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## The Genogram in Helping Relationship

Lejda Abazi, PhD Cand.

Faculty of Human Sciences, Department of Education

"Ismail Qemali" University of Vlora

### Abstract

*The Genogram is a graphical tool used by family therapists to systematize the chronologically and the composition of the family in question and parental relationships within it. The family therapist draws the genogram of the family and analyzing it as a team, draws on assumptions and dysfunctional aspects of strategic solutions that will then occur in session. The Genogram certainly draws from the idea of genealogical tree, but its attribution of authorship is clearly not shared. According to Anne A. Shutzenberger [1], for some it is traced back to Genosociogramma Henry Collomb, from genealogy (family tree) and Sociogram (representation of links and relationships), which he developed in Dakar and exhibited in Nice in 1978, starting from the reflections JL Moreno; for others it is traced back to Murray Bowen (referring to the conference on family therapy in 1967) and then to the conceptualization of the Group of Palo Alto [2] in California. In fact, for both processing paths of the genogram, distances seem shorter epistemological finding themselves in a ring of union in Frieda Fromm-Reichman, the first researcher who started filming family sessions with schizophrenic patients in 1948, and that in 1956 has worked with Moreno in Stanford [3] writing a book with him for four hands [4], with which the Group of Palo Alto [5], marking the birth of the Family Therapy. In truth, says still Shutzenberger, the genesis of Genogram seems to be rooted in the oldest soils, contains itself the concepts of "das Umbewusste" and "Collective Psyche" by S. Freud, and of "collective unconscious" of CG Jung.*

**Keywords:** genogram, helping, relationship

### Introduction

#### The genogram as a graphical tool in psychotherapy

Referring elsewhere the very interesting insights into the origins of the technique Genogram, let's jump in the uses that have been documented over time, noting that so far has always spoken of the genogram built by the therapist and the patient, based on the data acquired in session. Later, they were tempted uses more complex the genogram, as was the case in the Family Life Space [6] and the Test of Double Moon [7], but failed to respond fully to the reflections offered by Montagano [8] looking like "the drama inherent in the practice of drawing the genogram, offering live performances and complex, recalling the emotional and affective components of family relationships as have been experienced in that moment, "but also as" the use of the genogram is limited to ... Its use as a technique, while ... the genogram has much broader options, so it can be considered as an expression of therapy. " Indeed E. Lemaire-Arnaud [9] writes, that scheme and graphic form of the genogram "visually reflect the relationships among the true members" and that "everyone has a genogram his writing, absolutely original" because "the geometric pattern becomes free drawing" . Finally, we collect the invocation of Cigoli V. [10] for a "genogram as a multifaceted tool, detached from the history, that activating the system of emotional memory and imagination foster awareness about their inner family". The method presented here Genogram meets these invocations, making the genogram a useful tool that speaks of the "inner family", informs the relational dynamics within it and go into therapy as a means of empowerment.

The method requires that the patient has to draw their own genogram, according to specific criteria of data delivery from the therapist, and at certain times of the therapeutic. In addition, it is taking advantage of the interpretative aspects of the graphic design, which have been verified the basic criteria for a symbolic translation of generalized design genogram made by the patient. It turns out that is used as a test chart that gives the therapist projectively additional information, or confirmation, of certain aspects of the situation. When the end of the therapy or in significant moments of this, the patient is given the second delivery of design your own genogram, this also acquires the meaning of a projective test chart to check the quality of therapeutic change, whose reading is completed by comparison, in the session, with-and-for-the patient, of

