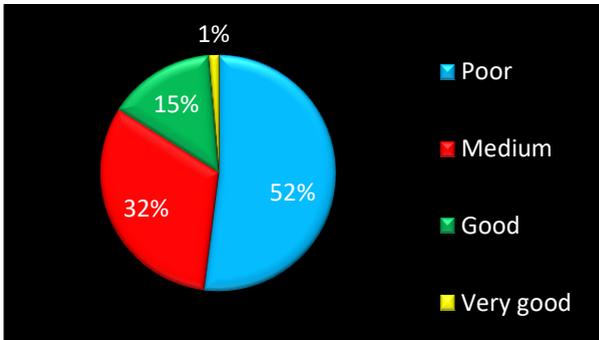


Diagram 8. Economic situation

Other residence and legal violations: Considering that soon after the intervention of the international community in Kosovo and governance during the transition period of this society, even after the declaration of the state of Kosovo, many people from different countries of Europe, and other countries, have returned voluntarily or with eviction in their place, among which in Gjakova, many people have been convicted abroad and other habitats.

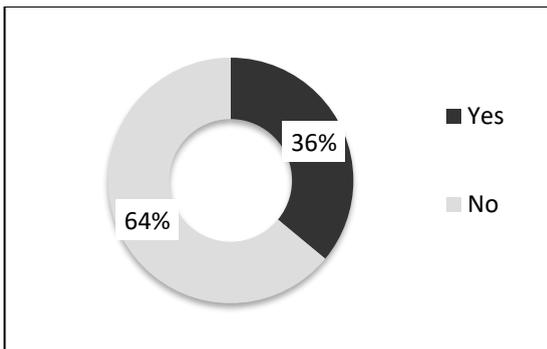


Diagram 9. Abroad residence

From this sample, it appears that there is a large number who have lived in different countries of the world and have knowledge on developed and open societies and they had to do with violations in these countries.

Legal violations: People convicted into the sample of dealing with violations, which itself are proved by the data questionnaire.

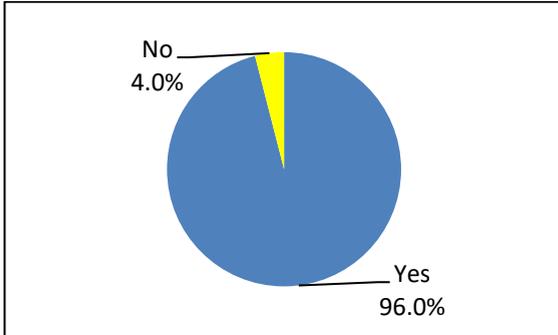


Diagram 10. Legal violations

In the second half is treated the decline against the law, arrests and punishments, where we have: 96. 0% of them admit that they have violated the law.

Arrested: By these people a large percentage of them have been arrested, which arrests were attributable to periods of pre-war, post-war and from both periods, but the one which dominates is the time after 1999.

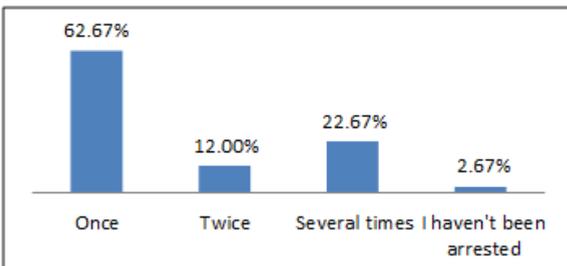
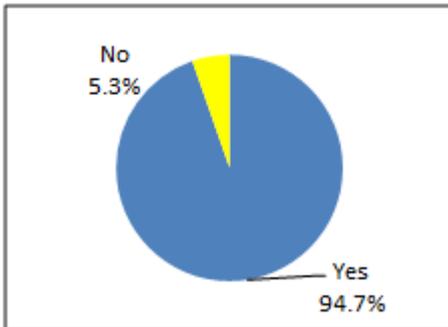


Diagram 11. Arrested Diagram 12. Times - arrested

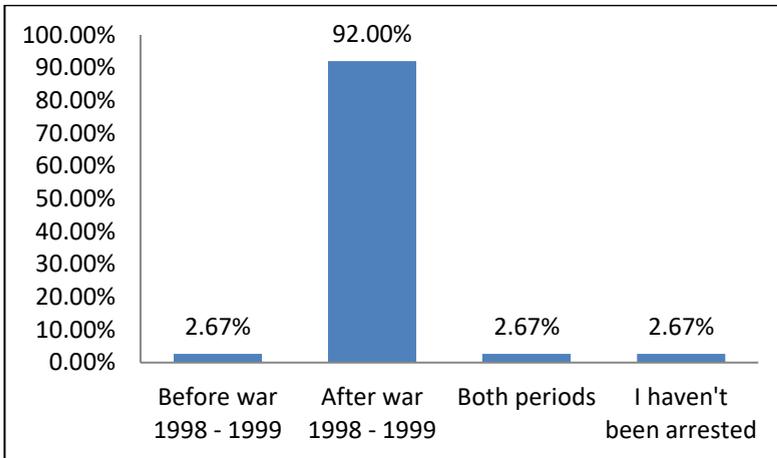


Diagram 13. Arresting period

Here can be seen that most delinquent are teenagers and that a number has been arrested several times.

Convicted: From this sample it appears that almost all were also convicted, and not just once. Also periods in which they have been convicted range from once to several times

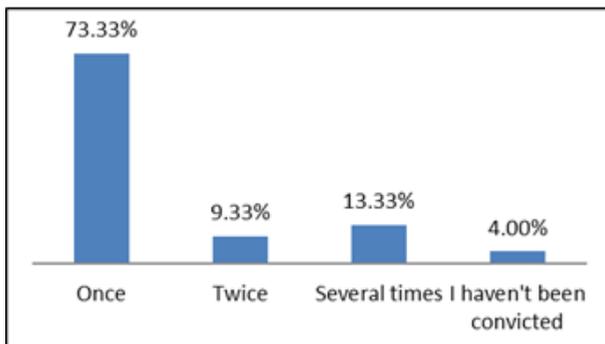
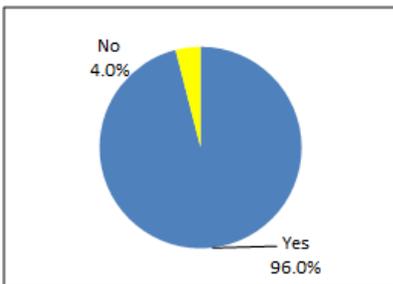


Diagram 14. Convicted Diagram 15. Times - convicted

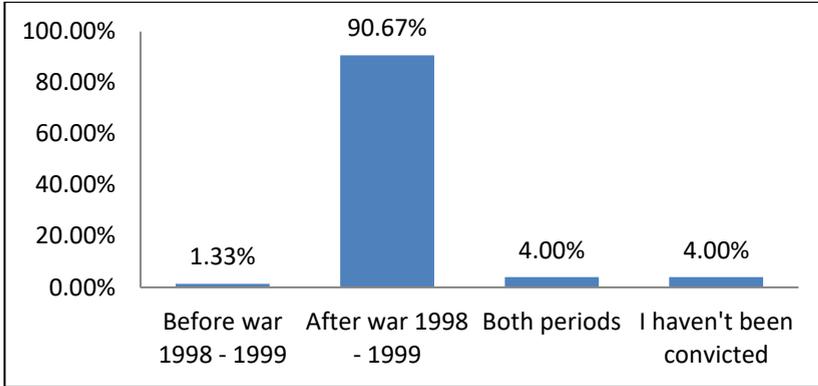


Diagram 16. Convicting period

This shows that the concerned people have criminal records, in which dominates the only once punishment, but there is also present and worrying fact when there are convicted people two, three or more times. This proves for repeat offenders who are not reaching the proper socialization. Then, there dominates the 1998-1999 period of post-war punishments, but there are those who have been convicted even before that period and also in both periods. What is striking is that some have written that have not been arrested. This is reportedly due to two reasons: first some thought to evade reality and secondly, there are times when after the offense they have not been arrested, but they were presented themselves in the justice institutions and from there they took measure of punishment.

Arrested and convicted familiars:

Based in criminological literature it is stated that a major role in the appearance of crime and criminality also plays the social environment. According to professor of forensic Alexander Lakasanji, social environment breeds crime and criminal culture is the environment microbe. Here is emphasized more the role of social factors in comparison to the economic and underestimates individual aspects of crime, especially the personality of the perpetrator. Therefore it is obvious that they have an accompanying heritage from their family members in violation of social norms.

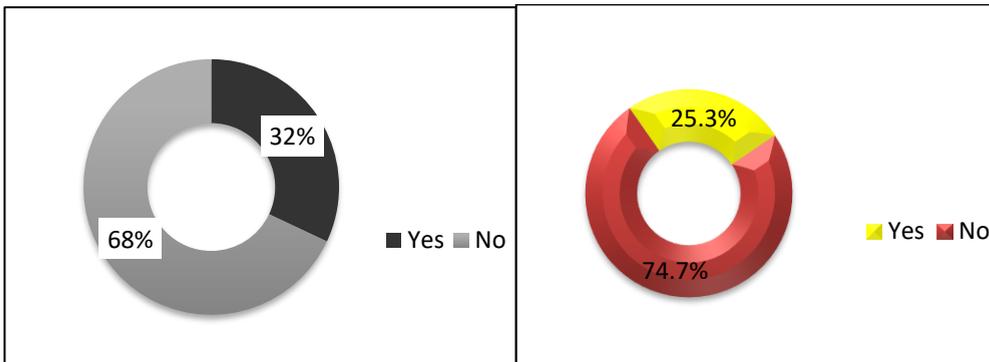


Diagram 17. Familiars arrested Diagram 18. Familiars convicted

Arrested or convicted by society: It seems that convicted people have had arrested and convicted people as their friends. This could indicate that they have a good cooperation between themselves and also the time they spend together. In fact,

they make you realize that they might be a model of each other, encouraged in criminal activities. It is understood that the influence of society and the environment has an important role, especially among the youth.

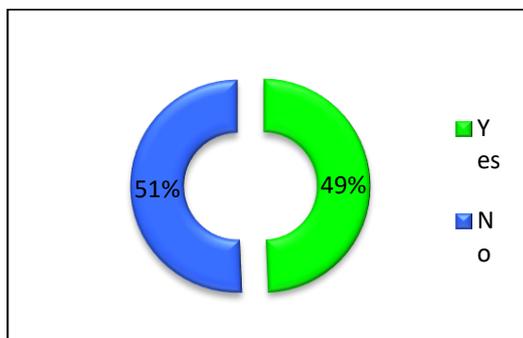


Diagram 19. Arrested and convicted by society

Conclusion

The trends of criminality are increasing in almost all societies of the world. Despite numerous attempts carried out by subject-matter experts and various sciences of this field with regard to identification of causes and required measures to at least alleviate it a trifle, it has remained only an attempt though hoping to be accomplished. In the recent times at the beginning of this century, crime inclination has brought many new forms that are dangerous to the humanity. These forms appear to be dangerous and lethal, because the very technology used by crime perpetrators is very sophisticated and involves devastating dimensions, both against property and against the life of persons, causing innumerable victims. This does not exclude the level of crime in a barbarous manner that existed since antiquity; however, the magnitude of victims in modern times is overwhelming.

Based on the statistics and the data of this study, it results that the number of persons that venture in deviant behaviour and criminality is increasing. It appears that an important factor is age and sex, where it is obvious that there is significant percentage of all the ages, but young ages are the leading ones; on the other hand, there is also a considerable percentage of female sex as well. This proves that criminality turns out to be tempting, which inexorably represents perils and creates instability in the society of this region.

Referring to theories that usually in criminality are involved persons lacking education, persons with no family supervision and of poor economic situation, it results here that social change in this region have brought novelties in this region. Currently, criminality embroils also persons of even highest intellectual degrees who live in family unions and who have a rather good economic situation.

There are persons who have also lived abroad, outside Kosovo, for a extended period of time and who have been engaged in criminal occurrences, who have not returned and continued to be engaged in their 'trade'. They have adapted very quickly and have created friendships with others by becoming successful co-operators.

Concerning is the fact that the vast majority of convicted persons are recidivists, who have been arrested and sentenced more than twice. This indicates that we have to deal with 'professionalism' and that re-socialising institutions are not at all efficient.

Continuation of family tradition in the field of criminality is also not wanting; nevertheless, there are also a great number of them coming from well-boding families. It appears here that their company has an influence, as it results that many of them socialise with persons having criminal background.

LITERATURE

Primary Literature:

George B. Vold, Tomas J. Bernard, Jeffrey B. Snippes, (1998). *Theoretical criminology*. New York: Oxford.

Giddens, Anthony (2004). *Sociology*. Tirana: Çabej.

Hajdari, Azem (2004). *Kriminaliteti i të miturve në Kosovë gjatë periudhës 2001-2003*. [Criminality of Juveniles in Kosovo During the Period of 2001-2003]. Prishtina: University of Prishtina.

Halili, Ragip (2002). *Kriminologjia* [Criminology]. Prishtina: University of Prishtina/ Law Faculty.

Halili, Ragip (2008). *Kriminologjia*. [Criminology] Prishtina: University "Fama".

Krasniqi, Mark (1990). *Disa ndryshime bashkëkohore në traditën fshatare në Kosovë nën ndikimin e faktorëve ekonomikë*. [Some Contemporary Changes in the Rural Tradition in Kosovo under the Influence of Economic Factors]. At: Ethnographic Study of Contemporary Changes in the Albanian National Culture. Prishtina: Institute of Albanology – Prishtina.

Milutinovic, Milan (1982). *Kriminologjia*. [Criminology]. Prishtina: ETMMK.

Salihi Ismet (1985). *Vrasjet në KSAK*. [Murders in SAPK]. Prishtina.

Tushi, Gëzim (2006). *Probleme dhe dilema sociale*. [Social Problems and Dilemas]. Tirana: Dudaj.

Additional Resources:

Yearly Reports of Gjakova Police from 2002-2012

How Does Technology Influence on Education in Nowadays?

PhD Cand. Sonila Tatili

Prof. Asoc. Dr Tomi Treska

MSc. Belinda Mero

Sonila.tatili@uet.edu.al

tomi.treska@uet.edu.al

belinda.mero@uet.edu.al

Abstract

Technology is undoubtedly having a major impact on every aspect of our lives and that includes today's learning environments. It is shaping the way in which students learn, teachers deliver material and the way in which we design spaces for future learning opportunities. It is said that schools aren't just investing in computer stations and keyboards and we are witness to the fact, based on our planning and design work, and that they are quickly embracing the "constant contact" trends that have changed our global culture. As technology continues to evolve, it brings with it new opportunities and challenges for educators and students. Social networking is a great example of technology that can help — or hinder — education, depending on how it is used and integrated into teaching plans. Privacy and security are two concerns that can come with using social networking in the classroom. It can also become a distraction to students, or even a tool used for bullying. Learning spaces now, more than ever, are being designed to help with communication and information sharing. From tablets used to asking kids to "raise their hands" virtually, to viewing a lecture via Skype or FaceTime, the traditional four walls and a chalkboard are transforming rapidly. According to a recent USA Today article, a New York-based educational technology startup released the first device, an Android-powered touchscreen tablet, "designed for kids both to take to school and bring home. For sale only to schools for now, the Amplify tablet comes pre-loaded with virtually everything a student will encounter during the school day, including all the textbooks, lessons, tests and e-books she might be assigned."

Keywords: *Learning spaces, Technology, books, teaching plans, distraction*

Literature review.

Research literature throughout the past decade has shown that technology can enhance literacy development, impact language acquisition, provide greater access to information, support learning, motivate students, and enhance their self-esteem (ACT, 2004; CEO Forum, 2001; Boster et al., 2004; Mann et al., 1999; Tracey & Young, 2006; WestEd, 2002). Indeed, researchers have affirmed that computer technology provides abundant opportunities for students to build or modify their personal knowledge through the rich experiences that technology affords.

As technology continues to evolve, it brings with it new opportunities and challenges for educators and students. Social networking is a great example of technology that can help — or hinder — education, depending on how it is used and integrated into teaching plans. Privacy and security are two concerns that can come with using social networking in the classroom. It can also become a distraction to students, or even a tool used for bullying. According to a 2011 Pew report, 15% of children surveyed said they had been the victim of mean behavior on social networking sites like Facebook and Twitter.

However, using social networking as part of the learning process can also have benefits. Students who are more introverted may open up and connect more with faculty and other students when they are communicating through social networking. It also affords students the opportunity to collaborate and work together in a whole new way.

There are also social networking sites designed specifically for education. An article on technology in education by Education Week mentions ePals and eChalk as two sites "designed specifically for learning."

College students can be notoriously connected to technology, including social networking, through their smartphones, laptops, and tablets. Social media in education presents college students with different benefits and detriments compared to their younger counterparts. According to Mashable, "Facebook is the most used social media tool in higher education." Additionally, Mashable says that colleges can use social media to encourage school spirit, foster the growth of alumni groups, and offer virtual tours to potential students.

So whether it is a college student studying classic literature or a grade school student first learning to read, technology is now an integral part of the education process.

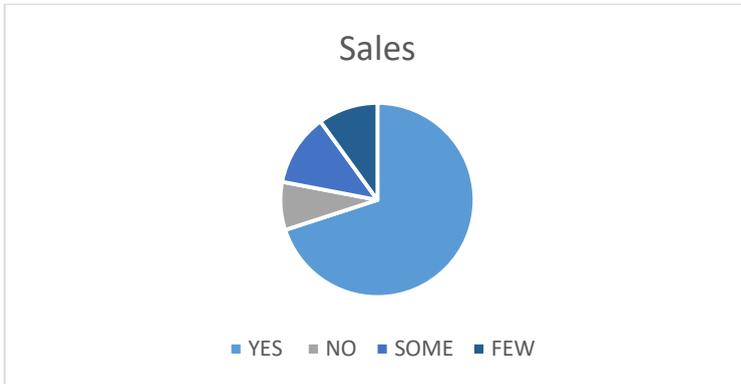
Technology is undoubtedly having a major impact on every aspect of our lives and that includes today's learning environments. It is shaping the way in which students learn, teachers deliver material and the way in which we design spaces for future learning opportunities.

Kristen Purcell of the Pew Research Center's Internet & American Life Project recently co-authored a new study on technology and education. She says schools aren't just investing in computer stations and keyboards and we are witness to the fact, based on our planning and design work, and that they are quickly embracing the "constant contact" trends that have changed our global culture. Purcell says, "What did surprise us though was the extent to which mobile tools have become part of the learning process. [We found that] 73 percent of teachers that we surveyed told us that cell phones are now either part of their teaching experience, or their students' learning experience. Tablets and e-readers are being used by more than four in 10 of these teachers." Technology has changed the way we as humans live; it changes our understanding of the way things work and changes the way we interact with one another. Technology was once opposed but is now somewhat welcomed into our homes. During the renaissance period, technology was opposed, as the church believed that technology would oppose the beliefs of god. Well they were right. Technology isn't just computers or TV's, its engineering science. And in Science, our goal is to progress and understand everything there is to understand about us, our planet and beyond. However, the way we understand and experience this concept the most is that its just to make our lives much more efficient. When you look around, what do you see? Just at an intersection in downtown New York or Los Angeles, you see people walking around with cell phones and carrying around laptop cases, other's just listening to music. But then the companies that build these types of technology want to make them better and more efficient. So they keep releasing new devices that are smaller and faster and mostly costlier.

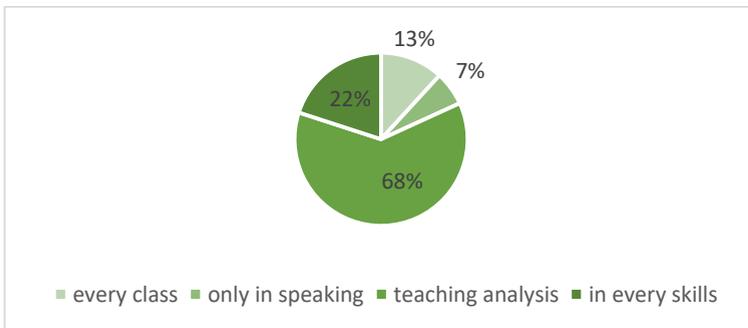
Methodology

For this paper to be successful, there are used the qualitative and quantitative methods such as the tests and the interviews in 100 schools in Tirana. The questionnaires were made to 50 teachers and 50 students. Then through the SPSS technique there were analyzed the values and results of this paper.

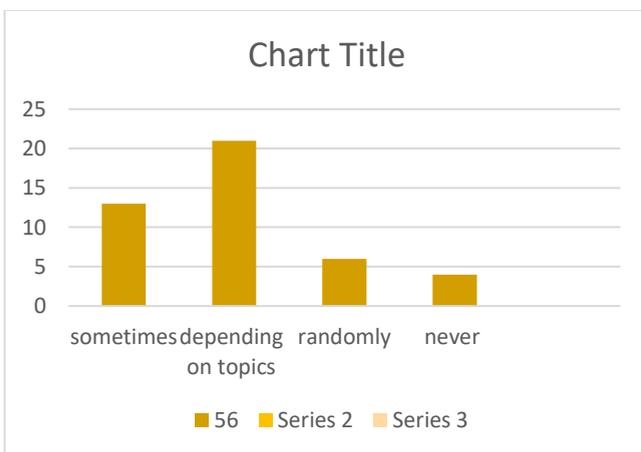
To question 1: Do you know the mean of education technology?



To the question 2 "What is the frequency of using technology in the class ", the teachers answered as follows:



To question 3: " Do you think including technology help in effective education"



Technology is a concept that will never end. new devices will be released and then refined just about endlessly. Not even if or when we start running out of resources, because we would have recycled parts to build new technology and we will

build new technology to possibly refine available resources or even find another planet that has the same resources. Technology now is a concept that we cannot survive without; an average North American person needs technology to eat, to entertain, to cook, and to do many other daily functions. Lets face it we need technology to survive. But this is to an extent, for example a computer can be one of mans best friends, it helps us write documents such as the one you are currently reading, it helps us obtain knowledge through the internet, and it helps us entertain ourselves with games, movies, and music. But the computer can also have side effects, to our behavior, and even to our appearance. Some children get so entangled in this technology that their eating and sleeping habits change and along with their behaviors. Not just on the computer, even just playing on gaming platforms such as the Xbox or the PS3 or even iPods, they can all change the way we eat, sleep, and behave. While children play on computers or gaming platforms, they get so involved that they begin to avoid eating and sleep later to play longer, but the games they play really can change their usual behavior, shooting games or fighting games can make them more violent, strategy games can make them more strategic (slightly), and racing games can make them aggressive drivers, it all depends on how much you play and how addicted you become. But gaming can also lead to a loss of physical activity, when someone is addicted to a game, they refrain from leaving the house until they reach a certain 'achievement', until they win a race or even until they 'die' in the game, this behavior can cause us to gain weight and/or become obese because we also begin snacking more instead of eating proper meals and we stop exercising often.

I'm not saying technology is bad, Technology is changing the way we live, changing the way we interact, it lets us understand the world better, and it helps us write documents, do our homework, make money, present neat computerized presentations, and even edit documents with others in real-time. But what I am saying is that technology is evolving, to engulf us into different activities. There was a presentation at DICE (a creative design convention) where a design professor had very interesting arguments. He called his presentation, "design outside the box" he said, "Technology changes the way we do things, it's literally turning our lives into games, who knew that Ford built a car so intelligent that it knew if you were driving efficiently, and would grow a computerized plant around your speedometer" but then he introduced an idea that made the audience think if this was to really happen? He said, " In the future, we are going to be engulfed in points, in a point system where you get points for eating a healthy cereal, for taking the bus instead of a car, for showing a tattoo which shows 'ads' with 'E-ink', where you would get points for watching a certain advertisement on TV or walking or biking to work. " He made me think, is this really going to happen? Well if it does, it's going to completely change the way we live, we will be engulfed in a game, and a computerized game not just the 'problem solving' game that we call life but a game for points, full of achievements to win. We will stop eating our favorite food because we wouldn't be getting points for them and not buying certain things because we won't get points for them.

To conclude, I believe in technology, I completely support it, but only to an extent. I say go ahead and enjoy what technology has to offer, learn about the world we live in, entertain yourself and engulf in it. Just until it doesn't affect your appearance or the people around you and especially the person in you. Think about it like this, we as humans made machines we can't let machines make us who we are.

http://en.wikipedia.org/wiki/Impact_of_technology_on_the_educational_system
<http://thenextweb.com/insider/2011/01/05/how-technology-has-changed-education/>
<http://mashable.com/2010/11/22/technology-in-education/>
<http://www.edweek.org/ew/issues/technology-in-education/>
<http://www.ncrel.org/sdrs/areas/issues/methods/technlgy/te600.htm>

State Failure and the Political Violence Phenomenon: A Comparative Analysis of Iraq and Syria Cases

K. Eylem Özkaya Lassalle*

Dr., University of Galatasaray, Department of International Relations

keozkaya@gsu.edu.tr.

Abstract

The concept of failed state came to the fore with the end of the Cold War, the collapse of the USSR and the disintegration of Yugoslavia. Political violence is central in these discussions on the definition of the concept or the determination of its dimensions (indicators). Specifically, the level of political violence, the type of political violence and intensity of political violence has been broached in the literature. An effective classification of political violence can lead us to a better understanding of state failure phenomenon. By using Tilly's classification of collective violence which is based on extent of coordination among violent actors and salience of short-run damage, the role played by political violence in state failure can be understood clearly. In order to do this, two recent cases, Iraq and Syria will be examined.

Keywords: state failure, political violence, Syria, Iraq

Introduction

The concept of state failure was used for the first time by Gerald B. Helman and Steven R. Ratner¹. While it is possible to see the emergence and failure of the nation states for so long, the concept of failed state came to the fore with the end of the Cold War, the collapse of the USSR and the disintegration of Yugoslavia, because these moments made possible the emergence of new nation-states. According to Andrew Flibbert², the concept was borrowed from the economy and in particular was inspired by the concept of market failure. Then it was adopted in the discussions of political science in the 1990s.

In their article entitled "Saving Failed States", Herman and Ratner speak of the emergence of "*the failed-nation-state, utterly incapable of sustaining itself as a member of the international community*".³ According to the authors, the reasons for state failure are "civil strife, government breakdown and economic privation"⁴. According to Michael Ignatieff⁵ state failure takes place when states can no longer have the legitimate monopoly of violence (Ignatieff, 2002). Robert Rotberg⁶ defines state failure by the ability to deliver positive public goods. A failed state can not deliver these goods and gradually loses its legitimacy before its citizens. According to Rotberg "*a failed state is a polity that is no longer able or willing to perform the fundamental jobs of a nation-state in the modern world*"⁷. He therefore suggests that the state failure should be understood as a point in a "continuum". In one extreme side of this continuum there are strong states and in another extreme side there

* Author thanks to Zeynep Uğur and Doğu Kaan Eraslan for their comments on an earlier version of this article. I take the full responsibility for any shortcomings in this paper.

¹ Gerald B. Helman and Steven R. Ratner, « Saving Failed States », *Foreign Policy*, n°89, 1992-1993, pp. 3-20.

² Andrew Flibbert, « The consequences of Forces State Failure in Iraq », *Political Science Quarterly*, Vol. 128 n°1, 2013, pp.70.

³ Helman and Ratner, *op.cit.*, p. 3.

⁴ *Ibid.*

⁵ Michael Ignatieff, « Intervention and State Failure », *Dissent*, Vol. 49, n°1, 2002, pp. 114-123.

⁶ Robert I. Rotberg, « Failed States, Collapsed States, Weak States: Causes and Indicators » in Robert I. Rotberg (ed.) *State Failure and State Weakness in a Time of Terror*, Washinton DC, World Peace Foundation/Brookings Institution, 2003, p. 6.

⁷ *Ibid.*

are collapsed states¹. Between two points there are multiple possibilities such as weak states, failing states and failed states.

After seeing these definitions, it is possible to accept, with a few exceptions, Jonathan di John's remark: "Vague and imprecise definitions of failure abound in the literature."² To specify the content of this concept some scholars give indicators of state failure. Rotberg argues that the main difference between the weak and strong states is the levels of their effective delivery of most crucial public goods such as security, especially human security, "the essential freedoms(...), medical and health care, school and educational institution(...), physical infrastructures(...), the arteries of commerce, (...) a money and banking system, a fiscal and institutional context (...), the promotion of civil society and methods of regulating the sharing of the environmental commons."³ He lists the characteristics of strong states as follows: "Strong states offer high levels of security from political and criminal violence, ensure political freedom and civil liberties, and create environments conducive to the growth of economic opportunity. The rule of law prevails. Judges are independent. Road networks are well maintained. Telephones work. Snail mail and e-mail arrive quickly. Schools, universities, and students flourish. Hospitals and clinics serve patients effectively. And so on. Overall, strong states are places of enviable peace and order."⁴

By using the list of political goods delivered by a state Rotberg tries to define state-failure indicators. According to him three types of indicators give us a more distinct picture of the phenomenon. In economical level, reductions in incomes and living standards, increased corruption, fall of GDP, drying of foreign and domestic investment, shortages of food and fuel can be mentioned. In political level one can count the subverted democratic norms, restriction of participatory processes, enslavement of bureaucracy, end of judicial independence, blocking of civil society and subordination of security forces. As for the level of violence, as it rises very rapidly the human security deteriorate. He adds that these indicators should not be taken separately and only their combination will give us a more perfect vision of the phenomenon⁵.

Another work that deals with indicators and is widely cited in the literature is the *State Failure Task Force Report (I and II)*. This task force, composed of independent researchers is established at the request of Vice President Al Gore at the time (1994) by CIA⁶. From 600 variables evaluated, the group opted for a three factor- model. These factors are: "infant mortality-indirect measure of quality of life; openness to international trade-value of imports and exports divided by GDP, level of democracy-from information on political institutions". The group estimates that they can predict two thirds of state failure cases⁸.

And finally according to Flibbert, the concept of state failure reflects the decrease in the institutional capacity of the state. Even if he did not openly describes as indicators the struggle over the control of territory and the monopoly of violence, the decline and even the fall of the bureaucratic state capacity and declining revenues from taxes and the decline in the promotion of economic well-being and equity can be considered like this⁹.

In the light of these debates on the definition of the concept or the determination of its dimensions (indicators), political violence is central in these discussions. Specifically, the level of political violence, the type of political violence and intensity of political violence has been broached in the literature. There is a wealth of work on determining whether a state fails due

¹ Flibbert, *op.cit.*, p. 15.

² Jonathan Di John, « The Concept, Causes and Consequences of Failed States: A Critical Review of the Literature and Agenda for Research with Specific Reference to Sub-Saharan Africa », *European Journal of Development Research*, Vol. 22, n° 1, 2010, pp. 15.

³ Rotberg, *op.cit.*, p. 4.

⁴ *Ibid.*

⁵ Rotberg, *op. cit.*, pp. 21-22.

⁶ This working group is composed of Daniel C. Esty, Jack A. Goldstone, Ted Robert Gurr, Barbara Harff, Marc Levy, Geoffrey D. Dabelko, Pamela T. Surko and Alan N. Unger. Daniel C. Esty, Jack Goldstone, Ted Robert Gurr, Pamela T. Surko, and Alan N. Unger, Working Papers: *State Failure Task Force Report*, McLean, VA: Science Applications International Corporation, 1995 and Daniel C. Esty, Jack Goldstone, Ted Robert Gurr, Pamela T. Surko, Alan N. Unger, and Robert S. Chen, *The State Failure Task Force Report: Phase II Findings* McLean, VA: Science Applications International Corporation, 1998.

⁷ Esty et al. *The State Failure Task Force Report: Phase II Findings, op.cit.*, p.50

⁸ *Ibid.*

⁹ Flibbert, *op. cit.*, p. 72.

to terrorism and if this was the case, it would be to what extent¹. It is important to highlight the fact that the violence indicator can be the cause as well as the consequence of the state failure. ² Bridget L. Coggins points out three weaknesses of the literature on the relationship between state failure and terrorism. "First, poverty or human insecurity, has received disproportionate attention even though there are good reasons to suspect that other aspects of failure might be more important. Second, "terrorism as war" in cases of guerilla war and insurgency is not controlled for, likely leading to poor estimates of the relationship between failure and terrorism. And third, terrorism is often endogenous to state failure when more comprehensive operationalizations are employed, making the true relationship between two phenomena difficult to discern³."

In addition to these weaknesses, there is a lack of systematic classification of political violence. However an effective classification of political violence can lead us to a better understanding of state failure phenomenon. By using Tilly's⁴ classification of collective violence which is based on extent of coordination among violent actors and salience of short-run damage, the role played by political violence in state failure can be understood clearly. In order to do this, two recent cases, Iraq and Syria will be examined.

Tilly's classification of collective violence:

Charles Tilly classifies collective violence into six categories: violent rituals, coordinated destruction, opportunism, brawls, scattered attacks and broken negotiations by using two variables that is to say extent of coordination among violent actors and salience of short-run damage⁵.

The salience of short run damage demonstrates the extent of damage infliction and reception's domination of these interactions. In the lower part of Figure 1, the damage is rare during interactions while in the upper part of the damage is omnipresent in interactions.

As for the extent of coordination among violent actors, this variable shows the level of coordination amongst those involved in this interaction. At least two people are required for this interaction. In the lower part of Figure 1 coordination is very low as one goes up to the top of the Figure 1, this coordination increases.

The relationship between these two variables and classification of collective violence (interpersonal) are expressed in Figure 1.

These two variables together enable us to predict the degree of destruction that these relations cause. As Tilly puts it: "Broadly speaking destructiveness rises with both salience and coordination. Where salience and coordination both reaches high levels, widespread destruction occurs⁶."

¹ See for example : Edward Newman, « Weak States, State Failure, and Terrorism », *Terrorism and Political Violence*, Vol.19, n°4, 2007, pp.463–488 ; Peter Tikuisis, « On the Relationship between Weak States and Terrorism », *Behavioral Sciences of Terrorism and Political Aggression*, Vol. 1, n°1, 2009, pp. 66-79 ; Craig Whiteside « A Case for Terrorism as Genocide in an Era of Weakened States », *Dynamics of Asymmetric Conflict*, Vol. 8, n°3, 2015, pp. 232-250 ; Aidan Hehir, « The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom », *Journal of Intervention and Statebuilding*, Vol. 1, n°3, 2007, pp. 307-332.

² James A. Piazza, "Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?" *International Studies Quarterly*, Vol. 52, n°3, 2008, pp. 469-488.

³ Bridget L. Coggins, "Does State Failure Cause Terrorism? An Empirical Analysis (1999-2008)", *Journal Of Conflict Resolution*, Vol. 59, n°3, 2015, p. 461.

⁴ Charles Tilly, *The Politics of Collective Violence*, New York, Cambridge University Press, 2003.

⁵ Tilly, *op. cit.*, p.13

⁶ *Op. cit.*, p. 14.

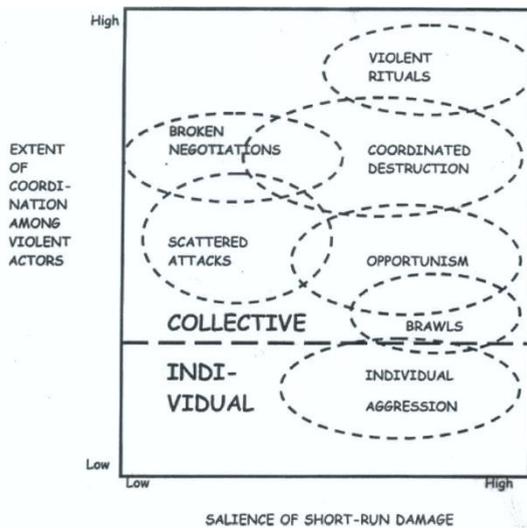


Figure 1.1 A Typology of Interpersonal Violence.

Figure 1: A typology of Interpersonal Violence (Tilly, 2003)

According to Tilly, violent rituals can be described as: “at least one relatively well-defined and coordinated group follows a known interaction script entailing the infliction of damage on itself or others as it competes for priority within a recognized arena; examples include shaming ceremonies, lynchings, public executions, gang rivalries, contact sports, some elections battles, and some struggles among supporters of sporting teams or entertainment stars¹.” Coordinated destruction takes place when “persons, organizations that specialize in the deployment of coercive means undertake a program of damage to persons and/or objects; examples include war, collective self-immolation, some kind of terrorism, genocide and politicide-the programmed annihilation of a political category’s members²” And finally, opportunism occurs when “as a consequence of shielding from routine surveillance and repression, individuals or clusters of individuals use immediately damaging means to pursue generally forbidden ends; examples include looting, gang rape, piracy, revenge killing, and some sorts of military pillage³.”

As part of this research, the cases of Iraq and Syria will be treated. The intertwined nature of political violence in these contexts will allow us to analyze more clearly the state failure situation in these countries.

Intertwined types of political violence

Inspired by the Arab Spring in Tunisia and in Egypt, the first peaceful protests in Syria are born March 15, 2011 to protest the massacre of 15 young people of Deraa who wrote graffiti against the regime. Government repression was brutal. The regime killed more than 200 people between March 15 and April 21, 2011⁴. This revolt deploys quickly from city to city. The Free Syrian Army that became gradually the head of the opposition movement became militarized and its Sunni character came to the fore. Bozarlsan speaks of militarization and “sectarianization” of the conflict⁵ However FSA is not only opposition force against al-Assad regime. The Radical Islamist groups are involved including Jabhat al-Nasra (the Victory Front), branch of the Al-Qaida (which has later pledges alliance to ISIS) and Islamic State of Iraq and al-Sham (ISIS), now Islamic State.(IS). A civil war is taking place between them. According to Bozarlsan “the results of four years of repression

¹ *Ibid.*

² *Ibid.*

³ *Ibid.*

⁴ Hamit Bozarlsan, *Revolution et état de violence. Moyen-Orient 2011-2015*, Paris, CNRS Editions, 2015, p. 135.

⁵ Bozarlsan, *op. cit.*, p. 139.

*is well known: nearly 250,000 dead or missing, murders under torture by the thousands, the use of chemical weapons including the utilization of chlorine gas or barrels of oil as a weapon which caused, on August 21, 2013 in Ghouta, near Damascus, the death of 1300 victims, the destruction of many cities such as Aleppo, the exodus of nearly five million people in Jordan, Lebanon, Turkey and the displacement of six or seven million internally.*¹

The types of violence most used by the regime are the destruction of cities, aerial bombing, torture, disappearances, executions, rape of women, use of chemical weapons, and forced displacement of residents. In opposition's side, we see the passage of a peaceful action repertoire to a militarized violence (especially with the desertion of former officers of the Syrian army even though this view is disputed by some), sectarianized and finally jihadized². One must not forget the fact that ISIS too, uses rape, the sale of women as slaves.

In Iraq, the war launched by the US in 2003 lasts a few months. By this war, the US wanted to destroy alleged chemical, nuclear and biological held by Saddam Hussein. However, after the contested victory of the US, the fall of Saddam Hussein, his execution and the transition to a temporary government, the semblance of stability does not last. Sectarian violence that already existed between Sunni and Shiite starts over again. With the arrival of the ISIL this table becomes bloodier. Besides low intensity guerrilla war declared by USA, there is a civil war. The observed types of violence are:

- Suicide missions: suicide truck bombs, suicide bombers
- Bombings: Car bombings, truck and car bombs (sometimes with toxic chlorine, use of chemical arms).
- Raids against exile camps
- Shootings and gun attacks (especially targeting Shia areas)
- Raids on holy places (Shia shrines and churches)
- dropping barrel bombs
- Executions without trials and tortures.
- Sexual assault, slavery, forced marriages to ISIS members.

In both cases we are in the presence of a war (between two states) and a civil war (between a state and non-state entities) which are examples of coordinated destruction. Because as suggested by Tilly's definition: "*persons, organizations that specialize in the deployment of coercive means undertake a program of damage to persons and/or objects*". In both cases the army, paramilitary groups and militias that can be qualified as violent specialists confront each other in order to gain power over a given territory. As part of this type of collective violence according to Tilly, high extent of coordination and high-salience of damage are expected. In Syrian case, evidence shows very high extent of coordination among government and army. High-salience of damage is evident as Bozarslan puts it: "250. 000 dead or missing" in four years. The Iraqi case shows high coordination among militaries and paramilitary factions like Sunni and Shiite militias such as *Jaysh al-Mahdi* (Mahdi Army). And the damage caused is also very high in this case. According to HRW "*Suicide attacks, car bombs, and assassinations became more frequent and lethal, killing more than 12,000 people and injuring more than 22,000 between January and December.*"³

Another political violence type is opportunism especially, rape, pillage, murder, revenge hostage taking and blood feuds. So we should look for the cases where there is a high-salience violence but low coordination compared to the war and civil war (coordinated destruction). It occurs when routine surveillance and repression fail and few organized individuals use

¹ *Op. cit.*, p. 138.

² *Op. cit.*, pp.142-143.

³ Human Rights Watch, World Report 2015: Iraq, *Events of 2014*, available online at : <https://www.hrw.org/world-report/2015/country-chapters/iraq>, date accessed:15 March 2016

immediately damaging means. In both cases case war and the civil war diminish the surveillance and capacity of repression of regime. State failure in these cases allows individuals to take advantage of this situation. In both cases the militias and "ordinary people" resort to rape, pillage, murder, take hostage, revenge and blood feuds. One can see the opportunism most clearly in the case of the kidnapping of children and women and the hostage taking by ISIS in Syrian and Iraqi cases.

Finally, the violent rituals are the type of political violence where we observe the most organized and most violent attacks. The violent specialists, especially pro-regime specialist in Syria used a well-defined script. Bozarslan demonstrate this script as follows: *"the strategy of the regime consists of breaking up the society, forcing the Alawites to renew their allegiance, including through macabre "mise-en-scenes", saving Kurdish cities and villages to avoid the upheaval of Kurdish communities in Aleppo and Damascus, using fear among Christians and massively destroying the Sunni urban space."*¹

The "defined scripts" followed by Nouri Al-Maliki, prime minister at the time was described by Dexter Filkins: *« Since the last American forces departed, he has embarked on a stridently sectarian project aimed at marginalizing the Sunni minority. He has presided over the arrest of his Sunni political opponents, jailed thousands of Sunni men, and excluded the Sunni population from any meaningful role in government. The Sunni Finance Minister, Rafe al-Essawi, fled the capital; the Sunni Vice-President, Tariq al-Hashemi, fled the country and faces a death sentence if he returns. When the Sunnis rose up in anger, as they did in Falluja and elsewhere, Maliki ordered the Army to shell civilian areas and detain more Sunni men. Ever since the fall of Saddam Hussein, Iraq's Sunnis have been faced with the choice of pledging their allegiance to the Shiite-led government in Baghdad or to the armed groups within their own community. »*²

In both cases, while the war continues, other types of violence such as massacres, rape, pillage, forced immigration killings, seizure of properties, etc. exist. This shows us that war as type of political violence consists of other types of violence that are in a complex way. These intertwined types of collective violence also entail very complex relationships and social interactions. So that even if we have a very detailed chronology in hand, it will be very difficult to separate the various violent episodes corresponding to one or more types of political violence.

Iraq and Syria: Failing, Failed and Forced Failed States?

In the light of these analyses, are Iraqi and Syrian states are "failed" or just weak? Although Flibbert described the situation in Iraq as forced state failure, it is better to use the term "failing states" because this is a process that is never complete and is not finished yet. Using the criteria of Rotberg, one can consider that these states are failing states. In both cases these two states control no longer the monopoly of legitimate violence, territories and no longer deliver public goods to their citizens.

In Syria, the Assad government, pro-government forces, Free Syrian Army the other rebellious factions and jihadist groups such as ISIS show very clearly that the Syrian state no longer has the monopoly of legitimate violence. In addition, the territory is divided and is in the hands of various armed groups including ISIS. The Syrian state can no longer deliver public goods such as security of its population. The increasing number of Syrian immigrants is a substantial example. Other goods are not delivered as roads, hospitals, buildings, schools, other infrastructure are destroyed on a large scale. Entire cities were destroyed either by opposition forces, by the regime or by ISIS. In this case, it will not be illogical to characterize Syria as a failing state.

In Iraq, although there is a government since June 2004, the powers of government seem very limited. The monopoly of violence is no longer in the hands of the state as shown in the rise of sectarian violence in 2012, following the retirement of the American forces. In addition, the return of "ordinary" Iraqis for their security to private security contractors is the second example. Furthermore, control of the territory is a problem with the appearance of ISIS and taking of Mosul and other key towns by ISIS, even if the Iraqi government is gaining territory vis-à-vis ISIS (regaining control of city of Tikrit in April 2015 and Tamim district of Ramadi in December 2015). Aside from the monopoly of legitimate violence and control of the territory, public goods can not be distributed due to failure forced state. Flibbert explains the reasons for this failure in three points: *« First, it nearly destroyed the administrative capacity of the state, requiring the occupation authorities to*

¹ Bozarslan, *op. cit.*, p. 136.

² Dexter Filkins, "Choices at the top", *The New Yorker*, 30 June 2014, cited by Bozarslan, *op. cit.*, p.154.

rebuild in this area while contending with the other major consequences of war. Second the wartime and postwar dismantling of the Iraqi military and security services crippled the state's capacity to control violence and maintain order, creating an absolute dependence on foreign military power. Finally, the war undermined the state legitimacy, producing a high level of political uncertainty and insecurity which led to ethnic and sectarian mobilization and conflict. ¹»

Considering these states as failing, one should not forget the fact that this phenomenon is open to criticisms. Some researchers ask rightly the following question: Failed for whom and how? For Bøås and Jennings "labeling states as 'failed' or (not) operates as a means of delineating the range of acceptable policy responses to those states, including the viability of military responses. ²" Flibbert suggests that state failure concept facilitated the intervention of US Defense Department "in environments of state failure and what comes to be called 'ungoverned territories', spaces, or areas. ³"

Moreover the anthropomorphism attributed to states via expressions such as state death, failure, collapse and weak /and strong states distinction seems to be problematic. As we consider these features like human features and accept them in their current form, it can obscure the understanding of the phenomenon as an interactional process.

Accepting the fact that different types of political violence allow us to see how relationships or interactions will develop, what form they will take in the framework of "state failure" will, in turn, improve the understanding of the failure as a more complex social phenomenon. A closer examination of different types of intertwined violence and their relationships can emphasize the emergent properties for each failure. This can also enable the more qualitative work on the subject (particularly field work, in-depth interviews with actors on state failure sites) to complement and increase the capacity of quantitative studies.

In addition, this approach would coincide with a multidisciplinary perspective that state failure should be studied not only from the International Relations perspective but also from anthropological, historical, sociological perspectives in order to show the reality of the sufferings. In short, far from being a spectacle that we see on television or a "cold" object of study, failed or failing states affect the lives of real people.