the two graphs which he performed in different treatment times. In fact, the comparative reading of the two graphs drawn from the patient, the beginning and end of the therapy, clearly defines the start point and the end point of its path therapeutic. Defines "from where we started" and "where we are". Useful information for the therapist, who already have one more tool to take stock of the situation on the path to that point made, may decide, alone or in team's work, whether and how to continue therapy (therapy over and leave, partial objective reached, the definition of the next target, readjustment of the therapeutic strategy, etc.), basing their thoughts on data objectified, and not least, the information is useful for the patient, through the joint work of interpretation of this comparison, "fixed" an essential moment of self-awareness, because this process allows him to "objectify", to "see outside themselves" in concrete, black and white, its changes. Even it allows him to read, interpret, and setting a before and an after (clear, recognized and shared), can add to his evolutionary experience a new self-awareness and its history: in the two pictures of before and after, put before his eyes, he will embrace in one glance the entire journey made in therapy and become master of his change. Its changes are real, they are there in front of him, black and white, can be reflected in them, and he was responsible, under the guidance and with the help of psychotherapy. In clinical trials conducted were actually found, in two different graphical representations, significant changes in relation to the therapeutic change reached. It was verified that this change over time, in graphic-symbolic representation of the genogram, is actually the result of a new representation of his familiar world, a reflection of a different picture of his family (and then a relational self, both affective and cognitive), the result of a new concept of its family graph that the person has built up in his mind, by virtue of a therapeutic change that, thus, can be verified qualitatively and shared with the patient being treated. The idea of starting, then, to check whether the use of the design of the genogram made by the patient could make sense as a graphical tool for verification of therapeutic change, and that is, from the point of view not only systemic changes relational, or rather, the subjective view and relationship that the person has of himself and of his family and affective world, was given positive feedback. Currently research opens to the structuring of a project that leads to a statistically significant validation of the quality results obtained so far. In conclusion, let's look at the genogram as a true therapeutic resource, a revolutionary instrument, a kind of graphic process of verification carried out along the time axis, causing him to compose the patient at the beginning and end of the course of treatment, or in any case necessary, but avoiding a counterproductive familiarization by the person. In fact, repeated use or too close, there are decided reserves. E' preferable that it remains a tool projective quite unknown to the person. If it becomes mistress, she is likely to become for her as a game and losing its emotional intensity and commitment to design it. It should not be like the thermometer, used at every hint of fever! Obviously, the interval between the two application follows the duration and course of the therapy, but it was observed that in any case is almost never before one year, unless it is not concluded before or not attained, before changes so significant to mark the beginning of a new phase in the course of treatment, and therefore it is worthwhile to "fix".

In fact, the first chart is not commented on in the session, and this does not give way to the person to preserve a special memory. The first chart is only a test of the state of art that informs the current state. The therapist will translate it, sitting outside, according to the reference model and then read it comparatively with this and then play, then it will simply be stored in the folder, and then be taken up during the meeting of delivery of the second graph, for a comparative reading made with the patient in the final session to leave.

### **The Genogram "Meter Reading for Ombudsman and Family Counseling"**

Family mediation for "systemic-relational" view is somewhat 'more complex and detailed than other schools of thought; in this school we can actually find:

- People who want to redefine their identity within their family;
- People who want to negotiate issues related to separation or any already underway, so happen anyway as serenely as possible for themselves and their children;
- People who want to learn to communicate with each other to make themselves understood and in turn understand the other, or simply they wish to start to do so, because by the time they stopped.
- parents who are overwhelmed by events such as the birth of a son, who inevitably it involves new roles

within the family, new tasks, new responsibilities;

- parents who are struggling to understand the language of their children, who feel light years away from them as mentality, as the ideal ...;
- Parents who are raising children with a handicap and problems of various kinds.

How many times it is repeated: the mediator or counselor doesn't psychoanalyze the person who addresses him, but it helps to help themselves, to find within itself the means to resolve the conflict alone. To do this sometimes also uses the cd. Genogram, which is similar to a family tree, but is limited to the figures that are considered important by the person at that time, or who have been in the past, figures with whom he feels he still has a relationship, or a broken link, or union ambiguous, perverse, destructive to themselves. The genogram helps to understand, in the case of separation, who can help former spouses in the new situation, in respect of minor children and not only, but can also be a tool to understand the reason why he never communicated, or it stopped doing it, to interpret their actions, their sayings and especially their unspoken, in the light of forgotten incidents or persons who are or have been part of his life even for a short distance. This does not mean that the broker, in case you know it, that the people who stand in front servant couple therapy, a psychologist, a psychotherapist, a sexologist, ..., do not do this, leaving this industry expert the resolution of a problem: the point is that helped them to become aware, for the first time. The practice of the genogram is used as a "bridge" between the past and present emotional and as a vehicle for the future decision.