BIBLIOGRAPHY:

Bøås Morten and Jennings Kathleen M., « 'Failed States' and 'State Failure': Threats or Opportunities? », *Globalizations*, Vol. 4, n° 4, 2007, pp. 475-485.

Bozarslan Hamit, *Revolution et état de violence. Moyen-Orient 2011-2015*, Paris, CNRS Editions, 2015.

Coggins Bridget L., "Does State Failure Cause Terrorism? An Empirical Analysis (1999-2008)", *Journal Of Conflict Resolution*, Vol. 59, n°3, 2015, pp. 455-483.

Di John Jonathan, « The Concept, Causes and Consequences of Failed States: A Critical Review of the Literature and Agenda for Research with Specific Reference to Sub-Saharan Africa », *European Journal of Development Research*, Vol. 22, n° 1, 2010, pp. 10-30.

Esty Daniel C. *et al.*, *Working Papers: State Failure Task Force Report*, McLean, VA: Science Applications International Corporation, 1995

-*The State Failure Task Force Report: Phase II Findings* McLean, VA: Science Applications International Corporation, 1998.

Filkins Dexter, "Choices at the top", *The New Yorker*, 30 June 2014.

¹ Flibbert, *op. cit.*, p. 82.

² Morten Bøås and Kathleen M. Jennings, « 'Failed States' and 'State Failure': Threats or Opportunities? », *Globalizations*, Vol.4, n° 4, 2007, p. 475.

³ Flibbert, *op. cit.*, p.72.

-
- Flibbert Andrew, « The consequences of Forces State Failure in Iraq », *Political Science Quarterly*, Vol. 128, n°1, 2013, pp. 67-95.
- Hehir Aidan, « The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom », *Journal of Intervention and Statebuilding*, Vol. 1, n°3, 2007, pp. 307-332.
- Helman Gerald B. and Ratner Steven R., *Foreign Policy*, n° 89, 1992-1993, pp. 3-20.
- Human Rights Watch, World Report 2015: Iraq, *Events of 2014*, [<https://www.hrw.org/world-report/2015/country-chapters/iraq>].
- Ignatieff Michael, « Intervention and State failure », *Dissent*, Vol. 49, n°1, 2002, pp. 114-123.
- Newman Edward, « Weak States, State Failure, and Terrorism », *Terrorism and Political Violence*, Vol. 19, n°4, 2007, pp. 463-488.
- Piazza James A., "Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?" *International Studies Quarterly*, Vol. 52, n°3, 2008, pp. 469-488.
- Rotberg Robert I., « Failed States, Collapsed States, Weak States: Causes and Indicators » in Robert I. Rotberg (ed.) *State Failure and State Weakness in a Time of Terror*, World Peace Foundation/Brookings Institution, 2003, pp. 1-25.
- Tikuisis Peter, « On the Relationship between Weak States and Terrorism », *Behavioral Sciences of Terrorism and Political Aggression*, Vol. 1, n°1, 2009, pp. 66-79.
- Tilly Charles, *The Politics of Collective Violence*, New York, Cambridge University Press, 2003.
- Whiteside Craig « A Case for Terrorism as Genocide in an Era of Weakened States », *Dynamics of Asymmetric Conflict*, Vol. 8, n°3, 2015, pp. 232-250.

The Appraisal of Commitment in Organizational Environments- Differentiating Organizational Commitment from Employee Satisfaction

PhD Cand. Radu Florea

Abstract

In order to acquire (and maintain) a high degree of commitment of a company's staff certain conditions must be met both general – that are valid for most organizations focused on profit - and specific - depending on the particularities of each company. Commitment is very relevant in calibrating the business strategy of companies in order to develop employees but also as a central objective for change management. At a general level, building commitment is conditioned on communication with employees on effective leadership, a high degree of satisfaction and a low degree of resistance to change. Change management theorists suggest that any kind of change - both planned and critical incident related- will have negative implications on organizational commitment. Becker considers communication as one of the main factors that affect commitment, important in the growth and continuation. Communication also has implications for organizational culture calibration, transmission of messages via multiple channels and is affected by several factors including commitment (Keyton, 2010). The main difference between commitment and satisfaction is strongly related to the emotional and affective study dimensions of Meyer and Allen's model on commitment (Keyton, 2010); although satisfaction can generate certain reactions from employees, it has a wide range of meanings from which results can be reported. Commitment may have different affective values because of the implications that it generates and because of their complexity. Accuracy is the most important feature as it helps in measuring commitment and maintaining a high degree of objectivity in data interpretation. Measuring attitudes in social sciences is a subject often problematic because the instruments used do not meet the criteria of validity - do not measure what needs to be measured. Therefore, the measurements may be inaccurate without the use of an appropriate methodology for identifying the exact coefficients of the survey indicators.

Introduction

Commitment is a concept consisting of several distinct dimensions; understanding why people feel this kind of closeness to the organization in which they work depends on a variety of factors. Companies may recognize and reward employees individually or as teams. A recognition which is given individually, directly from the management will be -even if involuntarily in some cases- valued higher by employees. Increasing the level of commitment of the management team and employees depends on a number of factors that must be implemented in a fair way in order to avoid conflicts. There is a wide range of strategies to enhance commitment; their application lies in the degree of adaptability for each distinct organization. Reporting a growth strategy of commitment that gives results in a company can just as easily not change anything in another one. Thus, due to its diversity commitment can be studied, understood and valued by reference to changes in organizations and by observing the valences that it may have.

Without a certain degree of commitment, adherence to organizational culture, understanding and accepting the values that are promoted by the organization, employees cannot perform in an optimal manner; for employees, a sense of belonging to the organization is as important as the technical skills necessary for occupying their positions. To have a high degree of commitment to the company is not necessarily desirable if the company is going through a major process of organizational change. If employees show a high degree of attachment to the old procedures in the company, the transition to a new operating model - different at all operational levels- may be met with major resistance at all levels of the company. In the case of an impending major change in the company, a high level of satisfaction is sought as being desirable from employees, because job satisfaction does not have significant implications at emotional level for company personnel. Even though the difference between employee satisfaction and commitment is defined as being significant for them to be studied as different aspect of an organization's culture, most companies do not have a clear view on the degree in which the first

can generate pragmatic benefits, while the other can generate long term loyalty and consolidate an organization's position as a top employer on the market.

Theoretical perspectives on commitment and satisfaction within organizational environments

Organizational commitment can be understood as a state of emotional and social attachment that an employee may feel towards the company in which he works. In order for a person to feel a sense of commitment towards the organization, his values must be in alignment with the ones that the company promotes. The concept of organizational commitment dates back to the early '50s when theorists like Becker, Carper, Blumer and Hartman discussed the possibility of improving a company's performance by enhancing the levels of commitment which employees feel towards the companies in which they work (Singh, 2008). Before the

Introduction of commitment as a factor of development in organizational environments it was used in encompassing behavioral features, mainly in social science research. According to Hartman (1953), in order for an employee to have a positive perception of the company in which he works firstly there is a need to relate positively with company management. From a cultural perspective Hartman refers to the fact that in order for an organization to obtain commitment from its employees there needs to be a clear understanding of the company's mission, vision and values. In this case, considering the fact that a company's culture is promoted firstly by the management team, employees need to relate positively at an interpersonal level with the company management for them to have a high level of commitment to the company.

In 1953 Blumer introduced the term "communion" (Singh, 2008) to define the sense of belonging that employees may have towards the company. The term "communion" as seen by Blumer is defined by a high degree of cohesion at team levels showing a common organizational objective to which all members of the company can relate to (Singh, 2008). Commitment as a general paradigm in the study of organizations was founded by Becker and Carper (1956) – the first theorists who have developed empirical research - noting that motivation and employee satisfaction were not studied by a clear methodology and thus could not be accurately diagnosed. Employees with a high degree of commitment to their work were believed to have an increased interest not only to their work but also to their professional development. According to Becker's empirical studies commitment to an organization is believed to be in direct correlation to the degree in which each employee is interested in his own professional career path, and the way in which he can also benefit from the organization – from a point of view that mainly concerns learning and development of his own professional capacities. Becker (1960) perceived commitment as a characteristic attributed exclusively to professional interest that employees manifest. According to classical theories, the role of the organization in obtaining commitment refers largely to the ability to create stimulating working conditions for their employees (Singh, 2008). These perspectives were the foundation of the modern concept of organizational commitment, considered today as one of the most important elements necessary for obtaining organizational efficiency.

Secondary dimensions of commitment and work engagement identified later in the development of the concept as a study discipline concerned loyalty of employees to their organization, employee motivation and satisfaction. They began to be studied in order to establish a clear pattern of understanding of the ways of acquiring and maintaining organizational commitment at all levels of a company (Klein, 2009). In the early 1970s H. S. Becker introduced the concept of "loyalty" in the study of organizational commitment, as a factor of reference for developing and maintaining employee commitment (Klein, 2009). Becker defined employee loyalty based on past interactions that the two entities (employee and employer) had, interactions that can set a positive framework of interactions. More broadly, the loyalty concept to which Becker's theory refers to is a predetermined pattern to predict future interrelationships, based on past actions. Employees will have an increased tendency to be loyal - and to have a high degree of commitment to the employer – if the or rewarded their contribution to achieving the main company objectives. If employees will be convinced that the company offers a job that is in accordance to the way in which they perceive their own professional status, they will be loyal to the company and will do everything possible to contribute to achieving positive results for the organization.

The main theoretical model for the definition of employee satisfaction was introduced in the paradigms of social science by Herzberg (1979). Herzberg's theory states that there is a clear need of differentiation between factors that can generate employee satisfaction in hygiene factors and motivation factors. Segmenting the concept of employee satisfaction in two focus points was maintained during in the development of organizational theories due to its actuality that remained constant

throughout the years. The Herzberg model was first introduced in 1959 and aimed at evaluating the theoretical concepts of satisfaction and dissatisfaction of employees by measuring them through specific indicators. (Stello, 2009). Herzberg's theory was based on studies on several organizations activating in the industrial production sector. The study conducted by Herzberg is based on a hypothesis which states that the factors that generate employee satisfaction and those that generate dissatisfaction will be – in most cases- different (Stello, 2009). In other words, the absence of factors that generate employee satisfaction do not create conditions of dissatisfaction; if hygiene conditions are met, the elements that generate motivation for company personnel will create a context suitable for obtaining employee satisfaction but if hygiene conditions are not met, company employees are in a dissatisfaction state in which motivation cannot be developed.

Based on the critical incidents theory, Herzberg's study was conducted on 203 employees working in industrial production companies. The majority of the sample was made up of accountants and engineers. Respondents were questioned on issues that they considered important regarding the company culture, the working conditions, the relationship they have with their direct supervisors, also being asked to give concrete example of situations that can validate their viewpoint on the matters. Based on the deployed interviews Herzberg found that some employees have a very high degree of commitment but also that others feel very frustrated regarding their job, even though they work in the same company on similar positions and had similar financial rewards. In this initial phase of differentiation it can be stated that although all employees had a high degree of satisfaction, some of them didn't have feel committed to the company. Even if commitment is related to motivation it needs to be studied from a different perspective than job satisfaction, due to the fact that it does not depend on hygiene factors –which are presumed to be existent at a sufficient level if employees have remained for a long period of time in the organization- but only on internal motivation and dedication to their work and to the company.

A more detailed perspective on the differentiation between commitment and satisfaction is offered by Rehman (2013) who states that employee satisfaction towards their job and the company can be defined as a general opinion – positive or negative- to the nature of their work in the given organizational context. Luthans (2005) considers job satisfaction as a pragmatic view on the way in which a specific job at a specific company can or cannot create benefits for its employees; Luthans considers that job satisfaction – as opposed to employee commitment towards the company- does not have any emotional implications for employees. Loyalty towards the company can only be achieved if employees identify themselves with the company's vision, mission and values, aspects which are related to organizational commitment.

Meyer & Allen's model on commitment

Meyer and Allen discuss employee commitment to companies from three distinct components (Meyer & Allen, 1991):

- Affective commitment (emotional)
- Commitment based on continuity- based on the time an employee has worked within the company
- Normative commitment: the sense of obligation to remain in the company

Affective commitment refers to the organizational climate, and the way in which it can influence the emotional perception of the organization's members. The affective dimension of commitment can be found in aspects such as communication, relationships in general or the perception of pressure coming from the management team. "*Affective commitment refers to the employee's emotional attachment and involvement in the organization; employees with a strong emotional commitment continue to remain in the organization because they want to, not because they need to.*" (Meyer & Allen, 1991). Commitment based on continuity refers to the employee's awareness of the costs they would have if they were to leave the organization. An employee whose primary connection with the organization is continuity will still remain in the company because he needs his current job. Normative commitment reflects a sense of obligation of the employee for the company; the employee feels that he should remain in the organization because of loyalty and fear of change (Meyer & Allen, 1991).

The three concepts through which commitment was defined were not considered distinctive dimensions but interconnected parts that can be present in an organization in different degrees. Some employees can feel that they have a strong emotional bond with the organization but also a high responsibility towards it due to the fact that they have worked in the

company for a very long time. Segmenting the concept of commitment in these three areas can help in diagnosing commitment levels with a higher precision.

Measurement differences between job satisfaction and organizational commitment

The most common used instrument for assessing organizational commitment according to the model defined by Meyer and Allen (1991) is the Organizational Commitment Questionnaire developed by Porter and Smith in 1970. The questionnaire assesses the aforementioned three dimensions through indicators that are positively correlated with job satisfaction. The main difference between instruments that evaluate employee satisfaction and the OCQ is that the first deals with employee perception, and the second mainly assess emotional aspects that can lead to commitment. Although most of the instruments that assess job satisfaction correlate positively with instruments that assess commitment to the organization, the two concepts do not share common indicators in the assessment methodology.

Job satisfaction mainly relates with employee perceptions regarding their own position/job, financial compensations, relationship with supervisors, career paths, organizational climate (Manzoor, 2011); as previously states, organizational commitment assess three distinct dimensions that have emotional implications for employees. Although from a methodological point of view both concepts may be assessed similarly a relevant difference for commitment instruments (like the OCQ) is that they need to be validated according to scientific criteria in order for it to be considered reliable; job satisfaction questions may be easily tailored according to punctual elements that are relevant for each company.

The main difference of measuring employee satisfaction and commitment relies on the framing of commitment in psychometric paradigms, whereas job satisfaction is mainly one's perception of the job and the company. Although scaling and formulation of the questions from each type of instruments are similar, the need for validation of instruments that assess commitment in comparisons with instruments that assess satisfaction that don't have such a requirement is the main difference in measurement of the two aspects.

The role of commitment in organizational change

One of the directions in contemporary research of organizational commitment is the evolutionary description of the level of commitment in an organization that is currently undergoing a change process (Pittinsky & Shih, 2005). By measuring commitment in different stages of change a forecast can be defined regarding the success of implementing change and the degree in which resistance from employees can be surpassed. The research conducted by Shih and Pittinsky was deployed in an organization undergoing a process of growth in three different stages - 36 months away from each moment of application of the test battery- using scales introduced by Meyer and Allen discussed previously in this paper. By the successive application of the research instruments it was seen that as the organization grew employee commitment had decreased. The explanation given by Pittinsky and Shih was that employees have developed "a retrospective commitment" (Pittinsky & Shih, 2005). By defining retrospective commitment as a descriptive sub-scale of commitment appraisal in organizations undergoing a change process - in this case based on structured development- was generated through a detailed analysis of the three dimensions developed by Meyer and Allen, with particular reference to the affective dimension; because employees were so emotionally committed to the organization as a static entity, the development process was perceived as problematic by them, and thus it was met with a high degree of resistance. In other words, employees who feel a high degree of identification with the values of the organization and working methods in a particular moment will develop a strong degree of commitment to the organization based on the vision, mission, and values it may have at a specific moment.

The fact that the organization is developing and improving its working patterns will not be positively perceived by employees who remain committed to an organizational culture different from the current one. Being involved at an emotional level due to issues that are no longer present in the same form lowers organization commitment and affects the organization as a whole. In this regard, commitment can be retrospectively defined as "*employee adherence to a static point where the organization is at a given time*" (Pittinsky & Shih, 2005).

Conclusions

The measurement of attitudes in social sciences –and especially in organizational environments - is a sensitive matter due to the fact that the instruments that are used often do not meet the required validity – they do not measure what they imply they are measuring. Therefore, although measurements may be considerate accurate, in the absence of using a precise methodology for validating commitment instruments and for tailoring job satisfaction instruments on the company needs, organizational commitment cannot be diagnosed with high precision. Perspectives on measuring organizational commitment may include other dimensions such as employee perception on top management, on the external customers, on supervisors, team cooperation and working with other departments (Meyer and Allen, 2004). Therefore, differentiating commitment and satisfaction can be viewed as mandatory in a complex process of organizational culture diagnosis.

References

- Kane, Katherine, 2005, *Managing change to reduce resistance*, Harvard Business School Publishing Corporation, Boston Massachussets
- Keytonn, Joan., 2010, *Communication and organizational culture- a key to understanding work experiences*, Sage Publications Inc., Thousand Oaks, California.
- Klein, Howard J., 2009, *Commitment in Organizations: Accumulated Wisdom and New Directions*, Routledge Taylor & Francis Group
- Manzoor, M. U., Usman, M., Naseem, M. A., & Shafiq, M. M. (2011). *A Study of Job Stress and Job Satisfaction among Universities Faculty in Lahore, Pakistan* Global Journal of Management and Business Research, 11(9):1 September 2011.
- McFarlane, Shore, Martin, Harry, 1989, *Job satisfaction and organizational commitment in relation to work performance and turnover intentions*, Human Relatios, Vol. 42, Nr 7
- Meyer, J. & Allen, N. (1997). *Commitment in the Workplace*, Sage: Thousand Oaks.
- Meyer, J. P. Allen, N. J. (1991). "A three-component conceptualization of organizational commitment". *Human Resource Management Review* 1
- Meyer, J. P., & Herscovitch, L. (2001), *Commitment in the workplace: Toward a general model*, *Human Resource Management Review*, 11, 299–326.
- Meyer, J. P., Allen, N. J., & Smith, C., (1993). *Commitment to organizations and occupations Extension and test of a three-component conceptualization*, *Journal of Applied Psychology*, 78, 538–551.
- Pittinsky, Todd, Shih, Margaret, *Glancing Back: Recalling Organizational Commitment in a Growing Organization*, John F. Kennedy School of Government, Harvard University
- Stello, Christina, 2009 *Herzberg's Two-Factor Theory of Job Satisfaction: An Integrative Literature Review*, Department of Organizational Leadership, Policy, and Development College of Education and Human Development University of Minnesota

The Religious Tolerance of Albanians as Social Values

Prof. Dr. Gjergj Sinani

University of Tirana, Faculty of Social Sciences

Tirana - Albania

Abstract

Considering the importance of the spirit of religious tolerance in order to construct the social peace in society, the study aims to present some ideas on the religious tolerance taking into consideration the example of Albania. Taking into consideration the problems face democracy in Balkan area, I consider that the freedom of religion has to be considered in conformity with the values and the laws deriving from international acts. For that reason the study and the reflections on the good examples, as the case of Albania, regarding the problems that faces religion in Balkan will contribute to the dialogue and understanding of each other in the region. Let begin with evidence from a journalist from Switzerland, Noëlle Roger which date from 1922, published in the well known revue, *Revue des deux Mondes*, during her visit to Albania which prove the spirit of religious tolerance of Albanians. That is her evidence: "In return, the Christian concept of the family has conquered Muslim Albanians who are monogamous. The one and the others practice the most exemplary tolerance. The children attend the same schools. The teachers belong to different faiths. Sometimes Muslims marry Christian, and Christian marries Muslim. Sometimes, in the same families, there were Christians and Muslims, and they cooked the same pie, half with oil for Christians observing the young, the other half butter for Muslims. Holliday sweet that becomes a symbol"¹.

Keywords: religious, tolerance, Albanians, social, values

Introduction

Again Roger note an event in Tirana, capital of Albania: "There are some days, an Albanian officer died; the funeral service was celebrated in the Orthodox Church in Tirana. Mohammedan took part in the ceremony, and carried a stove cords. The hodjas held candles. The Christian priest paid tribute to Muhammad and the Muslim priest praised Jesus Christ... Thus Albanians comprise the union of the Cross and Crescent that the West has never ceased to oppose..."².

The evolution of the religious phenomenon in Albania can be summarized in a single phrase; religion has passed from existence into non-existence and again into existence. In the three these moments the religion stove towards self-definition

¹ Noëlle Roger, *Sur les chemins de l'Albania*, *Revue des deux mondes*, 1922, T. 11, f. 105. "En retour, la notion chrétienne de la famille a conquis les Albanais musulmans qui sont monogames. Les unes et les autres pratiquent la tolérance la plus exemplaire. Les enfants fréquentent les mêmes écoles. Les instituteurs appartiennent aux différentes confessions. Il arrive que des musulmans épousent des chrétiennes, et les chrétiens des musulmanes. Il arrive que, dans les mêmes familles, il y avait des chrétiens et des musulmanes. Et l'on cuit le même gâteau, une moitié à l'huile pour les chrétiens qui observant le jeûne, l'autre moitié au beurre pour les musulmans. Gâteau de fête qui devient un symbole..."

² Noëlle Roger, *Sur les chemins de l'Albania*, *Revue des deux mondes*, 1922, T. 11, f. 106. "Il y a quelques jours, un officier albanais étant mort, on célébra le service funèbre dans l'église orthodoxe de Tirana. Les mahométans prirent part à la cérémonie, et portèrent un des cordons de poêle. Les hodjas tenaient les cierges. Le prêtre chrétien rendit hommage à Mahomet et le prêtre musulman loua Jésus-Christ... C'est ainsi que les Albanais comprennent l'union de la Croix et du Croissant que l'Occident n'a jamais cessé d'opposer..."

of its identity, through a difficult movement, especially in the Balkans ground, where the political storms and nationalist mentalities have been and remain strong enough, often accompanied by catastrophic consequences.

After the Second World War the religion underwent a deep wrinkling which led towards the official prohibition in 1967. The prohibition of the religion with a law does not mean it was liquidated definitely. The believer did not find himself before nothingness as long as he had an existential God, a "divine You" to whom he could pray in silence and the power structures could not discover. So the prohibition of religion by law does not mean that the faith disappeared definitely. It found way to survive.

In the past Arnold Toynbee wrote that the religion is one of the most marvelous inventions of the man. It gives us a perfect picture of the world which we put in contrast with the corrupted world in which we live and, in this manner, the religion plays an important role in the moral perfection. This thought of Toynbee seems to be more than actual in the crisis of values undergoing Albania as well as in the economic crisis from which we are far coming out. This explains even the spread of the phenomenon of corruption. Here it is no question only for the economic corruption. The most dangerous corruption is that of the principles and values, and the profit and fraud remain the main value of the society. Soon the men understand that they need a salvation. They want to address to someone who promises them freedom, security, salvation and a life where dominate the moral values.

The religious pluralism has existed before the political one and, historically, this pluralism has not endangered the existence and the national identity. We can say that this pluralism is historical and cultural results rather important which deserves to be respected and not to be used in function of destabilizing factors of social peace. So, the glorification of a faith to the detriment of the other faiths does nothing else than leads to the already aggravated political and social problems of Albanian society.

We live in a world where the isolation is no more possible. We live in an epoch characterized by the mobility of the people and an unexampled mixture of cultures. We all are interdependent and have a common responsibility which is unavoidable, to create a new society based on pluralism.

We should admit that we live in a crisis which can lead to the suicide of mankind or to incite towards a new hope. Nevertheless, we are convinced that peace can be established. We know that religion is not the only remedy which can heal our evils, but it has an extraordinary role in this critical period which we are living through, where even the idea of democracy and pluralism has received a heavy blow by the last events which have fastened the Albanian society.

The religion, as a rather important cultural element in Albania, has a very important role in the cultivation of the values and of these forms of life which respect the vision for a world of every culture and religion. For some cultures the religion has represented the highest aspirations of the human existence. In other culture the religion have been institutions which affirmed that they brought the perfection. Because of the historical and political factors, mentioned above, the religion in Albania did not reach such levels. Now it has all the possibilities to affirm its values.

It is known that the religions have contributed to peace, but they have also nourished division hate and war. Often they have betrayed the ideal they brought with themselves. That's why the tendency towards peace constitutes an imperative for the Albanian society. But the peace should be searched, first of all, within us, so we must be in peace with oneself which is troubled by the stormy events which underwent our society these last ten years. We have the possibility to reach this internal peace through meditation and spiritual heightening which should manifest it in actions.

We must and need arrange the conflicts without resorting to violence, and this can be achieved by means of education and practicing justice. *Justice is the cornerstone of the civil society* said saint Augustine. Non-discrimination, the observance of the human dignity, of human right, the acceptance of the other and tolerance are the values which most needs the Albanian society.

In this context the religions responsibility is very great. The religions must become sources of constructive energies. The religions must be not identified with the political, economic and social powers in order to be free to open the road to justice and peace. We should take into consideration not only the world past, but also our not very far past when religion was

presented as servant of the politics, moreover, of the politics of the occupiers of country. So, can be save the religious values. The religious communities in Albania should be careful not to allow the religious zeal to mix with fanaticism. This not only would endanger the social peace, but also could damage even the bases of the religious doctrines. The religions in Albania can give their contribution to the creation of a culture of the peace based on tolerance, dialogue and mutual understanding.

It is meaningful fact that all the religions, without exception, preach peace and understanding among the men. Happy are the artisans of peace, because they will be called the children of God", it is written in the Gospel. Alike Koran stresses that if God would have made the men of one community, but he created different communities to allow them to know each-other beyond the distinctions among them. Precisely in this tradition of opening, tolerance and solidarity it is due to the believers, and especially to clergymen of all the religions, to work tireless for the cultivation of these values.

Now there is a double duty before the Albanian clergymen, the restoration of the divine message and the fraternal dialogue among the different religions. Here it is question to heal the past memory from where springs the need for a review of histories of the religion. The second duty has to do with an intercultural action on the basis of a fruitful dialogue among the religions, because what unites us is much more important from that divides us.

Toleranca si vlerë

In many meetings and conferences is put rightly in evidence the religious tolerance which has existed in Albania. We must admit that this tolerance is the result of historical factors and of the activity of the Albanian patriots who considered of a priority character the national union and identity. Tolerance is not merely a question of the individual conscience. It is in a close relation with the law, if we want to build the argument on the basis of the model of a democratic society.

For the jurists it is very easy to define the law as a rule coming from the state, but it is very difficult to define the term tolerance which took shape gradually during the centuries. The philosophers has stressed that tolerance consists in the free expression of the opinions, beliefs, conducts which spring, originate from individual conscience. As regards the historians they ascertain that the intolerance have been oftener (the inquisition, genocide, the hunting of the witches, the ethnic cleansing). From them tolerance means to set forth for discussion, often with retardation, the intolerance. History is very rich with such examples.

Albania did not know victims of religious intolerance among Albanians, but Albania has known victims of the neighboring churches against Albanian clergy who have asked the independence of Albanian Church.

In order to illustrate the spirit of tolerance of Albanians, I will be limited to mention some authors according to an historical perspective.

"Albanians have a natural aversion to obedience in the spiritual as well as in the temporal domain. At the time of the Turkish conquest they were nominally Christian, though, from the number of Pagan customs which still survive in their weddings, funerals, and other ceremonies, it may be surmised that their conversion was only superficial. Subsequently they distinguished themselves by embracing Islam more readily than any other European race. This change of faith took place principally at two epoch, firstly, immediately after the conquest, and secondly, in the seventeen century, when there occurred a wholesale apostasy due to the fact that there was a good career open to European Mussulmans at the period. But even in the present century tribes and villages have changed their religion for very trivial causes. According to the story, part of one Christian tribe became Mohammedan because their priest, who served several villages and visited them first, insisted on saying Mass at an unreasonably early hour. On the whole, the Northerners have been more faithful to Christianity than the Southerners, doubtless because they were allowed to carry arms. At the present day the Christians among the Tosks to the Orthodox Church, but in the northern division many Eastern practices are said to be still observed, such as the Communion of the laity in two kinds. The Roman Catholic Church in Albania is under the protection of Austria, and not of France as in other parts of Turkey. The outward signs of Islam are few; mosques are rare, wine is openly drunk, and professing Muslims swear by the Virgin... The majority of Muslim Albanians belong to the Bektashi dervishes, who, in spite of the fact that they were officially connected with Turkish Government through Janissaries, are one of the most

unorthodox Mohammedan sects, and are said to teach in secret, not only pantheism, but also the doctrine that no moral precepts are binding on the elect"¹.

Swire wrote: "The Albanian is not a religious fanatic. To him religion does not mean nationality; and his progress towards the realization of his national aspiration has been greatly hampered by inability of world to grasp the fact that a Moslem Albanian is by no manner of means a Turk"².

Ducellier, French scholar: "To sum up, it appears, despite the paucity of sources, as if Albania had already entered its mass by the Roman faith, it earned only slowly the rest of the country where the aristocracy was naturally the first to convert, this conversion is also often inspired by political motives: going from north to south, is thus going to a country predominantly Catholic Durrazzo the region, where the Latin law was slowly tend to equilibrate with the Orthodox faith, to arrive finally dice before the limits of the Byzantine province of Valona, in an area where Orthodoxy remained clearly dominant. With few nuances, the respective positions of the two faiths were in Albania, dice the first half of the fourteenth century, they still are today. As for the fact that, around 1350, was engaged in central Albania uncertain struggle between the two faiths, it will greatly contribute to explain the relatively rapid transition of the region to Islam, in the following century, while the North and compact blocks South succeed, somehow, to keep... From this time, and because of its geographical position, Albania was evidence of a rare religious tolerance and should remain a permanent feature of its history, whatever were the protagonists"³.

Jacque Bourcart, who visited Albania during the First World War, in the book "Albania and Albanians" wrote: «Albanian Catholicism is such only in appearance and even St. Roch and St. Kolli supplication honored with more than Christ. However, that Catholicism has a very great social value, because it was he who first fought for the independence of Albania and that gave her the greatest good: the Albanian writing"⁴.

Concerning the tolerance and respect for the religion of others, he writes: "The knights who accompanied me they surprised me still when caring for holy sites and places of worship of any religion when showing the same supplication for all the holy men of Catholic, Orthodox, Muslim Sunni or Bektashi. And under this glazed summarized as different religious entire ancient beliefs, vows to fire, water or mountains; the understandable fear of caves or forests inhabited by witches or malicious hours. Many countries, where today there are Christian sites or tekkes, are sacred places much older"⁵. These statements and many others from Albanian and foreign thinkers, united at one point; the exemplary religious tolerance of Albanians.

Even the Canon of Lek Dukagjini defines from the beginning the relations with the church, issues that deal with the shadow of the church, the cemetery, property and possession of the church, the priest, the servant, the workers of the church. "By the shadow of the church is meant the area which borders the land on which is built: a) the church; b) the residence (vicarage) of the priest". It is worth to stress the fact that "the church makes smoke in the parish", which means that the church has the right to possess livestock, land, and houses, both inside and outside the parish. Also the church has a share in the woods, the pasturage, the water and the mill of the parish community. The church is entitled to share in the fines of

¹ Sir Charles Eliot: *Turkey in Europe*, Edward Arnold, London, 1908, p. 354 - 355.

² J. Swire: *ALBANIA the Rise of a Kingdom*, Arno Press & the New York Time, New York, 1971, p. 39.

³ Alain Ducellier: "La façade maritime de l'Albanie au Moyen Age", Institut for Balkan Studies, Thessaloniki, p. 437. "Pour nous résumer, il apparaît, malgré l'indigence des sources, que si l'Albanie était déjà pénétré dans sa masse par la foi romaine, celle-ci ne gagnait que lentement le reste du pays où l'aristocratie était naturellement la première à se convertir, cette conversion étant d'ailleurs le plus souvent inspirée par des motifs d'ordre politique: en passant du Nord au Sud, on allant ainsi d'un pays en majorité catholique à la région de Durrazzo, où la loi latine devait lentement tendre à s'équilibrer avec la foi orthodoxe, pour arriver enfin, dés avant les limites de la province byzantine de Valona, dans une zone où l'Orthodoxie restait nettement dominante. A quelques nuances près, les positions respectives des deux confessions étaient en Albanie, dés la première moitié du XIV siècle, ce qu'elles sont encore aujourd'hui. Quant au fait que, vers 1350, se livrait en Albanie centrale une lutte incertaine entre les deux confessions, il contribuera puissamment à expliquer le passage relativement rapide de cette région à l'Islam, au siècle suivant, alors que les blocs compacts du Nord et du Sud réussirent, tant bien que mal, à se maintenir... Dés cette époque, et en raison de sa position géographique, l'Albanie faisait preuve d'une tolérance religieuse bien rare et qui devait rester un des traits permanents de son histoire, quels qu'en fussent les protagonistes".

⁴ Jaques Bourcart : *Shqipëria dhe shqiptarët*, Dituria, Tiranë, 2004, f. 53.

⁵ Jaques Bourcart, Opus quoted, f. 147 - 148.

the parish. The church has the right to buy and sell, as well as to take and retain the gifts which come from the generosity of benefactors, and utilize them as it sees fit. (Art. 2, point 1, 2, 3, 4).

Observations based on many Western travelers, who talked about the spirit of religious tolerance, there have been malicious views, and especially from the nationalist propaganda of the neighboring countries that have had to describe Albanians as not religious and that the idea of God has not been very present. In fact, if you look at the popular creativity we will notice that the idea of God is present and even a high god idea.

In stories and popular songs we find the attributes and special qualities of God, described as a big Being, powerful, righteous, all-knowing, happy, good, mercy, comforter, holy truth itself, etc. If you will use a philosophical language, we can say that the sacred eidetic structure has existed in the consciousness of the Albanians, regardless of political storms that passed Albania located in the dialectic of the dissolution of the three great empires of the time, the Ottoman Empire, the Austro - Hungarian and Russian Empire.

Therefore, in our studies it remain as a strong methodological premise the idea of German philosopher Dilthey; the duty of the human sciences is to understand not just to explain. This premise applies to understand our history and, in particular, the excellent religious tolerance of Albanians, which adds the richness values in Europe.

Given the so called irreligious of Albanians allegedly existed, and was also seen in recent events in the former Yugoslavia, the Albanians have not affected the defense of Christianity. Against this idea it still echoes the words of Gjergj Fishta, an Albanian poet belonging to Franciscan order, in his 1919 Peace Conference in Paris, as he was direct when it comes to protecting the rights of Albanians, which I get them in full: "While the Albanians were fighting against the Turks for freedom of Albania and throughout Europe, what are doing the Greeks and Serbs, those that today that the Peace Conference is holding as good boys? Greeks... even when the Turks had arrived to the door of Istanbul, they were staying discussing with religious questions against the Church of Rome. Likewise, Despot of Serbia, though the chairman of a people brave warrior - and Albanians is letting a torrent of blood for freedom and independence of the homeland - he is making marriage alliance with Turks by giving her daughter as a woman of harem of Sultan and based upon this fact, the Serbs stopped the union of the army of Skanderbeg with the army of Hunyadi, and therefore it was broken the Christian army at Varna working to ruin more than half of Europe"¹.

After all these submissions may ask; do Albanians have vices? Of course they do, like all human kind. When Montesquieu glorified the English system of representation he did not stop on the vices of Englishmen, because the Englishmen knew to benefit even from their vices. While our vices have been our thunder. But we have a great virtue; it is religious tolerance, which is a very powerful premise for a free social life.

Therefore, the task posed in front of our society, and where religious communities can play a major role, is the spiritual renewal of the Albanian society, a task that Father Anton Harapi, a Jesuit priest, made very clear since 1944. "We have to create a moral force in Albania. May we have not even find a man who today to absorb fully our idea, the will and efforts of Albanian life; we can have more people, who influence morally as much as they can be the point of gravity of our national life. We must believe in somebody, believe in Albanian vitality, believe in the power of our will, but we have to believe sincerely. If you do not believe in yourself enough there is no reason that the stranger to believe among us. It is worth to build our personal and collective consciousness"².

Now that we are talking about a new democratic society and a new right, everyone should contribute to positive law to protect the individual against any attempt of the state, groups or individuals, which would aim to touch freedoms defined and guaranteed by law. But the individual must accept its responsibility towards the state. In practical terms these tasks can be summarized as follows:

1. Presentation of beliefs in a positive way and not with the intention of criticizing or insulting other faiths.

¹ Fjalime, Fishta, Harapi, Koliqi, UEGEN, Tiranë, 2009, f. 12.

² Idem, f. 65.

2. Respect the thoughts and actions of individuals who have different beliefs.
3. To recognize to the other the full freedom you are asking for yourself.

Not changed spiritual freedom of other individuals in order to accept other beliefs through the promise of material and social benefits. It is very important to remember that in many cases, during the transition period, different religious groups have used to add material aid in order to increase their adherents. Such an action only does not affect the religious conscience of individuals, but creates insincere and hypocritical adherents. Let us remember the words of Christ against hypocrites. He is not pleased with an outside behavior, but requires compatibility between the invisible interiority of the conscience and visible external actions. His words against moral hypocrisy are characterized by severity. Let us remember the seven maledictions against the scribes and hypocrite Pharisees:

"Woe to you, teacher of the law and Pharisees, you hypocrites! You are like whitewashed tombs, which look beautiful on the outside but on the inside are full of dead men's bones and everything unclean. In the same way, on the outside you appear to people as righteous but on the inside you are full of hypocrisy and wickedness" (Mt, XXIII, 27-28). Words that strike, full of moral and religious demands, he asks for people. He wanted to see how to worship God from within you and outside. Out of love for him, he calls for spiritual and ethical compliance with the Law. It calls them for self cleaning. "Why squeeze mosquito and swallow a camel!" Why ask others what you do not do for yourself? Better worth is to match the interior and exteriority of conduct in order affirm ethical and religious core. With such words he could not attract the hatred of the powerful of the time. None of them could not support such a harsh and direct judgment.

4. Cooperation with other religious organizations, or not religious one, whenever the purposes and methods are accepted jointly in a spirit of tolerance.

Freedom of religion is one of the fundamental bases of society. It means to deal with the regulation of issues dealing with people and their religious beliefs. We should accept each other's differences and to look the other as a partner and not an adversary. This means they can be confronted with each other's views calmly and clearly asserting its identity, without the slightest sense of superiority. The solution is not a compromise, but in respect for the human being, clarity of principles that protects. Religious freedom can never be fully guaranteed, but we must try our efforts not affect the development of this freedom, in accordance with respect for everyone's happiness.

To those who glorify a religion at the expense of another or that seek to favor one religion at the expense of another I will confine myself to quote an advice of Tocqueville about the role of religion in a democratic society, that he drew from analysis of American revolution experience which is the basic maxim upon which is based the political and civil society in this country;

"When therefore any religion has struck its roots deep into a democracy, beware lest you disturb them; but rather watch it carefully, as the most precious bequest of aristocratic ages. Seek not to supersede the old religious opinions of men by new ones; lest in the passage from one faith to another, the soul being left for a while stripped of all belief, the love of physical gratifications should grow upon it and fill it wholly. ...

The belief in a supersensual and immortal principle, united for a time to matter, is so indispensable to man's greatness, that its effects are striking even when it is not united to the doctrine of future reward and punishment; and when it holds no more than that after death the divine principle contained in man is absorbed in the Deity, or transferred to animate the frame of some other creature"¹.

¹ Alexis de Tocqueville; *De la démocratie en Amérique*, Flammarion, Paris, 1981, V. II, f. 182. « Lors donc qu'une religion quelconque a jeté de profonde racines au sein d'une démocratie, gardez-vous de l'ébranler ; mais conservez-le plutôt avec soin comme le plus précieux héritage des siècles aristocratiques ; ne cherchez pas à arracher aux hommes leurs anciennes opinions religieuses pour en substituer des nouvelles, de peur que, dans le passage d'une foi à une autre, l'âme se trouvant un moment vide de croyances, l'amour des jouissances matérielles ne vienne à s'y étendre et à la remplir tout entière ».

Tocqueville, starting from the experience of the American Revolution, where religion played a major role in the moralizing democracy, showed that religion is necessary and can play a role in a democratic society. "Christianity, which has declared that all men are equal in the sight of God, will not refuse to acknowledge that all citizens are equal in the eye of the law."¹ And perhaps that is why in this country, according to Tocqueville, life takes place through "moulded facts to ideas, instead of ideas to facts"². While the opposite happens to us during the transitional period, where the ideas subjected to facts, even worse, to the spirit of profit, and if we will continue to do so, the freedom will always be threatened.

Therefore, in conclusion I will also draw upon an idea of Tocqueville on reconciliation between the spirit of religion and the spirit of freedom. According to him, the US was excellent illustration showing the combined spirit of religion with freedom. Since we are trying to arrange social freedom, religion is called to affect to influence in the realization of liberty. "Religion perceives that civil liberty affords a noble exercise to the faculties of man, and that the political world is a field prepared by the Creator for the efforts of the intelligence. Contented with the freedom and the power which it enjoys in its own sphere, and with the place which it occupies, the empire of religion is never more surely established than when it reigns in the hearts of men unsupported by aught beside its native strength. Religion is no less the companion of liberty in all its battles and its triumphs; the cradle of its infancy, and the divine source of its claims. The safeguard of morality is religion, and morality is the best security of law and the surest pledge of freedom"³.

¹ Idem, V. I, f. 66. "Le christianisme, qui a rendu tous les homes égaux devant Dieu, ne répougnera pas à voir tous les citoyens égaux devant la loi".

² Idem, f. 70. "... d'adapter les faits aux idées, au lieu de soumettre les idées aux faits".

³ Idem, f. 104. "La religion voit dans la liberté civile un noble exercice des faculties de l'homme; dans le monde politique, un champ livré par la Createur aux efforts de l'intelligence. Libre et puissante dans sa sphere, satisfaite de la place qui lui est reserve, elle sait que son empire est d'autant mieux établi qu'elle ne règne que par ses propres forces et domine sans appui sur les coeurs. La liberté voit dans la religion la champagne de ses lutes et de ses triophes, le berceau de son enfance, la source divine de ses droits. Elle considère la religion comme la souvegarde des mœurs, le mœurs comme des lois et le gage de sa proper durée".

Poetics of Slogans in Yachting ADS

Tomislav Skračić, MA

Faculty of Maritime Studies – University of Split, Zrinsko-Frankopanska 38, Split, Croatia, tomislav@pfst.hr

Marko Borak, MSc

MagMaris Agency, Ivana Gundulića 41, 22000 Šibenik, Croatia,

marko.borak@magmaris.net

Abstract

The paper discusses the poetics of yachting slogans – short, simple and memorable advertising statements whose task is to attract the attention of potential consumers and help differentiate the product or the company. The stylistic analysis, including qualitative, descriptive and comparative methods, has been used to identify and examine the poetic elements of slogans in yachting ads: schemes, tropes and additional imagery, with due attention paid to the graphic aspect and the comparative features of slogans in other trades. The paper primarily addresses the students and teachers of English language for Specific Purposes. The results of the analysis are useful for familiarizing with the main principles of figurative language and writing advertising texts, and can provide useful information for literature students, admen, copywriters and all people interested in language of advertising.

Keywords: yachting, advertising, slogans, poetics

Introduction

Life is now, now life begins at 40

Launch into living – so worth it

Capture the dream, a detailed harmony

Feel something special, the sea symphony

Imagine perfection, technologies to trust

Safe. Strong. Fast. Built to last.

These are not verses written by Charles Baudelaire. And this is not William Butler Yeats either. The six-line stanza, rich in rhymes, alliterations, rhythm and other euphonic devices, inviting the reader to indulge in living and to set off in quest of adventure, harmony and perfection, actually consists of eleven juxtaposed slogans that advertise boats and boating equipment in nautical magazines. The lines may sound like poetry, and perhaps some of them are, but the mission of these seemingly harmless short messages is far more pragmatic and complex. They have been designed and released to attract attention of the targeted population, to create desire and drive to action, the ultimate goal being the purchase of the advertised products and services.

The aim of this study is to identify, define and analyse stylistic features used in advertising slogans of famous yachting brands, with due attention drawn to the figures of speech (expressive language used in a non-standard, non-literal or an unusual way) and to their specific motifs and graphics. In addition to the stylistic and qualitative analysis of the slogans' poetic register, descriptive method has been used to provide some theoretical background on poetic devices, occasionally comparing the tools used in yachting industry to the ones identified in other trades.

The corpus includes the slogans supporting advertisements in four nautical magazines published over a one year period, as well as the slogans gathered during a recent one-off web search. ¹ Slogans from other advertising areas, used for illustration and comparison with nautical slogans, have been borrowed from the works cited in the list of references.

The paper primarily addresses the students and teachers of English language for Specific Purposes. The results of the analysis are useful for understanding the main principles of figurative language and writing advertising texts, and can provide useful information for literature students, admen, copywriters and all people interested in language of advertising.

DEFINITION AND MISSION

According to Geoffrey N. Leech, the slogan is a short phrase used by the company in its advertisements to reinforce the identity of the brand. David P. Rein defines an advertising slogan as a "unique phrase identified with a company or brand". ² Definitions may vary but all of them point out the same essential aspects: advertising slogans are short, simple, witty and memorable statements whose task is to help differentiate the product or the company from its competitors. In other words, they have to attract potential customers, help them identify and remember the brand and/or the company, and make them buy or use the advertised product or service. Selling power is the crucial principle. Hence, slogans are important marketing tools. Along with other advertising elements (body text, specification, image, logo, video, music, jingle...), they help build a recognisable image for the brand they are representing. ³

COMMON CHARACTERISTICS

A slogan usually consists of a few words which sum up the entire message that a company (or city, country, destination...) wants its audience to remember. In advertising business there are two basic types of slogans: brands slogans and business (or corporate) slogans. Brand advertising communicates the specific characteristics, values, and benefits of a particular brand, affecting the way consumers view the brand compared to others: *Get TIME, ahead of time* (TIME Magazine), *Now life begins at 40* (motor yacht Sunseeker Portofino 40). On the other hand, corporate slogans are designed to generate favourable attitude towards a company as a whole. Well-known users of corporate advertising include L'Oréal (*Because you're worth it.*), Nike (*Just do it.*). Most boatbuilders use corporate slogans supporting a range of their products: Sea Ray (*Launch into living*), Bayliner (*So worth it*), Ferretti (*Intelligenza nautica Italiana*), etc. However, both types of slogans have similar tasks, structure and poetics. Therefore, for the purpose of this paper, brand slogans and business slogans are jointly referred to as "advertising slogans". ⁴

In order to perform the above mentioned tasks, advertising slogans have to meet a number of requirements. First of all, a slogan should emphasise a key benefit of a brand, and help differentiate the brand, i. e. make it recognisable on the market. For example, there is a wide range of 40 to 50-foot power boats with similar design, performance and value-for-money, but a customer may opt for Vanga 44 because its slogan "sounds good" (*Your imagination is the limit!*) or Brioni 44 because of

¹ The magazines include More 2010 (Croatia), Nautica (Croatian edition) 2009, Yachting (Croatian edition) 2013, Val navtika 2013 (Slovenia). The web search was performed on January 14, 2016 (search words: "yachting ads").

² G. N. Leech (1966/1972), *English in Advertising: A Linguistic Study of Advertising in Great Britain*, London: Longman; D. P. Rein (1982), *The Language of Advertising and Merchandising in English*. New York: Regent, pp. 49-54; William F. Arens (1994), *Contemporary advertising*, 5th edition, Irwin, USA, pp. 234-275.

³ Qunsheng Ke and Weiwei Wang, "The Adjective Frequency in Advertising English Slogans" in: *Theory and Practice in Language Studies*, Vol. 3, No. 2, Academy Publication, February 2013, pp. 275-284.; See also: Stephen J. Conley, *Sloganology: The Anatomy Of Slogans*. eBook / www.thesloganshop.com, 2010, pp. 3-6.

⁴ More about the typology in: Thomas C. O'Guinn; Chris T. Allen; Richard J. Semenik, *Advertising and integrated brand promotion*, 6th ed., Mason, OH: South-Western, Cengage Learning, 2012, p. 33. Also at: <http://www.ediwriter.com> (2016-01-23)

the flattering message (*For Emperors and Princesses*) – without realising that they are versions of the same vessel.¹ Marketing tools are here to drive consumers towards a decision, suggesting that the brand they support is special, unique, better or *Different... Like you* (Saltus brokerage & charter). An advertising message is not supposed to be complicated or awkward. The slogan *Get everything. Power, space and style. Live Itama.* (Itama yachts) is way too descriptive and hard to memorise. In addition, an average boater may find it difficult to understand what “Live Itama” could imply. Likewise, the meaning of the slogan *Way of life!* (Suzuki 4-stroke outboard motors) is rather foggy and cumbersome: perhaps it would be more appropriate in advertising consumer goods like sportswear or beer. While simplicity is crucial the length may vary: there are very short messages: *Think different.* (Apple), *Legendary strength* (Schaefer jib furling systems). On the other hand, David Ogilvy says advertisers “should not be afraid of long slogans”.² Huckins Yachts’ narrative message *IMAGINE OWNING A YACHT THAT INSPIRES YOU TO STARE AT THE SCENERY, NOT THE FUEL GAUGE* is lengthy but clear: these power boats are fuel-saving, cost-efficient, reliable, and able to sail long distances, ensuring the boater new experience and pleasure of exploration.³

Most importantly, an advertising slogan should be memorable. It has to find its way into consumer’s memory and make the consumer feel a desire or need. Memorability may depend on how often and how long the slogan has been used in advertising⁴. It may also depend on how efficiently the slogan is tied to a jingle (e. g. Calgon) and other audio and video material. For example, the slogan *Washing machines live longer with Calgon* is combined with a catchy jingle that may remain in consumer’s memory for years. Yet, the critical factor that makes a slogan memorable is its own “personality”, i. e. the language features, the poetics and the message it conveys.

POETICS

“I do not regard advertising as entertainment or an art form, but as a medium of information,” says David Ogilvy. “When I write an advertisement, I don’t want you to tell me that you find it *creative*. I want you to find it so interesting that you *buy the product*.”⁵ Indeed, as it was stated above, selling power is crucial, but it should be borne in mind that the power arises from the (creative) use of language. The language used in advertising slogans is essential to the message they want to convey. As the stanza created at the beginning of this paper shows, these poetic devices may include alliteration, assonance, rhyme, metre, rhythm, metaphor, etc. To accomplish their mission effectively, advertising messages make use of *figures of speech* and other techniques similar to those used in poetry.

Poetic devices or figures of speech can be categorised in various ways. They are often analysed at four levels: phonological, lexical, syntactic and semantic level. They can also be categorised into sound figures, tropes, figures of construction and figures of thought.⁶ For the sake of simplicity, this paper divides the figures of speech into *schemes*, *tropes* and *additional imagery*.

¹ In 2010 Slovenian company Vanga Yachts redesigned their Vanga 44 lobster and named it Brioni 44.

² Cited in William F. Arens, op. cit., p. 251.

³ Other Huckins Yachts’ messages include *IN A WORLD OBSESSED WITH STYLE, FEW ARE SO WELL-EQUIPPED TO OUTRUN THE PAPAZZI* and *CONTRARY TO WHAT YOU’VE BEEN TOLD ALL YOUR LIFE. SHALLOUNESS IS A POSITIVE ATTRIBUTE*, emphasising not just the style, but also the possibilities of these vessels due to their cutting-edge jet propulsion.

⁴ The famous De Beers company slogan *A Diamond Is Forever / Diamonds Are Forever*, one of the long-lasting slogans, was created in 1948 by Frances Gerety, a copywriter who worked for N. W. Ayer & Sons, Inc.

⁵ David Ogilvy (1985). *Ogilvy on Advertising*. Vancouver: Vintage, p. 7, cited by Jana Lapšanská, in *The language of advertising with the focus on the linguistic means and the analysis of advertising slogans*. Comenius University in Bratislava, 2006.

⁶ The latter classification was used by Milivoj Solar, *Teorija književnosti*, Školska knjiga, Zagreb, 1980, pp. 61-75. Jana Lapšanská, op. cit., analyses poetic elements of advertising slogans at four levels: phonology, morphology, syntax and semantics; T. Dubovičienė and P. Skorupa discuss a) Figurative language, b) Sound techniques and c) Other rhetorical devices in advertising slogans (The Analysis of some Stylistic Features of English Advertising Slogans, in: *Man and the Word / Foreign Languages*, Vol. 16, No. 3, pp. 61-75, Lithuanian University of Educational Sciences, 2014). There are over 150 figures of speech and many of them may fall in more than one category, e.g. antithesis, hyperbole, comparison and so on. Parallelisms like rhymes, anaphoras or alliterations are not just sound devices – they always affect the “meaning”. Likewise, rhythm may result from using semantic, syntactic, lexical or phonological tools.

Schemes

Schemes are figures of speech that change the ordinary or expected pattern of words, often creating euphonic and mnemonic effects. Mnemonic devices that help advertising slogans to be remembered by their targeted audience include sound techniques such as alliteration, assonance, rhyme, anaphora, epiphora, meter and rhythm. These repetitions of formal patterns are called parallelisms.

Parallelisms

According to J. A. Cuddon, parallelisms are essential unifying elements in nearly all poetry and much prose. They may consist of "sounds, particular syllables and words, phrases, stanzas, metrical patterns, ideas, allusions and shapes".¹ Frequent sound techniques in advertising include **assonance**, the repetition of similar vowel sounds, usually close together, and **alliteration**, repetition of consonants, especially at the beginning of words or stressed syllables (in the following examples the assonance is underlined whereas the alliteration is marked in boldface type). These schemes achieve a particular effect of euphony. Alliteration is easily identified in *Cruising with confidence* (Elan Impression 354), *Technologies to trust* (Alfa Laval boat devices), *Fashioning the future* (CRN J'Ade 58M). Assonance is easily identified in *Your imagination is the limit!* (Vanga 44). Most often these schemes are combined to create a remarkable euphonic effect: *Sea Symphony* (Elan 400), *The sunny side of life* (Monachus power boats); *Queen of the seas since 1968* (Ferretti Yachts); *Motion and Mobility* (ZF Transmissions); *Set sail for success* (Sealease service); *A Riva is a Riva. Always.* (Riva yachts – Ferretti Group). The latter is a good example of a mirror-like sound parallelism, so dear to French symbolist poet Stéphane Mallarmé, through the simple but strikingly efficient alteration of vowels and consonants [a-i-a-i-a-i-a // r-v-r-v]. Ferretti's corporate slogan *Intelligenza nautica Italiana* provides a remarkable euphonic effect through the sound parallelism including the assonance [i-e, i-e, i-a, i-a] and the alliteration [t-l-n, n-t, t-l-n]. Euphony is strong in *Simply life saving* (Lalizas life-saving equipment) [s-i-l-i-l-s-i]. It is striking in *Sometimes solitude is the most exclusive luxury* [s-t-s, s-l-t-s, s-t-s-l, s-l-s] (Ferretti Yachts). In addition to euphonic effects, alliteration and assonance can help the slogans achieve "the strong beating rhythm needed to make it a repeatable sentence [...] easily remembered by the audience."²

¹ Cuddon, J. A. (1999). *The Penguin Dictionary of Literary Terms and Literary Theory*. London: Penguin Books Ltd., p. 742.

² Bui Thi and Bich Thuy, "An Investigation into the Style of the English Language Used in Advertising Slogans Issued by Some World-Famous Airlines", in: ULIS, 2010.

Schematic patterning in yachting slogans also include **anaphoras** and **epiphoras**. Anaphora is the repetition of the same word or set of words at the beginning of successive verses or sentences, emphasising an image or a concept, while epiphora is the repetition of the same word or words at the end of successive phrases, clauses or verses. Due to the format of the slogan, the space for introducing such schemes is limited. Nevertheless, anaphoras are not rare: **One at a time. One of a kind.** (Huckins Yachts), **Great Sails, Great Sail Care!** (North Sails), **Feels like home. Feelin' alive** (Bond Alena 48). Anaphora inevitably includes alliteration, in the latter case: [f-I-I // f-I-I]. Unlike advertisements of consumer goods, which abound with epiphoras, yachting slogans seldom use them.¹ On the other hand, repetition of words may occur at other places: **Explore your world without leaving your home** (Bandido 75); **A small family business for big family fun! (Splendor power catamarans)**. They often create an antithesis (*your world – your home; small business – big fun*), a figure of speech that will be dealt with later.

In advertising industry, **rhyme** is frequently used in jingles, slogans and headlines. English is particularly suitable for creating rhymes due to a large number of one-syllable words. While this poetic device is quite common in slogans advertising mass-consumption products (*The best a man can get – Gillette; Do you ... Yahoo!?! – Yahoo!*), it is not very frequent in yachting ads, probably due to the fact that yachting slogans support custom-tailored, sophisticated and expensive products that do not abide “cheap” tools such as rhymes and jingles. Still, rhyme is not entirely avoided: *Innovation, performance & luxury. Be the part of Sunseeker family.* (Sunseeker charter); *Safe. Strong. Fast. Built to last.*



**Great Sails
Great Sail Care!**

Vancouver 604-271-2111
5-11911 Machrina Way, Richmond, BC V7A 4V3

Sales: Drew Mitchell
Drew.Mitchell@northsails.com

Sail Care: Dennis Lefeaux
Dennis.Lefeaux@northsails.com

www.northsails.com
Peter Lyons photo

Better by Design

Contact us today for all your sails and sail care needs!

Source: <http://www.northsails.com>

(Tailored marine, Queensland).

¹ Here are some of the slogans supporting consumer goods, which contain epiphoras (marked in boldface type): If anyone **can**, Canon **can** (Canon), Buy it. Sell it. Love it (Ebay), It keeps **going**, and **going**, and **going** (Energizer Batteries), Heavy **industries**. Happy **industries** (Hyundai). Cited in T. Dubovičienė and P. Skorupa, op.cit., pp. 61-75.

Rhythm provides a powerful emotional and mnemonic effect that makes an advertisement or a slogan more memorable. In literature, rhythm can be achieved by an extensive use of euphonic tools such as assonance, alliteration and rhyme, as well as by the alteration of stressed and unstressed syllables. The repetition of similar or identical patterns of strong and weak stresses in lines of poetry is called metre. Yachting slogans almost always feature a regular metre (in the following examples the stressed syllables are marked in boldface type), such as an iamb, an unstressed syllable followed by a stressed syllable (*Become unique* – Velvet 115); a trochee, a stressed syllable followed by an unstressed one (*Powering business worldwide* – Eaton powerware); a spondee, consisting of two stressed syllables (*Your turn!* – Lagoon 52); a molossus, having three stressed syllables (*Speed. Style. Thrill.* – Offshore, super classic 40); an anapaest, with two unstressed syllables followed by a stressed one (*Feels like home. Feelin' alive* – Bond Alena 48); an amphibrach, having a stressed syllable between two unstressed syllables (*Imagine Perfection* – Lazzara Yachts). Hanse yachts company's slogan *Breaking rules. Setting trends.* can be pronounced as two dactyls (with a stressed syllable followed by two unstressed syllables) or as two cretics (with an unstressed syllable between two stressed syllables).

In addition to euphonic and mnemonic quality, the rhythmic alternation of strong and weak syllables in yachting slogans has a **synesthetic effect**, suggesting the wave motion, i. e. the sailing feeling.

Ellipsis and syncope

In poetry, an **ellipsis** is the omission of words whose absence does not impede the reader's ability to understand the expression. Elliptical structure is a common phenomenon in advertising slogans. Phrases often lack essential elements such as nouns, verbs, conjunctions... In the tour-de-force slogans *ISAKINDOFMAGIC* and *ISACHOICE*, it is obvious that something is missing but it is not clear whether it is a noun, i. e. the boat *Isa 120*, or the verb *IS* and the indefinite article *A* – in case the capitals *ISA* are taken as the acronym of the Italian boatbuilder. According to Lapšanská, the reader of the advertisement "turns to the visual layout, which provides him/her many clues to correct interpretation, so the explicit structure of the sentence is not so important."¹ In *Shuts down outboard thieves*, it is not necessary to insist on the agent, as the name and image of the agent (*Y-COP* security system) appear in the photograph. Repetition of these elements would be needless. If the main verb is omitted, as in *Unmistakably uniesse* (*Uniesse* motoryachts), it is probably of no importance to define neither the tense nor the aspect of the verb. *The sunny side of life* is a cute, unpretentious phrase that sounds like a promise. It would be wrong and counter-productive to avoid the ellipsis and say "Monachus power boats take you to the sunny side of life / enable you to experience the sunny side of life."



Source: <http://www.uniesse.com>

Syncope is the omission of parts of a word or phrase. In everyday speech and in poetry, syncope refers to a contraction within a word through the loss of a vowel sound, as in the common British pronunciation of *medicine* as /'medsin/, but is sometimes extended to the loss of a consonant, as in *boatswain* > *bosun*. Syncope is sometimes indicated in writing by an apostrophe. While syncope in poetry results from poets' attempts to fit their

words and lines of poetry to a specific rhythm and meter, synopes and contractions in slogans rather try to create intimacy between the seller and the buyer: *Feels like home. Feelin' alive* – Bond Alena 48); *SOMEDAY THEY'LL LOOK BACK JUST AS FONDLY*. (*Vicem Yachts*), an advertisement showing two kids at the yacht's bow, staring at the horizon.

Comparison, simile and rhetorical questions

Comparison is a rhetorical device in which advertisers compare or contrast two products, services, or ideas. One of the perceptible tactics is to use **unqualified comparison**, i. e. the use of words as "every", "always" or "none", where the second element of comparison is never stated: *A Riva is a Riva. Always*. (*Riva yachts, Ferretti Group*). Such slogans suggest that the advertised brand is *perfect*, or *ultimate*, or *premium*. Sometimes, in order to avoid overexploited lexis, slogans make use of a **simile**, "a figure of speech in which one thing is likened to another [...] to clarify and enhance an image. It is an explicit comparison (as opposed to the metaphor, where the comparison is implicit).² It is recognizable by

¹ Lapšanská, op. cit.

² Cuddon, op. cit., p. 830.

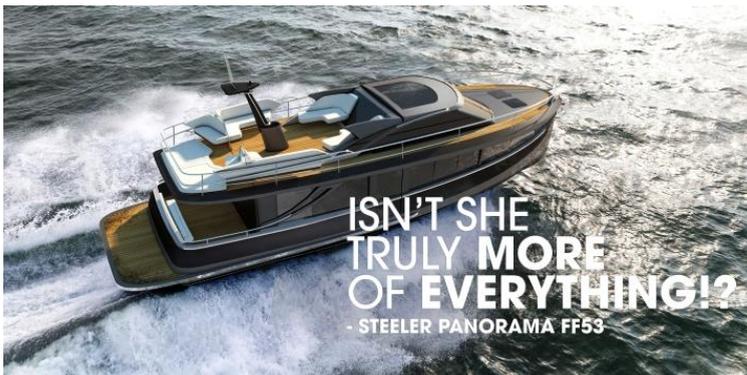
the use of the words 'like', 'than', 'as' or 'as if'. Simile usually underlines positive characteristics of the advertised product or service and strengthens emotional representation of its features: *Feels like home. Feelin' alive.* (Bond Alena 48); *Different... Like you* (Saltus brokerage & charter); *It's nothing like the real world* (Yacht Week, Croatia).

Ordinary solutions such as *more*, *better* or *best* do not seem to be suitable enough for supporting sophisticated yachting brands. A rare exception is *Simply the best* (Dominator motor yachts). The message is very common, boring, and – worst of all – not original. Actually, it is one of the most overused phrases in the history of advertising.¹

Rhetorical questions that assume one possible answer have been widely used in advertising business. If utilised correctly, they engage the target audience and help persuade them to come to a conclusion on their own, which has a greater effect than simply telling the audience to do something. The questions may be short (*Got milk?* – California Milk Processing Board) or rather long structures containing other rhetorical devices, e. g. hyperbole: (*ISN'T SHE TRULY MORE OF EVERYTHING!?* – Steeler Panorama FF53), but there is one thing they have in common – seeking a simple and quick answer, preferably “yes” or “no”.

Apposition

Placing of two statements side by side, in which the second defines the first, is the simplest advertising phrase pattern. A brand name and the additional phrase in **apposition** create a metaphorical parallelism between a product and a feature: *Vicem Yachts... Redefining Modern Luxury.* (Vicem yachts); **GREECE A MASTERPIECE YOU CAN AFFORD.** This juxtaposition may be regarded as a sort of metaphor, or an elliptical comparison (without *like* or *as*). It can be even used as a means of contrast or antithesis.



Source: <http://www.steeleryachts.com>

Tropes

Unlike schemes, which change the ordinary or expected pattern of words, **tropes** are figures of speech that change the general meaning of words. Slogans supporting boating products and services feature a variety of words or phrases that are used in a way that is different from its usual meaning, in order to create a particular mental image or effect. Figurative language of yachting slogans often includes metaphor, metonymy, personification, hyperbole, antithesis and, less frequently, homonymy, polysemy, pun (word play), neologism and intertextuality.

Metaphor and metonymy

¹ Brands and companies that used or have used it include American Legend, Amiga, MGM Auto Group, Sunshine Flights, and dozens of others (Timothy R. V. Foster, *The Art and Science of the Advertising Slogan*, ADSlogans Unlimited, 2001).

Dubovičienė and Skorupa point out that **metaphor** “contributes to the aesthetics of the message and emphasizes the main idea, describing one object in terms of another, usually by means of implicit comparison”, listing a number of famous slogans: *Open Happiness* (Coca Cola), *It gives you wings* (Red Bull), etc. ¹ Correspondingly, metaphor is an efficient tool in yachting ads. In *The perfect mates for your next race*. (Heuer yacht timers), the perfect mates are not companions or deck officers but watches and timers. A marine engine that provides propulsion and generates power can be regarded as *The Heart of the Yacht* (Volvo Penta D1-13), whereas a boat itself can be likened to *Sea Symphony* or *Queen of the seas since 1968*. According to Lapšanská, a single metaphor “may be worth of a hundred words of advertising text. It has an interesting value and stimulates the curiosity of the reader about the product”. ²

Metonymy uses a single characteristic of a person, product, system or phenomenon to identify the entire entity. The association is always logical. For example, the British monarchy is often referred to as the Crown. When a boater says “I like Yamaha”, he or she uses metonymy to explain that he or she likes one part, not the whole entity, i. e. Yamaha marine engines, not Yamaha as a company. In *Simplicity with style*, metonymy is used to underline one of the recognisable features (simplicity) of a complex and therefore complicated product such as a cruising power yacht, namely Monachus lobster. There is also a noticeable effect of antithesis (simplicity / complexity).

Antithesis and hyperbole

Antithesis is a figure of speech which expresses two opposite ideas in order to emphasise the meaning and the contrast. It is based on **antonyms**, words of opposite meaning or opposite ideas: **A small family business for big family fun!** (**Splendor power catamarans**); *Perfect Epoxy for an imperfect world* (WEST System Epoxy); *Where Land Ends, Life Begins* (Sea Ray sports cruisers).

Hyperbole, a deliberate use of overstatement or exaggeration to achieve emphasis, is also frequent in yachting slogans: *For Emperors and Princesses* (Brioni 44); *No storm can stop us* (Aicon yachts); *Making progress possible* (Caterpillar marine engines); **UNSURPASSED SERVICE** (West Marine Megayacht Supply).

Homonymy, polysemy and puns

Homonyms are words that share the same pronunciation but have different meanings, whether spelled the same or not. ³ These words are sometimes used by copywriters to create **puns** in advertising language: **PERFORAMANCE ANYWEAR** (Musto LPX clothing, *wear* and *where* are homophones). The US Superyacht Association’s campaign *Come Sea U. S.* uses homonymy to promote the yachting industry in the United States. This kind of play works only in print and it cannot be recognised when spoken.

In homonymy there is no semantic connection between the two lexemes, only phonological one. On the other hand, a **polyseme** is a lexeme with two or more multiple, related meanings, so that the connection is not only phonological, but also semantic, as in *The power to be independent* (Mastervolt electric equipment) where *power* refers both to ability and electricity. These wordplays or puns have inevitable humorous effects and, as Dubovičienė and Skorupa assert, they can “work miracles” by capturing the attention and impressing people with smartness and novelty. ⁴

Neologism, collocation and intertextuality

Advertising texts take advantage of using made-up or adapted words and expressions in order to support the creative aspect of advertisement and its attraction. **Neologisms** are created by affixation, compounding, shortening and other ways.

¹ Dubovičienė and Skorupa, op. cit.

² Lapšanská, op. cit.

³ In everyday contexts homonyms and homophones are used interchangeably. Strictly speaking, the word **homophone** is used to refer to words which sound alike, although they have a different spelling and meaning (e.g. mail / male; wear / ware), while **homonyms** refer to words which have the same spelling and pronunciation but have a different meaning (e.g. May / may). See Wikipedia at: <https://en.wikipedia.org/wiki/Homonym>.

⁴ Dubovičienė and Skorupa, op. cit.

For example, affixation – the process of building new words by adding an established prefix or suffix to the existing base – is a very productive process of building new words in English: *Solutioneering Together* (Yanmar); *IF IT SPEEDS, MOVES, SAILS, DOCKS, FLOATS, ROWS, PUTTERS, RACES, SKIMS OR ANCHORS OUT HERE, SUNBRELLA IS ON IT.* (Sunbrella marine canvas).



Source: <http://www.heesenyachts.com>

YANMAR
Solutioneering Together

Source: <http://www.yanmar.com>

(Victron Energy electric products). Synaesthesia became especially popular in the 19th century through the work of Charles Baudelaire, Arthur Rimbaud and the symbolist movement.

Additional imagery (lexical and syntactical elements) In addition to figures of speech, the poetics of slogans in yachting advertisements include **specific motifs** evoking the themes of being alive, capturing dreams, absence of limits, seeking adventure, independence, perfection, tranquillity, harmony, style, safety.

These are the values that are considered essential in boating and – as is often suggested – in living: *Launch into living* (Sea Ray), *Dare to dream* (Princess 58); *Own the dream* (Vicem yachts),

No limits (Mira, Alena & Fashion Yachts), *The value of the tranquillity* (Lexsia yachts), *Technologies to trust* (Alfa Laval),

Performance at its best (Sunseeker Predator 80). Excessive use of certain motifs (*performance, perfection, emotion, dream, style...*) may reduce the strength of the desired effect.

It is not surprising that a copywriter unintentionally creates a slogan that already exists.

For instance, **PASSION, PERFORMANCE, PERFECTION** is used by Dutch yacht builder Heesen Yachts, while *Passion, performance and perfection* is used by Focus, German company that produces bicycles and cycling products. As it has been pointed out, one of the crucial tasks of a slogan is to help differentiate the brand. In this particular case, both slogans failed, not only because they are identical, but also because there are a number of slogans, in all sorts of trades, which use the same word corpus. The saturation of messages may lead to a glut of generic, hollow statements, i. e. **cliché**.

A **collocation** is a sequence of words that occur more often than would be expected by chance: *Breaking rules. Setting trends* (Hanse); *So worth it* (Bayliner).

Intertextuality, the way one text echoes or refers to another text, a phenomenon sometimes difficult to recognize, e. g. *Evolution of the species* (Azimut 54), referring to Charles Darwin's theory of evolution; *ISAKINDOFMAGIC* (Isa 120), possibly referring to *A Kind of Magic*, the twelfth album by English rock band Queen, released in 1986. In advertising, the intertextuality is best used when there is justifiable supposition that the original text is well-known among the targeted clientele.

Personification and synaesthesia

Other forms of figurative language in yachting slogans include **personification**, attribution of human qualities to inanimate objects (*Yachts with Ambition* – Steeler Yachts), and **synaesthesia**, blending of different sense modalities, e. g. warm colours, heavy silence, *Blue Power*

Sometimes **proper nouns** appear to support the message, referring to the producer (*Mares bringing style and elegance to the world of catamarans – Mares*) or one of the recognisable qualities of the brand (*Built for the North Sea – Viknes motor boats*). Azimut's daring slogan *The best boat for British people... has been designed in Italy* (Azimut Magellano 43) features an **unexpected ending**, an effect typical of a lyric poem. The effect is additionally reinforced by the alliteration of [b] in the first part, which suddenly disappears in the second part, releasing pure information (*designed in Italy*), relieved of any poetic tool, challenging British boatbuilding tradition and shocking potential consumers.

Being "poetic", yachting slogans seldom contain **numerals**. When they do, numerals usually evoke a tradition that guarantees the brand's quality: *CREATEUR D'EMOTIONS DEPUIS 1973* (True North S. N. I. P Yachting), *125 years of heartfelt dedication* (Dräger gas detecting equipment), *Celebrating Adventure For 30 Years* (Adriatic Croatia International Club).

Generally speaking, the **choice of verbs** is very careful in advertising. Yachting slogans largely follow the rules, avoiding any associations with buying or spending money. Instead, they make use of common alternatives such as *enjoy* or *discover*, but also introduce specific verbs that are related to the above mentioned values: *dare*, *capture*, *launch*, *join*, *sail*, *keep*, *feel*, *imagine*, *dream*...



Source: <http://www.beneteau.com>

The most frequent **modal verb** is "can": *No storm can stop us* (Aicon yachts), *An idea can take you anywhere* (Pershing power boats), *Control Solutions You Can Trust* (Dynagen Controller). These examples also contain possessive and personal **pronouns** that tend to shorten the distance between producers and consumers and are therefore used in advertising discourse more often than in other discourses. ¹

The hull-side slogan of Beneteau's Oceanis 38 (*YOUR BOAT. YOUR RULES.*) features possessive adjectives to highlight commitment to the customer, suggesting that the boat is built to a buyer's individual preferences.

The most powerful ones are pronouns *you*, *your*, *we*, *us* and *our* because they suggest personal relationship: *Our technology, your emotion* (Sacs S680); *NO PASSION WITHOUT RISK... LEAVE THE RISK TO US.* (Pantaenius Yacht Insurance). The **syntax** of the slogans promoting boats and boating equipment and services may include various sentence types.

Often, the advertising messages consist of **elliptical noun phrases**, as in *Support without limits* (BluePoint Yachting) or *The Heart of the Yacht* (Volvo Penta).

Adjectives are combined with nouns: *Unbeatable for Quality and Performance* (Gianneschi pumps and blowers) or used independently, usually in **clusters**, as in *Reliable, Clean, Quiet – and Powerful* (Cummins marine engines).

If verbs are used, the phrase may be **exclamative**: *Your imagination is the limit!* (Vanga 44), *What a yacht* (Bavaria); *Way of life!* (Suzuki outboard engines), but most frequently **imperative**: *ENJOY THE EXPERIENCE* (Dubai D3 Yacht rental), *Join the movement* (Garmin GPSMAP 720s); *Keep Sailing* (Hempel). Along with imperative, the prevailing verb forms include the Present Simple Tense, usually in the third person singular (*feels / is / ends / begins...*), and gerunds: *Meeting*

¹ Machynková, B. (2009). *Translation in Advertising. Transfer vs Adaptation*, Tomas Bata University in Zlín.

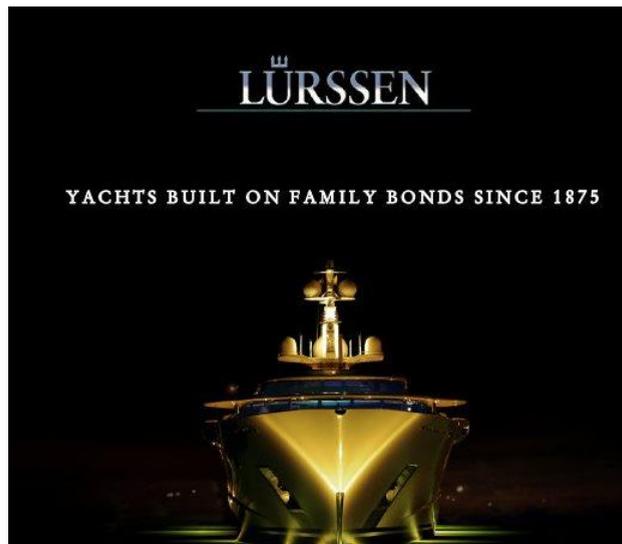
regulations, protecting lives, lowering costs (McMurdo safety equipment). See also the above examples of slogans containing: *feeling, solutioneering, fashioning, powering, breaking, setting, cruising...* The described vocabulary, syntax, figurative language, rhetorical devices and metrical regularity contribute to the "mood" that pervades the advertising messages in yachting advertising, affecting their **tone** and poetics.

Graphics

The text of a slogan represents only one aspect of the advertising message. Other elements include body text, technical description, photographs, audio and video material, etc. The 2008 Huckins Yachts' campaign produced advertisements exploring different aspects of their new brand. The yacht was taken to Bimini and put in various settings (open sea, coastal area, shallow inland waters). Photographs emphasize the key qualities of the yacht (craftsmanship, classic design, style, and possibilities resulting from fuel-saving jet-drive system) and so do the accompanying slogans: contrary to what you've been told all your life. Shallowness is a positive attribute; imagine owning a yacht that inspires you to stare at the scenery, not the fuel gauge.

Although this paper focuses exclusively on the linguistic aspect of the yachting slogans, it would be just and perhaps interesting to highlight that some of the above examined poetic tools become recognisable only when media other than text are included in observation. In the already observed example of the Yamaha's slogan *Shuts down outboard thieves*, an **ellipsis** (omission of the agent) is made possible by juxtaposing the photograph of the agent (Y-COP security system). Advertisements of the prestigious German shipyard Lürssen GmbH feature the slogan *Yachts built on family bonds since 1875*. In addition to referring to tradition, the message unpretentiously implies that Lürssen is a family business. A consumer who is not familiar with Lürssen production may expect that a family-size boat would appear in the advertisement along with such a slogan, but here comes an inter-media **antithesis**: beneath the company's logo and slogan, there is an image of an impressive 91-metre Descout superyacht. Antithesis is noticeable in Huckins Yachts' slogans too: *shallowness – positive attribute; scenery – fuel gauge*.

Advertisement designers pay particular attention to graphics – colour, type and size of the script. **Typography** and text layout can also be considered as poetic tools, especially having in mind radical techniques of Guillaume Apollinaire, a French poet and art critic of Polish descent. It is not possible here to engage in a detailed analysis of graphic features of yachting slogans, but it is only fair to draw attention to the most frequent technique – **capitalisation**. We can distinguish two types. *Initial* capitalization has an emphatic effect because the advertising message looks like a headline, like in Sea Ray's *Where Land Ends, Life Begins*. As a result, the meaning of each word is highlighted. Likewise, as in a number of the above examples, *full* capitalisation is used in advertising slogans for similar reason: in **Heesen Yachts' PASSION, PERFORMANCE, PERFECTION, words are written in small capital letters whereas the initials are normally capitalised, thus graphically reinforcing a strong alliteration of three P's and creating a beating effect – the rhythm**. Different sizes of capitalisation were used in slogans of Huckins Yachts, Pantaenius Yacht Insurance, True North S. N. I. P Yachting, Sunbrella marine canvas etc., to emphasise the most important elements of the message. In an attempt to differentiate their brand, advertising text may be printed in a variety of fonts, sizes and colours.



Source: www.luerssen-yachts.com

CONCLUSION

Short advertising messages feature an amazing variety of poetic devices. If they were not referential, i. e. inherently referring to a specific purpose and meaning, advertising slogans, including the ones supporting products, services and events in recreational boating, could be considered as poetic forms determined by their own techniques, tone and content. The stylistic analysis, supported by qualitative, descriptive and comparative methods, has been used to identify and examine the poetic elements of slogans in yachting ads: schemes, tropes and additional imagery.

While rhymes – often associated with mass production – are rather rare, yachting slogans abound in other **parallelisms** such as alliteration, assonance, anaphoras and other devices that create euphony and rhythm. The latter is further reinforced by regular metres. Other **schemes** include ellipsis, simile and apposition, and – to a lesser extent – unqualified comparison and syncope. These tools provide strong euphonic and mnemonic effects that help slogans, and the brands they support, to be recognised and remembered.

Slogans that appear in boating magazines frequently use **tropes**, especially metaphor, metonymy, hyperbole, antithesis and unexpected ending, whereas homonymy, polysemy, pun, neologism, collocation, intertextuality, personification and synaesthesia are used less frequently. The complete absence of onomatopoeia, irony, paradox, oxymoron or tautology can be justified by the very trade, where too much wordplay around sophisticated products might be considered inappropriate.

On the other hand, the absence or low frequency of some figures of speech is potentially a great opportunity: from the business standpoint, it might be sound to use them more frequently, instead of insisting on the overexploited language resources that do not appeal to the targeted consumers any more.

The **specific imagery** in yachting slogans is usually associated with living, style, elegance, emotions, imagination, dreams, independence, exploration, solitude, harmony, perfection, reliability and safety. The analysis of the observed slogan corpus has revealed an excessive exploitation of certain motifs: *living, dream, style, experience, passion, perfection...* Such slogans become trite, vacuous phrases to an average consumer and fail to carry out their principal task – to differentiate the brand (e. g. **PASSION, PERFORMANCE, PERFECTION**).

Due attention has been paid to the graphic aspects of some advertisements. The **visual layout** provides clues to correct interpretation, so that the explicit structure of the sentence is not so important. This allows the use of ellipsis, hyperbole, antithesis and other figures of speech, while the initial or full capitalisation of letters graphically reinforces the message.

Yachting slogans rarely use questions, rhetorical questions that assume one possible answer, presuppositions, or comparisons with other brands. Elliptical structures and noun phrases, with or without adjectives, are dominant. When verbs are used, the most frequent forms include Present Simple Tense, imperative and gerund. As is the case in other trades, any association with buying or spending money is carefully avoided – instead, verbs like *get, enjoy* or *discover* are used, in addition to the ones specifically related to yachting: *dare, capture, launch, sail, imagine...* Pronouns like *you, we, us, our, your...* are essential in suggesting personal relationship between producers and consumers.

It commonly occurs that a slogan contains a set of various figures of speech: *Feels like home. Feelin' alive* (anaphora, alliteration, anapaest, syncope, simile) *Queen of the seas since 1968* (alliteration, assonance, metaphor), *Sea Symphony* (capitalisation, alliteration, assonance / rhyme, metaphor), *Making progress possible* (alliteration, iambic metre, hyperbole), or powerful sound parallelisms, as in *Sometimes solitude is the most exclusive luxury* [s-t-s, s-l-t-s, s-t-s-l, s-l-s]. This often results in dense messages, loaded with obvious and less obvious nuances and connotations, which may easily be mistaken for the lines of “real” poetry. Whether this suffices to consider them as a poetic form or genre with a distinct “personality” – remains an issue for further research and discussion.

REFERENCES

Primary sources

More magazine, Fabra press d. o. o., Croatia, January-December 2010.

Nautica (Croatian edition), Profectus media d. o. o., Split, Croatia, January-December 2009.

Val navtika magazine, Val navtika d. o. o., Ljubljana, Slovenia, January-December 2013. (www.val-navtika.net)

Yachts Croatia, D. Š. Savjetovanje d. o. o., Split, Croatia, No. 25-30 (January-December 2013). (<http://issuu.com/yachtscroatia>)

Google, 2016-01-14 (search words: "yachting ads")

Secondary sources

Arens, W. F. (1994). *Contemporary advertising*, 5th edition. Irwin, USA.

Conley, S. J. (2010). *Sloganology: The Anatomy Of Slogans*. eBook, 2010. Available at: www.thesloganshop.com (2016-01-23)

Cuddon, J. A. (1999). *The Penguin Dictionary of Literary Terms and Literary Theory*. London: Penguin Books Ltd.

Dubovičienė, T., & Skorupa, P. (2014). The Analysis of some Stylistic Features of English Advertising Slogans. *Man and the Word / Foreign Languages*, Vol. 16, No. 3, Lithuanian University of Educational Sciences, DOI: <http://10.15823/zz.2014.013>, pp. 61-75.

Foster, T. R. V. (2001). *The Art & Science of the Advertising Slogan*, ADSlogans Unlimited. Available at: www.adslogans.co.uk (2016-01-23)

Ke, Q., & Wang, W. (2013). The Adjective Frequency in Advertising English Slogans. *Theory and Practice in Language Studies*, Vol. 3, No. 2, pp. 275-284, Academy Publication, February 2013, doi:10.4304/tpls.3.2.275-284 ISSN 1799-2591; available at: <http://ojs.academypublisher.com/index.php/tpls/article/view/tpls0302275284/6286> (2016-01-23)

Leech, G. N. (1966/1972). *English in Advertising: a linguistic study of advertising in Great Britain*. Longman, London.

Lapšanská, J. (2006). *The language of advertising with the focus on the linguistic means and the analysis of advertising slogans*, Comenius University in Bratislava.

Machynková, B. (2009). *Translation in Advertising. Transfer vs Adaptation*, Tomas Bata University in Zlín.

O'Guinn, T. C., Allen, C. T., & Semenik, R. J. (2012). *Advertising and integrated brand promotion*, 6th ed., Mason, OH: South-Western, Cengage Learning.

Rein, D. P. (1982). *The Language of Advertising and Merchandising in English*. Regent, New York.

Solar, M. (1980). *Teorija književnosti*, Školska knjiga, Zagreb, Croatia.

Solomon, E. (Ediwriter Professional Copywriting Co.), New York City, USA. Available at <http://www.ediwriter.com> (2016-01-23)

Thi, Bui & Thuy, Bich (2010). An Investigation into the Style of the English Language Used in Advertising Slogans Issued by Some World-Famous Airlines. *ULIS*.

<https://en.wikipedia.org/wiki/Slogan> (2016-01-23)

The War of US against ISIS in Psychological Warfare and Internet as the New Frontline

Abstract

Barbaric, savage, horrific-these were terms to define the decision of the Islamic State of Iraq and Syria (ISIS) to murder its captured Jordanian pilot by burning him alive inspired a thesaurus of horror and revulsion. The men who did it, the perpetrators were described by the media as mad men, thugs, monsters. To most of the people, the act itself seemed inexplicable and without sense.

However, behind the choreographed and videotaped violence lies a calculated horrible cold logic.

Although, ISIS is often portrait as a mighty force on the ground in Syria and Iraq, facts state that they control mainly communications between various provinces in both countries, and, as most guerrilla armies, are militarily weak by conventional measure. ISIS has little or almost none defense against the bombing campaign that is facing now, while US has formed a coalition that is confronting them on the ground as well, after President Barack Obama published the "New Security Doctrine" which includes degrading and finally destroying ISIS.

ISIS, however, have proven to be very organized in promoting dramatic acts of violence against their enemies and promoting them to achieve two goals: use terror tactics as a psychological weapon against all those facing them and all those that are to face them in combat. Secondly, through usage of social network platforms to promote killings and executions, the aim of ISIS is to encourage recruits from out of Syria and Iraq, and elsewhere, to join them in their cause.

Online operations of ISIS fall under a production group called the Al Hayat Media Center. The Center was created to seduce Westerners into joining the ranks of ISIS and also to distribute propaganda through social and media platforms. It is difficult to assess the success of this operation, but solid sources provided by US military and intelligence estimate that at least 300 Americans are fighting in the ranks of ISIS (at least two Americans have been killed fighting for ISIS in Iraq/Syria region) while the number of Europeans is in thousands.

The US Response to this psychological kind of warfare came when President Barack Obama established the Center for Strategic Counterterrorism Communications (CSCC) aiming to combat terrorist propaganda. The main strategy of CSCC is not directly to confront ISIS operatives, but rather than that to deal with the people they are trying to recruit.

Now, with almost entire international public opinion on their side, it is time for US to more actively respond to ISIS especially in the manner of psychological warfare since it is obvious that operations of "winning hearts and minds" of people in Iraq and Syria are not enough compared to ruthless tactics of ISIS which "winning hearts and minds" by brute force, terror, and vivid violent images.

The online propaganda war is a new component to conflicts of 21st century that allows enemies to reach one another's home fronts directly. ISIS might seem not so strong on the ground but it has captured one fundamental flaw of the media of 21st century-the one that bad news is always good news and that televised violence will always have an audience.

ISIS has proclaimed that its goal is to create a caliphate of 21st century but its psychological warfare and propaganda is inspiring individuals throughout the West to commit horrible terrorist crimes. Could this be another mind game set up by ISIS, it remains to be seen. However one thing is for certain, US and its allies must tackle ISIS not only by planes and other military means, but also by a strategy that would eliminate its influence in spreading their propaganda.

Keywords: US, ISIS, psychological warfare, on-line propaganda warfare

Introduction

Psychological warfare is best defined as any operations that are carried out in order to achieve victory through mental changes in the enemy. ¹ These operations, that contribute to such changes, include demoralizing the enemy (military or civilian, individual or group), convincing the enemy that it would be useless to continue fighting, or bringing about a new understanding of the conflict that subsequently leads to other forms of resolution. These operations are therefore aggressive acts, but not always in strictly military sense.

Psychological warfare is often based under the assumption that the ultimate roots of the conflict lie in dissatisfaction of the populace, therefore military victory on the battlefield is not sufficient. It is important to win "hearts and minds" of the people who generate, feed and support the insurgency, or opposing side and best way to tackle this is to apply a model known as "low intensity conflict" which basically is more sociopolitical than purely military war. ² Psychological warfare is part of this sociopolitical confrontation. Its most common operations include propaganda campaigns, open or clandestine transmission of news, rumors, and civic-military actions that are aimed to meet the material needs of the population or to change either images of the enemy or of one's own forces. Thus, a basic mechanism used to gain objectives in psychological warfare is unleashing of personal insecurity: about one's beliefs, judgment, feelings, about what is wrong and what is right, what should or should not be done. This insecurity finds an immediate and calming response in solution offered by those in power: to accept the "official truth" and submit to the "established order". The psychological means to the desired objective is not to fear or terror in the face of a cruel authority, but instead insecurity to an authority that is simultaneously powerful and magnanimous. ³

In order to make the population feel insecure, psychological warfare tries to penetrate their primary frame of reference: their basic beliefs, their most precious values, and their common sense.

Psychological warfare is not aimed exclusively at the enemy. It is often aimed at own public opinion as well (for instance in cases of justifying the military conflict to the public opinion), at own military forces (for motivation and strengthening the morale), at allied countries (for gaining a better international position and support).

All above mentioned makes psychological warfare a very modern weapon, although its use in various forms of propaganda has been known since ancient times. This weapon contains some important features that separates it from other weapons in the battlefield: psychological weapon is weapon of "spirit" that affects directly the psychology rather than the body of the subject, psychological weapon has unlimited reach and knows no borders or frontlines, psychological weapon can operate constantly without pause, psychological weapon changes the beliefs of the enemy while defending the morale of own country and military forces, psychological weapon serves during and after the military operations on the ground, psychological weapon influences globally at the same time the enemy and own public opinion, and finally psychological weapon does not kill, it convinces. ⁴

The phrase "psychological warfare" is believed to have migrated to United States in 1941 from Germany. *Weltanschauungskrieg*, used by German military at the times, when translated literally means "worldview warfare" and was defined as "scientific application of propaganda, terror, and state pressure as a means of securing an ideological victory over one's enemies". Contemporary psychological operations (PSYOP) doctrine of the United States categorizes psychological warfare activities under three typologies: tactical, operational, and strategic. Tactical operations attempts to influence the "will to fight" of the enemy soldiers actually participating in physical combat, whereas operational PSYOP not only targets fighting soldiers, but the civilian population within a particular region (such as Iraq or Syria) using same technologies (leaflets, radio, television, and even more increasingly internet and social networks) as tactical psychological

¹ P. Watson, "War of the Mind: The military uses and abuses of psychology", New York: Basic Books, 1975

² A.J. Bacewich, J. D. Hallums, R.H. White, T.F. Young, "American military policy in small wars: The case of El Salvador", Paper presented at John F. Kennedy School of Government, March 22nd 1988

³ Ignacio Martin-Baro, "Religion as an instrument of Psychological Warfare", Journal of Social Issues Vol. 46 No.3, 1990, pg 96

⁴ Vera Ranogajec, "Psiholoski Rat", Zagreb: Polemos 3, 2000, pg 148

warfare, but deploying them more broadly. US strategic PSYOP is international in scope uses the most up-to-date and far-reaching information and communication technologies at a level that is a long, protracted effort, usually lasting years. ¹

In the latest efforts to degrade and destroy ISIS, Islamic State of Iraq and Sham (or ISIL), US is employing psychological warfare at another level, one that includes social networks and internet as the platform or the new battleground, new frontline. When confronting al-Qaida, US officials, from military and administration, have treated the organization as terrorist one since it was such and employed such methods. Terrorism is defined as "use of violence or threat of violence by small groups against larger groups aiming to achieve political goals". ² Terrorism itself though is not a strategy, it is a tactic used by organized groups. In case of ISIS, which currently controls considerable parts of territory in Iraq and Syria, terrorism is defined differently. ISIS uses terrorism in its classical form, suicide bombings, executions, mass destructions, but is also a fighting force that operates from its own currently controlled territory. It is also the best funded terrorism organization in the world that US has confronted so far.

ISIS's strategic narrative is the creation of Caliphate marking the return to the original version of Islam including the

Introduction of Sharia law. The restoration of "caliphate" is considered by ISIS to be a religious duty as are the draconian laws and the terrorism it applies. ISIS has strategic psychological operations and information objectives: setting the international media agenda in order to gain attention and visibility of their message, controlling the narrative, countering western, Shia muslim, and other "propaganda" against ISIS, projecting itself as the most powerful jihadist faction, connecting supporters via on-line networks, recruiting new supporters and members, demonstrating capabilities and command and control structures, raising funds. ISIS seems to have six strategic target audiences: sympathizers and supporters, potential recruits, donors, international media, local audiences in Iraq and Syria, and wider international community. ³

ISIS's tactic planners know that internet and social networks are not an area that they can compete with US and its allies. Instead, what ISIS has is asymmetric power-the ability to shock and terrify with videos of terrorist activities and other crimes committed by its members. The aim is clear-to shock, scare the public opinion and their opponents within the territory it controls and those it fights, and attract new followers for their cause.