The graphical representation of the family tree is designed to enhance their family roots, a way to "feel belonging" to identify and define themselves as part and product of a tree with firm roots in history. The family tree is only graphical representation objective; it is a tool for the clarification of the subjective that happens, however, with the genogram refers to the irrational aspects of the people and the relationships between them. The genogram helps the person to realize myths, secrets, roles, beliefs, climate (hot / cold) certain "aspects" of the race and how they influenced the perception that the person has of himself. This work has a goal that invests in the future: to become aware of the perception you have of your own family history "decide" on their "being in the world". In working with the Genogram there are elements that can be learned and possibly explored. First of all, the myth (or myths) family. The original meaning of *mithos*<sup>1</sup> refers to "legend, fairy tale, story"; it obeys the function to protect and reassure the elements of a social group. The myth thus becomes a structure of values, support and validation for behavior as it is something that is already in the history of the family and on which structure the identity of the individual and the group. They must be seized rules that the family has handed down, that is, that set broad standards that the family has been given and that is affected by the vicissitudes and culture. If the rules are broken then the family may decide to make it secret. It is therefore a "gray area" made of vicissitudes, the events on which the family has decided to roll out the silence. Sometimes the secret covers events that may well be revealed but now that you are structured in memory and oblivion. Become aware of the secret can mean dealing with a vision of reality that may be different from the message of the secret and that can help you consider other aspects of self. It is interesting to notice the roles embodied in the family system: in addition to the master role (child, brother, etc.) And the individual (what a person you choose to interpret) there is "relational" <sup>2</sup> that according Montavano-Pazzagli is that the system assigns to the family member and that "depends on the dynamics of relationships and the evolution of relations within the same system" whereby a child can play this role but by birth, if the father dies or becomes absent, may also assume the role of relational father (for the other brothers) or the husband to his mother. Do you work on an objective reality of family history but on the perception that everyone has it. In this sense, it would not be unusual for two brothers who make a session of genogram are aware of situations "different" while belonging to the same family. Work on the genogram is based on taking the person's awareness of their family roots and, above all, of what it perceives to these roots. The methodology is that of helping relationship in which the broker and / or counselor helps a person in the grip of awareness through clarifying questions, references, reformulations, feelings, impressions that the customer / user can adopt and which can guide you in the exploration. The genogram can be implemented in a group, in a setting individual, family or couple.

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## Respect for Equality and Human Dignity in a Primary School: A Social Wellness Perspective

Nkomo Annah Ndlovu

Magano Meahabo Dinah

Department of Psychology of Education

[maqanmd@unisa.ac.za](mailto:maqanmd@unisa.ac.za)

### Abstract

*This study focused on the importance of respect for equality and human dignity in the quest to achieving social wellness in a primary school. The views of teachers and learners on issues of cultural diversity in relation to social wellness were explored in the study. The study was guided by an integrative lens consisting of Hettler's (1970) theory of wellness, Letseka's (2000) Ubuntu principle and Bronfenbrenner's (1979) ecological theory also known as the systemic perspective. The study is embedded in an interpretive paradigm and the method used was qualitative in nature. Sampling of participants for the study was done purposively, with the research approach being a case study. Fifteen participants were sampled in total, and the case was a multicultural school in Gauteng province. The researchers obtained ethical clearance from the University's Ethics committee the Department of Basic Education and the school's principal. Data was collected in one primary school in Gauteng Province through interviews and questionnaires with open ended questions. Findings revealed that when mutual respect, human dignity, rights, equality, acceptance, tolerance, inclusivity, non-judgmental, non-discriminatory and non-racist attitudes are upheld for everyone social wellness is enhanced and xenophobic attacks will be minimised.*

**Keywords:** Social wellness, Cultural diversity, Human dignity, Equality, Respect.

### Introduction

Human dignity is the natural status of individuals which prescribes value to them and entitles them to respect. Lebeck (2004) describes it as a basic ethical and legal principle that affirms human beings as having the highest value and which is generally accepted around the world. Equality in the context of this study refers to the state of being impartial in opportunities and rights. The Merriam Webster dictionary (2012) describes equality as the quality or state of being equal or having the same social status, rights, and so on. Respect refers to ascribing due or high regard for something or someone. The Thesaurus Dictionary (2014) explains it as regarding something or somebody highly, or to esteem. This study seeks to emphasize and highlight the importance of respect for equality and human dignity.