New media and new propaganda from ISIS has come a long way from grainy camera footage on VHS tapes. High definition videos, social media accounts, internet in general are the new norm for groups like ISIS who have certainly set the bar for other terrorist accounts affiliated with ISIS. These online operations fall under a production company created in 2014 called AlHayat Media Center. The main aim of this company is to seduce Westerners into joining the ranks of ISIS and distribute propaganda through social media platforms. ⁴

In April of 2014 ISIS confirmed their status as media-savants with the launch of an official Android app for the Google Play Store titled "The Dawn of Glad Tidings" as the go-to source for news on Islamic State. This application though required users to submit a wealth of personal information and hand over control of their Twitter account. This had allowed ISIS to tweet propaganda across thousands of accounts simultaneously. Although this application had been pulled from Google play it reached its purpose since it acquired Twitter accounts. When ISIS marched in Mosul, Iraq in June 2014, its supporters were able to send over 40.000 tweets in a single day. This use of social networks by a terrorist organization was unprecedented before. In a speech at the Brookings Institution, Matt Olsen, Director of National Counterterrorism Center

¹ Tyler Wall, "US Psychological Warfare and civilian targeting", London: Peace Review: A Journal of Social Justice, 2014, pg288-289

² Clark R. McCauley, "The Psychology of Terrorism", Social Science Research Council, www.ssrc.org/sept11/essays/mccauley accessed December 2015

³ Thomas Elkjer Nissen, "The Weaponization of Social Media", Royal Danish Defense College, <http://www.fak.dk/publikationer/Documents/The%20Weaponization%20of%20Social%20Media.pdf> accessed in February 2016

⁴ Brookings Institution, "Respond to the Islamic State threat (on Twitter)", www.brookings.edu/blogs/techtank/posts/2014/10/20islamic-social-media accessed in January 2016

in 2014, stated that ISIS operates “the most significant propaganda machine of any Islamist extremist group and that no other group is as successful and effective as ISIS is at using propaganda, particularly social media.”¹

In June 2014, US President Barack Obama ordered the launch of Operation “Inherent Resolve”, which included military operations, mainly air-strikes, by US and its coalition allies against ISIS positions. The operation is still ongoing with participation of US allies from NATO and those of the Middle East. Even before, US State Department had launched a tough and graphic propaganda counteroffensive against ISIS, using some of the group’s own images of barbaric acts against fellow Muslims to undercut its message. In 2011 a Center for Strategic Counterterrorism Communications, a 50 members team with a budget of 6 million USD, was set up to concentrate and target al-Qaida, ISIS threat and operations in internet more specifically in social media presence-on Youtube, Twitter, Facebook and beyond. President Obama, on September 9th 2011, signed Executive Order 13584 providing policy backgrounds and responsibilities to CSCC. This Center is guided by National Strategy for Counterterrorism and operates under the policy direction of the White House and interagency leadership. CSCC immediately released a video production “Welcome to ISIL Land” aimed at young Muslims with the message “run-do not walk to ISIS Land” as part of “Think Again. Turn Away” campaign. US State Department spokesperson at the time stated to Foxnews.com: “We believe countering our adversaries in this space (the internet) is critical. We must contest the space by confronting distortion with reality and lies with the truth”.

However, many former US public diplomacy officials have expressed fear that the sophisticated, social media and internet born propaganda of ISIS is outmatching US efforts countering it. Shahed Amanullah, who was in charge of establishing anti-extremist Muslim voices and programs at the State Department and who has left his position in 2015, had stated that US government is in no position of engaging jihadi extremists on Twitter. In the off-line world, US response has occurred in public diplomacy hubs from Dubai to Washington, where State Department has sent out Arabic-speaking mouthpieces to amplify the denunciation of ISIS. Much of the focus was centered at media outlets like Al-Jazeera and Al-Arabiya, also in Europe, with the sole aim of dissuading Muslim youth from joining ISIS.²

The fears that the US psychological warfare campaign, that is going parallel with the military operations, might not be able to defeat ISIS’s campaign are also founded in previous similar situations when western democracies and their armed forces faced Islamic terrorists. Ten years ago, in July 2006, Israel launched a military offensive in South Lebanon aiming to degrade and damage Hezbollah organization. Israeli Defense Force body in charge of conducting PSYOP at the time was MALAT (Mercaz L’Mitzaei Toda’a: The Center of Consciousness/Perception Operations).

MALAT, during 2006 military and psychological warfare campaign, used “traditional” methods (leaflets) as well as “new” ones such as SMS messages and websites. Of these, it was the new modes of communication, especially the Internet, which proved valuable when assessing enemy’s response to Israel’s PSYOP offensive. In previous occasions, an assessment of enemy’s reaction was based either on speculation, enemy’s media, captured documents, or on interrogation of captured POWs.³ IDF had two goals: reducing or completely eliminating Hezbollah’s capability of shelling Israel from their positions and discrediting the organization itself, particularly its leadership and head Hassan Nasrallah. What subsequently happened was that while MALAT continued its PSYOP the IDF forces withdrew from Lebanon after 34 days of fighting, which was hailed as a victory by Hezbollah and Palestinians in general since Israel went out while Hezbollah remained in South Lebanon. MALAT’s operation was a failure as a result of failure of IDF to achieve its military goals.

Ten years later, the US military is struggling to achieve its military goals against ISIS and as a result of that US PSYOP counter message against ISIS’s is struggling. US and its allies, including Russia, are bombing ISIS positions since 2014, but ISIS is still on the ground in Iraq and Syria and this is the main message of ISIS’s PSYOP.

CONCLUSIONS

The Center for Strategic and International Studies in Washington DC estimates that 90.000 messages are daily disseminated by supporters of ISIS in social networks using internet, and according to analysis by intelligence firm

¹ Anne Gearan, “National Security US attempts to combat Islamic State propaganda”, Washington Post September 07 2014, accessed in January 2016

² Spencer Ackerman, “ISIS’s online propaganda outpacing US-counter-efforts, ex-officials warn”, The Guardian September 22 2014.

³ Ron Schleifer, “Psyoping Hezbollah: The Israeli Psychological Warfare Campaign During 2006 Lebanon War”, Terrorism and Political Violence, 2009, pg 223

Recorded Future, despite efforts by Twitter to shut down affiliated accounts, in September 2014 there were still 27. 000 "pro-ISIS" accounts. ¹ The question arises how will US counter message and what strategy will it use in the future.

CSIS recent findings conclude that the dominant message among the youth of the Middle East, that is the primary target of ISIS, remains the one of aspiring peace, stability, prosperity in spite of vigorous on-line campaign promoted by ISIS and its affiliates. Promoting this narrative could be a new task for US psychological operations as the dominant narrative in stopping the recruitment of young Arabs within ISIS ranks. The obstacle remains in the sense that US might not be the credible source alone, due to the recent history of the conflict in the Middle East and US military role (Drone program, rendition program, Abu Ghraib abuses), in promoting this counter message especially in explaining the difference between Islam and Islamic extremism. This message must also come from US allies in the region, Arab states and Turkey, in order to be credible and sufficient in the long run as efforts to degrade and destroy ISIS militarily continue. The message of freedom of choice and prosperity rather than tyranny and oppression should be the central theme of US PSYOP anti-terror fight in social networks and overall internet. The US must present a different side to ISIS, the one that is not idealized, the one that is full of infighting, human greed and senseless violence.

Successful psychological operations are impossible to be separated from military performance. PSYOP does not operate in the vacuum, and just as it can promote military objectives, so military successes on the ground are crucial to the attainment of PSYOP goals. Even the most well thought-out PSYOP campaign would flounder in cases where the enemy is able to boast one or more military achievements. The online psychological warfare is a new component in the 21st century that allows enemies to reach each other's home fronts directly. US psychological operations planners should keep this in mind when designing and applying future PSYOPS that must have its effects among ISIS and its allies as well as US home front and its own allies.

NOTES

P. Watson, "War of the Mind: The military uses and abuses of psychology", New York: Basic Books, 1975

A. J. Bacewicz, J. D. Hallums, R. H. White, T. F. Young, "American military policy in small wars: The case of El Salvador", Paper presented at John F. Kennedy School of Government, March 22nd 1988

Ignacio Martin-Baro, "Religion as an instrument of Psychological Warfare", Journal of Social Issues Vol. 46 No. 3, 1990, pg 96

Vera Ranogajec, "Psiholoski Rat", Zagreb: Polemos 3, 2000, pg 148

Tyler Wall, "US Psychological Warfare and civilian targeting", London: Peace Review: A Journal of Social Justice, 2014, pg288-289

Clark R. McCauley, "The Psychology of Terrorism", Social Science Research Council, www. ssrc. org/sept11/essays/mccauley accessed December 2015

Thomas Elkjer Nissen, "The Weaponization of Social Media", Royal Danish Defense College, <http://www.fak.dk/publikationer/Documents/The%20Weaponization%20of%20Social%20Media.pdf> accessed in February 2016

Brookings Institution, "Respond to the Islamic State threat (on Twitter)", www. brookings. edu/blogs/techtank/posts/2014/10/20islamicocialmedia accessed in January 2016

Anne Gearan, "National Security US attempts to combat Islamic State propaganda", Washington Post September 07 2014, accessed in January 2016

Spencer Ackerman, "ISIS's online propaganda outpacing US-counter-efforts, ex-officials warn", The Guardian September 22 2014.

Ron Schleifer, "Psyoping Hezbollah: The Israeli Psychological Warfare Campaign During 2006 Lebanon War", Terrorism and Political Violence, 2009, pg 223

Judson Berger, "State Department enters propaganda war with ISIL", September 09 2014, accessed in January 2016 at Foxnews.com

¹ Judson Berger, "State Department enters propaganda war with ISIL", September 09 2014, accessed in January 2016 at Foxnews.com

Relationship of Emotional Intelligence and Emotional and Behavior Problems Scales of Children 10-12 Years Old – Parents Report

Evis Fili

European University of Tirana-UET

evis1fili@gmail.com

Abstract

The present study aimed at investigating the correlation of emotional intelligence total score and three broad band of emotional and behavior problems at 10-12 years old children. It was hypothesized that there will be negative relationship between scales. The sample included 236 children (123 or 52. 1% boys and 113 or 47. 9% girls), with a mean age of 11 years (SD. 835) (range: 10-12 years). 236 parents participated in the study, 92 of them or 39. 0 % were mothers, while only 144 of them or 61. 0 % were fathers. In the chi-square test, there were important differences reported in the distribution of the percentages of parent's gender and their employment rates. The TEIQue-Child Form questionnaire, contains 75 items responded to on a 5-point scale and measures five distinct facets. Also the CBCL 6-18 years, was used emotional and behavior problems. Descriptive statistics, chi-square test, Pearson correlation, and T-test, were used to explore and analyse the correlations of interest variables in the study on total EI and EB broad band scales. Correlation analysis mostly indicated low and negative but non-significant relationship between EI and EB scales, for all children and by gender. We did not found gender significant differences on EI total scores and EB broad band scale scores.

Keywords: relationship, children, differences, gender, emotional intelligence, emotional and problem behavior, parent.

Introduction

The ability to recognize and moderate one's own and others' emotions, while simultaneously processing the information in order to make an informed decision about the present situation, can be defined as emotional intelligence (Mayer & Salovey, 1993; Salovey & Mayer, 1990). Mayer et al. (1999) defined emotional intelligence using a theoretical model focusing on emotional skills that can be developed through learning and experience. Mayer et al. (1999) posited that emotional intelligence is comprised of three central abilities: 1) perceiving (i. e. the entering of affective information into one's perception), 2) understanding (i. e. the act of processing affective information), and 3) managing emotions (i. e. regulation and expression of emotions.)

Research has shown emotional intelligence to be related to mental, social, and physical health. It has also been associated with stress (Mikolajczak et al., 2008), and life satisfaction (Ciarrochi, Chan, & Caputi, 2000).

Regarding the emotional and behavior problems, research generally suggests two key entry points in the development of behavioral problems – early childhood and early adolescence with potentially different risk factors associated with each of them (Lahey, Waldman, McBurnett, 1999). Several international longitudinal studies have provided a picture of the changing forms of behavioral problems from early childhood through to adolescence. Adolescence is a key stage of life development when children require an understanding of the life challenges they face and need to develop basic skills to cope with difficult emotions. It is a time of increased risk of poor mental health with anxiety, depression, psychosis, eating disorders, and substance misuse becoming more prevalent as well as an increasing risk of deliberate self-harm and suicidal behavior (Department of Health & Children, 2006). Some young people begin to exhibit problem behaviors during early adolescence. In such cases, entry into conduct problems generally occurs through associations with peers.

Externalizing behavior problems can intensify during this period when peer influences can lead to rule breaking behavior such as delinquent and antisocial behaviors, substance use, and in some cases, gang involvement and drug dealing (Hann & Borek, 2001). Research suggests, that, in isolation, risk factors may make relatively little contribution to the development of behavioral problems, whereas such factors in combination may be powerful determinants of negative outcomes (Klein & Forehand, 2000; Kolvin et al., 1990). Problems result from interactions between characteristics of the child and situations within the family, peer group, school and community. Therefore, it can be expected that families with multiple risk factors experience more problems and thus also a greater need for support. Cummins and McMaster's study (2006) found that children who screened positive for mental health difficulties were more socially disadvantaged, had more behavioral difficulties and adaptive behavior problems, more physical health problems, more family problems, more life stress and poorer coping skills.

Several studies have shown that emotional abilities are of particular relevance to psychological health and wellbeing. In addition, it has been found that emotional problems are related to the tendency to get involved in deviant behavior and self-destructive.

Our study aimed to: (1) to test the relationships of emotional intelligence total score and emotional and problems behavior broad band scales, and (2) to test the differences in such variables regarding the gender of children. It was hypothesized that there will be differences between girls and boys and there will be negative relationship between scales.

METHODOLOGY

The study sample

The sample included 236 children (123 or 52. 1% boys and 113 or 47. 9% girls), with a mean age of 11 years (SD. 835) (range: 10-12 years). 86 of them (36. 4%) were in the fourth grade; 72 of them (30. 5%) were in the fifth grade and 78 or 33. 1 % from the total number of children were in the sixth grade. In the chi-square test, no important differences were reported in the distribution of the percentages of gender and grade representation in this study.

From 236 parents participated in the study, 92 of them or 39. 0 % were mothers, while only 144 of them or 61. 0 % were fathers. In the chi-square test, there were important differences reported in the distribution of the percentages of parent's gender. The parents voluntarily completed the questionnaire.

Table 1

Descriptive data for children by gender, grade, and by gender for parents.

	<i>Valid Nr.</i>	<i>Percentile</i>	<i>Chi-square test</i>
<i>Male</i>	123	52. 1	
<i>Female</i>	113	47. 9	$\chi^2 (1) = . 424, p = . 515$
<i>Grade 4</i>	86	36. 4	
<i>Grade 5</i>	72	30. 5	$\chi^2 (2) = 1. 254, p = . 534$
<i>Grade 6</i>	78	33. 1	
<i>Fathers</i>	144	61. 0	
<i>Mothers</i>	92	39. 0	$\chi^2 (1) = 11. 458, p = . 001$

Table 2

Mean and Standard Deviation for Parents Age and Level of Education and Childrens Age.

	Mean	SD
<i>Children Age</i>	10. 97	. 835
<i>Parents age</i>	40. 36	5. 89
<i>Fathers education level</i>	12. 76	2. 50
<i>Mothers education level</i>	11. 61	2. 81

Instruments and data collection

The TEIQue-Child Form questionnaire, contains 75 items responded to on a 5-point scale (1 = *strongly disagree*; 2 = *disagree*; 3 = *neither*; 4 = *Agree*; 5 = *strongly agree*), and measures nine distinct facets (Mavroveli, Petrides, Shove, & Whitehead, 2008). For our study we used the total score of EI. The Child Form that has been specifically developed for children aged between 8 and 12 years. The TEIQue scales have been shown to have a consistency of .760. The CBCL the 2001 edition (Achenbach & Rescorla, 2001) contains 118 items items rated 0-1-2 (0 = *not true (as far as you know)*; 1 = *somewhat or sometimes true*; or 2 = *very true or often true*) plus 1 open-ended problem items, that describe the behaviour of children and adolescents between the ages of 6 and 18 years. It is self-administered, and it takes about 30 minutes to complete. By summing the scores three broad band scales are measured (the Internalizing scale is made up of: Withdrawn, Somatic Complaints and Anxious/Depressed scales; the Externalizing scale is made up of Aggressive Behaviour and Delinquent Behaviour scales, and Total problems score. A higher score represents a higher severity. The CBCL scales have been shown to have a consistency of .946

The procedure of data analysis

The statistical package SPSS for Windows, version 19 was used to analyse the quantitative data collected. During the analysis a specific code was used for the identification of information for each child and parent. Descriptive statistics, chi-square test, Pearson correlation, and T-test, were used to explore and analyse the differences, correlations of interest variables in the study on total EI and EB broad band scales.

RESULTS

To characterize the sample population, the outcome variable was stratified by demographic variable. Table 3 shows the difference in number, mean scores and standard deviations by gender and for all children.

Table 3

Number, Mean scores and standard deviations for EI and EB scales by gender.

	Gender	Total children		
		N	MA	SD
<i>Internalizing</i>	<i>F</i>	113	7. 47	6. 85
	<i>M</i>	123	5. 82	6. 73
	<i>F+M</i>	236	6. 61	6. 82
<i>Externalizing</i>	<i>F</i>	113	3. 73	4. 06
	<i>M</i>	123	3. 52	4. 17
	<i>F+M</i>	236	3. 62	4. 11
<i>Total Problems</i>	<i>F</i>	113	17. 43	16. 71
	<i>M</i>	123	15. 17	16. 58

	<i>F+M</i>	236	16. 25	16. 64
	<i>F</i>	113	263. 54	19. 85
<i>Total EI</i>	<i>M</i>	123	264. 72	21. 48
	<i>F+M</i>	236	264. 16	20. 68

Table 4

The inter correlation between EI and EB scales

		Total EI	Total problem	Externalizing	Internalizing
<i>Total EI</i>	<i>Pearson Correlation</i>				
	<i>Sig. (2-tailed)</i>				
<i>Total problem</i>	<i>Pearson Correlation</i>	. 036			
	<i>Sig. (2-tailed)</i>	. 584			
<i>Externalizing</i>	<i>Pearson Correlation</i>	-. 027	. 900**		
	<i>Sig. (2-tailed)</i>	. 680	. 000		
<i>Internalizing</i>	<i>Pearson Correlation</i>	. 075	. 942**	. 796**	
	<i>Sig. (2-tailed)</i>	. 249	. 000	. 000	
	<i>N</i>	236	236	236	236

** Correlation is significant at the 0. 01 level (2-tailed).

Table 5

The inter Correlation Between EI and EB Scales by Gender

gender		Total EI	Total Problems	Externalizing
	<i>Total Problems</i>	<i>Pearson Correlation</i>	-. 057	
		<i>Sig. (2-tailed)</i>	. 528	
	<i>Externalizing</i>	<i>Pearson Correlation</i>	-. 145	. 889**
		<i>Sig. (2-tailed)</i>	. 110	. 000
<i>Male</i>	<i>INTER</i>	<i>Pearson Correlation</i>	. 000	. 950**
		<i>Sig. (2-tailed)</i>	. 999	. 000
<i>Female</i>	<i>Total Problems</i>	<i>Pearson Correlation</i>	. 150	
		<i>Sig. (2-tailed)</i>	. 114	
	<i>Externalizing</i>	<i>Pearson Correlation</i>	. 117	. 915**
		<i>Sig. (2-tailed)</i>	. 216	. 000
	<i>Internalizing</i>	<i>Pearson Correlation</i>	. 171	. 936**
		<i>Sig. (2-tailed)</i>	. 070	. 000

The Pearson correlations analysis did not revealed significant relationships between in EI and EB scales. The results obtained indicated low and negative relationships, but without the statistical significance.

The t-test analysis did not revealed differences in EI and EB broad band scales regarding the gender

DISCUSSION

The main aim of this study was to test the relationships of emotional intelligence total score and emotional and problems behavior broad band scales, and to test the differences in such variables regarding the gender of children. It was hypothesized that there will be differences between girls and boys and there will be negative relationship between scales.

Our results did not show statistical differences between boys and girls of the total EI scores and Total problem, internalizing and externalizing at children 10-12 years old. From the results obtained from the correlations analyses, there was no statistical significance. It is clear that the low values are the result of weak associations between the constructs themselves.

It was expected that the variables of emotional intelligence and behavior problems have a strong effect on each other in a way that the higher emotional intelligence will expect lower problem behaviors. There are a lot of studies revealed that EI is negatively related to several indices of psychopathology (Malterer, Glass, & Newman, 2008) such as personality disorders (Petrides, Pérez-González, et al., 2007) and anxiety disorders (Summerfeldt, et al., 2011) as well as self-harm (Mikolajczak, Petrides, & Hurry, 2009) and externalizing behaviors in adolescents (Downey, Johnston, Hansen, Birney, & Stough, 2010).

Considering the present study results, there is not statistical relationship between our interest variables, which is inconsistent with the findings of Taghavi et al. (1999); Cicchetti & Toth (1998); Schmidt & Andrykowski (2004); Brackett, Mayer, & Warner, (2004). Since emotional intelligence has been proposed as a construct that predicts adolescent' adjustment and behavior, there is a need for further studies involving cultural variables in order to explore more in depth the issue.

ACKNOWLEDGEMENTS

The author gratefully acknowledges the participants in the study.

BIBLIOGRAPHY

- Brackett, M. A., Mayer, J. D., & Warner, R. M. (2004). Emotional intelligence and its relation to everyday behavior. *Personality and Individual Differences*, 36, 1387-1402.
- Ciarrochi, J. V., Chan, A. Y. C., & Caputi, P. (2000). A critical evaluation of the emotional intelligence construct. *Personality and Individual Differences*, 28, 539–561.
- Cicchetti, D. and S. L. Toth, 1998. The development of depression in children and adolescents. *Am. Psychol.*, 53: 221-241.
- Cummings, T., & Worley, C. (2005). *Organization development and change* (8th ed.). Mason, OH: Thompson-Southwestern College.
- Downey, L., Johnston, P., Hansen, K., Birney, J., & Stough, C. (2010). Investigating the mediating effects of emotional intelligence and coping on problem behaviours in adolescents. *Australian Journal of Psychology*, 62, 20–29.
- Klein, K., & Forehand, R. (2000), Family processes as resources for African American children exposed to a constellation of sociodemographic risk factors, *Journal of Clinical Child Psychology*, 29(1), 5365.
- Kolvin, I., Miller, F. J. W., Scott, D. M., Gatzanie, S. R. M. & Fleeting, M. (1990), *Continuities of Deprivation? The Newcastle 1000 Family Study*. Aldershot, Avebury, UK.

-
- Lahey, B. B., Waldman, I. D., & McBurnett, K. (1999). The development of antisocial behavior: An integrative causal model. *Journal of Child Psychology and Psychiatry*, 40, 669-682.
- Malterer, M. B., Glass, S. J., & Newman, J. P. (2008). Psychopathy and trait emotional intelligence. *Personality and Individual Differences*, 44, 735–745.
- Mayer, J. D. & Salovey, P. (1997). What is emotional intelligence? In P. Salovey & D. J. Sluyter (Eds.), *Emotional Development and Emotional Intelligence: Educational Implications* (pp. 3-31). New York: Basic Books
- Mayer, J. D., Salovey, P., & Caruso, D. R. (2000). Models of emotional intelligence. In R. J. Sternberg (Ed.), *Handbook of Human Intelligence* (pp. 396–492). New York: Cambridge University Press.
- Mikolajczak, M., Nelis, D., Hansenne, M., & Quoidbach, J. (2008). If you can regulate sadness, you can probably regulate shame: Associations between trait emotional intelligence, emotion regulation and coping efficiency across discrete emotions. *Personality and Individual Differences*, 44, 1356–1368.
- Mikolajczak, M., Petrides, K. V., & Hurry, J. (2009). Adolescents choosing self - harm as an emotion regulation strategy: the protective role of trait emotional intelligence. *British Journal of Clinical Psychology*, 48, 181 – 193.
- Petrides, K. V., Pe´rez-Gonza´lez, J. C., & Furnham, A. (2007). On the criterion and Incremental validity of trait emotional intelligence. *Cognition and Emotion*, 21, 26–55.
- Taghavi, M. R., H. T. Neshat-Dost, A. R. Moradi, W. Yule and T. Dalgleish, 1999. Biases in visual attention in children and adolescents with clinical anxiety and mixed anxiety-depression. *J. Abno. Child. Psychol.*, 27: 223-223.
- Schmidt, J. E., & Andrykowski, M. A. (2004). The role of social and dispositional variables associated with emotional processing in adjustment to breast cancer: an internet- based study. *Health Psychology*, 23, 259–266
- Salovey, P., & Mayer, J. D. (1990). Emotional intelligence. *Imagination, Cognition, and Personality*, 9, 185-211.
- Salovey, P., & Mayer, J. (1994). Some final thoughts about personality and intelligence. In,
R. J. Sternberg and P. Ruzgis (Eds.), *Personality and Intelligence* (pp. 303-318). Cambridge, NY: Cambridge University Press.

Sociology by Teachers, Senior Students and Professional Master Students for Teaching

MA/MSc Aida Serjanaj

National Agency of Exams

aidaserjanaj@gmail.com

Abstract

This research is about the role of sociology according to literature, my experience and a questionnaire. The result about it is that the majority of the respondent's estimate about sociology. The answers are connected mostly with the impact of sociological knowledge in making them more courageous in certain situations, defining their individual characteristics, seeing what type of individual they are, discovering new things that they wish and possibly use them, analyzing all the phases of the personal development, making them more optimistic, braver, and more communicative in many aspects, knowing themselves better and make a challenge to it, knowing your best friend better, creating a new concept on them, their character and behavior, you know yourself better, life experience has learned me much more; learning by doing, learning from mistakes, learning different cultures of living, etc. Study sociology is very important. It must be a compulsory subject at our pre-university curriculum.

Keywords: sociology, value, personal development

Methodology

Study of literature; Participating Survey; Questionnaire

Study of literature

Sociology is the study of human social life. Human social life is complex and encompasses many facets of the human experience. Because of its complexity, the discipline of sociology has been subdivided over time into specialty areas¹. Sociology can perhaps be best regarded as an attempt to name that which secretly keeps society going (Whitty and Young, 1976).

One of its basic concepts is culture. It consists of the beliefs, behaviors, objects, and other characteristics common to the members of a particular group or society. Through culture, people and groups define themselves, conform to society's shared values, and contribute to society. Thus, culture includes many societal aspects: language, customs, values, norms, mores, rules, tools, technologies, products, organizations, and institutions. ² That's why the study of sociology is very important. It is the process by which humans learn how to function in a particular society. Another basic concept of sociology is socialization. Although it is observably essential among humans, it is important to note here that socialization is very much culturally-relative, meaning that the process and outcomes do vary from culture to culture. Sociology extends its object of study anywhere people find themselves. It is connected with:

Social Life, such as Society, Culture, Socialization, Groups

¹www.cliffsnotes.com/.../Culture-and-Society-Defined.topicArticleId-...

²Sociology of Education

Social Inequality, such as Stratification, Race and Ethnicity, Gender

Social Institutions, such as Economy, Family, Religion, etc.

Arnett¹ in presenting a new theoretical understanding of socialization, outlined what he believes to be the three goals of socialization:

impulse control and the development of a conscience role preparation and performance, including occupational roles, gender roles, and roles in institutions such as marriage and parenthood the cultivation of sources of meaning, or what is important, valued, and to be lived for.

In short, socialization is the process that prepares humans to function in social life. It should be re-iterated here that socialization is culturally relative - people in different cultures and people that occupy different racial, classed, gendered, sexual, and religious social locations are socialized differently.

Studying issues such it becomes necessary for study in schools. In existing pre-university curriculum, it is an optional subject in our schools. At the core curriculum subjects such place that retrieve information from 2-3 times during high school, such as: training for life, citizenship, biology, etc². Sociology provides information on social problems. Its impact on civic participation is very large. Sociology gives information on social issues. Its effect on an active citizenly participation is very important. We need the sociology of education. It is the study of how public institutions and individual experiences affect education and its outcomes. It is mostly concerned with the public schooling systems of modern industrial societies, including the expansion of higher, further, adult, and continuing education.³

Participating Survey

Being a teacher of sociology for 20 years among high school students has helped me to watch and study:

Change in their behavior from their first year of high school to the last one

Their indifference towards disturbing issues in community at the beginning of the high school

Their active participation to effect the others;

This is completed through: educative classes, different activities, regular relations with social groups in need such as orphanages, asylums, competitions between classes and schools, having a continuous communication with colleagues of other schools from different regions of Albania, training sessions for our curricula which are always in process of changing, training sessions for the standards of learning, training sessions for the standards of teachers of social studies school subjects.

All these activities have been useful for a continuous exchange of experiences on how better it could be the education of the youth who lack the necessities of a normal life.

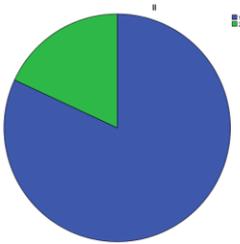
Questionnaire

There were asked 91 senior students, 70 teachers, and 239 professional master students for teaching subjects such as sociology, literature, math, history and geography. 82% of the questioned people were females and 18% were males.

¹Arnett, Jeffrey J. 1995.

²www.izha.edu.al

³Gordon Marshall, 1998



Question number 1:

They were asked to choose three of these values they esteemed the most.

1	Wealthiness
2	Personal dignity
3	Patriotism
4	Tolerance
5	Education
6	Humanism
7	Competitive spirit
8	Practical spirit
9	Respect for outstanding individuals
10	Innovatory spirit
11	Sincerity
12	Pragmatic spirit
13	Honesty
14	Correctness
0	Others (write:)
999	Without answer

The following table shows the frequency of each chosen value listed on the table. It shows the percentage for each one and its accumulative percentage. (this is for professional master students)

		Frequency	Percentage	Valid Percentage	Cumulative Percentage
Valid	1	7	2.9	2.9	2.9
	2	42	17.6	17.6	20.5
	3	11	4.6	4.6	25.1
	4	10	4.2	4.2	29.3
	5	75	31.4	31.4	60.7
	6	29	12.1	12.1	72.8
	7	3	1.3	1.3	74.1
	8	2	.8	.8	74.9
	9	1	.4	.4	75.3
	10	3	1.3	1.3	76.6
	11	15	6.3	6.3	82.8
	12	4	1.7	1.7	84.5
	13	31	13.0	13.0	97.5
	14	6	2.5	2.5	100.0
	Total	239	100.0	100.0	

It results that education has the biggest frequency chosen by the questioned people as the most precious value. It is the same result for the teachers and the senior students, too.

The second with the biggest frequency is chosen Personal Dignity. (the 2nd listed on the table)

The 3rd with the biggest frequency chosen is Correctness. (the 14th listed on the table)

Question number 2:

In evaluating the knowledge which helps them in knowing better themselves, 118 of them have answered that knowledge on sociology has helped them; 84 of them think on artistic literature.

There are almost the same results for teachers and senior students.

Some of the explanations on how and why this knowledge has helped them are:

It has made me more courageous in certain situations

In defining my individual characteristics

Seeing what type of individual I am

Knowing my aggressive temperament

Discovering new things that I wish I had in my real life and possibly use them

Analyzing all the phases of my personal development since I was a child

Making me more optimistic, braver, and more communicative in many aspects

Knowing sociology better, we know ourselves better and make a challenge to it

Knowing your best friend better, we know ourselves better at the same time

Putting myself in different book's situations

Finding myself in different characters of literature

Creating a new concept on me, my character and my behavior

Taking much more knowledge useful for daily life

Learning something new, you know yourself better

Life experience has learned me much more; learning by doing, learning from mistakes

Learning different cultures of living

Setting yourself in different situations

Learning about behaviors we learn who we are and what we do

Categorizing myself helps me in my daily behavior

Being more tolerant; having an easier communication

Defining my own character

Learning individual's different socio-psychological characteristics

Knowing the past of the peoples and their cultures we can make conclusions for their special attributes

Studying man's life and all his problems through life, I can understand my advantages

Being a respectable member of the society, makes me understand how important is to me as a member of this society that surround me

Reading topics on cultures and behaviors, we learn how to be more conscientious

Systematizing my sociologic knowledge, I can see better the differences between me and other people

Thinking how I would act as I were the character of the book, I understand how I am;

Question number 3:

		Frequency	Percentage	Valid Percentage	Cumulative Percentage
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	118	49.4	49.6	49.6
	2	84	35.1	35.3	84.9
	3	35	14.6	14.7	99.6
	999	1	.4	.4	100.0
	Total	238	99.6	100.0	
Missing	System	1	.4		

Analyzing the number of sociologic books read during last 5 five years, results that:

		Frequency	Percentage	Valid Percentage	Cumulative Percentage
Valid	0	116	48.5	50.9	50.9
	1	32	13.4	14.0	64.9
	2	29	12.1	12.7	77.6
	3	8	3.3	3.5	81.1
	4	11	4.6	4.8	86.0
	5	6	2.5	2.6	88.6
	6	4	1.7	1.8	90.4
	7	4	1.7	1.8	92.1
	8	2	.8	.9	93.0
	9	1	.4	.4	93.4
	10	15	6.3	6.6	100.0
Total	228	95.4	100.0		
Missing	System	11	4.6		
Total		239	100.0		

From 239 students of professional master in teaching profile, 116 of them haven't read any sociologic book; 6 of them have read 5 books, and 15 of them have read

		Frequency	Percentage	Valid Percentage
Valid	0	56	23.4	23.8
	1	6	2.5	2.6
	2	7	2.9	3.0
	3	6	2.5	2.6
	4	13	5.4	5.5
	5	14	5.9	6.0
	6	7	2.9	3.0
	7	10	4.2	4.3
	8	4	1.7	1.7
	9	10	4.2	4.3
	10	102	42.7	43.4
	Total	235	98.3	100.0
Missing	System	4	1.7	
Total		239	100.0	

10 books.

Analyzing the number of artistic books read during last 5 five years, results that:

Form 239 students of professional master in teaching profile, 56 of them haven't read any sociologic books; 14 of them have read 5 books, and 102 of them have read 10 books.

From 70 teachers, 12 of them haven't read any sociologic book; 11 others have read 3-5 books; 47 of them have read 5-10 books.

From 91senior students, 49 of them haven't read any sociologic book; 18 others have read 3-5 books; 24 of them have read 5-10 books.

This is a situation we have to do a lot for sociology and the students.

Conclusions and recomandations:

Study sociology is very important.

Sociology helps personal development.

Sociology must be a compulsory subject at our pre-university curriculum.

Bibliography

Arnett, Jeffrey J. 1995. Broad and Narrow Socialization: The Family in the Context of a Cultural Theory. *Journal of Marriage and the Family* 57(3):617-28. 11

Gordon Marshall (ed) *A Dictionary of Sociology* (Article: Sociology of Education), Oxford University Press, 1998

https://en.wikipedia.org/wiki/Sociology_of_education

http://en.wikibooks.org/wiki/introduction_to_sociology

www.mas.gov.al

www.izha.edu.al

Price Competitiveness of International Tourism Destinations and Tourism Demand, Tourism Receipts Relationship

Ramazan GÖRAL

Asst.Prof. Lecturer at Ali Akkanat Tourism Faculty Selçuk University, Beyşehir/Konya TURKEY.

trgoral@selcuk.edu.tr.

Abstract

The competitiveness of an industry is a critical determinant of how well it performs in world markets. The potential for any country's tourism industry to develop will depend substantially on its ability to maintain competitive advantage in its delivery of goods and services to visitors. Competitiveness is a general concept that encompasses price differentials coupled with exchange rate movements, productivity levels of various components of the tourist industry and qualitative factors affecting the attractiveness or otherwise of a destination. Given some evidence on the price sensitivity of the demand for travel, destinations need to monitor their price competitiveness relative to alternate locations. Changing costs are among the most important factors influencing the choice of a destination with prices being an essential component in the overall tourism competitiveness of a destination. The aims of this study are; first, to demonstrate the country's tourism price competitiveness rank; second, examine the relationship between price competitiveness and tourism demand and also with tourism receipts.

Keywords: Competitiveness, Tourism Price Competitiveness

1. Introduction

The competitive capacity of an industry is an important indicator of its performance in the world market (Crouch and Ritchie 1999). Development potential of tourism potential of any country mostly depends on its protection ability of competition in product and services presenting to visitors. Competitive capacity is a general concept that involves price differences related to exchange rates actions, efficiency levels of various compounds of tourism industry and other factors affecting attractiveness of destination (Dwyer, Forsyth and Rao, 2002, 328). We can classify the factors explained here that identify competitive capacity of tourism as below (Dwyer, Forsyth and Rao, 2001, 3).

- a. *Socio-economic and Demographic Factors*; define compounds such as population, income status of country, leisure time, education, profession etc.
- b. *Qualitative Factors*; contain variables such as touristic attractiveness, image, quality of touristic services, marketing and introducing of destination, cultural ties etc.
- c. *Price Factor*; forms with tourism costs charging to tourist, transportation costs to destinations and from destination to accommodation as well as basic touristic costs (accommodation, refreshments, tour services, entertainment etc.). Both two costs affect decision of travel.

Price competitive capacity is an important compound of competitive capacity of general tourism of a country or a destination. There is prevalent communion about that prices are one of the most important criterions regarding if travelling is done or not or done where to (Forsyth, Dwyer, 2009). Because of the importance of prices in travelling decisions, price competitive

capacity of international destinations is evaluated by four data set (ticket taxes and airport charges, national purchasing power parity prices, fuel price levels and the hotel price index) prepared by World Economic Forum (WEF) in Travel & Tourism Competitiveness Index (TTCI) study (WEF,2015).

Forming Travel & Tourism Competitiveness Index (TTCI) helps tourism shareholders in both public and private sectors recognizing basic weakness and strong sides of destinations. It shows opportunities regarding to development of tourism and provides information towards forming strategies against possible threats towards travels done in the future (Forsyth,Dwyer,2009). In addition the focus of this study is price competitiveness of a country or a destination.

In TTCI report of WEF (2015) a comparison was done by forming price competitive capacity index about 138 country. The countries were ordered according to their index values. There are many studies done towards sensibility of tourism demand for price (Forsyth,Dwyer,2009). In this scope there must be a correlation between WEF Tourism Price Competitive Index order of different countries and the number of tourists visiting those countries as well as their tourism income . In the study the presence of this relation is evaluated.

2. Tourism Price Competitiveness

Price competitiveness is accepted as one of the important factors that forms competitive superiority of a specific destination (Falzon,2011,1081). The focus of tourism price competitiveness is defining of prices of goods and services purchased by tourist in some common currency (Forsyth, Dwyer,2009). According to Dwyer et al.(2001), for a tourism country or a region as it is compared to its rivals, being successful by showing development and acquiring competition power is related with competitive structure level of price of goods in its tourism sector. Price competitiveness of destination stands on price competitiveness in sub sectors providing goods and service to visitors (Dwyer,Forsyth and Rao,2001).

Various factors affect price competitiveness of destination in various ways (Forsyth, Dwyer,2009). The important ones among these factors are presented below;

Exchange Rates: Exchange rate is the most leading factor that affect tourism competitive power. If the Exchange rate of a country increases when other factors are equal, this affects the competitive power of country in negative way. Exchange rates can be used for definition of compared price levels of country of residence with other countries.

Inflation and General Price Levels: An increase in general price level in a country can reduce the advantage obtained with Exchange rate. An increase in general price levels will cause increase in costs of touristic goods and services

Labour Cost: These costs are basic determiner of long term price competition superiority in tourism. In countries that low wages are paid, the prices of goods and services are also in tendency of being low.

Productivity Level of Tourism Sector: Besides output prices reflect input (especially labour) prices, they are also an indicator of sector productivity level. If tourism industry productivity of a country having high income level is higher when compared to its rivals having low income level, countries having high income level can have more price competitive power.

Increase in Export and Dutch Disease: Structural changes due to changes in Exchange rates can affect competitive power of tourism sector. The most important effect due to structural changes is Dutch Disease which is an overvaluation of currency rate of a country having an important source.

Taxes: Taxes especially indirect taxes increase the price of goods and services purchased by tourists. This situation can also affect competitive power in negative way.

Infrastructure Cost: Toll roads, airport taxes, various denotions etc. are defined with infrastructure costs. These costs increase costs that form touristic product bundle.

Fuel Prices: Fuel is an important income item among touristic goods and services. So it can be said that fuel prices have an important effect on torism price competition.

Environmental Payments: Tourism sector has increasingly been liable to environmental payments. Noise fee taken from airports, Carbon Emission Trade Plan expenses can be given as example for these payments. Since increase in these payments will cause increase in general levels of goods and services, they can affect price competition in negative way.

In decision of choosing destination tourists take prices forming comparative cost of living between origin destination and alternative destinations into consideration. In determining of price competitive power of a destination two types of prices should be taken into consideration. The first one is comparative price between recipient (destination) and origin country. The second one is comparative price between different rival destinations that form effect of cost of living (Forsyth, Dwyer, 2009).

Tourists make some evaluations about rival destinations before choosing any destination. They compare costs of living between choosing destination with other rival destinations. If costs of living of destination is higher than the ones in other destinations, preference of alternative destinations can be possible. That is, more than one destination alternatives having suitable costs can be obtained when they compare touristic costs with origin country (Song and Witt 2000). As a result of this, opportunity can be provided to make a choice between alternative destinations as well as foreign and domestic tourism.

Tourism demand is sensible to price factors (Crouch 1994; Lim 2006). There are many studies done regarding this subject. For example one of the price factors in price flexibility. The people of developed countries having opportunity of travel experience in their borders are more sensible to price flexibility as international travel attitude than the ones coming from geographically small countries and having limited holiday choices (Little 1980). If the attractiveness of destination have unique property, price flexibility of demand is less (Edwards 1995). Low demand price flexibility can also be expected for differentiated destinations. Due to differentiated destination strategy it was observed that tourists have become less sensible to price in time (Crouch 1994). High price flexibility of tourism demand is associated with destinations being equal rivals to each other (De Mello et al. 2002).

Relative price variable that is used in Tourism demand is the price index rate of consumer between origin country and recipient country and determined by dual Exchange rate. Higher Exchange rate in favour of currency of origin country can cause travelling of more tourist from origin country to destination (Rosensweig 1986). The competition between destinations has positive effect on international tourism demand. That means, price increase in destination will increase tourism demand to alternative destination (Lim 2006).

Because of given importance to price competition, price competition indexes were developed. So it is possible for tourists to compare the prices of goods and services in different countries they purchased for touristic reasons. Tourism price competition indexes and price indicators used in these indexes show important differences. In fact these differences provide important benefits in terms of clearing up different sides of competitive power and making measurements (Dwyer, Forsyth and Rao, 2001).

3. Theoretical Frame and Methodology

In this study related datas and knowledge was reached with data collection tool from subsidiary source. These knowledge and datas mostly stands on Tourism Price Competition Index in TTCI report published by WEF in 2015.

In the past it was hard to obtain price datas that would make comparisons towards price competition between countries. However recently it is possible to reach comprehensive data sources that will make price comprehension between countries. Especially the reports that World Bank prepared in scope of International Comparison Program (ICP) is an important source in reaching price datas. In ICP reports the prices regarding goods and services of developed and developing many countries in chosen years were gathered comprehensively. In ICP report, since there are many datas such as purchasing power parity (PPP), product prices in local currency, product prices in USA \$ etc. that are used in forming of price competition power indexes, it is an important source in calculation of price competition index. In TTCI (2015) report prepared by WEF, Tourism Price Index was calculated by benefitting from ICP. Here the aim is the measuring of tourism price competition between countries and providing current datas. In this study of WEF four different price indicator was used. One of these indicators comparative purchasing power parity of countries (PPP). PPP is a measure that shows the cost of goods and services in country in terms of USA \$. PPP is a good scale to determine general price levels in

different countries however it is not specifically towards touristic products. In order to compensate this missing, in WEF price competition index three price data towards touristic products (ticket taxes and airport charges, national purchasing power parity prices, fuel price levels and the hotel price index) apart from PPP were taken into evaluation (WEF,2015).

In order to make evaluation of price competition power towards tourism sector in different countries, price data such as fuel prices, hotel prices etc. should be taken into consideration. As these data can be used in calculation directly, they can also become more beneficial for tourism by using them with more general indicators such as purchasing power parity. So by benefitting from actual and easily obtained price indicator data, a price index for tourism in different countries can be obtained (Forsyth, Dwyer,2009,13).

In this study by using tourism price competition index data that WEF calculated by using PPP, ticket taxes and airport charges, fuel price levels and the hotel price data belong to different countries if there is a relation between international tourism income of countries and their tourist numbers was evaluated. In the evaluation correlation analysis was done by using SPSS programme.

4. Findings

In Table 1 according to WEF (2015) report, general competition index (TTCI) of countries according to tourism price index order, tourist numbers and tourism income data of countries of 2013 are placed. In Tourism Price Competition Index in terms of Price Competition Capacity as Iran (6,62) places in the first rank, Egypt (6,19) in the second rank, Indonesia (6,11) is in the third rank, Switzerland (2,57), England (2,75) and France (2,57) place in the last ranks.

In terms of foreign tourists in 2013 as France (84726) places in the first rank, the USA (69768) in the second rank, Spain (60661) in the third rank, Guinea, Sierra Leone and Moldova place in the last ranks.

In terms of tourism income in 2013 as the USA (173.130 M.US\$) places in the first rank, Spain (62565 M.US\$) in the second rank, France (56686M.US\$) in the third rank, Guinea, Burundi and Gabon place in the last ranks.

Table 1. General Competition Index, Tourism Price Index, Tourist Number and Tourism Income of Countries

Rank	Countries	TTCI	Tourism Price Index(TPCI)	Arrivals (Thousands)	Receipts (Inbound US\$ Millions)	Rank	Countries	TTCI	Tourism Price Index(TPCI)	Arrivals (Thousands)	Receipts (Inbound US\$ Millions)
1	Iran	3,32	6,62	4769	1294	47	Lao PDR	3,33	4,93	2510	596
2	Egypt	3,49	6,19	9174	6047	48	Kazakhstan	3,48	4,92	4926	1344
3	Indonesia	4,04	6,11	8802	9119	49	Zambia	3,22	4,92	915	155
4	Yemen	2,62	5,99	990	940	50	El Salvador	3,41	4,91	1283	621
5	Gambia	3,2	5,9	171	88	51	Madagascar	2,99	4,91	196	321
6	Malaysia	4,41	5,76	25715	21496	52	Romania	3,78	4,89	1715	1590
7	Tunisia	3,54	5,61	6269	2190	53	Sierra Leone	2,77	4,89	81	59
8	India	4,02	5,59	6968	18397	54	Mexico	4,36	4,88	24151	13949
9	Pakistan	2,92	5,59	966	288	55	Lithuania	3,88	4,87	2012	1467
10	algeria	2,93	5,5	2733	217	56	Tanzania	3,35	4,87	1063	1880
11	Saudi Arabia	3,80	5,49	13380	7651	57	Latvia	4,01	4,84	1536	864
12	Swaziland	3,20	5,49	968	30	58	Lebanon	3,35	4,84	1274	5870
13	angola	2,60	5,46	650	1234	59	Cameroon	2,95	4,83	912	349

14	Botswana	3,42	5,44	2145	44,9	60	Puerto Rico	3,91	4,82	3200	3334
15	Kyrgyz Republic	3,08	5,37	3076	530	61	Uganda	3,11	4,82	1206	1184
16	Guatemala	3,51	5,35	1331	1480	62	Moldova	3,16	4,80	96	226
17	Trinidad and Tobago	3,71	5,34	434	472	63	Azerbaijan	3,48	4,78	2160	2432
18	Bahrain	3,85	5,33	1069	1051	64	Georgia	3,68	4,76	2065	1720
19	Oman	3,79	5,33	1551	1222	65	Malawi	2,90	4,69	770	34
20	Qatar	4,09	5,33	2611	3456	66	Sri Lanka	3,80	4,67	1275	1715
21	Bolivia	3,29	5,32	798	573,2	67	Ethiopia	3,03	4,65	681	619
22	Vietnam	3,60	5,30	7572	7503	68	Jordan	3,59	4,63	3945	4117
23	Nepal	3,27	5,29	798	436	69	Venezuela	3,18	4,63	986	844
24	Philippines	3,63	5,28	4681	4691	70	Estonia	4,22	4,62	2873	1398
25	Guyana	3,26	5,27	177	77	71	Burkina Fa.	2,67	4,61	218	133
26	Lesotho	2,82	5,27	320	46	72	Rwanda	3,32	4,61	864	294
27	Nicaragua	3,37	5,26	1229	417	73	Hungary	4,14	4,6	10675	5272
28	Mongolia	3,31	5,25	418	189	74	Armeni	3,42	4,58	1204	987
29	Namibia	3,69	5,20	1176	409	75	Serbia	3,34	4,56	922	1053
30	Haiti	2,75	5,17	420	568	76	Macedonia	3,50	4,55	400	267
31	Panama	4,28	5,15	1658	3201	77	Brazil	4,37	4,51	5813	6704
32	Honduras	3,41	5,14	863	608	78	Slovak Pub.	3,84	4,51	6235	2556
33	China	4,54	5,1	55686	51664	79	Kenya	3,58	4,50	1433	881
34	Bulgaria	4,05	5,08	6897	4059	80	Suriname	3,28	4,50	249	84
35	Thailand	4,26	5,06	26547	42080	81	Cape Verde	3,46	4,48	503	462
36	Kuwait	3,26	5,04	307	298	82	Montenegro	3,75	4,48	1324	884
37	Taiwan, China	4,35	5,04	8016	12323	83	Colombia	3,73	4,47	2288	3611
38	Burindi	2,7	5,02	142	1,5	84	Czech Republic	4,22	4,47	9004	7050
39	Cambodia	3,24	5	4210	2659	85	Cote d'Ivoire	3,05	4,46	289	141
40	Gabon	2,92	4,99	187	9	86	Chile	4,04	4,44	3576	2219
41	Russian Fed.	4,08	4,99	28356	11988	87	Bangladesh	2,90	4,43	148	128
42	South Africa	4,08	4,99	9537	9238	88	Costa Rica	4,1	4,4	2428	2664
43	Zimbabwe	3,09	4,96	1833	851	89	Albania	3,22	4,38	2857	1473
44	United Arab Em	4,43	4,95	9990	11564	90	Nigeria	2,79	4,38	600	543
45	Morocco	3,81	4,94	10046	6850	91	Turkey	4,08	4,37	37795	27997
46	Poland	4,08	4,94	15800	10938	92	Mozambique	2,81	4,36	1886	241

Rank	Countrys	TTCI	Tourism Price Index(TPCI)	Arrivals (Thousands)	Receipts (Inbound US\$ Millions)
------	----------	------	---------------------------	----------------------	----------------------------------

93	Slovenia	4,17	4,34	2259	2709
94	Ghana	3,01	4,32	931	914
95	Guinea	2,58	4,32	56	1,4
96	Jamaica	3,59	4,29	2008	2074
97	Paraguay	3,11	4,29	610	273
98	Croatia	4,3	4,28	10955	9566
99	United States	5,12	4,27	69768	173130
100	Mali	2,87	4,24	142	210
101	Portugal	4,64	4,23	8301	12284
102	Malta	4,16	4,22	1582	1404
103	Spain	5,31	4,22	60661	62565
104	Uruguay	3,65	4,20	2684	1920
105	Luxembourg	4,38	4,10	944	4843
106	Korea, Rep.	4,37	4,06	12176	14629
107	Dominican R.	3,5	4,02	4690	5065
108	Argentina	3,90	3,97	5935	4627
109	Cyprus	4,25	3,97	2405	2917
110	Greece	4,36	3,93	17920	16139
111	Mauritius	3,90	3,91	993	1321
112	Peru	3,88	3,90	3164	3009
113	Singapore	4,86	3,82	11898	19057
114	New Zealand	4,64	3,77	2629	7472
115	Chad	2,43	3,76	100	25
116	Japan	4,94	3,75	10364	15131
117	belgium	4,51	3,73	7976	14268
118	Finland	4,47	3,71	2797	4049
119	Ireland	4,53	3,69	8260	4476
120	Seychelles	4,00	3,68	230	344
121	Canada	4,92	3,63	16590	17656
122	Myanmar	2,72	3,63	2044	281
123	Germany	5,22	3,62	31545	41211
124	Hong kong	4,68	3,59	25661	38937
125	Iceland	4,54	3,59	807	1077
126	Barbados	4,08	3,58	520	947
127	Netherlands	4,67	3,56	12782	13779
128	Senegal	3,14	3,56	1063	468
129	Austria	4,82	3,49	25291	20559
130	Italy	4,98	3,49	47704	43912
131	Sweden	4,45	3,38	11635	11492
132	Denmark	4,38	3,31	8557	6939
133	Israel	3,66	3,24	2962	5666

134	Norway	4,52	3,23	4734	5675
135	Australia	4,98	3,06	6868	32022
136	France	5,24	2,95	84726	56686
137	United King.	5,12	2,73	31169	41028
138	Switzerland	4,99	2,57	8967	16881

Source: WEF (2015)

Correlation analysis was done by SPSS software in order to evaluate if there is a statistically significant relation between Tourism Competition Capacity Index (TTCI), Tourist number and Tourism Income (Table 2).

Table 2. The Relation between TTCI with Tourist number and Tourism Income

		arrivals	receipts
TTCI	Pearson Correlation	.619**	.570**
	Sig. (2-tailed)	.000	.000
	N	138	138

**0,01

As it is understood from the value of correlation analysis in Table 2, there is a statistically significant relation in positive way between Tourism Competition Index (TTCI) with Tourist number and Tourism Income. So as Competition capacity increases, tourist number and tourism income increase.

Correlation analysis was done by SPSS software in order to evaluate if there is a statistically significant relation between Tourism Price Competition Index (TPCI), Tourist number and Tourism Income of countries (Table 3).

Table 3. The Relation between TPCI with Tourist number and Tourism Income

		arrivals	receipts
TPCI	Pearson Correlation	-.257**	-.254**
	Sig. (2-tailed)	.002	.003
	N	138	138

**0,01

As it is understood from the value of correlation analysis in Table 3, there is a statistically significant relation in negative way between Tourism Price Competition Index (TPCI) with Tourist number and Tourism Income. So Tourism Price Competition interacts inversely proportional with tourist number and tourism income.

As forming price competition index is formed, chosen destinations should be considerably rival destinations with each other. Price competition power of a destination gains meaning exactly when compared to alternative destinations that can be chosen by visitor (Forsyth, Dwyer, 2009). In this scope to eight destinations in Mediterranean Basin (Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco) Price Competition with Tourist number and Tourism income analysis was done. Related destinations were chosen by using "competition cluster" logic that was presented by Kozak and Rimmington (Kozak, Rimmington, 1999).

In Table 4 TPCI, Tourist number and Tourism Income regarding eight destinations in Mediterranean Basin is presented.

Table 4. TPCI, Tourist Number and Tourism Income Regarding Eight Destinations in Mediterranean Basin

Country	TPCI	Arrivals (Thousands)	Receipts (Inbound US\$ Millions)
Egypt	6,19	9174	6047
Greece	3,93	17920	16139
Italy	3,49	47704	43912
Spain	4,22	60661	62565
France	2,95	84726	56686
Tunisia	5,61	6269	2190
Turkey	4,37	37795	27997
Morocco	4,94	10046	6850

Correlation analysis was done by SPSS software in order to evaluate if there is a statistically significant relation between Tourism Competition Index (TPCI), Tourist number and Tourism Income datas regarding eight destinations in Mediterranean Basin given in Table 4 (Table 5).

Table 5. The Relation Between TPCI With Tourist Number And Tourism Income According to Rival Destinations

		arrivals	receipts
TPCI	Pearson Correlation	-,810*	-,767*
	Sig. (2-tailed)	,015	,026
	N	8	8

*0,05

As it is understood from the value of correlation analysis in Table 5, there is a statistically significant relation in negative way between Tourism Price Competition Index (TPCI) with Tourist number and Tourism Income of rival destinations. So Tourism Price Competition interacts inversely proportional with tourist number and tourism income.

5. Result

In this study by using TPCI datas in World Economic Forum TPCI report, the presence of statistically significant relation between price competition levels of 8 rival destinations in Mediterranean Basin with tourism incomes and tourist numbers was evaluated.

As Iran (6,62), Egypt (6,19), Indonesia (6,11) place in the first ranks in terms of Tourism Price Competition, TPCI rank of France is 136 and its index value is (2,95). In terms of tourism income, the USA that is in the first rank, its TPCI rank is 99 and its index value is (4,27) (Table 1). As it is understood from these datas and correlation analysis results tourism price competition capacity forms the part of rather comprehensive study in evaluation of general competitiveness. Although prices play role in choosing of destination, price is not the only criterion. Factors such as currency rate transactions, efficiency level of various shareholders in tourism sector and qualitative factors that affect attractiveness with price differentiations are also important in decision stage. In this scope in the study TPCI values with analysis between Tourist number and tourism income that can be considered as indicators towards touristic demand show that price competition capacity is not effective alone.

This study is important in terms of showing how secondary datas that were obtained from index and dependent indexes to introduce Tourism Price Competition Capacity Index and effective comparative analysis, should be analysed. Future researchers can make evaluations towards different destinations by following and developing methods and evaluations used in this study.

The limitation regarding this study is the validity and reliability of presented findings with this study depends to validity and reliability of TPCI datas since the datas of World Economic Forum was used in the study.

References

- Crouch, G. I. 1994. "The Study of International Tourism Demand: A Review of Findings." *Journal of Travel Research* 33 (1): 12–23.
- Crouch, G.I, and J. R. Brent Ritchie (1999). "Competitive Tourism Destinations:Combining Theories of Comparative Advantage." Unpublished working paper, Ninth Australian Tourism and Hospitality Research Conference, February, in Adelaide, Australia.
- De Mello, M., A. Pack, and M. T. Sinclair. (2002). A System of Equations Model of UK Tourism Demand in Neighbouring Countries. *Applied Economics* 34 (4): 509–21.
- Dwyer, L. Forsyth,P.and Rao,P.(2001), PPPs and the Price Competitiveness of International Tourism Destinations, Joint World Bank-OECD Seminar on Purchasing Power Parities, Recent Advances in Methods and Applications, Washington D.C. 30 January-2 February 2001)
- Dwyer, L. Forsyth,P.and Rao,P.(2002),Destination price Competitiveness: Exchange rate Changes Versus Domestic Inflation, *Journal of Travel Research*,Vol.40,328-336.
- Edwards, A. (1995). *Asia-Pacific Travel Forecasts to 2005*. Research Report. London: Economist Intelligence Unit.
- Falzon,J.(2011),The Price Competitive Position of Mediterranean Countries in Tourism: Evidence From The Thomson Brochure, *Tourism Management*,(1080-1092).
- Forsyth,P.,Dwyer,L.(2009), Tourism Price Competitiveness, The Travel and Tourism Competitiveness Report 2009 World Economic Forum Geneva, Switzerland ,77-90.
- The Travel and Tourism Competitiveness Report, World Economic Forum, Geneva.
- Kozak, M. and Rimmington, M. (1999), "Measuring Tourist Destination Competitiveness: Conceptual Considerations and Empirical Findings", *International Journal of Hospitality Management*, 18(3): 273-283.
- Little, J. S. (1980). International Travel in the US Balance of Payments, *New England Economic Review* May/June: 42–55.
- Lim, C. (1999). A Meta-Analytic Review of International Tourism Demand. *Journal of Travel Research* 37 (3): 273–84.
- Lim,C.(2006). A Survey of Tourism Demand Modelling Practice: Issues and Implications. In *International Handbook on the Economics of Tourism*, L. Dwyer and P. Forsyth, eds. Cheltenham, UK and Northampton, MA: Edward Elgar. 45–72.
- Rosensweig, J. A. (1986). Exchange Rates and Competition for Tourists. *New England Economic Review* July/August: 57–67.
- Song, H. and S. F. Witt. (2000). *Tourism Demand Modelling and Forecasting: Modern Econometric Approaches*. Cambridge: Pergamon.
- World Bank. 2011, *Purchasing Power of Currencies: Comparing National Incomes Using ICP Data*. Washington, DC: International Economics Department, World Bank.
- World Economic Forum (WEF), (2015), *The Travel and Tourism Competitiveness Report 2015*, Geneva.

About the Methodology of Teaching Mathematics

Prof. Dr. Olga Yanushkeviciene

Vilnius University, Institute of Mathematics and Informatics, Lithuanian University of Educational Sciences,

olgan@zebra.lt

Abstract

This paper discusses the teaching of mathematics and developing of logical thinking. Based on the psychology of thinking, the best possible forms of teaching are analyzed. As an example, the compliance with the tasks in one of the mathematical textbooks for elementary school and age peculiarities of children is analyzed.

Key words: teaching of mathematics, developing of logical thinking, concept, psychology of thinking, Vygotsky.

About the methodology of teaching mathematics

Construction of mathematics lessons in school requires reliance on the knowledge of the age characteristics of children. Often, however, these characteristics are not included. In our work, we relied on the basic research of Piaget and Vygotsky, who considered peculiarities of children's thinking. Analyzing the examples of tasks offered in the classroom during math lessons, we will indicate those that do not correspond the age characteristics of children.

Let us consider the age characteristics of school children.

In the logical thinking of the students J. Piaget (1958) singled out the following stages:

- 1) the concrete operational stage (from 7 till 11-12 years);
- 2) the formal operational stage (from 12 till 17 years).

Fundamental studies of the development of thought were held by L.S. Vygotsky. Over the years, the findings obtained them are not outdated, but on the contrary, are gaining in popularity (see, Miffre L. (2013)). Therefore, in our work we rely heavily on the works of the scientist. Vygotsky wrote that conceptual thinking, but still imperfect, appears in adolescents 11-14 years of age. Initial concepts are formed on the basis of everyday experience and are not backed by scientific evidence. Perfect concepts are formed only in the youth, when the use of theoretical positions allows going beyond their own experience.

So, thinking develops from concrete images to the perfect concepts denoted by the words.

Vygotsky (1994) wrote: "method of determining operates almost exclusively with words, forgetting that the concept, especially for the child, associated with the sensual material from perception and processing of which it is born; sensitive material and the word are both essential moments of the formation of concepts and words, isolated from this material, the whole process of concept construction moves in a purely verbal plan, which is not characteristic of the child".

A similar opinion was shared by other psychologists, for example, psychologist F. Rimat wrote: "We can firmly establish that only at the end of the 12th year of life revealed a sharp increase in the ability of self-formation of overall objective

representations. I think it is extremely important to pay attention to this fact. Thinking in the concepts, loss of visual moments, makes demands to the child, which exceed his psychic powers to 12-year life".

Children of primary school age, as a rule, in the formulation of the question imagine the real situation and how to act in this situation. Such thinking, in which the solution of the problem is a result of domestic action with the ideas and images, called visual-imaginative. Its functions are related to the representation of situations and the changes in them. Visually-imaginative - the main type of thinking in the early school years. Verbal expression of thought, which has no support in a visual representation, can be difficult to understand for children.

In this regard, for younger students preferred word problems, which has the integrity and the concept of the number is based on the concrete images of objects. For example, the teacher says: "Here are two apples. If we add to them another, how much happens? ". Then write $2 + 1 = 3$. But the child understands what these symbols mean the concrete objects - apples.

According to Vygotsky, only the middle school student is able to understand the abstract concept of number and can adequately for its designation use an abstract designation (eg, "x").

In fact, in elementary school the development of thinking is formed from the understanding of the particular problems and leads to the feeling of general properties of abstract numbers. Later thinking can from the general properties of an object to receive the particular property of the specific situation. For example, Pythagoras, considering the properties of numbers, even tried to interpret such eternal categories of life as justice, death, constancy, man, woman, and so on. But if the stage of visual-imaginative thinking is missing, later the transition from the general laws to the particular meanings and properties will be complicated.

However, often math teachers think that their main task - to learn to perform some actions according to certain "algorithm", and everything else - it's unnecessary decoration. To understand the meaning of these actions is not necessary, it is important only to the answer turned out right. As a result, thinking remains algorithmic without penetration into the meanings.

A. Dimiev (2008), describing the consequences of algorithmization of mathematics education in US schools, says that students of 11-12 grades "may, for example, to divide the ten in the third degree on ten in the second (that is one thousand on one hundred) and produce an answer: Ten in the fifth. The fact that the resulting number is greater than the original does not confuse them. In addition, many of them simply do not understand that ten in the fifth power - it is a hundred of thousands, and just are not able to realize the value of that number. Many do not realize that a thousand is ten hundreds. And if the majority still have heard that a million is thousand of thousands, then imagine a million is hundred times ten thousands only a few are capable of". A. Dimiev wrote that according to the National Center for Education Statistics of US, 70% of graduates of US schools do not understand the written text of medium difficulty, in other words - do not understand what they are read.

Therefore, in elementary school is so important to create a visual image of the object under discussion. However, in practice this is not always followed. Consider, for example, a number of tasks encountered in the first class textbooks.

In the textbook of Peterson (2009) on p. 1 the first 5 tasks devoted to the introduction of closed intervals and operations with them. Closed intervals are denoted by endpoints, the letters, they add, subtract. Such operations have the high level of abstraction, inaccessible to the primary school pupil. First grader, still feeling number bad, in such a situation can only mechanically, without proper understanding remember, what is required of him.

Next, consider the Task 7 on p. 1 of the same textbook. It is proposed to add flowers and house. Can you imagine a real situation where number of flowers would be going to account alongside with houses? Of course - no! But imaginative thinking starts in life so there is the destruction of imaginative thinking.

P. 2, Task 3. The assignment is to write a sign of inequality between 3 big and 7 small triangles. The question also arises in the adult: that is estimated - the number or area? In the mind of a child creates a bifurcation of thinking, it confused the concept of a large in size and large in quantity, that is, again suffering imaginative perception.

The list goes on. As a result of such training the child gets lost, no longer understand the meaning of what he is doing and only memorize some answers algorithm.

Solution of text tasks develops child logic. Even in IV c. BC. Aristotle, learning the "rules of thought", the first time gave a systematic exposition of logic. Exploring the various forms of reasoning, Aristotle introduced the concept of syllogism, in which the set of the two judgments is derived the third. Gradually solving the problem child implicitly learns the law of syllogism, as well as other laws of logic: the law of contradiction, the law of the excluded middle, and others.

Modern Schools also face the following problem. Analyzing the process of concept formation, L. S. Vygotsky pointed out the importance of social dialogue in this process. He cites Uznadze, who wrote that without "functional moment of mutual understanding no sound complex could not be a bearer of any meaning and could not form any concept". That is, for the formation of concepts not only the presence of creative thinking is necessary, but also the requirement of understanding from the others. In traditional school lesson was built just so: scientific concepts arose in the process of communication with the teacher and classmates. However, in the modern school teacher is gradually disappearing from the learning process, and educate children the technologies, in particular computer. The requirement of understanding are no longer comes from personality and the process of concept formation stops. Gwen D. (2009-2015) writes, that "TV is linked with slower language acquisition because TV time tends to displace conversation time between babies and adults", similarly in the study of mathematics exactly the will of the teacher, who expects from the student solutions, allows the student to successfully assimilate the material. Stoll C. (1999) says that time on the computer means time taken away from real interaction with teachers and other students. He also says that over the past fifteen years in universities has increased significantly the number of auxiliary courses in mathematics. They teach beginning of algebra, the material of the seventh-eighth grade, because 2/3 of the students do not own these school materials.

Discussion

As outlined previously, there were investigated the possibility of using various types of tasks in mathematics lessons in primary school. This issue requires comprehensive and long-term studies. Nevertheless, the psychological characteristics of this age children need to perform the task which are not abstract and based on the imaginative thinking of this age children. Another problem is the computerization of primary schooling, should be study in depth the benefits and potential harm to the use of computers.

References

- Stoll C. (1999). *High Tech Heretic: Why Computers Don't Belong in the Classroom and Other Reflections by a Computer Contrarian*. Doubleday, New York
- Dimiev A. (2008). *Cool America* (in Russian). Moscow: Paradigm.
- Gwen D. (2009-2015). The effects of television on language skills: Does TV really prevent learning? - <http://www.parentingscience.com/effects-of-television-on-children-learning-speech.html#sthash.N4kK3Hwk.dpuf>
- Miffre L. (2013). *To form with Vygotski. Psychology of the activity of teacher in situation*, Presses Universitaires de Bordeaux
- Peterson L.G. (2009). *Mathematics, textbook* (in Russian). Grade 1. - Part 2. - Moscow: "Juventas".
- Piaget, J. (1958). *The growth of logical thinking from childhood to adolescence*. AMC.
- Rimat F. (1925). *Intelligen zu Untersuchungen anschliessend und die Ach'sche Such methode*, Leipzig.
- Vygotsky L.S. (1994). *Thought and Language*. Alex Couslin (Ed.). Cambridge, MA.: The MIT Press.

Corruption, the challenge for Kosovo institutions

Mr.Sc. Reshat Maliqi, PhD Cand.

Kosovo Police Colonel
reshatmaliqi60@gmail.com

Abstract

The subject as per work, corruption, the challenge for Kosovo institutions, is broadly and actual theme that covers the theoretical and practical treatment. The corruption, which has been described as using the public power for certain purposes, is a very complex subject. Stands for the characteristics of many societies and states and for the last couple of years it has been understood as in great form present phenomenon within the countries in transition, within those which are undeveloped as well as with developed ones, and stands for an obstacle for democracy implementation. From a systematically point of view, corruption has caused, and it continues to do so, many concerns in all countries on Earth, and especially in Kosovo. In accordance to Transparency International report, corruption is one of the biggest challenges of contemporary world. The aim of the importance of studying of this problem through this subject is identifying the scope, structure and dynamics of this phenomenon; to analyse overall impact of general factors. In accordance to identification of corruption problems, local and international reports with of high level of this kind of criminal act, among other areas as well as per security issues, corruption has been seen as serious wound for our society. The justification of this work is logical consequence of corruption phenomenon in the Republic of Kosovo. The reason, consequences and the fight against the corruption is always the subject of numerous researches and conversation between researches, politicians and other actors dealing with this problem, not leaving aside the segment of civil society. These problems stand for the subject of study of this work from my point of view with the purpose of sharing the overall concern due to this phenomenon. During this study many different methodologies will be used, as well as the methodology of analyses of cases of corruption, method of comparative analyses, comparative methodology and statistical method of creation and fight against the corruption in Kosovo from 2012 – 2104. For fight and suppression of corruption, the society and institutions in Kosovo, among the prevention measures, would have to implement so far reached measures in criminalistics in accordance to contemporary trends in secure management. The final aim of this work is practical use of its results and statistics in society's efforts to prevent, to limit or to eliminate the corruption phenomenon in Kosovo.

Keywords: corruption, prevention and fight against corruption, working methods, challenges, reasons, prevention, Kosovo, etc.

Introduction

Kosovo is well known as one of the poorest country of European countries. The level of unemployment is considered to be 42%, which stands for the highest in Europe. Therefore, with that high percentage of unemployment and poverty the corruption in public sector blossoms. Today, in the world, all states are, or strive to be, democratic states. This particularity or form of self-government has its negative side, so except new benefits and new possibilities for society, brings different problems in society. One of the problems that democracy brings is corruption that is usually, as a phenomenon, distinct in all states. Corruption as a phenomenon enables the leaders to get rich – the rich that are corrupted, but immediate harms the state and indirectly the middle and lower level of society. Depends on the level of democracy and economic development the presence of corruption varies.

Taking into consideration the bitter experiences in other states the corruption in Kosovo presents a challenge that, apparently, would not be easy to deal with. Through this work I did my best to elaborate what is actually corruption and what consequence can get to a state in development or to an undeveloped state. The fight against the corruption is not

easy one and we all have to give our contribution in order to win the fight against it. Therefore, taking as bases the experiences other countries had successfully fought the corruption; as well we would have to fight on the same manner if we want to build a successful country. We would have to go through this on different ways in order to as much as possible decrease problems and unsatisfactory that this decrease causes, for the interest of people as well as for the building a strong, existing country¹.

Spreading of corruption in Kosovo

The timeframe and the process of democracy development can be an indicator of spreading and development of different forms of corruption. The processes of in ex-communist countries, as well as the move from authoritative to democratic rule, it is notable that the possibilities for appearance and spreading of corruption were created to a level of concern. In process of transition Kosovo as well goes through big challenges. Since the proclamation of independence Kosovo went through numerous of big and important processes of state building as well as the establishment of the mechanism for functionality of a juridical state, democratic and credible towards its citizens (*Krasnqi A., 2013:51*).

From local and international institutions and civil society institutions many researches have been made pertaining the spreading of corruption in Kosovo, and in same one part of citizens throughout Kosovo has been covered. An research conducted by UNDP (United Nations Development Program) on perception and citizen's assessment on this phenomenon with subject "Study on Kosovo citizens' perception according to Kosovo Strategy for fight against Corruption". Following results have been obtained: perception for corruption of Kosovo Government and the Office of the President of Kosovo – 42% of interviewed people think that those institutions are "corrupted" and 13% share opinion that they are "very corrupted", (*Krasnqi A., 2013:52*).

In a questionnaire conducted by Kosovo Democracy Institute (KDI), which was at the same time the global barometer of corruption for 2010 as per Transparency International, 73% of interviewed people in Kosovo share opinion that from 2007 the level of corruption has been increased and only 8% share opinion that corruption is decreasing; 61% said that measures against corruption didn't show any result, and only 8% are of opinion that the corruption has been decreased, 16% have given the bribe for performance of any kind of service. In accordance Transparency International's index of corruption perception for 2011 Kosovo marks the 2.9 level (level 1.12 stands for lowest corruption level) and it indicates the lowest in Balkans. In accordance to indicators presented by World Bank for Self-government, from 2003 the control of corruption has shown small improvements, but still this control continues to be weak. This year the increase of this control was 30% (100% shows full control over the corruption), with unclear variations from 2005 (*Krasnqi A., 2013:53*).

Regarding the confiscation and seizure of property, EU Rule of Law Mission in Kosovo (EULEX) has reported as follows: their mission has so far imposed a sentence for 15 cases of corruption where few cases were high profile cases, but any property acquired illegally in any of these cases has not been seized. This happened because of the "limited and weak capacities for seizure of properties acquired illegally due to the legal or institutional aspect" as reported by in May 2011 by Kosovo Institute for Policy Research and Development. And based on the estimations obtained from these institutions it is obvious that one of the primary problems of expansion and spreading of corruption are lack of clarity what kind of activity – illegal activities of Special agencies for anticorruption and determination of their duties and completely preserving their impartiality and independence. In order to eradicate the institutional corruption it is necessary to enhance the role of monitoring of the functional commission of the Kosovo Assembly on the Ministry of Justice and Ministry of Interior.

Consequences and statistics of corruption in Kosovo

Consequences of corruption in society are major, they can be even coated on top of each other, aggravating more and more their effect on the society and system in function. Therefore, we had so many warnings and evaluations by international institutions about danger and consequences this negative phenomenon could bring along, phenomenon that is too harmful. Starting from this, legislations have been drafted, mechanisms established, either international or local, with aim of preventing and combating this phenomenon, harmful and socially destructive. Consequences of corruption affect political, social, economic and psychological power.

Political consequences of corruption are really major. It can directly damage the purpose (goal) of democratization of the society, it is also a serious threat to entire political class. The corruption especially affects countries which are on their way of transition and those who face nonexistent political stability, (*Krasniqi. A., 2013, :60*).

Economic consequences of corruption in such cases could be major. High level of corruption can affect a withdrawal of foreign investments, which every country has a great need for. Experience shows that people from the political milieu avoid investing in countries where the level of corruption and economical crime is high, because right at the beginning they would have to confront corrupted officers (officials), who for their personal gain are able to make it difficult for accommodating the foreign businesses, causing intentional delay of administrative procedures which very often look so complicated, and all for the sake of fulfilling their corrupted goals, (*Halili. R., 2011:201*).

Corruption cost Kosovo 100 million of euros every year, it was estimated by representatives of the civilian society and economic associations in the country. More than 20% of all the amounts of contracts on tenders concluded within one year, based on a research, are abused by officials in Kosovo institutions. Movement "FOL" which deals with evaluating of anti-corruption combat, stated to Radio Free Europe that based on the research, one of the most corrupted sectors in Kosovo is procurement area and privatization process. Level of abuse in the procurement sector is 20%, repeated Kalaja "If I'm talking numbers, every year through the procurement, Kosovo spends between 450 and 600 millions of Euro, which means that around 40% of Kosovo budget goes through the procurement process.2 If we add another 20% that is being abused, then we come to a conclusion that over 100 million of Euro in one year is at risk of abuse from political officials through procurement process".

Second analysis of "FOL" movement refers to court decisions. Here also, some decisions made by courts in Kosovo show that Kosovo loses millions of euros because of the corruption. "We have a case of scandal with passports where the court confirmed that the budget of Kosovo was harmed for more than 1.5 million of Euro, and here we're talking about the court decision. These are the numbers that potentially harm Kosovo budgeted through corrupted affairs". Corruption in Kosovo, in different international reports was highlighted as one of the biggest challenges the authorities should encounter with. In 2014 Kosovo has shown a slight recovery but not the effective one in the corruption index that was published by Transparency International, comparing to Albania which is on 110th place on the well-known "red zone". Representatives of the economic associations in Kosovo stated on the other side that tax evasion which is very high in Kosovo is tightly related to corruption which is already present in Kosovo institutions. President of the Business Alliance in Kosovo, in his statement for Radio Free Europe estimated that such informality in Kosovo is up to 40% and that the same values 1.5 billion euros.

This negative phenomenon unfortunately grows from year to year". According to an analysis made the by European Bank for Reconstruction and Development, (EBRD) corruption is of the main problems of management in Kosovo. Since the Action Plan for efficiency improvement in prosecutions, in combating the corruption entered into force in November 2013 and all the way to December 2014, prosecution had 1604 suspicious cases with 2709 individuals involved. Out of this number, the prosecution managed to resolve 566 cases with 1301 individuals involved, (*Gnjonca.L., 2004:297*).

Institutional and legal mechanisms in preventing and combating corruption

It has been emphasized that corruption is not a single internal question of a certain countries that have to deal with corruption problem but it's the part of international interest, (*Gnjonca.L., 2004:297*). During the last three years Kosovo has undertaken some important steps towards suppression of the corruption by implementing necessary elements within legal frame work: The law on declaration of assets, prevention of conflict of interests in performing public functions, informers, public procurement and financing of political parties. Existing legal frame work has very strong and sufficient provisions in order to provide us with tangible results in this area. Kosovo has established an Independent Anti-Corruption Agency in 2006. The agency is the main institution for supervising the law on preventing the conflict of interests and the law on declaration of assets of public officials, as well as the Anti-Corruption Strategy and the Action Plan. It also deals with the review of individual complaints on possible corruption cases and it is obliged to inform other similar authorities like: police and prosecution, if it finds reasons for further investigation.

According to evaluations done by Director of Anti-Corruption Agency Hasan Preteni, in his interview for "KPress" - it remains that the most corrupted institutions in Kosovo government, justice, municipalities and public companies. The highest level of corruption is present at the Ministry for Infrastructure, Ministry of Health, Ministry of Education and EKK, because those departments have the highest tenders. He is of the opinion that prosecutors are lacking the braveness but also power and professional braveness of judges to engage in combat against those corrupted cases. Mr Preteni continues with the same rhetoric, says that there is a lot of talk about the corruption, little is being investigated and none is being prosecuted. According to him, authorities are not accountable to justice and there is no transparency.

[\(http://www.kosovopress.com/sq/nacionale/korrupsion-ka-spo-gjykohe-fare-sepse-po-mungon-guximi-49009/\)](http://www.kosovopress.com/sq/nacionale/korrupsion-ka-spo-gjykohe-fare-sepse-po-mungon-guximi-49009/)

In February 2012, the president of Kosovo established the National Anti-Corruption Council. The council strives to improve coordination and to raise the awareness within the all entities and institutions that are involved in combat against the corruption. Source: (Decree no.:DKKK-001-2012, on establishment of the Anti-Corruption National Council (published in Official Gazette on 16.02.2012).

From the point of view of the administrative capacities, during the last three years, prosecution and police have been reorganized in order to improve the combat against the corruption. Within its structure, Kosovo Police has Directorate for Investigation of Economic Crimes and Corruption, which deals with preventing and solving of all economic crime cases (acts) that were aimed initially against the property rights, against the provision of payment services and anti-business, and later on against official duties, particularly in the economic area, but even in the area outside of economy (Veseli, L. 2006:20). The priorities in the work of the unit are: economic crime, financial crime, corruption, financial investigation, money laundering, cyber-crime, intellectual property. This police unit is monitoring and analyzing security situation related to the economic crime and corruption, and recommends drafting of new legal norms related to improvement (expansion) of its work, (Maslesha, R, 2008:266).

In 2010, a Special Prosecutor's Office has established a task force on anti-corruption, comprised of prosecutors (from Kosovo and EULEX) and police officials for the investigation. Source: (Announcement of Feasibility Study Commission for Agreement for Stabilization and Association Agreement between the European Union and Kosovo, Brussels, 10.10.2012, pg. 10.)The purpose of this Task Force is investigation of economic and financial crime. Police also established one Directorate against crime and corruption. Inspection Departments have been established in many authorities and institutions, for the purpose of addressing and monitoring the situation with regard to corruption and /or criminal behavior within the organization. Generally, Kosovo has sufficient elements which are set out in Legal framework, as well as relevant institutions. Within a short period, Kosovo has a need to demonstrate a clear engagement, in order to provide results in combating corruption, and also including in this way the beginning of the investigation, in cooperation with EULEX.

Legal and strategic infrastructure for the treatment of corruption in Kosovo

Policies and initiatives against corruption were in the focus of legal and institutional efforts, which have been carried out in recent years in Kosovo. In this string, one improvement was noticed by the stakeholders while treating challenges of the corruption, especially at the beginning of addressing the corruption cases, as well as improvement of the framework of current legislative structures for treating the corruption.

- The legal framework treating the corruption in Kosovo is:

- Law on Declaration, Origin and Control of the High Official's Property in Public Institutions No. 04/L-050

- Law on Prevention of Conflict of Interest in Discharge of Public Functions, No.04/L-051

- Law on Anti-corruption Agency, No.03/L-159

- Criminal Code of Kosovo

- Anti-corruption Strategy and Action Plan 2013 – 2017.

Media and civil society in prevention of corruption

If the role of government was more active and honest in terms of prevention of corruption, we would not have what to write about the role of media and civil society, about this epidemic. The role of public institutions, especially in the transition countries, is very mild, not to say that the beginning and the cultivation of corruption begins in these very institutions, (Salihu, I, 2012:106)

It is without a question that the state, through its own mechanisms, has the possibility to prevent spreading of corruption. In Kosovo, the role of media in reporting or showing cases and corruptive practice is increasing more by each day.

This is happening as a result of increasing independent media in the country, increasing level of professional development of journalists and the establishment of a legislative basis which supports press in data collection (information), especially in public institutions. The role of independent media, viewed from the point as an element to prevent crime in general, and especially corruption, is commendable, as irreplaceable. Media kicks on cases of corruption phenomena that are seen, will create a climate of belief and positive optimism in public, it would compel state entities to respond positively to embedding or improving the state of legality in the mentioned administration, it would give real effect of relevance of so-called civil society, (Ragipi, A, 2003:95).

The role of civil society in prevention of corruption is without a doubt very influential. The civil society includes those societies, structures that are separated from legislative, administrative and legal self-government authority, but have mutual interaction in many ways and many areas. In most cases, when strivings to combat corruption have failed, that is happening because this, so important element – civil society, was left out.

Source: (http://www.againstcorruption.eu/uploads/rapoarte_finale_PDF/Kosovo.pdf).

Engagement and mobilizing of civil society is a crucial element for success of every anti-corruption and anti-criminal strategy, (Ragipi, A, 2003:105). Regardless of all of these entities, which are appearing and mentioning as preventers, again, situation in transitioning places remains merely an attempt, without serious and concrete impacts. This is happening because, the highest representative authority in society, and in this case that is state, has its flaws and its problems, which created for itself. Subsequently, an attempt to change some things from down to upwards becomes more difficult and complex, because the beam of authorities, breaking furiously and mercilessly the media membrane and the membrane of society, damages to a large extent and prevents those who want to do something good and reviving for their own place, (Veseli, L, 2012:196).

Conclusion

I can conclude that it is better to prevent disease than to carry out professional treatment of the disease. Moreover, if the state institutions, non-governmental organizations and ordinary civil society mean to persistently and with great determination carry out the prevention of corruption, then the treatment of corruption in Kosovo will be easier, having in mind that despite of great efforts, the first phase of prevention was unsuccessful. This happened because a lot of stakeholders and participants were identified in the first phase of presenting and development of corruption. The investigators that were dealing with study of the criminological, criminal and legal profession, the question of combating corruption was described from repressive and preventive angle, because, corruption as a special form of general crime, cannot be separated at all, except due to this kind of measures, which actually present elimination of this devastating phenomena, especially through institutional knowledge and criminal-state punishments.

Practical elements contributing to the reduction of corruption, in some hand a hope is created that the concerned phenomenon will not happen again, because it is historically known that those who have committed criminal acts, sooner or later were discovered, and then prosecuted. I've come to the conclusion that some of these elements that have preventive characteristics are: transparency - which is actually preventive element in order for phenomena to reduce rhythm or disappear in one institution. A part of these are; Publication of precise data for budget of the state, as well as publications related to the budget. Drafting practical conditions and full respect of the rights to public information. Public debate in cases where it is discussed about wealth or declaring it. Based on previous aspirations to combat corruption in Kosovo, I can say

that the desired effect has not been achieved, so it is necessary to adopt a special law on anti-corruption, and to raise awareness of the citizens, which should be aimed at defining the conduct which is the subject of the termination of corruption and special areas that are too sensitive to corruption. The enactment of specific measures to combat, detect and investigate corruption. Ratification of international conventions in the area of criminal law. The enactment of the human and professional capacities of the Prosecutor's Office including the necessary level of security and adequate material compensation. Implementation of the current anticorruption legislation and its harmonization with the new procedures in the process of cooperation, ratification and signing of the international instruments of the criminal issues. Restructuring of the judiciary and revitalizing it with the new professional staff with no background. Enhancing the role of the Anti-corruption Agency and preserving its impartiality. We will have success in fighting corruption only if we are ready to make the proper decisions on concrete cases and how to bring to light all weaknesses of the state institutions.

Literature

Books literature

Gjonca, L., The Corruption, Tirana 2004,

Halili, R., Criminology, Pristina, 2011,

Krasniqi, A., Corruption, Forms of Appearance and Suppression, Pristina, 2013,

Latifi, V., Politics of the Fight against Crime, Pristina, 2012,

Latifi, V., Criminalistics Tactics, Pristina, 2006,

Ragipi, A., Corruption and Fiscal Evasion, Tirana 2003,

Maslesa, R., Police and Society, Pristina, 2008,

Salihi, I., Economic Crime, Challenges of National Security of Albania, Kosovo and Macedonia of Economic Crime, Skopje, 2012,

Sadiku, L., Society against Corruption.

Articles from magazines and dailies

Announcement of Commission for Feasibility Study for Stabilization and Association Agreement between European Union and Kosovo, Brussels, 10.10.2012,

Decree no.: DKKK-001-2012, for Establishment of National Council Against Corruption (published in Official Gazette on 16.02.2012).

Internet source

http://www.againstcorruption.eu/uploads/rapoarte_finale_PDF/Kosovo.pdf

<http://www.kosovapress.com/sq/nacionale/korrupsion-ka-spo-gjykohet-fare-sepse-po-mungon-guximi-49009/>

The Stress in the Working Environment: a General Point of View of the Effects of Stress on the Productivity of Nurses

Violeta Sadiku(Alterziu)

Lecturer at the Department of Psychology, Faculty of Educational Sciences

University of Elbasan "A.Xhuvani"

Abstract

The main focus of this study is the qualitative analysis of the phenomenon of stress and its influence on the productivity in the working environment. In order to create a clear point of view in the stress-productivity ratio, this study has been channeled in the profession of nurses. For this reason there were selected 8 nurses from the General Hospital in the city of Elbasan, from which 7 are females and 1 is a male. Every member underwent a structured interview, which contains 15 claims. From the analysis of the results it was concluded that the stress has a wide range of spreading and a considerable amount of influence among nurses and their productivity. Furthermore, there were identified some factors and sources of stress such as: the condition of the patients, the lack of working tools and medicaments, people's irresponsibility, the lack of respect toward the hospital's rules, misunderstandings, the work overload and the relationship with the colleagues. Towards the end of the study there are offered some recommendations for the stress management in the working environment, based on the elements which were evidenced from the data analysis.

Keywords: *Stress, Productivity, service quality, working environment.*

Introduction

Many studies have considered stress as the century's disease, which is constantly 'corroding' society and its individuals. Nobody is immune to stress because people feel it in one way or the other. The word 'stress' has different meanings for different people. Some people define stress as an event or situation which causes the feeling of tension, pressure or negative emotions such as anxiety and anger. Other people see stress as a reaction toward negative and unpleasant situations; this response includes both emotional and physiological changes. The stress affects every aspect of life including the familiar, social and working environment. If we focus on the working environment the stress affects employees not only from the emotional and physiological point of view, but also it influences their productivity and the quality of service. There are many factors which influence a person to be considered as being productive, especially in the working environment. Being productive means to be motivated toward the work done, Hall, L. M (2005). Productivity, theoretically speaking, is a measurement or calculus between the input and the result. The input is the amount of time and work invested whereas the result is the final product. If the results are equivalent with the input the employee is considered to be productive. The stress takes a major deal of importance when it is found in institutions such as hospitals, because the work itself here is of great importance and responsibility.

However, which is the ratio between stress and productivity? Different studies show that the more employees are affected by stress the less productive they are at work.

Even though it is clear that the stress is a real problem for the category of nurses not many enquiries have been made toward this problem. Based on the knowledge and information attained by studies this issue was not realized before in the Albanian context. This study was decided to be conducted due to the importance, weight and extension of this topic. The validity of this research does not limit only among nurses and the hospitals but also for patients, who are the beneficiary of the health service. This study has a qualitative design where there were sampled 8 nurses of the General Hospital in the city of Elbasan. The results showed that the stress has a wide range of spreading in the work of nurses and a considerable amount of influence among nurses and their productivity.

Research Questions

How much is the phenomenon of stress spread among nurses?
Which are some of the main sources of stress?
Does stress indicate on nurses' productivity?

Objectives

- ∞ To investigate the ratio of the variables stress-productivity;
- ∞ To analyze the extension and sources of stress's dispersion;
- ∞ To find out if stress influences nurses' productivity;
- ∞ To offer recommendations based of the obtained results;

Purpose of the study

The purpose of this study is to investigate stress and its influence on nurses' productivity. Consequently, in order to fulfill this main aim, it was given a specific importance to the sources of stress and its effects on productivity.

Literature Review

The stress among nurses

The actual usage of the term 'stress' comes from Selye, by defining it as a 'non-specific response of the organism for any demand made to it', even though later he accepted that there is not a definition which can entirely describe a qualitative phenomenon such as stress (Selye, 1976). This difficulty continues with different definitions, where the stress is defined as the effect rather than the actual cause. Baum (1990) and Derogatis (1987) describe stress towards an unpleasant emotional experience, or the feeling of pressure influenced by the personality of a person, by the environment or by any the emotional reaction. It has been wildly accepted now that the stress includes discomfort and pressure, even though Lazar and Folkman (1984) point out that this is highly variable and subjective. The work of nurses was frequently described by many scholars as a complex profession, as their role does not limit only to giving health services, but the role of nurses has a wide extension on other aspects. Furthermore scholars value the weight and importance of this profession, therefore this category of employees is considered among the most exposed category toward experiencing stress in the working environment.

But which are the consequences of stress?

The stress means a series of biochemical changes which happen and strongly influence every cell in our body. The stress begins within our body, we judge something as stressful though the cerebral cortex which gives the alarm, the messages to the hypothalamus (Baum, A.1990). The stress is accompanied by a series of physiological reactions such as:

1. Increase in the amount of sugar, fats and proteins in our blood;
2. The saliva dries up, breathing becomes more rapid;
3. The heart beats too fast, the blood pressure increases;
4. The blood vessels in the skin and in the digestive system solidify;
5. The sweating grows;
6. The blood vessels on the surface of the body constrict;
7. The endofin eases pain;
8. The brain's activity grows;

Nevertheless, what is more important is that the stress influences extraordinary on our psyche. The effects of stress in our mind are very high, especially when we are performing a task. Due to stress we might suffer:

1. Difficulty in focusing or bewilderment;
2. Decrease of the ability to remember or oblivion;
3. Inability to organize thoughts or narrowing of thinking;
4. Inability to be realistic;

It is understandable that the psycho-physiological impact that stress has on us automatically will affect on our activity and work. Whenever we are under the effects of pressure of stress we:

1. Haste to perform actions;
2. Can conduce neurotic actions;
3. Can display problems of speech;
4. Display hyperactivity or hasty action (panic);
5. Tend to eat, drink alcohol, coffee, tobacco etc;

Productivity among nurses

Productivity is determines as the final result of the contribution given in a specific organization related to the amount of consumed sources (McNeese-Smith, 1997). It measures the qualitative and quantitative aspects such as the achieving of goals and the achievements at work (Bain, 1982). Productivity is one of the major indicators in the professional development inside any professional group, by including here even the group of nurses. Productivity is a mass of efficiency of the product.

The productivity among nurses is rarely studied as more importance is given to the relation between the performances of the organization or institutions in general and the efficiency of the working groups. What is measured, as a result, is the quality of service attained by patients. (Helmer & Suver 1988, Sorrentino 1992, Kennerly 1996).

If we make reference to the working environment, productivity is seen as an element which directly affects the profit of a company. When employees are productive they can achieve more in a specific period of time. However, when the employees are not productive they tend to extend the deadlines of project fulfillment, which costs a lot of many to their employers due to the time wasted (Lazarus, R. S. & Folkman, S. 1984).

The productivity among nurses is very difficult to measure as it is composed by many elements which influence their work and which causes much complication, these elements are: the knowledge of nurse, the leading systems of the institution, the working conditions, the stress etc.

The elements which compose productivity

The physical capital: Resources made by human such as vehicles, buildings and cars.

The human capital: The labor force that possesses the skills, education and training.

The technology: The technical means to produce goods and services. This is the most important driver of productivity according to some economists. It includes not only great inventions, but thousands of small innovations. Productivity can be increased with the growth of the physical capital, of the human capital or of the technology (Moody, RC 2004).

The impact of stress on productivity

Multiple studies have analyzed the ratio or the relation among stress and productivity. As it was previously mentioned the stress can affect any aspect of an individual's life by including especially the working environment. However, why is there the necessity to study the relation stress-productivity? Whenever we talk about stress we automatically take into consideration even the negative psycho-physiological consequences which stress has among us. Certainly the negative consequences of stress can be projected in the working environment, especially in the diminishing of the employee's productivity, which definitely leads to capital loss (Derogatis, L. R. 1987).

What must be taken under inquiry is the fact that if we return to the studies or literatures which have measured the stress-productivity ratio we can observe a variety of stress sources. However, the results of these studies are all summarized in the conclusion that "if stress in the working environment is high it lowers the productivity of employees". To be more concrete in H. Zemberger's study, which was realized in New Zealand, it was researched on the negative consequences that stress has on productivity. This study was realized on the employees of a company which produced shoes, and 273 employees of this company were sampled in an intentional way. The results of the study evidenced that there existed a great misbalance among the workload and the deadlines which was given to the employees in order to realize their work. It was established that around 78% of employees that were sampled resulted to be on a higher level of stress above the average, whereas their level of productivity was under the allowed norm. This study is a very good indicator which efficiently signalizes the factors and sources of stress.

Methodology

∞ *Design of the study*

This study has a qualitative design. This selection was initialized from the main purpose and objectives that this study has; therefore, the qualitative design makes possible their realization. The purpose of this qualitative study is to unravel this occurrence and this phenomenon. Consequently we can offer the main understanding of the topic and its different points of view altogether.

∞ *Target population/ Sampling*

The target population samples for this study are the nurses of the General Hospital in the city of ELbasan. From this target population there were selected in a purposeful way 8 nurses, from which 1 is a male and 7 are female nurses. The manner of sampling which was selected for this study is not that of probability. The sample of this study is a small but homogeneous group, which means that there was preserved equilibrium among the main criteria that the population has.

☞ *Instruments of data gathering*

With the purpose of collecting the appropriate data for the study it was applied a half structured interview for all the sampled nurses. This interview was created by the researcher itself by relying on the previous researches and literature review. This structured interview contains 15 questions related with stress and productivity. The necessary time in order to apply this instrument to each sampled member of the group is about 35 minutes.

Data analysis

All the data gathered from the interviews were analyzed in minimal detail in order to give answers to the research questions of this study. The interview is introduced through a question which aims the general description of the work done by nurses. The main purpose of this question is to reach an understanding of the nurse's perception of the work they perform. In general terms the work of a nurse is a beautiful and humane job which offers special satisfactions. Nevertheless, it is simultaneously an exhausting job, filled with stress and anxiety, accompanied by continuous tensions.

However, what is stress for nurses? The answers to this question were diverse. For somebody stress is perceived as anxiety, tiredness and nervousness. For others stress is compared to a 'heavy rock' that we keep with us. It is worth mentioning the fact that there was a common element in the answers given by all the nurses, they answered that the stress was perceived as something normal, a part of their daily routine. When converted in a scale from 1 to 10 the amount of stress at work according to nurses scored an average of 7.

With the aim of investigating around the stress factors the interviewee were asked to enlist some sources which cause stress in the working environment. Based on the frequency of repeated answers given by the interviewee it was discovered that the main sources of stress were: the condition of the patient, the lack of working tools and medicaments, people's irresponsibility (of patient's relatives) the lack of respect toward the hospital's rules, misunderstandings, the work overload and the relationship with the colleagues.

With the intention of creating a clear overview around the topic of stress the nurses were interrogated even on the elements which accompanied stress. According to the data gathered from the interviews during the moment of stress people felt: tiredness, nervousness, anxiety, headache, sweating (especially in the palms of the hands), and uncertainty.

Nurses in a unanimous way responded with a Yes to the following question: 'Do you properly perform your work under stress?' Here are some arguments offered by nurses in support of their answers:

"My job is so important that it does not let me think about myself, the patient and his condition is what matters here, and not the stress that I have."

"I am now accustomed to stress, due to so many years of work, I know very well what I must do and I try my best doing it."

Nevertheless, even if they do not present traces of stress in the working environment, none of the interviewee negated having experienced it. If the level of stress surpasses the 'bearable' limit, it will indisputably affect the work of nurses, their productivity, performance and quality of service that they offer. This fact was confirmed by another part of the interviewee, who offered even concrete cases when they were unable to realize their job as they should have, due to the presence of stress. In the following paragraph there are cited two of the most interesting cases.

"Approximately four years ago I was a nurse at the reanimation pavilion where my younger brother came with emergency. He had suffered an accident with his motorbike and his condition was very serious and critical. When I was able to see him I froze immediately, I couldn't move my fingers and I was stunned. My brother was reduced to pieces and he was transfigured. It was thanks to God's will that apart from my colleagues there was even the

primary doctor, and thankfully now my brother is very well. He suffered a lot...however, thank God he was able to survive and not from my help, because if it had been for me I would not have done anything as I was unable. "

"Probably it was the day when the match between Albania and Armenia was held, but I am not certain. The fans were involved in a physical struggle among each other and around 20-30 patients came into the pavilion simultaneously looking for help. The entire pavilion was involved into chaos, as some people came and other went away. We could not understand any more what was happening, and who to attend first."

As it can be clearly observed, whenever the level of stress rose, in one way or the other; the work of nurses and their productivity was put at risk. Whenever they were asked on 'what did they understood with the term 'being productive', the interviewed nurses have given different answers. A part of the nurses thought that productivity was 'having ability to fulfill their work in the right way'. 'Being productive' in general terms means to be: active, hard-working, versatile, valuable and able to do one's job. This is how one of the interviewee responded to the question.

"We nurses do not produce anything, however we offer just one thing, the service...in order for me to be called productive my patients will receive from me a very, but very good service."

The interviewees were asked to enlist some factors which affect their productivity, with the purpose of investigating the relation stress-productivity and simultaneously in order to give an answer to one of the research questions of this study. Among the main elements mentioned we can cite: lack of working tools and medicaments. This is how the interviewees responded:

"How can a builder build a palate, if he does not have any bricks not mortar? This is the same thing for us, if we do not have the needed tools."

Other factors which influence productivity are: stress, anxiety and nervousness. The majority of the interviewees said that high levels of stress affected their productivity as when they were under stress they were not concentrated at all. Nurses said that if they were under pressure of stress it made it very difficult for them to realize their job as they should have and they were not 100% productive.

The interview is concluded with two specific questions: "How do nurses handle with stress at work" and "what would nurses change if they had the possibility, in order to be more productive and less under stress." It was noticed that all the answers given followed the same pattern, 'I try to act very normal and not disclose myself', 'I keep the stress inside me', 'I try not to think about that very much' etc. Therefore, to put it in other words, the majority of nurses who were interviewed used evasion as a technique for managing stress in the working environment. Regarding the elements they wanted to change to improve their work, and to decrease the level of stress and increase the level of productivity, they are enlisted as sources which cause stress. Concretely, the interviewee expressed the need for satisfying the shortage of medicaments or working tools. However, simultaneously the nurses were conscious that in order to change a part of the stress sources like: patient and relatives' awareness for following the rules of the hospital, the lack of respect/culture on keeping silence, it is needed to work hard to change, because there is the need for mutual collaboration.

In relation with the data given above, we can conclude that stress has a considerable influence on productivity of nurses. The higher the level of stress is the lower the productivity becomes.

Discussion

The discussion on the results of the study aims to evident the realization of the purpose of this study. The reason of the realization of this study was the investigation of the extension and diffusion of the stress in the work of nurses; to evidence the main factors of stress, and finally to analyze the impact of stress on the productivity of nurses.

Starting from the data gathered and their analysis we can give answer to the research questions raised during this study. Firstly, it was evidenced an average level of stress experienced by nurses in their working environment. Even though stress is considered to be a daily 'accompany' of their job, stress still stays within normal and confronting levels.

Among the main factors the interviewee enlisted a series of stress factors as having more importance, such as: lack of working tools and medicaments, the work overload, the condition of the patient, the relationship with the colleagues and the relatives of the patients. If we go back and analyze concretely the study realized by H. Zemberger in New Zealand, we can see that it was noticed that the work overload was considered the primary source of stress. In this case the findings of this study are found in the same line of the findings of other studies. However, it is worth mentioning that in the case of nurses, the stress has a great influence, as the job itself has different specifics.

The lack of stress management and its mismanagement in the work of nurses can lead to severe consequences. From the data analysis it resulted that stress itself affects on nurses' productivity. Even though the influence of stress on productivity is left in moderate levels, still there is the need to take considerable measures for treating and managing it.

In fact the nurses who were included in this study consider stress as highly productive and argument the fact that independently from being under pressure the experience has helped them control and manage stress better in the working environment. The necessity for stress management in the working environment does not only relate with the low productivity of nurses, but even with their work, with the quality of their job, with the low performance, and above all the mismanagement of stress influences on the psycho-physiological health of nurses.

Recommendations

Based on the results attained in this study we offer some recommendations for the stress management in the work of nurses:

- ⊗ It is recommended to develop special training that will help this category of workers, in order to manage the stress in their work. During these trainings there can be offered different methods with the specifics of time and workload management.
- ⊗ Taking into consideration the fact that the main sources of stress in the work of nurses were the relations with the patients, to be more precise with the relatives of the patients, it is recommended to develop specific trainings and seminars where nurses will be able to learn new methods of communication. The main aim is the creation of a collaborative relationship between both parties.
- ⊗ From the data analysis it was clearly understood that one of the main methods used by nurses to deal with stress is evasion. This technique or method when used continuously loses its efficiency; it ceases to be valid as it can only accumulate stressing situations. Therefore it is recommended that as a way of stress managing in the working environment nurse should use confrontation, they should treat the problem until they reach a resolution.
- ⊗ Furthermore it is recommended the development of positive thinking, the development of physical activities and a healthy diet and eating habits.
- ⊗ Finally, it is recommended the publication of this study and its reference to the parties of interests. As it was highlighted in the beginning of this study, the benefits of it are not limited only to nurses, but to all the hospital as an institution and especially for the patients who are beneficiates of the health service.

References

Baum, A. (1990). Stress, intrusive imagery, and chronic distress. *Health Psychology*, (653-675).

Derogatis, L. R.(1987). The Derogatis stress profile (DSP): Quantification of psychological stress. *Advances in Psychosomatic Medicine*, (30-54).

Hall, L. M. (2005). Indicators of nurse staffing and quality nursing Work environments. In L. M. Hall (Ed.), *Quality Work environments for nurse and patient safety*. Sudbury, MA: Jones and Bartlett.

Holly CM (1993) The ethical quandaries of acute care nursing practice. *Journal of Professional Nursing*, (110-115).

Kirpal S (2004) Work identities of nurses: between caring and efficiency demands. *Career Development International* (274-304).

Lazarus, R. S. & Folkman, S. (1984). *Stress, appraisal, and coping*. New York: Springer.

Maben J, Adams M, Peccei R, Murrells T, Robert G (2012) 'Poppets and parcels': the links between staff experience of work and acutely ill older peoples' experience of hospital care. *International Journal of Older People Nursing*, (83-94).

Moody, R. C. (2004) Nurse Productivity Measures for the 21st Century. *Health Care Management Review*; 29: 2, 98-106.

Selye, H. (1973). The evolution of the stress concept. *American Scientist*, (692-699).

Selye,H.(1976). Forty years of stress research: Principal remaining problems and misconceptions. *Canadian Medical Association Journal*, (53-56).

Zemberger, H, (2009). A qualitative analysis of nursing stress: Consequences for performance. *American Educational Research Journal*, (13- 40).

Measures to Protect Patient Rights by Monitoring the European Pharmaceutical Market

Cristina-Luiza Erimia

Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania

Rodica Sirbu

Corresponding author, sirbu_27@yahoo.com

Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania

Melat Cherim

UMF Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania

Stelian Paris

Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania

Abstract

The pharmaceutical sector is vital to the health of European citizens, who must have access to innovative, safe and affordable medicinal products. The operation of the pharmaceutical sector at Community level is based on four dimensions: regulation, integration, competition and innovation. Given its importance for health services, the existing regulatory framework in this area should not include unnecessary regulatory constraints restricting and limiting competition. Considering this fact, this article analyzes the existing control in competition law on the pharmaceutical market achieved at EU level. Currently, the free movement of goods is regulated by many policies and harmoniously fits within a responsible domestic market, which guarantees the unimpeded access to high quality products and provides a high degree of protection of other objectives of public interest. Given the fact that medicinal products are commodities, this article examines how, by monitoring the pharmaceutical market, patients are guaranteed the right to high quality medicines. This paper also aims to present the complex mechanisms of the pharmaceutical sector that have undergone a careful and consistent analysis both the European Commission and the Competition Council.

Keywords: European competition law, the pharmaceutical sector, patients' rights, high quality drugs, research and innovation, generic drugs, competition at the level of the European Union

1. Introduction

Before establishing a Community code relating to medicinal products for human use [1], trade in medicinal products within the European Union was hindered by disparities between certain national provisions which directly affect the functioning of the internal market. To reduce disparities in medicines for human use was necessary to approximate the relevant laws, establishing rules for monitoring medicines and specifying the obligations of the competent authorities of the Member States to ensure compliance with legal provisions. In this regard, Directive 2001/83/EC represented an important step in achieving the objective of free movement of medicines.

Regarding regulation, concerns at European level regarding competition on the pharmaceutical market pay particular attention to the rules on marketing authorization, on the pricing and reimbursement of medicinal products, as well as rules on patents.

At EU level there are legislative initiatives aimed at creating a favorable business environment for research and innovation and promoting the competitiveness of the pharmaceutical sector.

On average, consumers have no access to generic drugs earlier than seven months after the innovative drugs have lost exclusivity. This is due, in part, to pharmaceutical companies that use various techniques to extend the commercial lifecycle of their products.

When the original products enter into competition with generic drugs, prices drop and they become accessible to a larger number of patients. In some cases, prices may decrease considerably.

The European Commission aims to ensure safe, effective and affordable to patients in Europe and to create at the same time a business environment that stimulates research, encourages important innovation and supports the competitiveness of the industry.

2. Theory

The European Commission aims to provide safe, effective and affordable medicines for European patients and to create, at the same time, a business environment that stimulates research, encourages important innovation and supports the competitiveness of the pharmaceutical industry.

Given the acquired experience, especially by the Committee for Proprietary Medicinal Products, in the removal of remaining barriers to the free movement of proprietary medicinal products, additional legislative measures amending the Community code relating to medicinal products for human use have been necessary [2].

Consumers do not have access to generic medicines, on average, earlier than seven months from the date on which innovative medicines have lost exclusivity (which is partly due to pharmaceutical companies that use various techniques to extend the commercial life cycle of their products). When the original medicines compete with generic products, prices drop, in some cases considerably, making the products accessible to a greater number of patients.

Given the importance of an effective pharmaceutical sector and the presence of some indications that it may be possible that in the European Union, competition on the pharmaceutical market may not be functioning properly, the European Commission launched an investigation in the pharmaceutical sector on 15 January 2008 [3]. The investigation was aimed at analyzing particularly the reasons for the delays in market entry of generic drugs and the apparent decline in innovation, measured in the number of new drugs entering the market. Sector analyses allow the Commission to collect information for the application of Articles 81 and 82 of the Treaty of the EC.

Taking into account that sector investigations are a tool having as legal basis the European competition law [4], the main focus is the behavior of the companies. The investigation focused on the practices the companies may use in order to block or delay generic competition, as well as to block or delay the development of competing innovative products.

The investigation focused mainly on the competitive relationship between innovative has and generic companies, as well as on the competition between innovative companies. To perform a thorough analysis, the European Commission selected 43 innovative companies and 27 generic companies representing 80% of the relevant turnover of the EU and, in general, are larger companies, active in several Member States.

3. Results and Discussions

In 2005 entered into force significant changes to the regulatory framework in the pharmaceutical field, which had the objective of facilitating market entry of generic drugs [5], for example the introduction of the so-called Bolar provisions [6].

Before the introduction of the Bolar provision within the EU regulatory framework, the development of the patent before its expiry was not regulated at EU level. Therefore, generic drug manufacturers have developed products conducted the related testing in countries where the basic patent had already expired or where there was no such protection, outside the EU, in European countries where there was a Bolar type provision or in other EU member states where experimental work was permitted in certain cases.

The new harmonized rules on the data exclusivity and marketing practically entered into force only in 2013, because of the application of the new protection periods for innovative products for which a permit was requested and which were authorized after these rules became effective, in 2005.

In accordance with the decision for opening, the investigation did not address in detail neither any deficiency in the distribution chain, which are subject to a separate market monitoring [7], nor the competition between generic companies, which generally occurs at the level of the prices, because the setting of prices and/or the arrangements on market shares are not covered by Article 81 of the EC Treaty.

The European Commission for the pharmaceutical sector uses its full powers conferred to it under antitrust rules (Articles 81, 82 and 86 of the EC Treaty), the control of economic concentrations [8] state aid control (Articles 87 and 88 of the EC Treaty). Whenever the interest of the European Union will impose it, the European Commission, in close cooperation with national authorities for competition, will investigate any breach of regulations in the pharmaceutical sector. Also, measures may be taken at national level in areas that have not been targeted in particular investigation or are outside its scope.

Intellectual property rights promote dynamic cooperation by encouraging companies to invest in developing new or improved processes or products. Competition has a similar role, encouraging enterprises to innovate. Therefore, both intellectual property rights and competition are necessary to promote innovation and to ensure that it is used in competition conditions [9]. If the existence and exercise of an industrial property right is not in itself incompatible with the right of the competition, they are not excluded from the application of competition law [10]. However, certain practices may constitute a violation, only in exceptional circumstances [11].

In the past, the Commission and national authorities have already taken action in several cases for specific infringements of competition law in the pharmaceutical sector. Among the decisions taken are: fines imposed by the UK competition authority against a pharmaceutical company for selling its products at very low prices to hospitals and at very high prices to patients, through pharmacies; this strategy could be applied as it was found that doctors are influenced by the brands used in hospitals (NAPP case) [12]; provisional measures taken by the French competition authority for a generic company whose products were constantly criticized by sales staff of an innovative company, even after obtaining the marketing authorization (the Arrow Génériques case) [13]; the decision of the Italian competition authority, which determined that the denial of an innovative company to grant license for the production of an active substance, which the manufacturers of generic drugs needed to penetrate the national markets where the innovator had no exclusive rights, constituted a violation of Article 82 of the Treaty (Case GSK) [14].

Regarding the competition between innovative and generic companies, the delay in market entry of generic drugs is an issue of particular concern. The possible use of specific instruments by innovative companies to delay the market entry of generic drugs will be subject to the control competition, if this use has an anti-competition character, which may constitute an infringement under Article 81 or 82 of the EC Treaty.

We believe that the agreements are designed to blocking the market entry of competition may constitute infringements of European competition law. Settlement agreements that restrict the market entry of generic drugs and include a transfer of value from an innovative company to a generic company, or to several such companies, are an example of agreements that may have an anticompetitive nature, especially if the reason behind their conclusion is the division of profits via payments from innovative to generic companies, in detriment to patients and public health budgets.

As a result of the developments in information and communication technologies, goods are now increasingly marketed domestically often through these channels. Therefore, it is not surprising that the role of Article 34 TFEU [15] in Internet

transactions involving the transfer of goods from one Member State to another has led to calls for action before the Court of Justice.

Issues of this type have appeared in national procedures of a Member State on Internet sales of medicinal products for human use. The law at that time prohibited the sale by mail order of medicinal products, which could be sold only in pharmacies.

The supervision of rules governing and ensuring the freedom of competition on the pharmaceutical market and the direct and unambiguous intervention violations of the regulatory framework are found, guarantees the existence of a competitive environment in the pharmaceutical sector at the level of the European Union.

Article 114 TFEU gives the EU legislative powers to "*adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market*". The scope of this provision has been interpreted broadly by the Court [16].

Analyzing the case law of the Court of Justice, it can be considered that the boundary area on *tobacco advertising* [17] was notable, the Court finding that the EU legislature passed laws that contravene EU law. In the examination of the validity of the contested directive, the Court held that the measures referred to in Article 114 TFEU aimed at improving conditions for the establishment and functioning of the internal market. In addition, if the conditions for invoking Article 114 TFEU are met, "*Community legislature cannot be prevented from relying on that legal basis on the ground that public health protection is a decisive factor in the choices to be made*" [18].

The Court examined the validity of that Directive in two respects. First, to verify whether the Directive actually contributed to eliminating obstacles to the free movement of goods and freedom to provide services. Secondly, it examined whether the directive contributed to eliminating distortions of competition.

4. Conclusions

Any action of the of public authorities in the pharmaceutical sector should aim at creating a competitive environment, which ensures the access of European citizens to innovative, safe and affordable medicines, without unnecessary delays. In this respect, both competition law enforcement and regulatory measures may improve the functioning of the market for the benefit of consumers and must be considered in this regard.

The tendency towards an increased concentration of the market is carefully monitored by the Commission and in the analysis of these cases of economic concentration will be used the knowledge obtained following the sector investigation, to maintain a competitive structure and process on the market.

Promoting innovation and stimulating the increase of economic growth are common goals of intellectual property law and competition law. Innovation is a key and dynamic component of an open and competitive market economy.

Particularly with regard to the competition between innovative companies, the defensive patent strategies aimed primarily at excluding the competition without pursuing innovative efforts and / or the refusal to grant licenses for unused patents will still be subject to control, especially in the cases in which innovation was truly blocked.

Following the European Commission's sector investigation, all the stakeholders strongly endorsed the immediate creation of a single Community patent [19] and of a unified and specialized system for solving disputes [20] in Europe, which are currently under discussion.

The Commission is committed to developing an EU pharmaceutical framework for the 21st Century, which promotes innovation, especially in areas where there are outstanding medical needs [21].

At EU level there are legislative initiatives designed to create a business environment that promotes research and innovation and the competitiveness of the pharmaceutical sector.

On average, consumers do not have access to generic medicines earlier than seven months after the date on which the innovative medicines lost exclusivity. This is due, in part, to pharmaceutical companies that use various techniques to extend the commercial life cycle of their products.

When the original products compete with generic medicinal products, prices go down and become accessible to a larger number of patients. In some cases, prices may decrease considerably.

Any action of public authorities in the pharmaceutical sector should aim at creating a competitive environment to ensure the access of EU citizens to innovative, safe and affordable medicinal products, without unnecessary delay. In this respect, both competition law enforcement and regulatory measures can improve market performance for the benefit of consumers and should be considered in this regard.

5. References

[1] Directive 2001/83/EC, of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, published in the Official Journal of the European Union L 311 of 28.1.2001. The consolidated version was published in the Official Journal of the European Union L 87 of 31.3.2009.

[2] See, for example, Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, published in the Official Journal of the European Union L 136 of 30.4.2004.

[3] Commission Decision of 15 January 2008 initiating an inquiry into the pharmaceutical sector pursuant to Article 17 of Council Regulation (EC) No 1/2003 (Case No COMP/D2/39.514).

[4] Article 17 item (1) first paragraph of the Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, JO L 1 of 4.1.2003

[5] Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, JO L 136, p. 34, special edition, 13/vol. 44, p. 116.

[6] Article 10 item (6) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (JO L 311, 28.11.2001, p. 67) modified by Directive 2004/27/EC

[7] Commission Staff Working Document on Market Monitoring: State of Play and Envisaged Follow-Up, available at: http://ec.europa.eu/economy_finance/publications/publication13688_en.pdf; see also the Commission Staff Working Document on "The Single Market Review: one year on", available at: http://ec.europa.eu/internal_market/strategy/docs/smr_oneyear_en.

[8] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, JO L 24 din 29.1.2004, p. 1–22.

[9] EC Communication *Guidelines on the application of Article 81 din of the Treaty to categories of technology transfer agreements*, JO C 101 din 27 April 2004, p. 2-42

[10] Judgment of the Court of 27 September 1988, case 65/86 (Bayer/Süllhöfer), Rec., 1988, p. 5249.

[11] Communication from the Commission of 16 July 2008 on An Industrial Property Rights Strategy for Europe, COM(2008)465 final.

[12] Decision of the Director General of Fair Trading no. CA98/2/2001 of 30 March 2001, NAPP Pharmaceutical Holdings Limited and Subsidiaries (NAPP), available at: http://www.of.gov.uk/shared_of/ca98_public_register/decisions/napp.pdf.

[13] Judgment of the Cour de Cassation of 13 January 2009, Pourvoi no. P 08-12.510 (press release available at: http://www.conseil-concurrence.fr/user/standard.php?id_rub=211&id_article=865).

[14] Decision of Autorità Garante della Concorrenza e del Mercato of 8 February 2006, no. 15175 (case A363 - Glaxo-PRINCIPI ATTIVI), available at: <http://www.agcm.it/>.

[15] Treaty on the Functioning of the European Union (consolidated version), published in the Official Journal of the European Union (OJEU) C 326 of 26 December 2012.

[16] See, for example, Case C-350/92 *Spain/The Council*, Rec. 1995, p. I-1985, and Case C-300/89 *Commission/the Council* (titanium dioxide), Rec. 1991, p. I-2867.

[17] Case C-376/98 *Germany/The Parliament and the Council* (tobacco advertisement), Rec. 2000, p. I-8419. This case refers to the validity of Directive 98/43 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products.

[18] Case C-376/98 *Germany/The Parliament and the Council*, Rec. 2000, p. I-8419, paragraph 88.

[19] The proposal for a Council Regulation on the Community patent can be found in the working document of the Council no. 8588/09 of 7 April 2009, available at: <http://register.consilium.europa.eu/pdf/en/09/st08/st08588.en09.pdf>.

[20] Working document of the Council no. 7928/09 of 23 March 2009, available at: <http://register.consilium.europa.eu/pdf/en/09/st07/st07928.en09.pdf>.

[21] The Final conclusions and recommendations of the Pharmaceutical Forum, available at: http://ec.europa.eu/pharmaforum/docs/final_conclusions_en.pdf

Obtaining of Collagen Biomaterials and Their Use in the Medical Field

Melat Cherim

UMF Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania

Rodica Sirbu

Corresponding author, sirbu_27@yahoo.com

Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No.1, Constanta, Romania

Cristina-Luiza Erimia

Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania

Alef Mustafa

UMF "Carol Davila" Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania

Aneta Tomescu

Ovidius University of Constanta, Faculty of Medicine, Campus Corp B, University Alley No. 1, Constanta, Romania

Abstract

Collagen is an important biomaterial in medical applications due to its special characteristics such as biodegradability and weak antigenicity. Thus collagen, as a new type of biomaterial, has been used in drug delivery systems and tissue engineering. In addition, collagen is closely linked to several diseases, such as rheumatoid arthritis and systemic sclerosis. Gelatine can be made into roll film and drug capsules and can also be used as a delivery system which is very different from the traditional capsule. Collagen hydrolysate is a polypeptide composite obtained through further hydrolysis of denatured collagen. It has been widely used in cosmetics as well as a food additive. The three major methods of collagen extraction produce neutral salt-solubilised collagen, acid-solubilised and pepsin-solubilised collagen.

Keywords: Collagen, skin, Collagen hydrolysate, biomaterial

INTRODUCTION

Collagen-based biomaterial can be represented by a wide variety of molecular structures (micro- and nanostructures), such as powders, hydro-gels and injectable compounds, films, membranes, and matrices. Through non-denatured collagen extraction technology, gels containing 70-80% non-denatured collagen molecules are obtained, while gelatine and hydrolysates are obtained through denaturation extraction technology, the extracts containing approximately 90% collagen molecules represented by polypeptide chains. [1].

In order to obtain biomaterials, all types of collagen extracts can be used: collagen fibrous paste, gels or solutions, gelatine or total and partial hydrolysates.

Hydrogels obtained through conditioning of fibrous paste and collagen solutions/gels. They can also be obtained through drying or lyophilisation, methods which do not allow for collagen to be heated above 300°C, which might lead to denaturation of the triple-helical conformation. Thus, finished biomaterials can be obtained, as follows:

- Hydrogels used for the controlled release of various encompassed compounds;
- Membranes used for dialysis, enzyme or protease immobilization;
- Drug storage;
- Sponges (matrices) used as bandages for burns, varicose ulcers, haemostatics, tissue replacements, implants, support systems, and so on;
- Fibbers used to reinforce matrices and membranes;
- Haemostatic fibrous compounds'
- Surgical suture wires;
- Ointments/cremes.

All of the above mentioned collagen products can also initially conditioned as pastes, gels, liquid hydrolysates, with the use of chemical food or pharmacologic preservatives or through sterile bottling in the case of hydrolysates. Collagen hydrolysates, obtained at high temperatures, which have a tight ball conformation (spherical) compared to the loose ball conformation characteristic of gelatine, can also be dried through atomization. During atomization, the maximum temperature finely dispersed particles is 40°C, which does not influence the structural conformation of hydrolysates.

Collagen hydrolysates can also be used as ointments/cremes, in the pharmaceutical and cosmetic fields.

Gelatine can be processed through various techniques as membranes, matrices, hydrogels, capsules, microspheres, and granules.

Establishing conditioning and sterilization techniques for materials and finished products has represented an important issue, due to the fact that collagen products are an auspicious environment for microorganism growth and the use of finished products in medicine requires the need to ensure product sterility. Sterilization of dry products (membranes, wires, sponges and pulvis hydrolysates) is performed with the use of gamma radiation and ethylene oxide, efficient methods which are used on an industrial scale. The temporal stability of products dried through lyophilisation and atomization and stored in adequate conditions is virtually unlimited.

OBTAINING COLLAGEN BIOMATERIAL

Collagen extracts are watery systems; consequently, any ulterior processing requires maintaining water solubility, especially in the case of non-denaturated collagen extracts used as biomaterials.

The technology used to dry is selected according to the nature of the extract (denaturated or non-denaturated) and the morphological structure of the bioproduct, that is, sponge, fibres or membranes. The most commonly used drying techniques are lyophilisation and natural air drying at temperatures of approximately 25°C. Neither of the two techniques leads to denaturation of the extracts.

Lyophilisation is a drying procedure relying on the rapid freeze of collagen solutions from – 25°C to – 70°C and sublimation of the ice directly in the water vapour phase (2×10^{-3} torri). In place of the ice crystals, pores are formed and collagen molecules are restructured into fibres and fibrils. Lyophilized collagen is represented by a sponge called matrix, with similar characteristics to the extracellular matrix.

Natural air drying of collagen extracts is performed in shelved dryers with warm air current at a temperature of 25°C and a rigorous control of humidity, so that drying can be performed slowly in 48-72 hours. Under these circumstances, between the collagen molecules of the extract intermolecular bonds are made, without requiring the intervention of chemical agents.

Atomization drying is used for denaturated collagen extracts, especially for hydrolysates.

Procedures for obtaining gel or colloidal solutions require technological filtration and condition in sterile environments so that the bioproducts are not contaminated with microorganisms.

Regarding the process of obtaining biomaterials from non-denaturated collagen (pastes and gels or collagen solutions) key-steps are represented by: restructuration, chemical alteration, compatibilization with various bioactive compounds and drying or conditioning as a finished product.

In general, through the procedures used, the main aim is to maintain the specific biological properties of collagen, especially in what regards structural conformation and hydrophilia. These characteristics are important so as to ensure a high degree of biocompatibility of bioproducts used as biomaterial.

Collagen pastes and gels can be chemically or physically altered so as to ensure a better thermal or mechanical stability.

Biomaterials used in the tissue industry can be obtained from natural and synthetic polymers and require a certain internal micro-architecture of microporous structures. The processes through which such structures can be obtained are based on conventional [2-7] or unconventional [8] techniques for the computerized manufacturing of the desired solid shape through layer-by-layer formation.

• **Conventional techniques** refer to:

- Matrix formation through washing the solvent that was used for the dissolution of biodegradable synthetic polymers;
- Foams obtained from polymer solutions containing high pressure CO₂, with the size of particles between 100-500µm;
- Tied fibrous masses, obtained through textile technology which allow the manufacturing of non-tissues from polyglycolic and polyacrylic fibres;
- Phase separation in a polymer solution, through solvent sublimation, which leads to the formation of scaffold biomaterials, which incorporate bioactive molecules into their structure;
- Pouring of polymer melts, which have been brought to glassy transition temperature, into matrices; in this manner, scaffold biomaterials with well defined forms, which might also contain fibres that can be used for the manufacturing of composites with specific biologic properties;
- Lyophilisation of polymer solutions or emulsions, a process which leads to the formation, both from natural polymers (collagen, chitin) and synthetic polymers or composites deriving from them.

• **Unconventional techniques** refer to direct manufacturing techniques from computer-generated models, which allow for the improvement of scaffold biomaterial design through the control of several parameters: pore dimension and distribution, incorporation into an artificial vascular system which increases oxygen and nutrient transport inside the scaffold, thus maintaining cell development in the entirety of its mass in conditions of maximum hydration. These techniques allow for the manufacturing of scaffold biomaterial with the desired external measurements and predefined and reproducible interior morphology which, does not only control the dimension and distribution of pores, but also enables the obtaining of structures that lead to an increase in mass, oxygen, and nutrient transfer inside the biomaterial.

RESULTS AND DISCUSSIONS

THE PHYSICAL AND CHEMICAL CHARACTERISTICS OF COLLAGEN BIOMATERIALS

COLLAGEN FIBERS

Fibres are obtained from collagen solutions/gels through restructuring and drying techniques through lyophilisation. In fact, a fibrous wave is obtained (individual and cluster fibres), which can also be called fibrous collagen.

Due to the specific tridimensional structure of the skin, long individual fibres cannot be obtained. Rather, short fibres or fibres organized in bunches of varying width can be obtained (Fig. 1). Through formaldehyde tanning, fibres are better distinguished (Fig. 2).

Using the electronic microscope, subunits of the fibre, more specifically collagen fibrils can be obtained. Collagen fibres precipitated from a 0.2% collagen solution were studied under the TEM electronic microscope with double contrasting with phosphowolframic acid and uranyl acetate. Collagen fibrils are long, dense, and relatively even in regards to width and they form knot-like clusters. Also, it can be observed on certain portions of the photo, that there is a tendency for fibres to wrap in a helicoidal manner. Fibres are elastic, which allows them to curve under different shapes, the most frequent one being represented by the semicircle shape.



Fig. 1 Non-tanned collagen fibre

(size 40x) [1]

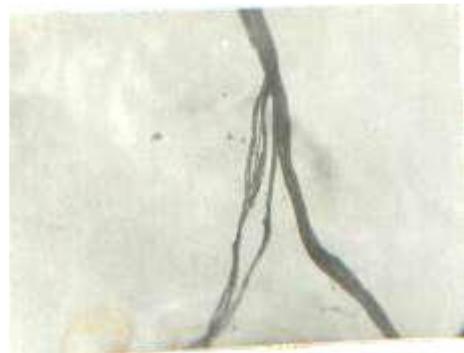


Fig. 2 Collagen fibres tanned with formaldehyde

(size 40x) [1]

Collagen fibres are pure products containing 90% collagen protein (table 1).

Table 1 Physical and chemical characteristics of collagen fibres

Characteristics	Non-tanned collagen fibres	Collagen fibres tanned with formaldehyde
Aspect	fibrous	fibrous
Colour	White-yellow	White-yellow
Humidity, %	15,0	15,0
Total azoth content*, %	17,5	17,45
Protein concentration *, %	98,0	98,0

Minerals *, %	1,0	1,0
Absorption ability Water at 37°C Acetic acid 0,5M	Partially soluble Partially soluble	Partial swelling Partial swelling

*Values calculated at free humidity

Collagen fibres are used as standard semi-finished product for the manufacturing of collagen-based products used in medicine, pharmacy, and cosmetics. Formaldehyde tanned collagen fibres are used as support for biochemical analysis, cell cultures, and fibrous insertions in collagen matrices [1].

COLLAGEN HYDROGELS

Gels with water dispersion media or hydrogels are tridimensional networks of reticulated hydrophilic polymers, generally of a covalent or ionic nature, which interact with watery solutions, inflating to an equilibrium value. These can be relatively enduring, as in the case of cellulosic membranes used in dialysis or relatively less enduring, becoming less and less enduring as the water content increases, even though they vary according to the nature of the cross linking agent, the polymeric network, and crystallinity which can all influence mechanical behaviour [9].

Hydrogels are relatively subtle systems which balance themselves in the environment, thus enduring numerous alterations. The properties of such gels are highly dependent on reticular density and impurity content. In the case of synthetic polymers, they also depend on monomer traces, catalysts, and polymer stereospecificity.

Superficial and interfacial properties of hydrogels are relatively similar to that of biological gels and tissues. Also taking into account volume properties, these are really convenient in what regards medical and pharmacological application. Thus, there are numerous similarities between the gel/water interface and live cells/physiological solutions. Given the fact that the latter category is rather hard to study and interpret, the study of the former can lead to the uncovering of certain aspects regarding live nature.

Volume properties such as inflation can lead to the discovery of inflation and osmosis mechanisms in biological tissue, as well as to their use as implants that can inflate. On the other hand, their permeability to water soluble compounds with low molecular weight means that gels become a convenient method for the controlled release of drugs or for the transport of diluted substances, such as enzymes.

In what regards pharmaceutical applications, the mechanical properties of hydrogels are very important. For example, the integrity of drug release devices during the lifespan of the application is important for obtaining the FDA improvement in the USA. Moreover, the device is also designated as a biodegradable system. A drug release system destined to protect a sensitive therapeutic agent such as protein must maintain its integrity, in order to be able to protect the protein until it is released outside of the system.

COLLAGEN MEMBRANES

Gels and collagen solutions air dried at 25°C are transformed into films called membranes, due to resemblance to natural membranes (the placenta, the basal membrane, the dura mater, or the intestinal membrane). The duration of the drying process, the relative humidity of the air from the drying and the air circulation speed influence the morphologic structure of the collagen membrane. Membranes can be reticulated in gel phase or after their formation, through immersion in a fixation/reticulation solution containing aldehyde or another reticulation agent; less frequent, formaldehyde vapour reticulation is used.

Collagen membranes are semitransparent, even, elastic, and relatively enduring enough in order to be plied and rolled in tubes (fig. 3) [1]. They can either be one or multi layered and they can have textile insertions, which enhance their mechanical resistance.



Fig. 3. Collagen membrane

Composite collagen membranes can contain the same class of compounds used for obtaining of composite matrices. However, there is a restriction in what regards the percentage of added components. This depends on the nature of the compound and its solubility and reactivity towards the collagen gel. In composite membranes formed by powders of ceramic, hydroxyapatite, TiO₂, SiO₂ aerogels, modified natural silicates, cannot represent more than 5-10% of these compounds. The formation of composite collagen membranes from natural polymers or water soluble vegetable composites is more significantly influenced by intermolecular interactions which can lead to the co-precipitation of components [1]. Amongst collagen membrane-based bioproducts, the most important are related to:

- Gradual release capacity (drug delivery) through transdermal patches [11-13];
- Diffusion, electrical, and piezoelectrical properties, which manifest themselves with implantable bioproducts (tubes used for the regeneration of peripheral nerves);
- abdominal tissue and membrane substitutes used for guided tissue regeneration [14-16];

Till present date, on a national level, the following types of collagen membranes have been obtained:

- simple, uni and tri-layered membrane, used as myelin substitute in neurosurgery;
- tissue insertion membrane used as a substitute for the abdominal wall.

COLLAGEN MATRICES

As it has already been stated, applying the principle of lyophilisation drying of gels and collagen solutions leads to the formation of sponges with a macro, micro, and nano-porous structure. In this regard, collagen materials can be regarded as biofoams, xerogels, or aerogels. Specific to this structure is the very characteristic weight represented by approximately 0,02 g/cm³. The hydrophilic properties, represented by water absorption and water vapours, are specific to collagen matrices and account for a level of water absorption of up to 3000%. Matrices with various compositions and properties adapted to the field of use can be obtained: scaffold biomaterials, drug delivery implants and tissue replacements (skin, cartilage, bone) [17, 18]. The wide variety of matrices is obtained through the formation of composites at a micro and nanostructural level, when added components to the collagen gel do not surpass 30-40%;

Solubility of collagen matrices, either *in vitro* or *in vivo*, is regulated through solubility, particularly with aldehydes, through engraftment or the formation of intermolecular complexes. Collagen matrices can be used as a bioactive bandage to treat skin burns [19]. This collagen matrix is non-reticulated, soluble in the physiological environment. Because of this, it also represents an added protein supplement needed for the restoration of the skin's connective tissue. Collagen-based biomaterials have developed at an accelerated rate, demanded by the field of regenerative medicine, which requires a wide variety of implants, tissue replacements and prosthetics.

THE USE OF COLLAGEN MEMBRANES

Collagen membranes used as scaffold biomaterial for fibroblast cell cultures and skin replacements. When treating various skin lesions, complications arising for wound infestation can arise. In order to avoid this peril, collagen membranes are injected with antibiotics and other drug, which are slowly released in a time span of 48 hours. The purpose of local release is represented by the need to maintain a high concentration of the drug, without the innate toxic effects. In this case, collagen also has a protective role for the damaged tissues. Drug incorporation is realized before lyophilisation, in concentration around 0,1-5%, according to the composition and the mechanism of action of every drug or bioactive compound, such as cellular growth factors. Thus, collagen matrices containing 1-3% captopril, estradiol, diclofenac or gentamicin have been obtained [20]. The profile of release masses has been studied *in vitro*, in physiological serum for medicine contained in collagen matrices obtained at varying pH and varying drug concentration. The results were then correlated with the morphostructural properties of the matrices, represented by porosity and hydrophilic properties, so as to determine collagen-drug interaction models and to establish optimal concentrations for their immobilization in matrices [21, 22]. In order to ensure a constant release of drugs from collagen matrices, these must contain 0,2% diclofenac, 0,1 – 0,2% gentamicin [20].

THE USE OF COLLAGEN BIOMATERIALS IN THE MEDICAL FIELD

Biomaterials are natural or artificial materials used to redirect, complete, or replace live tissue functions in the human body [23]. According to Williams [24], a biomaterial is a material used as an implant or medical device which will interact with the biological system. The use of biomaterials dates back to ancient times: Egyptian mummies were found to possess artificial eyes, ears, teeth, and noses [25]. The Chinese and Indian peoples used wax, clay and tissues in order to reconstruct missing parts of the body. Throughout time, the development of synthetic material, surgical techniques and sterilization methods has allowed for biomaterials to be used for several purposes [26]. Currently, the medical practice uses a large number of implants and devices [27].

The use of collagen as biocompatible and bioresorbable material is well known, both internationally and nationally. Regardless of the novelties emerging in synthetic-based biomaterials, collagen as a natural polymer remains one of the most important biomaterial for connective tissue, where it represents the main protein. Collagen forms with these synthetic biomaterials compounds with a large range of application in medicine [28]. Collagen as a biomaterial can be used in a variety of forms and applications: injectable solutions for the eye, or subcutaneous, for cosmetic purposes, powders with haemostatic properties, suture wires, membranes for surgical restoration, implant sponges and tubular shapes to be used as vascular prosthetics or organ reconstruction material (oesophagus, tracheae).

Alongside the collagen biopolymer, various compounds can be part of the process meant to create biomaterials for medical purposes: proteins (elastin, fibrin, actyne, and so on), vegetable polysaccharides (celluloses and derivatives), animal polysaccharides (hyaluronic acid, heparin), bacterial compounds (chitosan, xantan, manan, and so on), a wide variety of synthetic polymers (polyacryle, polyurethane, polyester), a wide variety of biologically active compounds (enzymes, lipids, sugars, drugs, growth factors, cells and others), as well as ceramics.

CONCLUSIONS

Collagen is one of the most widely used biomaterials [29], being perceived by the human body as a constituent and not a foreign object [30]. The main variants of collagen as biomaterial are: acid or neutral solutions for dermal implants, gels combined with liposome for the controlled release of drugs, control materials for transdermal release, implantable hydrogels, ophthalmologic membranes, spongy membranes used as bandage for burns and wounds, haemostatic agents,

or cell culture support, microgranules and tablets for protein release, surgical suture wires, bony materials, transport agents for drugs and other physiologically active substances controlled release, and collagen-based penetrating networks.

REFERENCES

1. Trandafir V, Popescu G, Albu M G, Iovu H, Georgescu M, Bioproduse pe bază de colagen,
2. Mikos, A.G., Sarakinos, G., Leite, S.M., Vacanti, J.P., Langer, R., *Biomaterials*, 1993, **14**, p.323.
3. Mooney, D.J., Baldwin, D.F., Suh, N.P., Vacanti, J.P., Langer, R, *Biomaterials*, 1996, **17**, p.1417.
4. Cima, L.G., Vacanti, J.P., Vacanti, C., Inger, D., Mooney, D., Langer, R., *J Biomech Eng-T ASME*, 1991, **113**, p.143.
5. Lo, H., Ponticciello, M.S., Leong, K.W., *Tissue Eng*, 1995, **1**, 15.
6. Thompson, R.C., Yaszemski, M.J., Powers, J.M., Mikos, A.G., *J BiomaterSci-Polym E*, 1995, **7**, 23.
7. Whang, K., Thomas, C.K., Nuber, G., Healy, K.E., *Polymer*, 1995, **36**, p837.
8. Sachlos, E., Czernuszka, J.T., *European Cells and Materials*, 2003, **5**, 29.
9. Albu, M.G., Leca, M., *European Cells & Materials*, 2005, **10(1)**, 8.
10. F.Radu, V. Trandafir, M. Godeanu, M. Radu, *Rev. Soc. Rom. a Chimistilor Cosmetologi*, 2003, **3(4)**, 25.
11. Guzun Stoica, A., Ghita, C., Trandafir, V., *Journal of the Romanian Colloid and Surface Chemistry Association*, 1996, **1(1)**, 37
12. Ionescu Bujor, I., Trandafir, V., Zgiran, G., *European Cells & Materials*, 2003, **5(1)**, 7.
13. Silva, C.C., Thomazini, D., Pinheiro, A.G., Aranha, N., Figueiró, S.D., Góes J.C., Sombra, A.S., *Materials Science and Engineering B*, 2001, **86(3)**, 210.
14. Sousa, N., et.al., *Solid State Sciences*, 2002, **4(1)**, 43.
15. Rafiuddin Ahmed, M., Venkateshwarlu, U., and Jayakumar, R., *Biomaterials*, 2004, **25**, 2585.
16. Ber, S., Torun Köse, G., Hasırcı, V., *Biomaterials*, 2005, **26(14)**, 1977.
17. Lungu, A., Albu, M., Trandafir, V., *Materiale Plastice*, 2007, **44(4)**, 273.
18. Budrugaec, P, Trandafir, V, Albu, MG, *Journal of Thermal Analysis and Calorimetry*, 2003, **72(2)**, 581.
19. Brevet RO 52796, 1970.
20. Albu, B., Simion, D., Trandafir, V., Radu, M., Radu, F., *Journal of Colloid and Surface Chemistry*, 2005, **5(1-2)**, 13.
21. Radu, G.L., Caloianu, M., Ciucu, A., *St. Cerc. Biotechnol.*, 1987, **19**, 35.
22. Radu, G.L., Ciucu, A., Caloianu, M., „Suport colagenic pentru imobilizarea produselor biologice active” in *Microbiologie Industriala si Biotehnologie* (ed. N. Topala), vol. VI, 1988.
23. Black, J., “Biological Performance of Materials: Fundamentals of Biocompatibility”, Dekker, New York, 1992.

-
24. Williams, D.F., Cunningham, J., "Materials in Clinical Dentistry", Oxford University Press, Oxford, UK, 1979.
 25. Park, J.B., "Biomaterials Science and Engineering", Plenum Press, New York, 1984.
 26. Ramakrishna, S., Mayer, J., Wintermantel, E., Leong, W., *Composites Sci. and Technol.*, 2001, **61**, 1189.
 27. Park, J. B., "Metallic Biomaterials", Ed. J. D. Bronzino, 1995, 529–723.
 28. Lungu, A., Albu, M., Trandafir, V., *Materiale Plastice*, 2007, **44(4)**.
 29. Friess, W., *European J. Pharmaceutics Biopharmaceutics*, 1998, **45**, 113 – 136.
 30. James, M.P., *J. Biomedical Material Research (Appl. Biomaterials)*, 1996, **33**, 35 – 40.

Elements of National Identity in Nowadays Social Media

PhD. Lect. Oana Barbu-Kleitsch

West University of Timisoara

Faculty of Political Sciences, Philosophy and Communication Sciences

Abstract

International politics discourses, cultural representations, entertainment choices, touristic offers and other national identity facets give us numerous examples on how countries represent themselves on global scene. What's interesting for any social sciences research is that this is a process that goes parallel with the very present globalisation process. It is the new rule that sets the play of national and local actors. It is an ideological war, where everybody strives to obtain a better definition of nationhood in its member's eyes, as much as in the others perception, in order to negotiate a better position in the world's image perception and history. The balance between natural means and constructed narratives, in achieving these circumstances, represents a question for this paper. On the other hand, the globalisation of markets led to a standardisation of products and offers, which, by time, can lead to losing identities as individuals or national groups. As a reaction, this process has generated an intense search for authentic national products, stories and representations that are still able to play an important part as national focal points, a powerful bond between individuals to base their identity on, through differentiation between them and the others. Last but not least, the goal of sharing national identity elements, as underlined by its theorists and promoters, is also to oust prejudiced or incorrect perceptions about a certain nation and, propose an image that could lead to a significant positive understanding of a nation's specificity. This paper will try to present several social sciences theoretical perspectives, as, possible answers to the question on 'how to synthesise the complexity of a nation's specific in an adequate comprehensive image?' are highly debated nowadays. In a plural and globalised environment brought along with the rising of a fusion, multi-disciplinary field of knowledge, the identity of national groups becomes a topic of major interest for our research. Authors like Smith, Anderson, Anholdt, Gilroy and Barthes will provide us with a theoretical background for our research. Semiotical analysis, Content analysis and in-depth explanatory data were used to underline how newer generations perceive and replicate national identity symbols and references. Finding possible patterns in their shared online experience can lead us to a possible better understanding of their actual perception upon nowadays concept of national identity, shared and valued representations of their affiliation to a national group.

Keywords: Identity, national identity, globalisation, nation branding, myths, symbolic communication.

1. Theoretical framework

The concept of *national identity* has been analysed by various theorists and scholars using a multi-dimensional approach on the relationship between this and other social defined concepts. What rests persistent are some common assumptions that will be presented in this paper and will drive us to extract some of the primary features of this notion. According to Anthony Smith (1991) for example, the origins of nations and national identity can be found by interpreting *ethnic identity* as a pre-modern form of collective cultural identity. In his perspective,

"Collective cultural identity refers not to a uniformity of elements over generations but to a sense of continuity on the part of successive generations of a given cultural unit of population, to shared memories of earlier events and periods in the

history of that unit and to notions entertained by each generation about the collective destiny of that unit and its culture" (Smith, 1991, p. 25).

Smith also underlines that: 'there is a felt affiliation, as well as a cultural affinity, with a remote past in which a community was formed, a community that despite all the changes it has undergone, is still in some sense recognised as the "same" community' (Smith 199, p.33).

A national identity is essentially a multi-dimensional reality; it cannot be shortened to a single element when approached. This is the result of the fact that the shaping of national identity is by nature a subjective process that conforms to changes along the time. As Billig observes, any attempt to even it out across cultural barriers or to paste past constructions of national identity over the present day structures, will fail to acknowledge the intrinsic subjective and fluid nature of national identity. An "identity" is, therefore, a representation for "ways of speaking about self and the community", *your* self and *your* society and correspondingly, it does not develop in a social void but rather in a strong relation with manifested forms of existence, "identity is a form of life" (Michael Billig, 1995: 69).

The shape shifting nature of national identity is underlined in Tajfel's (1982) social identity theory. The author emphasis that "we" must categorise ourselves with a distinctive label, thus "we" are "Romanian" or "Serbian". This listing not only classifies us in our uniqueness, distinguishing us from "others", but also it functions as a national label, in a sort of universal code for naming nationality. Social identity is, in Tajfel's perspective, "a categorisation framework made out of sets of comparisons, with the purpose to contrast and emphasise distinctive characteristics among groups". The process he describes as parts of social identity formation implies an active progression: people set themselves to form "in-groups" by differentiating from others, as an active choice. By doing this, the new-formed group consolidates itself and underlines the blood links or other affiliations among its members. This provides them with a sense of belonging and continuity within the formed community.

A prime aspect of this theory is the fluctuating character of identity. The reasons determining people to identify themselves with social groups are based on various factors (race, class, gender, ethnicity, affiliations etc.). These are becoming primarily relevant in time and for different reasons, based on the social context. For this basis, when a particular group identity obtains prominence, in a particular circumstance, the actions of any member within the group will tend to be determined and channelled by the norms and goal of the whole group.

Summarising Smith's theory on national identity, we can now state that national identity is a multi-dimensional changeable reality characterised by five fundamental attributes:

1. historic territory or homeland
2. common myths and historical memories
3. a common, mass public culture
4. common legal rights and duties for all members
5. common economy with territorial mobility for members (Smith 1991: 14)

The fuller account of the deep roots of cultural memories does begin to provide a hint, for Smith speaks of national symbols being conveyed in taken-for-granted ways in so much of the life of a political community:

... flags anthems, parades, coinage, capital cities, war memorials, ceremonies of remembrance for the national dead, passports, frontiers, . . . national recreations, the countryside, popular heroes and heroines, fairy tales, forms of etiquette, styles of architecture, arts and crafts, modes of town planning, legal procedures, educational practices and military codes . . . all those distinctive customs, mores, styles and ways of acting and feeling that are shared by the members of a community of historical culture . . . (Smith 1991: 77).

Smith means to portray national identity as fully capable of holding a serious influence over the individual, and uses the terms "potent and durable" in describing the emotion of attachment that is reinforced by national ceremonies (1991: 78).

But nowadays, the mythical structure of national identity described by Anderson or Smith starts to be confronted by the emerging of other multiple complex structures and phenomena, like the social media sphere. The multiple mediums in which a national identity is shared and received have led to the conclusion that the idea of national identity as it is seen now has to be rigorously interrogated. Based on Smith's named national identity symbols, we will try to take a glance over the new ways of sharing young generation's national affiliation and identity.

Supporting inter-disciplinary research, we chose to explore the concept of national identity by taking into consideration Roland Barthes's concept of myths and mythology. For the French author, a "myth" is not a fabricated story, but the perpetual upholding of mass-culture upon the world. In his book, "Mythologies" (1957), Barthes is interested in what can be found beyond the images that we are daily exposed to, how these affect us ideologically, and whether or not we can pull apart a myth to reveal what lays underneath it. Barthes's discourse expounds how, what we appreciate as being natural, is in fact an illusive reality assembled in order to mask the real society's power structures. He tries to unveil how often nations have accredited mythical representations of national characteristics in order to sustain economic or political interests. According to this theory, what we appreciate today as being a new area of marketing theory has been utilised through history to hidden alternatives. Myths are living narrative structures developing alongside our society, context and identity. Still, in this emerging globalised society the way new generation perceive national identity is influenced by the content associated with it.

2. General structure of analysis: the social media context of nationalism

The question that rises refers to how nowadays digital generation deals with national membership, how do they relate to their national identity and which are the contexts in which they share it.

In his book, *Born Digital* (2010) Urs Gasser analyses the three types of public that animate the digital era, underlying that we now live in the first era of "digital natives", children who were born into and raised in the digital world. *Digital settlers* are defined as people older than teens who faced the transition between analogical and digital era. They are capable of using digital technologies, but still rely on traditional analog forms of interaction with a bit of nostalgia. *Digital Immigrants* are people that learned to use social media and e-mail late in their lives. They are those who use digital technologies for interactional use, not particularly social media, but e-mail lists. *Digital natives* are those who were born in the digital era and use digital means in order to communicate or express themselves. They do not remember a world with printed cards and post sent letters.

As Gasser characterises them, *Digital natives* live much of their lives online without distinguishing between online and offline worlds. Instead of thinking about their digital identity and their real-space identity as separate, they just have an identity with representations in several different spaces. One of their main features as a group is set by a set of common practices that links them, for example, the amount of time spent using digital technologies, their natural tendency to multitask, the tendencies to express themselves and relate to one another in ways mediated by digital technologies, or their almost "instinctive" defined patterns of how to use/access information, create new knowledge or art forms, are among those practices. The same author observes that for these young people, new technologies (computers, smartphones, tablets, consoles) are primary mediators of human-to-human connections.

Their 24/7 network linked communication is therefore starting to transform human relationship in fundamental ways - connected to one another and to the world of bits in this manner. *Digital natives* are constantly connected but the very relationship of their interaction is changing. Even though online friendship is based on the same structure as the traditional one (shared interests, frequent interaction, shared goals etc.), "they are often fleeting; they are easy to enter into and easy to leave, without a goodbye; and they are also perhaps enduring in ways we have yet to understand"¹.

In terms of information change, *Digital natives* experience information differently from their parents. "Many digital natives experience information to be malleable; it is something they can control and reshape in new and interesting ways"².

¹ Urs Gasser, *Born Digital* (2010), Basic Books; First Trade Paper Edition, pp.5;

² *ibid* p. 6

3. Analysis of targeted group social media activity

Three key concepts are related to our conceptualisation: nationalism, national identity and national consciousness (Hroch, 2000). As Hroch states, nationalism is the only ideological framework which promotes “the nation” as the highest political value and this may be crucial for understanding nowadays national consciousness even it is still to theoretical presented. People usually see themselves instinctively or empirically as members of nations (Geller, 1983), but most people do not express personal feelings or embrace political ideologies that could be called “nationalist”, rather their language and beliefs betray a national membership (Thompson, 2005).

On the other hand, another type of manifestation has taken the attention of the theorists, after Billing has first presented it in 1995: the concept of banal nationalism. Banal Nationalism refers to everyday representations of the nation which build a sense of national belonging. For example, the use of national flags in everyday contexts, spotting events, sharing or singing national songs, the symbols on national money, use of popular expressions, the use of *togetherness* (“our team”, “the voice of the people”, “together we win” etc.) are all representations of banal nationalism. Billing¹ also argues that the hidden power of modern nationalism makes it a very powerful ideology, partially because it remains largely unexamined and unchallenged, yet it remains the basis for political movements, ideological discourses, and most political violence from today.

Following a research conducted in 2007 by Steve Fenton, Department of Sociology, University of Bristol, UK, regarding the level of apathy and antagonism towards national identity among young adults, theorists suggest that we ought to reconsider any assumption that national identity is ‘normally’ a powerful and important marker, embraced with enthusiasm². As *Digital natives* are strongly associated with the modern idea of the individual, modern nationalisms require a certain level of individualism. This means that individual identity has a particular importance in modern nations:

... the modern discourse of national identity is closely linked to the idea of the individual. ... National identity assumes a special priority over other collective identities in the construction of personal identity (Calhoun 1997:125).

more so, *The individual does not require the mediations of family, community, region or class to be a member of the nation. Nationality is understood precisely as an attribute of the individual . . . the trump card in the game of identity (Calhoun 1997: 46).*

We turn again to Smith’s arguments to explain why national identity still makes an important impression on the individual – we handle the national money, we watch the parades and national enjoyments, we exercise the etiquette and the ways of acting and feeling, and we visit the countryside. This does not mean we will agree with all or treat it all as supremely important, but it does suggest that the message of national membership will be conveyed by, if nothing else, sheer routine and familiarity. But, then again, Smith’s interpretation fails to explain the link with an intrinsic understanding of national pride: people may experience things as routine and familiar, such as the coins, sporting events, or forms of etiquette, but still fail to link these things to national symbols.

So the question still stands: how does this digital generation relate to national symbols, and the secular values associated with them? Do they still believe in national pride and identity, do they still relate to it?

Therefore, our interest is focused towards observing how the young generation is perceiving the concept of “national identity” in today’s social media context. The targeted group are Romanian students, age 18-25, both male and female, who have an active Facebook account and share their daily experience in the online. We collect data related to national identity symbols and representation from their social media posts between December 2015 and March 2016 and interpreted them in the light of the theoretical background described above.

¹ Billig, Michael. (1995). *Banal Nationalism*. London: Sage Publications;

² Steve Fenton, “Indifference towards national identity: what young adults think about being English and British”, *Nations and Nationalism* 13 (2), 2007, pp. 321–339

Our empirical research showed that qualitative conversation-style evidence is especially suited to grasp some insight into how, and how importantly, our target views national identity. The period associated to our research covered Romania's National day (1 of December) when everybody, regardless their age expressed their sense of belonging to a national identity. National flags, traditional costumes and songs were shared on social media by all our subjects, some of them expressing their national identity with an active voice.

This 23 years old student (foto 1) chose to dress up in a parade uniform with the occasion of Romania's national day. His simple text "Happy birthday, Romania" shows a profound attachment to national symbols



La multi ani, Romania!



photo 1

Students part of the Erasmus program were particularly active around Romania's national day expressing their attachment to their country by posting flags and other national symbols. This 21 years old student (foto 2) actually composed a poem dedicated to his "homeland" that promotes an exaggerated national pride that "does not bow in front of others".



E-n genă, sau rasă dacă tu vrei
Să nu plec niciodată, să rămân lângă ai mei.
E-n genă, să nu fiu preș pentru ei
Eu nu am președinte, am voce și idell... See more



photo 2

His returning home expresses a feeling of comfort and safeness, as his Facebook post states “feeling safe in Romania” just as his plane landed. The refuge in nationality as a safe spot for his identity associated with family and friends is very much visible in this case.



photo 3

On the contrary, following their huge desire to share experiences and interactions, some subjects relate to national symbols with amazement, like this 21 years old student (foto 4) who recalls a discussion with his neighbour on the first of December. His wonder about why his neighbour displayed the national flag outside his window shows how relative national pride can become, as this student was not raised to value such symbols, as he declares. The fact that he appreciated his neighbour's intentions shows, on the other hand a particular sensibility to the gesture and a visible need to share his experience with the social media community.

The number of likes achieved (likes given also by people in the targeted group) show that the digital generation still appreciates national pride gestures, but more as a curiosity, as they do not understand such a desire to express national pride and they do not see it as a natural gesture.



photo 4.

Our ongoing research still observes the targeted group's behaviour and will soon analyse in a more conceptual way the presence of national symbols in digital generation's online communication. The period of time covered for this paper (1.12.2015 - 1.03.2016) managed to highlight some of the occasions in which they still feel the need to express their national belonging:

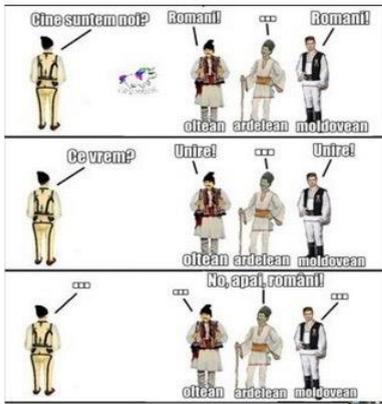
1. to mock a social situation in Romania. Digital natives are well known for their humour and satirical way of presenting social facts. The economical situation in Romania, corruption or political events are related to national symbols (such as flag, national coin or historical figures) in order to create a humorist context in which they can share their ideas, relatively debate upon them and generate laughing.



2. to engage people in common cause fighting. The digital generation empirically feel the power of national symbols and use them in the online to engage the community in a social or political cause. For example, the targeted group was particularly active between 14 and 24 of February 2016, as on 14th of February people around the world celebrate Valentine's day, while young people militate for recognising our own "love day" celebrated on the 24th of February. A mention must be made here: digital generation are more against imports of foreign celebrations and try to cling on traditional celebration. This attitude is not grounded in a sense of national consciousness, but more in a quest to find an identity.

3. To emphasise regionality. Digital generation is actively involved in promoting regional culture, as they recognise element of regional identity, specific habits or stereotypes associated to their region. Even if some are considered slow (from the Ardeal region) or manipulative (Oltenia region), traditional clothes, stories or jokes are used to emphasis on this topic

 Ioan Alexandru Costea shared Junimea's photo.
23 December 2015 · 🌐



 John Dillinger
12 December 2015 · 🌐



Amza Pellea-Daca vreti sa-i cunoasteti pe olteni
Amza Pellea-Daca vreti sa-i cunoasteti pe olteni

YOUTUBE.COM

For example, the post of a 21 old student is a video containing in itself an element of national identity; this, first, because of the actor Amza Pellea, recognised as one of the best Romanian players. Moreover, and more specifically, it can be seen the identification with the Oltenia region. The element of textual identity is present in this post in the name of the video, and in terms of visuals, besides the images in the short movie, you may notice the symbol "=" used by the subject in the description. The "equal" sign represents a strong and close association with the regional identity presented in the short movie he shared on social media.

The reality of digital generation shown in their social media posts highlights the fact that young people are conscious of the contexts in which national identity is evoked, but, they use national symbols with a temporary enthusiasm as 'just a bit of fun'. Indirect evidence in their social media sharing show how national identity is compared with other identities or related to them. Clearly young adults still speak warmly about local communities, family and friends. But it may be that, for many, national identity is weakly embraced not because it can give a foundation to other identities, but because many young adults seem more and more suspicious of collective identities. Their view of themselves as individualities is formed in relation to their life trajectories, their careers, families and friends, and a local digital community, not a national consciousness. But if national identity is considered to be located in the patterns of everyday life, it may be that young adults are failing to recall their national significance and prefer to use the myth of national identity to communicate personal points of view in a humourous way. The concept of banal nationalism that we referred to may be more banal than nationalism and the urge to analyse in a qualitative way the concept of national identity was never as striking as nowadays.

References

1. Anderson, B. 1989. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London;
2. Barthes, Roland. 1957. *Mythologies*. Paris, Editions du Seuil;

-
3. Day, Graham and Andrew Thompson. 2005. *Theorizing Nationalism: Debates and Issues in Social Theory*, New York: Palgrave;
 4. Fenton, Steve. 2004. 'Beyond ethnicity: the global comparative analysis of ethnic conflict', *International Journal of Comparative Sociology* 45, 3-4: 179-94.
 5. Gasser, Urs. 2010 *Born Digital*, Basic Books; First Trade Paper Edition;
 6. Gellner, Ernest. 1983. *Nations and Nationalism*. Ithaca: Cornell University Press;
 7. Hroch, Miroslav. 2000. *Social Preconditions of National Revival in Europe*, Columbia University Press; Reprint edition;
 8. Smith, A.D. 1990. *National Identity*. Harmonds-worth: Penguin Books;
 9. Tajfel, Henri. 2010. *Social Identity and Intergroup Relations*, Cambridge University Press

Characteristics of Human Resource Management in SMEs in Serbia

Azra Hanić

hanicazra@gmail.com

Živka Pržulj

Marija Lazarević-Moravčević

Faculty of Banking, Insurance and Finance

Union University, Zmaj Jovina 12, 11000, Belgrade, Serbia

Abstract

The aim of this paper is to answer the question of whether the practice of small and medium enterprises (SMEs) in Serbia represents the specifics of human resource management (HRM) in this type of enterprise. The paper contains the practice analysis of the human resource management as a precondition for creating competitive advantage of small and medium-sized enterprises in Serbia. The paper methodology is based on appropriate empirical research using a questionnaire, where the results were analyzed by the appropriate statistical method. The paper contains original research criteria in the process HRM in SMEs compared to large enterprises in a transition country that has not joined the EU. The research contributes to confirm the theoretical assumptions about the characteristics of HRM in SMEs and could have practical implications for the search for better professional solutions within the specific characteristics of SMEs. This paper presents only a part of the obtained results, which is the most important for the elaboration of the subject of this paper.

Keywords: SMEs, human resource management, competitive advantage, development, Serbia

Introduction

In recent decades SMEs have become the subject of interest of economic and management theory due to many advantages they possess compared to large systems, as well as the significance they have for the development of economy. The main advantage of SMEs is their flexibility. It is primarily their internal flexibility, having in mind the fact that small firms have less control over their environment than larger organizations (Harney and Dundon, 2006). That makes them more. Compared to large systems, the benefits can be found in the simple organizational structure, flexible and informal system of internal communication, specific relationship with stakeholders, as well as the absence of bureaucracy. That increases the ability to react quickly to changing circumstances (Levy and Powell, 1998).

The development of SMEs in Serbia as a transition country, which has not yet completed the process of privatization and restructuring of large state-owned systems, has elements of many years of communist ideology, the late development of private entrepreneurship, wandering in defining and creating the institutional framework of the economic system, the crisis which the country went through during the last century due to many years of sanctions and the lack of foreign investments. Small and medium enterprises and entrepreneurs represent a significant segment of Serbian economy. According to data

from 2013, SMEs in Serbia are represented by 99.8 % of active businesses and employing about two thirds of employees in the non-financial sector (National Agency for Regional Development, 2013). In the structure of the SMEs sector the most numerous are the micro-enterprises, but a dominant share in the basic performance indicators such as employment, turnover and GVA have economic entities that belong to the very category of small and medium enterprises.

Theoretical framework

The issue of human resource management in SMEs has long been neglected in theoretical sense, as indicated by the introductory text (Heneman and Tanesky, 2002) in one of the first special issues of the magazine Human Resource Management Journal on this topic. The authors call on the academic public to intensify academic research, presentation of practice and testing of hypotheses regarding the management of human resources in SMEs. The reason for that may be found understanding of Penrose (1959) that 'all the evidence indicates that the growth of the firm is connected with attempts of a particular group of human beings to do something ; nothing is gained and much is lost if this factor is not explicitly recognized.' Heneman and Tansky (2002) give a special touch in perception of the role of HRM in the growth and development of SMEs and the creation of competitive advantage, which is not less significant than in large enterprises.

In recent years, the issue of HRM in SMEs has become present in many magazines. The authors are most often concerned with identifying the specifics of HRM in SME (Brand and Bax, 2002). In addition, the complexity of the basic characteristic of HRM in SMEs is pointed out (Harney and Dundon, 2006). Brand and Bax (2002) point out several reasons why HRM has priority importance for the development of SMEs: human resources in these companies play a vital role in developing and maintaining a competitive advantage; in small enterprises it is especially notable because of the specific organization and the importance of each employee (individual), which increases the importance of each HR decisions.

Serious papers on the topic of HRM in SMEs are based on research and examples from developed countries. Unlike developed economies which have rich experience in the development of entrepreneurship, in transition countries the SMEs sector started to develop in recent decades . Due to the absence of adequate development policy and institutional support, and the backing by the state companies that have been destroyed in the privatization processes, in underdeveloped countries the development of the SMEs sector happens largely uncontrolled and without clearly defined goals. Companies are established as family businesses from an existential necessity, or are the result of carefully undertaken investments of large companies from developed countries.

Nooteboom (1994) starts from the three basic characteristics of small businesses: small scale, personality and independence. Based on these characteristics, the three key strategies are drawn: innovation, customization, and networking strategies. The diversity and flexibility are the main characteristics of the stipulated strategies (Brand and Bax, 2002), which are reflected in the human resource management in SMEs. Diversity is determined by a strong personal influence of the owners of these companies with different objectives, motivation (Baron and Kreps, 1999), value systems and habits (Brand and Bax, 2002), that shape up their behavior and key decision making. In addition, the size of these companies expressed in number of employees is determined by specific social and interpersonal relationships between employees and specific management form. Therefore, in these enterprises the following attributes are of special importance: loyalty, commitment and trust between employees and management. These characteristics of the employed often result in the lack of professionalism. Due to the practice of smaller organizations to usually hire relatives and acquaintances which the owners (managers) trust, limitation in knowledge and skills can often be found.

Company size significantly determines the way in which the division of labor is done in the organization. It also influences definition of positions in the hierarchy of responsibility, as well as implementation of the process of integration and coordination of various activities. In small-sized enterprises, which are in the early stages of growth mostly informal (simple) organizational structure is present. In fact, organizational structure, in the classical sense, does not exist in small

organizations. The process of organizing is done in the presence of weak specialization and departmentalization, high centralization and a wide range of control. The manager/owner makes all important decisions, participates and monitors all business processes.

In implementing the activities of recruitment, selection and development of human resources standard methods are commonly used that do not require high costs and that can be directly controlled by the owner (manager) of the company (Cardon and Stevens, 2004). Recruitment and selection is characterized by the use of informal methods and trial period as a means of checking the abilities of the candidates (Deshpande and Golhar, 1994).

The recruitment of candidates is usually done from the circle of relatives and acquaintances or through advertising in local newspapers, personal recommendations or recommendations from the staff. The usual practice is that simpler and cheaper methods are applied in the selection of candidates. The priority is given to the criterion of loyalty to the company (Serbian Chamber of Commerce, 2012). Preferring the criterion of loyalty excludes the possibility of hiring workers with the best qualifications and experience.

Relying on research by Julien (1998), based on 104 studies of differences of HRM in SMEs, Brand and Bax (2002) distinguish the following procedures in filling job vacancies: evaluation, internal referrals, references, use of job try-outs, while the less cited are the following: tests, training & development, HRM training, external recruitment assistance.

The flexible structure of SMEs has resulted in the need for employees whose professional profile is not clearly defined, who can do multiple jobs and be quickly and easily transferred from one job to another (mobility and flexibility). With high horizontal mobility, in SMEs internal vertical mobility is limited. Unlike large systems, employees in SMEs do not have great opportunities for vertical promotion.

Training is usually done in some form of mentoring and learning by model or is organized outside the organization (external training). Taking into account all stated above, in smaller organizations problems can be expected in the segment of employee motivation, especially regarding specialized experts. Less training due to limited resources is reflected in the development of employees and increased turnover due to poor opportunities for career advancement. Arthur and Hendry (1990) emphasize that and see the solution in specific job training, which have little value for other companies.

In smaller organizations the system of performance appraisal (evaluation) is often lacking as well as the effective system of rewarding the employees. Due to the fact that there is no possibility for career development and promotion, employee motivation can be extremely low.

Characteristics of the system of earnings bear the hallmarks of greater individual influence of the owners, lower earnings which are compensated by better work atmosphere and a more direct bond with performance (Brand and Bax, 2002). Salaries and benefits are more characterized by satisfaction and less by wages and fringe benefits, and working environment is characterized by the following: informal, personal atmosphere, open communication.

In organizations with a simple organizational structure and fewer employees (100) there is no practice of formation of separate organizational units that are responsible for carrying out activities in the field of human resources. When organization reaches a certain level in its growth and development there emerges a need to create an organizational unit that would be responsible for carrying out activities of human resource management.

By separating the department (function) for the implementation of human resource management or hiring experts in this field, human resources management gets a new dimension. In larger organizations there are conditions for more intensive

investment in staff development, career management, as well as the definition of an efficient system of incentives and rewarding.

Emphasized importance of human resources for business and competitive ability of SMEs supposes strategic approach to human resources management. Brand and Bax (2002) argue that 'HRM is a strategic factor in many small firms (although mostly not institutionalized) and that we should speak of and focus on SHRM'. That is explained by a high degree of dependence of SMEs on external environment and the need to adjust the internal environment to those requirements. In the context of all stated above, smaller organizations in relation to the larger systems dispose with a narrower range of strategic alternatives in the field of human resource management (Coulter, 2010). Due to the permanent lack of resources and small-scale business, managers of SMEs are forced to define and implement specific approaches to human resources management.

Results of the research

The practice of human resource management in Serbia is primarily associated with the problems of transition and transformation of the economic structure and characteristics of overall social development in recent decades. In addition, the modern concept of human resource management started to be implemented in the last 15 years (replacing the function of personnel). That practice was usually brought by foreign companies, while in the domestic enterprises it was applied partially or declaratively. That is accompanied with a lack of knowledge and education of experts in this field.

The survey conducted on a sample of 208 respondents employed in various positions in organizations in Serbia was aimed to check what the characteristics of the practice of human resource management are in companies of different sizes and whether the practice of SMEs has the characteristics indicated in the scientific literature in this area. The survey was conducted in 2014 on a random sample, which consisted of 52 % male and 48 % female. According to the degree of education the respondents are distributed as follows: 54.8 % BA, 19.2 MSc / MA, 7.7% high school graduates and 10.1% with secondary education. Of the total number of respondents 55.8 % were the middle and top managers, 38.5% operational executives and 5.8 % human resources managers. The survey included a set of statements about the practice of HRM with a five-item Likert scale. Independent variables included personal characteristics of respondents and specific characteristics of the organization. The data generated by the survey were processed using the statistical software package SPSS (Statistical Package for Social Science). The results obtained by method of descriptive and correlation analysis, ANOVA and MANOVA are summarized in the framework of a broader research, from which we abstracted data relating to the size of the company as one of the independent variables which was used for understanding the characteristics of human resource management in SMEs in Serbia.

The size of organization, measured by number of employees, proved to be a significant variable in explaining the diversity of HR practices in all of these fundamental aspects except for the characteristics of assessment and evaluation of employees (the level of significance 0.000 to 0.075). The high level of significance regarding the assessment of respondents on the practice of human resource management has proved to be the same with some other features of the organization as well, such as ownership structure, operating result and the way of using the services of HR professionals.

In addition to the size of organization, significant organizational variables are the ownership structure (private ownership, a mixed foreign and domestic ownership, foreign ownership and state ownership), operating results (profit vs. loss) and a way of using the services of HR professionals (separate unit, external experts, a professional person or within the responsibility of managers - the owners). The mean values of responses showed that most professional criteria and procedures are applied by foreign companies, successful companies and those companies that use the services of external experts for management of human resources. In consideration of the characteristics of human resource management practices by enterprise size, we used the mean values of responses. According to that statistical indicator, the main criteria

in the selection of candidates for employment in SMEs in Serbia are the knowledge and skills of candidates and recommendations from trusted people, while the political hiring is least presented, unlike large companies, in which the most commonly used criteria were political affiliation and interest (corruption) that decision makers may have.

Table 1: Application of the criteria in the selection and recruitment (mean values)

Criteria in selection of the candidates	The main criteria in the selection and election of candidates is knowledge and ability of candidates	The main criteria in the selection and election of candidates is recommendation by trustworthy people	The main criteria in the selection and election of candidates are political, kinship or national affiliation	The main criteria in the selection and election of candidates is an interest which may gain the one who makes the decision on employment
Up to 49 employees	1.29	.92	-.96	-.40
Between 50 and 250 employees	1.04	.83	-.69	-.48
Over 250 employees	.63	.65	-.17	-.17

Source: Hanic, A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

The result of research shown in Table 1 confirms the theoretical assumption that small businesses in the selection of candidates rely primarily on the criterion of trust with the expansion of the criteria on the knowledge and abilities. In medium-sized enterprises the most common is the practice of using professional services of HR professionals. These companies are forced to rationally use existing resources, which also applies to human resources. That can help in interpretation of other indicators in this table, and in particular the degree of denial of gaining individual interests through employment and discrimination against candidates. Despite the theoretical assumption that SMEs due to the speed and dynamics of business have shown more inclination towards employment of 'ready experts', our survey showed significantly presence of the understanding that the training and development of employees is an investment, as shown in the following table:

Table 2: Relationship towards development and training (mean values)

Development and training of employees	Development and training of employees is solely in their interests and their concerns, not an obligation of the organization	Development and training of employees is treated as an investment rather	Development and training of employees is considered to be a privilege of specific groups of managers and employees
Up 49 employees	-.22	1.01	-.82
Between 50 and 250 employees	-.29	.77	-.56
Over 250 employees	-.38	.34	-.35

Source: Hanic, A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

Despite the appreciation of the importance of training and development of employees, the results of certain studies (Serbian Chamber of Commerce, 2012) suggest that training in smaller organizations is mainly carried out *ad hoc* and without prior defining of educational needs. Trainings are conducted by inertia and without clear insight in the effects on performance, which indicates certain irrationality in the use of the limited resources which SMEs in Serbia have on their disposal.

Improvement and career development of the employees as a process of human resource management requires a certain level of attention of managers in monitoring capabilities and operating results and the room for career paths, which is often narrow in SMEs. That often requires appropriate professional procedures and knowledge of HR professionals, which small-sized enterprises cannot provide. Yet the very application of appropriate criteria may be encouraging for the development and better use of human resources. Our results show that the criterion of operating results, knowledge and skills in promoting the career development of employees in Serbia is significantly greater in SMEs than in large enterprises, in which the criteria of obedience and closeness with the managers are more present as well as the various forms of discrimination, as shown in Table 3.

Table 3: Improvement and career development (mean values)

Improvement and career development	Promotion and career development depends primarily on their	Promotion and career development depends on loyalty, obedience and	Promotion and career development are made ad hoc and according to the	In improvement and career development of employees different treatment is applied by gender, age, nationality.
Up to 49 employees	.85	-.19	-.05	-.95
Between 50 and 250 employees	.62	-.23	-.01	-1.05
Over 250 employees	.34	.06	.16	-.57

Source: Hanic, A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

Results of this research confirmed our hypothesis that in the SMEs evaluation and assessment of operating performance is rarely done according to pre-established criteria and procedures. The problem is particularly present in the organizations that belong to the category of small enterprises. Surely, it is affected by a lack of professional systems, procedures and practices of HRM that these companies can provide mainly by the use of consulting services.

Table 4: Performance appraisal (mean values)

Performance appraisal	Assessment and evaluation is done	Assessment and evaluation is carried out according to pre-defined period, and based on the assessment system founded on adequate criteria	Assessment and evaluation is carried out periodically, in cases of punishment, dismissal and remuneration of employees
Up to 49 employees	.09	.27	-.12
Between 50 and 250 employees	.13	.56	-.39
Over 250 employees	.26	.41	-.25

Source: Hanic, A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

Table 4 shows that the evaluation of operating performance in small enterprises is most often done *ad hoc* and based on personal assessment by the owners. Also, compared to medium and large enterprises, in smaller organizations there is no

practice of using appropriate evaluation system requiring specific professional knowledge and training of managers. Medium-sized enterprises to a greater extent apply appropriate evaluation systems and that process is less used for the purpose of punishment, dismissal or remuneration. In addition, it has to be understood that Serbia has traditionally collectivist (Hofstede, 1994) and egalitarian culture, which is an obstacle to acceptance of the concept of individual performance evaluation. Such systems of evaluation and performance appraisal are mainly applied by foreign companies from developed economies and brought from their home countries.

The method and criteria for determining individual salaries of employees in SMEs in Serbia are under the influence of different factors (legal, traditional, individual).

Table 5: Method for determining earnings (mean values)

The way and criteria for determining earnings of the employees	Employees' salaries are determined by contracting for each individual separately	Employees' salaries are determined on the basis of a prescribed system which is known to all	Employees' salaries depend only on the level of education and position	Salaries of managers are determined according to a fixed contract, and other employees	Employees' salaries are paid irregularly and with delay
Up to 49 employees	-.04	.56	.39	-.32	-1.26
Between 50 and 250 employees	-.35	.52	.23	-.23	-1.47
Over 250 employees	-.34	.58	.60	-.04	-1.37

Source: Hanic., A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

As shown in Table 5, salaries of employees in SMEs in Serbia are mainly determined by individual contracting, unlike large companies which are more prone to use the criteria of qualification and position in the organization. These results indicate a lack of adequate wage system in enterprises of all sizes, which would be known to all employees and thus could affect their behavior and work performance. Criterion of individual performance, i.e. operational results in determining the level of earnings in Serbia is rarely used, as demonstrated by other research (Vergutungsreport, 2013).

It is assumed that the layoffs and dismissals in SMEs are simpler and faster due to the need for greater efficiency, better use of resources and flexibility to market conditions.

However, Table 6 indicates that the practice of dismissal in SMEs in Serbia is less present than in large enterprises. A possible reason for this is the restructuring of a large number of large companies. On the other hand, the results indicate that in SMEs in Serbia dismissals often occur at short notice and without warning. That can be explained by the concentration of power in decision-making and the fact that in smaller companies employees are less frequently organized in unions, and the practice of labor relations is within the competence of managers (the owner).

Table 6: The ways of dismissal and announcement of dismissal (mean values)

The ways of dismissal and announcement of dismissal	Dismissals and firings are rarely practiced due to a good business plan and the required number of employees and a careful selection at employment	Dismissals occur without explanation at short notice	Prior to the dismissed worker is warned first orally and then in writing, and thus they are given the opportunity to be improved	In case of dismissal, employees are informed in writing without any discussion	In case of dismissal, the employee is enabled discussion and complaint
Up to 49 employees	.92	-1.10	.73	-1.31	.57
Between 50 and 250 employees	.58	-1.16	.79	-1.05	.38
Over 250 employees	.29	-.91	.82	-.78	.68

Source: Hanic., A. Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije

Results and discussion

Results of this research show that the characteristics of human resource management in SMEs in Serbia do not differ significantly from the general characteristics highlighted in the literature on this issue. First of all, a significant correlation is confirmed between the size of the company, as independent variable, and human resource management practice. In addition, a significant difference can be identified in the practice of small, medium and large enterprises. It points to the conclusion that small and medium-sized enterprises do not have the same characteristics.

In this study the hypothesis is confirmed that SMEs in Serbia used simpler, cheaper and less professional selection methods, such as the recommendations of people that can be trusted. However, it turned out that the knowledge and skills of the candidates in these companies are extremely important criteria in hiring, which confirms the assumption that these companies well understand the importance of human resources for competitive advantage and that they use resources rationally. The same is confirmed by the research results on the application of criteria for promotion and career development. That is confirmed by the results relating to the implementation of political, kinship and interest criteria, which are far less present in SMEs than in large enterprises in Serbia.

According to the results of this research, SMEs in Serbia give great importance to education and training of employees and consider it an investment, not a cost. However, the training is organized *ad hoc* in response to the pressing need or offer of educational content, and not on the basis of thoroughly studied educational needs. It calls into question the rationality of spending their own funds for the training and use of possible subsidies.

Our results confirm the hypothesis that, in the absence of professional support of the HR professionals, the process of evaluating and assessing performance appraisal is done in the form of an *ad hoc* evaluation by the manager (owner), which is less prominent in medium and large-size enterprises.

Results of this research, expressed through the mean values indicate that the individual determination of earnings is usually common practice in small enterprises in Serbia, and that in these companies the least used criterion is that of the degree of education.

Our research also showed differences in the way firing employees in small, medium and large enterprises. Based on the obtained and presented results, it can be concluded that in small companies recruitment is most carefully planned and people are rarely dismissed, but that decisions on possible dismissals are made quickly and at short notice, with little possibility of discussion. This may be attributable to the power of the owner (manager), as well as the lack of formalization typical for that type of company.

Conclusion

Human resource management in SMEs expresses certain peculiarities in relation to large systems. Although the modern concept of human resource management is unique, its application in practice of SMEs requires adapting to these peculiarities in terms of greater or lesser emphasis on specific activities and criteria.

The research outlined in this paper suggests that SMEs in Serbia, in spite of these difficulties, apply the criteria and procedures for procedures of human resource management which can provide a competitive advantage. However, and certain weaknesses proved, particularly in the field of development and utilization of human potentials, implementation of the system of evaluation and rewards. That shows the need for a higher level of education of managers (owners) of SMEs in the area of managerial skills, especially in the field of human resources management. Also, it emphasizes the need for more intensive use of consultancy services in this field.

Reference

- Arthur, M.B., & Hendry, C. (1990). Human Resource Management and the Emergent Strategy of Small to Medium Sized Business Units. *International Journal of Human Resource Management*, No. 1(3): 233-250.
- Baron, J.N., & Kreps, D.M. (1999). *Strategic Human Resource Management: Frameworks for General Managers*. New York: John Wiley & Sons, Inc.
- Brand, M., & Bax, E. (2002) Strategic HRM for SMEs: Implications for Firms and Policy. *Education and Training Journal*, Vol. 44, Iss: (8/9): 451 – 463.
- Cardon, M.S., & Stevens, C.E. (2004). Managing Human Resources in Small Organizations: What Do We Know?. *Human Resource Management Review*, No. 14 (2): 295-323.
- Coulter, M. (2010). *Strategijski menadžment na delu*, Belgrade: Data Status.
- Deshpande, S.P., & D.Y. Golhar. (1994). HRM Practices in Large and Small Manufacturing Firms: A Comparative Study, *Journal of Small Business Management*, No.32 (2): 49-56.
- Hanic, A. (2016) *Etički aspekti prakse menadžmenta ljudskih resursa u procesima tranzicije*. Doktorska disertacija. Sarajevo: Ekonomski fakultet u Sarajevu, 194-227
- Harney, B., & Dundon, T. (2006). Capturing Complexity: Developing an Integrated Approach to Analysing HRM in SMEs. *Human Resource Management Journal*, Vol. 16 (1): 48–73.

-
- Heneman, R., & Tansky, J. (2002). Human Resource Management Models for Entrepreneurial Opportunity: Existing Knowledge and New Directions, in Katz, J.A. and Welbourne, T.M. (ed.) *Managing People in Entrepreneurial Organizations, Advances in Entrepreneurship, Firm Emergence and Growth*, Vol. 5, Emerald Group Publishing Limited, 55 – 81.
- Hofstede, G. (1994). *Culture's Consequences*. SAGE Publications Implications for Firms and Policy, Education and Training Journal, Vol. 44, No. 8: 451-463.
- Lazarević-Moravčević, M., Pantić, O., & Filimonović, D. (2015). SME Sector as a Growth Factor of Employment in Serbia. *Proceedings: New Economic Policy Reforms*, Belgrade: Belgrade Banking Academy, 466-475.
- Levy, M., & Powell, P. (1998). SME Flexibility and the Role of Information Systems. *Small Business Economics* No. 11(2), 183-196.
- National Agency for Regional Development, Republic of Serbia. (2013). Research on the status, needs and problems of small and medium enterprises and entrepreneurs (SMEs) in Serbia. Available: <http://narr.gov.rs> (November 11, 2015)
- Nooteboom, B. (1994). Innovation and Diffusion in Small Firms: Theory and Evidence. *Small Business Economics*, No. 6:327-347.
- Penrose, E.T. (1959). *The Theory of the Growth of the Firm*. New York: John Wiley.
- Serbian Chamber of Commerce. (2012). Analysis of the results of research on the needs of the economy for knowledge and skills. Available on: <http://www.pks.rs> (December 5, 2015)
- Pržulj, Ž. (2007). *Menadžment ljudskih resursa*. Fakultet za trgovinu i bankarstvo „Jančiće i Danica Karić“, Beograd
- Stace, D., & Dunphy D. (1991). Beyond Traditional Paternalistic and Developmental Approaches to Organisational Change and Human Resource Strategies. *The International Journal of Human Resource Management*, No. 2(3): 263-84.
- Torrington, D., Hall L., & Taylor, S. (2004). *Menadžment ljudskih resursa*, Beograd, Data Status.
- Vergütungsreport Salary Report. (2013). Republic Serbian, Austria, Viena: Kienbaum Consultants.

The Advantages of the Acquisition of Idiomatic Units in Terms of Bilingualism

Assoc. Prof. Dr. Elona Çeçe

Sara Çeçe

(Exemplified by bilingual situations of Macedonian - Albanian [Based on the "Idiomatic Dictionary Macedonian - Albanian" (Албанско-македонски идиоматски речник) published in 2003 by the researcher Qemal Murati] and Albanian-English.

The aim of this (poster) presentation is to display:

1. a. an interpretation from the sociolinguistic viewpoint the phenomenon of linguistic co-coincidences (of about 900 units in Macedonian - English), viewing them as a consequence of possible linguistic transfers, as well as a phenomenon dependant on:

The grammatical features of these units

The sociolinguistic variables of age, education, profession

Speech registers

1. b In terms of bilingual situations of casual register, publicity style and others, the communicative competence of English-speaking individuals is characterized by the use of many idioms, which constitute an acceptable potential to become part of a "special language" or vocabulary in general.

2. The Advantages of the acquisition of idiomatic units during the linguistic training formation in the learning process are not only linguistic (as the speakers in this case have a high communicative competence), but also cultural.

3. The dynamic phenomenon of idiomatic co-coincidences creates a socio-psychological context of certain practices and mentality that allows the united Europe of juxtaposed cultures.

Keywords: idiomatic co-coincidence; communicative competence; socio-psychological context.

A Study of International Students' Exposure Acculturation in Terms of Food, Clothing, Ornamentation: The Case of Konya

Ramazan ÇAKIR

*Assistant Professor, Mevlana University, r.cakir@yahoo.com

*Yrd. Doç. Dr., Mevlana Üniversitesi, r.cakir@yahoo.com

Abstract

We observe a change in the borders between physical cultural elements and an increase in intercultural relations in countries where technology has advanced and spread rapidly. People find themselves in a process of enculturation in the environment where they are born and live. "Enculturation refers to sharing of life experiences accepted by the majority of the society to transmit to next generations with all dimensions of education" (Dilci ve Gür, 2012: 1503-1518 citen im Dolunay Akgül Barış, Ahmet Serkan Ece: 344). In a globalized world, transmission of fundamental material and moral values of Turkish culture to other nations, particularly to international college students who stay in Turkey for their higher education or language learning has increasingly become more important. Language teaching is, in a way, a transmission of culture. The aim of this study is to identify international college students' positive and negative exposure to Turkish culture and transmission from Turkish culture during their stay in Konya. The study aims to categorize and tabularize cultural values and transmissions gathered through structured interview and observation. A further aim is to provide suggestions regarding teaching Turkish as a foreign language based on the findings of the study. The sample of the study is composed of 286 international students aged 17-25 from 66 countries, who study in various programs at Selçuk, Necmettin Erbakan and Karatay Universities in Konya. Content analysis was employed as the data analysis technique. Data obtained from international students coming from Europe, Asia, America and Africa were analyzed and interpreted statistically within tables of topics, gender, length of residence and country of origin. Findings were interpreted and suggestions were made.

Keywords: Cultural transmission, international student, Konya, Turkish culture

The University Role in the Post-Totalitarian Societies: Influence of EU and International Institutions in Albanian Higher Education

Elona Mehmeti

Tirana University

mehmetielona@gmail.com

Abstract

One of the problems identified in Albanian Higher Education (at least in the last 20 years) is the bond that exists between the mission that it has and the vision that it is presented in development policies, reforms, strategies and legal framework from which derive these strategies. Is easily perceptible that proper studies on Higher Education are lacking, this fact often leads to the repetition of errors on higher education reform. On the other hand the lack of clarity has led to the loss of many opportunities on the possibilities of internationalization of Albanian Higher Education, especially regarding the benefits of European funds from EU.

The Study on the mission and vision of the Albanian higher education is part of a scientific research which will be presented at the PhD defense, however this poster aim to present some of the findings and analyzes related to the vision of Albanian in Higher Education.

The years that are compared are those on the Bologna agreement implementation, 2003 - 2007 which according to the analysis result as years with a clearer vision in its Top - Down enforcement policies.

Problem identification: One of the problems identified in Albanian Higher Education is his lack of vision, which then accompanies the lack of clear policies and reforms that will improve the system.

Challenges for a Population Policy in Romania

Dr. Iulian Stănescu

Research Institute for Quality of Life, Romanian Academy

stanescu.iccv@gmail.com

Abstract:

For more than a quarter century, Romania has experienced a demographic decline, losing 14% of its population compared to 1990. As with other Central and Eastern European countries that share the same problem, the main direct causes are a declining and persistently low fertility rate, below the replacement level, and mass migration to Western Europe due to economic reasons. The present policy setup in Romania could be best described as non-interventionist. There is no official goal to stimulate population growth by increasing the birth rate. In addition, financing for the main types of support are low: cash support for families (allowances, tax credits, and means-tested cash benefits), leave benefits for working parents (maternity and parental leave schemes), and childcare services for families (provision and subsidies). As the awareness of demographic decline issue has arguably increased, public debate is tentatively moving towards specific policy proposals. This paper looks into the main challenges for designing a population policy in Romania. Firstly, there is cultural legacy of the population policy from 1966 to 1989, which also aimed to increase fertility, mainly by banning on demand abortion and reducing the availability of contraception methods. Secondly, there is the issue of the present ideological and policy consensus at elite level for fiscal policy of low taxation and low social spending. Two outstanding consequences are an aversion to even horizontal redistribution and no of very low propriety given to social issues, particularly demographic decline. Finally, although survey data shows widespread public support for increased social spending, especially for children, qualitative research points to a soft or low support among the middle classes, especially the middle and upper middle strata regarding cash support for families.

Keywords: Romania, population policy, demographic decline, social policy.

Public Spaces and Relations Between Individuals

Erjona Fusha

University of Tirana, Faculty of Social Sciences

erifusha@gmail.com

Abstract

The nature of public space has changed remarkably during this century. This article aims to provide the concepts of public and private space in developed countries and Albania as well as in Tirana city. In the recent years the public space is becoming more and more private. Public space plays an important role in modern democracy. A large proportion of the government buildings, banks or tribunals around the world have blocked roads and their surrounding areas in order to prevent terrorist attacks. We can find easily such security zones within each region, thus bringing a new feature of the development of global cities. The perception of space by individuals is very important because it creates a connection between the space and individual in the urban life. In our daily activities we have a great need for interaction with other individuals in the public spaces. In the public spaces of the city or country where we live, we interact with other individuals, we hear and we see them too. These are called passive contacts which are not very powerful. This happens because individuals share the same residential area. From these passive contacts we can find other forms of interaction. A good example of this interaction is the game between the children who have just met on a playground. Some studies show that frequent meetings in combination with the daily activities increase the chances to establish relationships with the neighbors.

Keywords: public spaces, private spaces, interaction, global city and everyday activity

The Use of Twitter by Politicians During June 2015 and November 2015 General Elections the Case of Pdp**Assist. Prof. Dr. Ferihan Polat****Özlem Özdeşim Subay****Abstract**

Nowadays, one of the mechanisms used by politicians in order to reach mass over is social media with the development of information and communication technologies. In this sense, as a free social media tool, Twitter, is one of the most used social media websites with the features of diffusion of thoughts directly on Internet and easy accessibility. This study evaluates that how and for what purposes Twitter is used by the candidates of Peoples' Democratic Party during the June 2015 and November 2015 General Elections in Turkey. For this aim, Twitter accounts of two co-chairman of PDP Selahattin Demirtaş and Figen Yüksekdağ; Deputy Chairman of Parliamentary Group of PDP Pervin Buldan; Parliament Vice President of Group of PDP İdris Baluken and Administrative Authority of Parliament of PDP Sırrı Süreyya Önder are analyzed during two election times in one month period. As a result of this study, during two election times, differentiation of political language, decrease of peace rhetoric and hardening of opposite language as a parallel of the development of armed conflict in this period are observed in candidates of PDP which claims of being the party of Turkey peoples.

Keywords: 2015 June General Elections, 2015 November General Elections, The Political Use Of Twitter, Peoples' Democratic Party.

Business Movies as the Visual Representation of the Work Life Reality

Kerim Özcan

Yıldırım Beyazıt University, Business School, Ankara/Turkey
kerimozcan1@hotmail.com

Abstract

Every year millions of dollars are spent in film production. Big industries like Hollywood and Bollywood create large economies (McDonagh and Brereton, 2010). Over than 50 old and major film festivals are annually organized in all parts of the World. Many goods, services and spaces are produced to keep alive and regenerate the symbols, names, ideas and philosophies of the movies or the film characters. So, social, cultural and economic life of communities are affected by film industry. Some theorist, in this respect, believe that cinema helps to the creation of hyper-reality (Baudrillard, 1995) and it serves to the survival of capitalism by the culture it produces (Jameson, 1992). Though, to some extent, those assumptions seem a part of reality, cinema can also be contributive in analyzing and understanding the facts and phenomenons. One of them is the work life. It is clear that sometimes a film can frame the nature and dynamics of work life in a visible and striking way. As it is noted by Hassard and Holliday (1998) popular culture can exhibit more dramatic, more intense and more dynamic representation of works and organizations in comparison to text books and mainstream theories. Arts can teach much effectively than other materials (Nissley, 2010; Alvarez et al., 2004). While popular culture may be parallel to certain management and organization theories that play "servant of power" role in reinforcing the organizational functionalism, it may also reflect a critique on work and organization. Some intellectuals are skeptical about the popular culture however we should regard that innovative and insightful commentaries and critiques can be more visible within the popular culture (Rhodes and Westwood, 2008). With this in mind, this study attempts to interrogate what business movies say about work and organizational life. In other words the study tries to find an answer to two questions; i) how/if the main themes and focus of business movies change by the time, ii) if there is a difference between the viewpoints of American and non-American business movies? The second question rises on the assumption that popular culture is used for the reproduction of ideology (Jameson, 1992; Zizek, 2014). The comparison between two streams (mainly American and non-American) may help to develop an insight about their portrayal and critiques on work and organizational life. Relying on the aims of the study, the business movies produced in the last quarter century (1990-2015) will be examined with content analysis. The list of business movies made by some sources (i.e. Forbes, some web sites and Academic Experts) will be employed. However, since some of the movies are categorized as business movie due to its orientation on "organizing" issues and entities (i.e Godfather) the list will be filtered by its content and convenience. That's why some of them are excluded due to their indirect links to the business life.

Key Words: business movies, work, organization.

Parliamentary Control Functions: Kosovo Case

Msc. Vait Qerimi, PhD (c)

Lecturer in "Gjilani College" Gjilan, *Faculty of law*

vaitqerimi@hotmail.com

Abstract

One of the main functions of parliament, in democratic society, is parliamentary supervision of government. The control function determines, political activity of parliament, and includes a numerous instrument from those that, doubts the responsibility of government, to those of, simply informational manner. Main functions of parliamentary control are: To determine and prevent abuses, arbitrary or illegal behaviour of government and public organizations. Protection of, citizen freedom and rights, is on epicentre of this function. Demanding the explanation from the government for the manner of using the public funds, in order to improve the efficiency on public expenses, and prevention of financial abuses in administrative field. To efficiently supervise, the forecasted politics from government from government. To obtain, transparency of governmental activity, and to improve belief of citizens toward legal state system. Constitutional dispositions are those that determine values that have to be used by parliaments, in order to perform the control function, as are: parliamentary issues, interpellations, motions, debates, investigations, information, reporting's, etc. The ways of, how these values should be used, varies from parliament to another: Those are implemented upon demanded procedures of parliament regulations. The common attribute of them, is that, parliamentary control function, gets implemented from parliament commissions, and also from parliament as whole, in its sessions. The aims of parliamentary control consist on importance of implementation of this function, toward government. In parliamentary political systems, the government gives accounts to parliament, and parliament can initiate the vote of confidence for the whole government, throughout the complete mandate of the same. Legality of work process is obtained through this control, as for legal services functioning, and the complete system, as well.

Keywords: Parliamentary Control, Parliamentary issues, Interpellation, Responsibility

Minimum Inclusion Income, Romania's New Solution for Social Benefits

Codrin Scutaru, PhD

Research Institute for Quality of Life, Romanian Academy

codrin.scutaru@gmail.com

Abstract

Romania's efforts for reducing poverty and promoting social-inclusion started in a programmed manner in 1997 with the first National Anti-Poverty Strategy assumed by the Presidency. Since then, several documents have been elaborated by teams of specialists, some of them involving international institutions, and assumed by the Government. All strategies needed a feasible implementable and immediate measure that could start the implementation of the strategy. The Minimum Insertion Income has been acknowledged in 2015 as the main measure for reforming the social assistance system, being called by the main decision makers as the first social benefit that could stimulate employment. As it has been announced to the European Commission as a possible solution for activating the Roma population capable of working and other vulnerable groups, the expectations regarding this new social benefit are high. In the same time, the social assistance system of Romania lacks the main resources needed in order to implement any reform: the human resources. The country profile of Romania includes also important cities having an average of GDP per capita higher than the EU average and rural or remote areas, still under developed and with no perspective for development in the near future. The decision makers have the option of treating the incumbent social assistance system as a burden for the society or to treat it as a solution, as a social investment.

Keywords: Minimum Inclusion Income, Romania's New Solution for Social Benefits

Migration as a Social Problem, Today

Mona Simu, PhD. Cand.

Research Institute for Quality of Life, Romanian Academy

monasimu@yahoo.com

Abstract

Social problems are affecting people all over the world in various ways. Migration should be seen as the free movement of people at any time and any place, and not being a 'social problem' *per se*. Yet, "migration has been elevated to a top international policy concern" in recent years (Duvell, 2005, apud Leon-Guerrero, 2016). People are migrating, generally, for a better life. But recently, more and more, this (more or less) free flow of people, become associated with a growing number of social problems, especially in the countries of arrival. **Migration** became a problematic issue around the world, especially in Europe today, with the present 'refugee wave' issue. The paper aims to discuss **how** migration can be seen as a social problems source, today almost everywhere in the world, the **cause** for several social problems (both for the immigrants and for the resident population), **if** migration is mostly a social problems generator today, and also it intends to present some of these **issues** caused by migration. The attitude towards migration in the EU official documents will be also shortly presented and discussed. In my opinion, the article will bring a contribution to a better understanding of the multifaceted aspects of migration phenomena, today.

Means of Evidence in the Contested Procedure

M.Sc. Artan Qerkini

Abstract

This research paper addresses means of evidence in contested procedure, through describing and analyzing all means of evidence recognized under the Law No. 03/L-066 for the Contested Procedure in Kosovo (hereinafter LCP). This research, amongst others, provides for a comparative overview on certain important issues between LCP, the old Law on Contested Procedure in Kosovo which was in force until 2008, and the Code of Civil Procedure of Albania (hereinafter CCPr). Nonetheless, despite containing comparative elements, the research, in its entirety, aims to elaborate the means of evidence in line with LCP, while highlighting the strengths and weaknesses of relevant legal dispositions in Kosovo covering this matter. This paper will initially define means of evidence, the importance these means have on determining relevant and contentious facts between litigants, universally recognized facts as well as facts which must be necessarily determined through means of evidence. Following this, this paper will elaborate other institutes relevant for the contested procedure, as: object of evidence, obtainment and assessment of evidence, etc. This paper will initially provide a description and explanation of means of evidence foreseen under LCP of the Republic of Kosovo. Given that it is precisely the evidence administered in a contested procedure what gives direction to determining the merits of the case in a certain matter, this paper pays particular attention to evidence obtaining methods, starting from examination, evidence administration through experts, and party hearing. This research paper humbly acknowledges that it does not suggest that all elements and matters concerning means of evidence in contested procedure have been covered. Nonetheless, we are confident that it does cover the fundamentals of the addressed topic.

Keywords: means, evidence, contested, procedure

1. Introduction

Means and obtainment of evidence in the contested procedure represent vital procedural actions, which allow for verification of complete and fair factual situation, through which the court, as a state entity, guarantees an impartial and fair judicial process.

Means of evidence in the contested procedure serve for the verification of facts presented by the parties, or, verification of facts which need to be determined by the court *ex officio* in cases when the parties wish to dispose of the rights which they cannot freely dispose of. The main actions which the court undertakes in order to determine the material truth concerning the contested matter and every other judgment for the revealing of this truth is nothing but a recognition process.¹

We must note that the contested procedure only verifies those facts deemed relevant for dispute settlement. The court will determine which facts are to be considered relevant for the establishment of the factual situation which will serve as basis for applying the material law. In most cases, the court deals with the identification of those facts which belong to the past, which are inconsistent with the time the matter is being reviewed in the court.²

Concerning the evidence and their obtainment in the contested procedure, Article 321, Paragraph 1 of LCP, suggests that it is not necessary to prove facts which are universally recognized, and neither the facts which the court has verified in previous judgements. Universally recognized facts are those which the natural person is familiar with, as are, e.g. earthquake, floods, war etc. In view of the above stated legal definition we notice that even facts already established within previous final judgments/rulings do not request to be re-verified, even if applied in a different case. For example, should we assume that the final judgment has established that the damage has been caused and has also conclusively identified the

¹ Brestovci, Faik, *Procedura Civile I*, Universiteti I Prishtinës, Prishtina, 2006, pg. 231.

² *Ib Id.*

person responsible for the damage, in the contested procedure, for the reduction or increasing of the lifetime rent, the issue of (non-)existence of damages and responsible person will not be reviewed, given that said facts have already been established through the final decision of a previous judgment.

The essence of the contested procedure may only be achieved if the issued judgment in the procedure where contested facts exist between litigants is accurate. This, however, may only be achieved if the factual situation verified in the procedure is identical with the events in the past.¹

LCP has approved the subjective burden of proof, given that it is an obligation for the litigants to provide evidence through which relevant facts for dispute settlement may be established. In view of the adversary principle of the contested procedure, facts which have been affirmed during the proceedings do not need to be verified.

Means of evidence and obtainment of evidence are procedural actions which, in absence of an intermediate judgment², are highly important, given that the court cannot initially decide merely on the legal basis of the lawsuit, and only later address its height.

2. Evidence in Contested Procedure

Evidence in contested procedure indicates the use of means of evidence which are recognized within the LCP, for the verification of the factual situation, which must be necessarily confirmed in order to apply the material and legal norms which would assist in dispute settlement. In our procedural system, evidence, just as the ascertainment of the factual situation, is a mutual task between the court and litigants.³

The court reviews the evidence according to its independent understanding, as it deems appropriate, which indicates that the court is not dependent to a certain legal norm in how it evaluates the probative evidence. However, this does in no way imply that the court is completely independent in its assessment. The court still has a legal obligation to justify the basis upon which it has evaluated evidence as trustworthy, or vice-versa, why it has considered a certain fact as unsubstantiated.

The party in procedure must maintain an active role, given that due to dispositions set out in LCP, the parties are obliged to represent and provide the court with all relevant facts for dispute settlement, and put forth all evidence which helps determine the alleged facts⁴. As far as the active role is concerned, this may also be maintained by third party persons who participate in the contested procedure, as is, for instance, a mediator.

1.1. Object of Proof

Object of proof implies all contested facts between litigants which, as we previously noted, are relevant for dispute settlement. The main task of the court throughout the main review session is to differentiate the contested facts from those uncontested, and then, similarly, differentiate the relevant facts from those irrelevant for dispute settlement. It is not uncommon for the judge to be insufficiently prepared to review the case, which leads to a tendency to also review facts irrelevant to dispute settlement, which in fact is one of the main reasons the proceedings, and trial, are delayed.

Object of proof, are those facts which the litigants present to the court through different procedural steps, either through lawsuits, response to lawsuits, in the main hearing and all the way until the completion of the contested procedure.⁵

According to general principles of the civil law, legal facts imply facts which are relevant for the creation, modification or suppression of civil legal rights. Legal facts which may be manifested through natural events (for instance, one of the litigants requests to be exempt from the responsibility, given that non-compliance with the contract is a result of a vis major),

¹ Poznic, Borivoje, *Gradzansko Procesno Pravo, Savremena Adminsistracija*, Belgrade, 1999, pg. 228.

² LCP does not recognize intermediate judgment. This gives an even more significant importance to probative means compared to the importance given to them through the old LCP..

³ Brestovci, Faik, *Procedura Civile –I- Universiteti i Prishtinës, Prishtina*, 2006, pg. 232.

⁴ Poznic, Borivoje, *Gradzansko Procesno Pravo, Savremena Adminsistracija*, Belgrade, 1999, pg. 228.

⁵ Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 378.

and, the same, those which may be manifested through natural persons' actions (for instance, one of the litigants alleges that a contract has been unlawfully terminated one-sidedly), are also considered to be Objects of Proof in the contested procedure.

An object of proof may be a positive fact (e.g. existence of a contract), as well as a negative fact (non-existence of a contract).¹ Conversely, object of proof cannot be legal norms and neither civil legal institutions, but only those legal facts the (non-)existence of which brings about the implementation of the material norms.

Thus, in light of the above, we may conclude that object of proof implies facts manifested as natural events, that is, events in the causing or prevention of which the litigants cannot have an impact, as are, i.e. floods, earthquakes, explosion of nuclear reactors etc.; nonetheless, object of proof may also be natural persons' actions, as are, e.g. the fact whether the goods have been sent, whether the necessary actions have been undertaken for the prevention of damages, etc.; followed by a long list of actions potential of being defined as an object of proof.

1.2. Evidence as a Necessary Procedural Action

Evidence (proof), is presented as a mandatory procedural action in all cases where the parties' allegations are conflicting. Should one of the parties allege that a specific contract has been established, whereas the other party denies such establishment, these claims must be confirmed through specific means of evidence recognized by LCP. All means of obtainment of evidence must be in line with the legal requirements. Courts cannot use other means of evidence, apart from those specifically foreseen under the relevant laws. For instance, the court cannot request from the witness to give an oath based on religious rituals in order to obtain their testimony.

The answer as to which facts are relevant for dispute settlement would depend on the fair legal qualification of the contested legal matters from the court.² Generally speaking, the important facts that allow for the issuance of a decision in contested procedure are those which fall into the dispositions of the material legal norms through which the claimant defends his denied legal rights.³

Based on Article 322, Paragraph 2 of LCP: "[i]f the law does not foresee something else, the party that contests the existence of a right carries the responsibility to prove which fact was the obstacle."

If the defending party affirms the request for lawsuit of the claimant, through a response to the lawsuit, the court has no obligation to review the facts presented in the lawsuit, but may instead issue a decision based on the affirmation of the defendant. The only exclusion to this procedure would be in the event that the party which affirms the allegations of the claimant in the request for lawsuit, acts in contradiction with Article 3, Paragraph 3 of LCP.

Should the court form a negative impression on the truthfulness of a certain fact which is vital to the basis of the request for lawsuit, further proof concerning the defendant's denials will not be necessary. Should the court consider a certain fact provided from the defendant liable (e.g., that the request for lawsuit has passed the statutory limitation), attaining proof in relation with facts in which the claimant has based his lawsuit will be unnecessary.⁴

1.3. Cases in Which Evidence is Not a Mandatory Procedural Action

Contested procedure is a procedure based on which the parties are guaranteed with a fair and impartial judgment. There are certain situations in which the evidence obtainment procedure and evidence obtainment in general do not need to be undertaken. Such situations would occur when a party admits a certain fact; when we deal with universally recognized facts; and when we face legal presumptions also known as "presumptio juris".

¹ Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 380.

² Triva, Sinisha dhe Dika, Mihajlo, *Gradzansko Parmicno Procesno Pravo*, Narodne Novine, Zagreb, 2004, pg.485.

³ Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 381.

⁴Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 381.

a) Statement of Facts

Statement of facts is a unilateral procedural action of litigants, through which the parties ease the work of the court to a large extent, given that, as we previously noted, the facts affirmed by the parties do not need to be proven.

The above rule has an exemption to it, which has to do with the application of Article 3, Paragraph 3 of LCP, based on which the court will not accept the affirmation of the parties if through such affirmation the parties are willing to dispose of rights which they cannot freely dispose of. When we say 'rights which the parties cannot freely dispose of', we denote the disposal of rights which goes against the legal system, legal norms and ethical public norms.

Statement (or affirmation) of facts is a unilateral procedural action, through which a party in procedure declares that the facts set out by the opposing party are correct, even when said facts may be unfavorable for the party admitting their accuracy.

We may come across cases when the party is questioned by the court whether it affirms a certain fact or not, and it remains silent as opposed to expressly declaring that it does. Such passive attitude, or silent response, may be interpreted in three ways:¹

- The party affirms the fact alleged by the opposing party;
- The party objects the fact alleged by the opposing party; and
- The court will evaluate the silent answer of the party based on its own evaluation.

Different authors support one or the other presumption of the three. However, we may consider that the second interpretation is the most fair. That is, due to the fact that a passive statement (or lack thereof), according to analogy, is interpreted in line with the norms of the Code of Criminal Procedure, which articulates that should the defendant not give any declarations concerning his innocence, or guilt, it is considered that the party objects the existence of guilt. In this situation, silence cannot be construed as acceptance – in the contrary, it must be considered as an objection towards facts claimed by the opposing party.

b) Universally recognized facts

Universally recognized facts, are those which are well-known to all people, or to a large network of people, without having to prove them through means provided for within the law. The court considers the universally recognized facts as established due to procedural cost-effectiveness, but also due to the impossibility to prove them, which is why the court deems it unnecessary to assess their truthfulness. In this manner, for example, earthquake as a natural disaster is an undeniable fact and it would be highly unnecessary to request from the seismological agency to issue specific evidence to ascertain that the earthquake has indeed occurred. Otherwise, earthquake as a natural occurrence, could be relevant in contested legal issues if the party responsible for damages intends to defend its position precisely due to such natural event. Under these circumstances, the party will defend its positions claiming that said natural occurrence has prevented it from fulfilling the requirements as set out in the contract, and accordingly requests to be exempt from the responsibility of the damage caused. This natural event may be at times only known to a certain country or a number of countries, depending on its proportions.

However, for a fact to be considered as universally recognized, it must also be known to the court.² The party which may base its allegations on the lack of knowledge of such fact, may try to prove that said fact does not possess the qualities of a universally known fact. Should said party succeed in establishing the lack the 'universal' qualities for the alleged facts, then the latter must be established through evidence which will verify the accuracy and truthfulness of the opposing party's allegations that such fact is indeed universally recognized.³

C) Legal presumptions - "presumptio juris"

¹ Triva, Sinisha dhe Dika, Mihajlo, Gradzansko Parnicno Procesno Pravo, Narodne Novine, Zagreb, 2004, pg.490

²Brestovci, Faik, Ib Id, pg. 239.

³ Ib Id.

The facts which are provided within a legal norm, which contain legal presumptions, do not need to be proven. This implies that the existence of these facts is established through presumptions of the law itself.¹ When we deal with legal presumptions, we only need to verify the legal link between the occurred event and the fact foreseen within the law. This way, for instance, based on Law No. 2004/32 for the Family, the father of the child born in a wedlock, is considered the husband of the child's mother. Most of the legal presumptions are however, refutable, because the contrary may be substantiated. Here, for example, it may be verified that the father of the child born in a wedlock, may not necessarily be the husband of the child's mother.

Legal presumptions are not considered as contested by the court, if they are not initially contested by one of the litigants. An example may be drawn if we hypothetically consider a contested procedure concerning alimention (child support): If the child for whom alimention from one of the parents is requested was born in a wedlock, based on the legal presumption that the child's father is considered to be the child's mother's husband, the court will not deem it necessary to verify if the father from whom alimention is being requested, is indeed the biological parent. However, if the father, throughout this contested procedure objects his paternity, then, the court has an obligation to ascertain whether the father from whom child support is being requested is in fact the biological father.

II. Taking of Evidence

The legal system of the Republic of Kosovo (through different laws on different time-frames) has recognized both the active and passive role of the court concerning taking of evidence. This way, based on LCP and ex RSFJ, the court had an option of taking evidence ex officio, based on the principle of review and investigation.

Whereas, according to LCP in force in the Republic of Kosovo, the court, in principle, has a passive role in the taking of evidence, which implies that the court does not propose the taking of evidence ex officio, but instead, the parties in procedure have the burden of proof for their presented claims. By way of derogation, the court, based on Article 3, Paragraph 3 of LCP, may suggest the taking of evidence ex officio, if it considers that the parties are intending to dispose of rights with which they cannot freely dispose of. Mostly, the taking of evidence in this manner is applied in family disputes, especially when a child's alimention and custody is concerned.

Normally, taking of evidence is undertaken in line with the request of the parties. Through initiating such evidence obtainment, the parties act in accordance with their personal interests, but at the same time, fulfill their legal obligation to provide the court with all procedural materials.²

The idea of creating a passive role for the judge in the contested procedure has been an attempt to preventing the judge to initiate deliberate taking of evidence which could favor one of the parties, causing a legal procedural apprehension. This also serves as an effort to maintain the neutrality of the court as a state body which is independent and impartial. However, this aim of the Kosovar legislator, although significantly progressive and guarantees a fair and impartial trial, has its own deficiencies. The most substantial weakness of this system is that, in certain situations, the court may have insufficient professional knowledge for specific facts which appear as contested between the parties, in spite of which, the court has no right to propose an expertise ex officio. In cases when the opinion and observation of an expert in relation to contested facts is mandatory, and the parties fail to propose an expertise, the court will find it highly difficult to decide on disputed issues based solely on its merits and authority.

The taking of evidence is primarily completed in the main hearing, however, as an exclusion, this procedural action may also be undertaken before the main hearing, with the purpose of ensuring additional evidence. The decision on taking of evidence precedes the actual taking of evidence. This decision must specify the fact which constituted the object of proof and the means of evidence through which such fact will be established.³

¹Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 386.

²Poznic, Borivoje, *Gradzansko Procesno Pravo*, *Savremena Admistracija*, Belgrade, 1999, pg. 244.

³Poznic, Borivoje, *Gradzansko Procesno Pravo*, *Savremena Admistracija*, Belgrade, 1999, pg. 245.

A separate complaint against the decision which approves or dismisses the proposal for taking of evidence is not allowed, but this decision may be appealed against once the final judgments is issued, respectively, the judgment through which the contested procedure is concluded.

III. Evidence Proposing

Evidence, namely means of evidence, are proposed by the litigants through ways provided for within the applicable laws. Based on Article 402 of LCP, the court notifies the parties, through a summon letter for the preparatory hearing, on their obligation to represent all relevant facts which support their claims no later than in the preparatory hearing session, as well as all evidence which they deem relevant throughout the procedure. Nonetheless, the parties may also propose the taking of evidence throughout the main hearing session, if they manage to prove that the failure to ensure said evidence in the preparatory session was not due to their fault. The proposal for the taking of evidence must not be notional, but rather oriented in the establishment of facts relevant for the dispute.

The few competences recognized to the court for taking of evidence, which are of a supplementary character, do not represent a violation of the principle of availability of evidence. For instance, the calling of an expert by the court¹, which is not an evidence but a mean to obtain and assess the evidence (Article 224/a of CCPr), the questioning of the parties which has more of an explanatory and supplemental nature, rather than investigative (Article 283 of CCPr), or the examination of the people and things primarily decided for by the court (Article 286 of CCPr).²

In the Kosovar procedural law, the principle of judicial investigation has been abolished, however, as an exception, the court applies it in specific cases. This principle is mostly applied in family disputes which deal with child custody. In such disputes, even if the parents agree upon which parent will be given child custody, the court must *ex officio* obtain evidence whether the appointed parent fulfills the conditions required for the upbringing of the child.

The Court must abide by and decide only on the basis of means, explanations, documents and evidence indicated or brought forth by the parties (Article 20 of the CCPr), through thoroughly examining all the circumstances of the case.³ Therefore, in light of the above, we can conclude that the facts and means of evidence through which relevant facts are determined are in principle proposed by the parties, and exceptionally *ex officio* from the court.

IV. Means of Evidence

Means of evidence imply things and people which allow for the court to be introduced to relevant facts for dispute settlement. LCP recognizes five types of means of evidence: site examination (sight-seeing), documents, witnesses, expertise and hearing the parties.

4.1. Examining the sight – Sight-seeing

Sight-seeing is a mean of evidence through which, with the help of senses, the court (respectively the judge in the case) verifies relevant facts or clarifies circumstances relevant for the dispute. Based on the legal definition, sight-seeing is undertaken each time it is deemed necessary to establish a fact, or clarify a specific condition, for which direct examination of the sight by the court is necessary.⁴

Example: The Judge arrives at the scene and observes the signs of vehicle braking; the judge visits the plaintiff's residence to determine the noise coming from the defendant's apartment so as to determine the obstruction of possession; the Judge orders the Claimant to bring the product to the court, to determine that its logo or appearance represents a breach of a protected trademark, as provided for within the law.

¹⁹ LCP does not foresee the possibility for the court to *ex officio* propose obtainment of evidence through expertise, except in cases where application of Article 3, Paragraph 3 is concerned.

²⁰ Alban Abaz Brati, *Procedura Civile*, Botimet Dudaj, Tirana, 2008, pg. 284.

²¹ Alban Abaz Brati, *Procedura Civile*, Botimet Dudaj, Tirana, 2008, pg. 285.

⁴ See Article 326 of LCP

Examination of sight is realized in ways most appropriate for fact establishment, to be determined through this type of means of evidence. The court will observe the disputed item at its sight, only when it is structurally impossible to bring the object to the court.

Example: If the object of dispute is the proof of ownership of an immovable object, it is naturally unfeasible for the latter to be brought to the court, for which reason the judge needs to observe the property through examining it at its location.

In the event that the object which needs to be examined is in the possession of the opposing party, and the latter refuses to allow its examination, we apply the dispositions stipulated within the LCP which provide for ways of receiving proof from third parties. The same applies in cases when the disputed item is in the possession of a state body.

4.2. Documents

Due to a traditional division, documents may be of private or public nature. Private documents are those which have been drafted by persons with no public authority, e.g. a contract for sale of a certain amount of mobile phones established between two private companies, is considered a private document given that private companies are not entitled to public authorizations.

Unlike private documents, public documents are those drafted and issued by public authorities within the limits of public authorizations.

Example: The Single Administrative Document (SAD) is a public document, because it serves to determine the value of the imported goods. Should it be disputable whether said goods have entered the Republic of Kosovo, such thing may be verified through presenting the SADs', which are public documents, due to its drafting by the public authority – the Kosovo Customs.

Based on Article 329 of LCP, documents which have been drafted by public authorities within the limits of their competences, as well as documents which have been drafted in ways specific for particular entities as provided within the law, prove the accuracy of its content.

LCP, however, also provides for the possibility of arguing that the public documents have not established the facts accurately or that they have been improperly drafted. It is not a rare occurrence that the public documents contain incorrect data. In the example given above, the Custom SAD may contain incorrect data concerning the amount of goods delivered, the origin of the goods etc; Therefore, if the actual amount of goods which have entered the country is being contested, the parties have the right to establish, different from what is provided in the SADs, that the data in the latter is incorrectly listed, and instead, establish that the amount of goods which entered in Kosovo have been lower, or higher, from what the SADs provide.

If the document is in the possession of a state or legal body who has been entitled to public authorizations, whereas the party is incapable of providing such document, the court will, according to the party's proposition, obtain this document *ex officio*. Sometimes, the question arises as to which legal persons have been entrusted with public competencies, and whether commercial banks fall within that category. Based on the previously stated disposition (Article 332 of LCP), the court may compel commercial banks to submit the bank statements of the respondent, in line with claimant's proposition, in order to examine such statement as an evidence to the contested procedure. We consider that the court, based on Article 332 of LCP, may enforce such request upon banks. That is due to the latter's licensing from the Central Bank of Republic of Kosovo, which by itself entitles them to exercise certain public authorizations.

Should one of the litigants claim that the document is within the possession of the opposing party, the court will issue a decision which obliges the opposing party to provide the court with the document to then serve as a probative item. If such document pertains to both parties alike (e.g. a written contract), or if the party itself refers to a specific document, that party may not refuse to submit said document. In the event that the party that has been requested to provide the evidence denies its possession, the court will investigate such matter. One way to examine such possession would be the direct sight examination, witness hearing or party hearing. In this respect, scientific proof will also be administered as an evidence.

Example: Through the e-mail dated 19 October 2012, the respondent has sent an e-mail informing the claimant of the confirmation and acceptance of contract, adding that the same has been protocolled in respondent's archive with the protocol No. 123/2012.

If the party who possesses the document is not willing to submit it to the court, acting in contrary to the decision of the court for the submission of such document, or denies the allegation that it indeed possesses said evidence, the court will use its own discretion to assess the significance of these claims. Before deciding that the party has failed to comply with the court's decision due to party's inaction and denial that such evidence is within its possession, the court must initially justify its findings through available evidence.

In this case, the establishment of contract between litigants is not contentious, given that the e-mail dated 19 October 2012 shows that the respondent has notified claimant for acceptance and confirmation of the contract, adding that it has also been protocolled. Additionally, the litigants have confirmed the same. In this situation, the court will consider the existence of such contract as founded therefore ascertaining that the parties have entered into a legal contractual obligation.

4.3. Witness evidence

A witness is a natural person, whose duty is to provide the court with declarations concerning facts obtained through the use of senses (seeing, listening).¹ The witness differs from the expert in so far the nature of evidence is concerned. The witness does not offer its own opinion in relation to the facts, but rather verbally argues what it considers happened in the past. Only persons capable of providing information pursuant to facts relevant to dispute settlement may serve as witnesses.

The necessity and aim for the fair and right verification of facts has influenced the issuance of rules which regulate the obtainment and means of evidence, which also represents a general civic obligation.² However, evidence obtainment through witness listening is still the most disputed and questionable mean in the contested procedure.³

One must be over 14 years old to be eligible of becoming a witness in a contested procedure, whereas minors below that age can only be questioned as witnesses if their say is vital to dispute settlement. It is evident that the ability to serve as a witness is gained at the same age with legal capacity, as set out in Law No. 04/L-077 on Obligational Relationships.

It is not a rare occurrence for the courts in the Republic of Kosovo to propose the taking of evidence through witness hearing, without prior specifications as to which facts must be verified through such hearing. There have been cases in trade disputes, when despite the existence of scientific evidence, the taking of evidence through witnesses has been proposed without prior ascertainment as to what the witness is ought to prove. In respect to the facts which need to be established through witness listening, Article 340 of LCP stipulates that "The party that suggests a witness should beforehand tell what the person will testify about."

A witness has four main tasks in contested procedure:

1. The witness is obliged to respond positively to court's summoning letter;
2. The witness is obliged to tell the truth;
3. The witness must tell everything he/she knows concerning the facts it testifies about; and
4. The witness is obliged to answer the questions set out by the court and litigants, or litigants' representatives.

Insofar the legal obligation for testimony is concerned, there are some limitations. Based on Article 6(1) of the European Convention for Human Rights,⁴ the right to testimony must imply the inalienable right to an impartial and fair procedure. However, limiting this right through national legislation does not necessarily indicate its violation.

There are certain restrictions foreseen for particular persons in serving as witnesses, due to the general interest, whereas some specific people may refuse to testify due to their relationship with either of litigants. To better illustrate this, we will cite Article 341 of LCP which emphasizes that "Witness cannot be a person if his/her testimony reveals an official secret or military secret until the competent body relieves him/her from the duty."

¹ Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 406.

² Morina, Iset ; Nikqi, Selim , *KOMENTAR, Ligji I Procedurës Kontestimore*, GIZ, Ministry of Justice, Pristina 2012, pg. 607.

³ Ostojic states that the power of hearing of witnesses must be considered only if the contested facts addressed by the witness may also be established through other evidences.

⁴ Which, according to Article 22 of the Constitution of Republic of Kosovo, is directly applied in the Republic of Kosovo.

There are, however, other people who are exempt of the obligation to give testimony, i.e., the lawyer, concerning facts he has been informed of through representing the party in procedure; the religious cleric, for the information the party has entrusted him with through confession; proxy representative, for the facts revealed through representing the party in procedure etc. In the event that the lawyer who has been entrusted with representing the client reveals information protected by the lawyer-client relationship, not only did he/she violate the dispositions within LCP, but also the Code of Professional Ethics for the Lawyers, and consequently he/she must be subject to disciplinary sanctions and procedures.

Witnesses are heard separately, without the presence of the witnesses who will be heard after. The possibility for hearing the witnesses in their own apartment is recognized in case they suffer from a disease which prevents them from being present at the court. The witness testifies on matters relevant for dispute settlement, namely matters for which the witness has been summoned to testify. After such testimony, the witness may be cross-examined from the judge, the parties and their representatives, in order for such testimony to be verified, complemented or clarified.¹ The judge must not allow for suggestive questions to be addressed to the witness (questions whose wording leads to a specific type of answering) as well as questions which are beyond the disputed subject.

4.4. Expertise

Evidence obtainment through expertise is applied in cases when the facts which need to be clarified need professional knowledge lacked by the court. In the contested procedure, the necessity to engage experts in different scientific fields arises significantly often.

Based on Article 356 of LCP, the court, based on parties' propositions, may request an expertise for specific facts, each time the necessity for professional scientific knowledge is required.

It is worth noting that, different from LCP of 1977 which was applied in the Republic of Kosovo until July 2008, the current LCP does not provide for the so-called "superexpertise". Based on 1977's LCP, if there were contradictions between the experts' declarations, or if the expertise developed by the experts was self-contradictory or inconsistent with scientific rules, the court was entitled to order a superexpertise.

According to the LCP in force, should the data of experts differ substantially, or if their findings are unclear, incomplete or self-contradictory, and these deficiencies cannot be remedied by repeating the listening of those experts, it will order a repetition of expertise with the same or different experts. The expertise is always ordered through a decision issued by the court, which must, *inter alia*, determine: the contested object, the volume and content of expertise, the deadline for submission of opinion and conclusion etc.

Setting the object of expertise has a particular importance. We may often encounter a legal practice within the courts where issued decisions do not specify the object of expertise. These situations cause inconvenience even amongst the experts, as they cannot exceed their scope of expertise appointed by the court. It is worth noting that even experts sometimes provide assessment of legal issues which is entirely beyond their scope and must in no way be allowed. The primary and sole focus of experts is to offer their opinion regarding facts relevant for dispute settlement. Legal issues within contested procedure may only be weighed in by the court, and the latter is the only authoritative body to assess those matters. The Code of Civil Procedure of the Republic of Albania, exclusively stipulates through its Article 224/b that "it is not for the expert to offer a legal opinion".²

The obtainment of evidence through expertise is often criticized in the legal doctrine and practice. Judges are often criticized for ordering expertise, not only for evaluating factual information, usually of a technical nature, but also for indirectly allocating the power of interpreting and assessing legal norms to be applied, hereby illegally delegating their competencies to the experts.³

Nonetheless, I consider that evidence obtainment through expertise is mandatory each time a dispute settlement is in need of professional knowledge in different fields of science. This way, for example, a judge does not possess professional knowledge to determine the intensity and duration of physical pain of a person injured in traffic. Therefore, we can conclude

¹ Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 411

² Article 224/b (Law no.8812, dated 17.05.2001) of Civil Procedural Code of the Republic of Albania.

³ Simoni, Alessandro et al, *Veshtrim Krahasues mbi Procedurën Civile*, Tiranë 2006, pg.245.

that despite the skepticism about expertise as a mean of evidence, it has been, and remains one of the most important means of evidence in contested procedure.

4.5. Hearing of witnesses

The hearing of witnesses is also considered a probative tool, regulated within LCP, disposition 373 through 378. The Code for Civil Procedure of the Republic of Albania also regulates this matter through articles 281 – 285.

Different from LCP, CCPr, in its Article 282, foresees that the court's statement of the case may be given verbally or in any procedural act signed personally by the party. LCP does not recognize a verbal statement.

LCP regulates the exact way for obtaining this evidence specifically and clearly. The law provides that should the party lack legal capacity, its legal representative must be questioned as a substitute. Whereas, concerning the legal entity, the person responsible of representing said entity is entitled to giving testimony, always according to the legal norms. In the event that the dispute is between numerous litigants, the court will, based on its discretion and reasonability, determine if all of them will be heard.

For comparative purposes, we consider that it is worth according a critical review to Article 284 of the CCPr of the Republic of Albania, according to which, the party cannot use notes prepared in advance while questioning, except in situations when given answers contain complex calculations which are hard to remember. In view of the difficulty to determine which data is "hard to remember", we consider that this disposition lacks "ratio juris".

V. Conclusion

General principles for evidence obtainment are foreseen in Articles 319 through 325 of LCP. Article 319 addresses the principle of addressing evidence by the parties, which makes LCP part of a majority of continental procedural systems. Based on this article, each party bears the burden of proof for those facts upon which it wished to base its claims. For the facts proven by legal presumptions, the party to whose favor such facts go is not obliged to provide evidence.

We must be particularly attentive towards recognizing the fact that the only issues to be verified in the contested procedure are those relevant for dispute settlement between litigants. Taking evidence irrelevant to dispute settlement will only delay the procedure and consequently, goes against the principle of efficiency, stipulated under Article 10 of LCP. Parties need to be cautious in such way as to only propose means adequate to evidence obtainment. Legal facts cannot be established through inadequate means. That goes to say that, for instance, psychological pain experienced by the litigant in disputes for immaterial damages cannot be verified through witness hearing, because that would be construed as inadequate. Concluding these facts, relevant to the procedure, will have to be completed through engaging experts in the field of psychiatry.

In light of the above, we may conclude that the general principle that concerns the obtainment of evidence by the court only allows for obtainment of evidence relevant to dispute settlement, which are also legally admissible. On the contrary, proposing evidence unrelated to the object of contest, will be found as inadmissible, because, not only does it fail to realize the purpose of assisting the court to issue a fair and impartial decision, but delays the legal procedure overall.

References

- [1] Alban Abaz Brati, *Procedura Civile*, Botimet Dudaj, Tirana, 2008, pg. 284.
- [2] Alban Abaz Brati, *Procedura Civile*, Botimet Dudaj, Tirana, 2008, pg. 285.
- [3] Brestovci, Faik, *Procedura Civile –I- Universiteti i Prishtinës*, Prishtina, 2006, pg. 232.
- [4] Brestovci, Faik, *Procedura Civile I, Universiteti I Prishtinës*, Prishtina, 2006, pg. 231.
- [5] Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 378.
- [6] Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 380.
- [7] Jaksic, Aleksandar, *Gradzansko Procesno Pravo*, Belgrade, 2010, pg. 381.

-
- [8] Jaksic, Aleksandar, Gradzansko Procesno Pravo, Belgrade, 2010, pg. 386.
- [9] Jaksic, Aleksandar, Gradzansko Procesno Pravo, Belgrade, 2010, pg. 406.
- [10] Jaksic, Aleksandar, Gradzansko Procesno Pravo, Belgrade, 2010, pg. 411
- [11] Morina, Iset ; Nikqi, Selim , KOMENTAR, Ligji I Procedurës Kontestimore, GIZ, Minsitry of Justice, Pristina 2012, pg. 607.
- [12] Ostojic states that the power of hearing of witnesses must be considered only if the contested facts addressed by the witness may also be established through other evidences.
- [13] Poznic, Borivoje, Gradzansko Procesno Pravo, Savremena Adminsistracija, Belgrade, 1999, pg. 228.
- [14] Poznic, Borivoje, Gradzansko Procesno Pravo, Savremena Adminsistracija, Belgrade, 1999, pg. 244.
- [15] Poznic, Borivoje, Gradzansko Procesno Pravo, Savremena Adminsistracija, Belgrade, 1999, pg. 245.
- [16] Simoni, Alessandro et al, Veshtrim Krahasues mbi Procedurën Civile, Tiranë 2006, pg.245.
- [17] Triva, Sinisha dhe Dika, Mihajlo, Gradzansko Parnicno Procesno Pravo, Narodne Novine, Zagreb, 2004, pg.485.
- [18] Triva, Sinisha dhe Dika, Mihajlo, Gradzansko Parnicno Procesno Pravo, Narodne Novine, Zagreb, 2004, pg.490