### Equality

The first article of the Universal Declaration of Human Rights (UDHR) (1948) states that all human beings are born equal. Equality and Human Rights Commission (EHRC) (2014) explains that equality ensures that individuals have the same opportunities to make and improve their lives and talents- with no one being given poor chances in life because of their culture, religion, and disability or where they were born. EHRC (2024) also highlights that the knowledge of equality (and human rights) enables people to learn about how they should treat others as well as how they should be treated. The same view is echoed by UDHR (1948) who states that individuals should act towards each other in a spirit of brotherhood in observance of human rights.

### Human Dignity

Hawthorne (2011) explains human dignity as the most fundamental human right from which the rest of the fundamental right derive. According to Duhaime (2014) human dignity refers to the feeling of self worth or self respect that individuals or groups of people feel about them. Similarly Lebeck (2004) holds that human dignity is inherent in every person, is

inalienable and refers to the social acceptability of every person. Lebeck (2004) goes on to point out that dignity is what merits respect and is the basic principle on which human rights rest.

United States Conference of Catholic Bishops (USCCB) (2015) asserts that the vision of society is based on the dignity of a person, and that the dignity of a person is the foundation of all the principles of social teaching, adding that institutions should enhance the life and dignity of the human person. Duhaime (2014) observes that human dignity is harmed when people are marginalized, treated unfairly, devalued or ignored. In light of this Krishnamurti (2009) advocates for children to be helped to develop attitudes that enable them to protect and respect human dignity. Krishnamurti (2009) further argues that human rights ought to be upheld in order to protect human beings from the threat to human dignity and life, and that human rights should be translated into social realities through respecting human dignity.

### **Human Rights: a way of upholding human dignity**

Krishnamurti (2009) asserts that human rights are rights which guarantee basic conditions for individuals to live with dignity as human beings, and which everyone is entitled to and should not be deprived of. Krishnamurti (2009) also notes that the United Nations' declaration of human rights provides a global foundation to protect human rights. Similarly EHRC (2014) views human rights as the foundation for democracy which if violated deprives individuals of fulfilling their need thus amounting to acts of violence. EHRC (2014) therefore argues that human rights should be respected.

Krishnamurti (2009) argues that the rights of others should be respected through the maintenance of responsible, decent and respectful behaviours that show tolerance for diverse views, cultures and beliefs as well as through the development of a concern for others' needs and feelings.

Landau, Ramjathian-Keogh and Singh (2005) point out that many conflicts arise due to the violation of human rights and urge that deliberate action should be taken by government, citizens and civil society organizations towards making the observance of human rights in society a reality. EHRC (2014) observes that the Declaration of human rights is a set of minimum moral standards which protects all people and covers the right to security of a person, liberty and life, freedom of movement, as well as right to employment, thus covering the economic, social, culture, survival and dignity rights.

### **Xenophobia: a denial and violation of human rights and dignity**

"What man has done to man has no limit. He has tortured him, he has burned him, he has killed him... This has been the story of man to man...." (Krishnamurti, 2009:1) Krishnamurti (2009) then advocates that individuals be encouraged to introspect and develop sensitivity for the sufferings experienced by fellow human beings in situations where they are deprived of their natural rights, (such as in xenophobic attacks).

Cuthbertson (2009) defines xenophobia as an irrational dislike of people from other countries, while Webster (2013) says it is the fear or hatred of foreigners. According to Cherry (2013) people who are xenophobic may display fear or even anger towards foreigners. Harris (2001) says that xenophobia has a negative effect on the overall social cohesion of a nation and it consists of prejudice against foreigners which is against human rights and thus stands in the way of social cohesion. Similarly Webster (2013) identifies xenophobia as one of the issues that hinder social cohesion.

According to Harris (2001) South Africa is increasingly becoming an important alternative option for people seeking refugee from other countries or choosing to live here. Osman (2009) also indicates that foreigners leave their countries for job opportunities, to pursue studies in South Africa and for fear of political persecution. Unfortunately, as Harris (2001) points out, South Africans hold largely negative attitudes and perceptions of foreigners with most of them having very little knowledge of the rights accorded to refugees and migrants in South Africa, and most of them demonstrating a marked lack of concern about the plight of refugees and migrants in South Africa. Similarly Landau et al (2005) assert that there is evidence that foreigners in South Africa face discrimination at the hands of police, government officials and citizens; and describe South Africa as a highly xenophobic society which does not naturally value the human rights of foreigners which makes it difficult for it to reach a rights-based democratic migration policy. The same views are expressed by Cuthbertson (2009) says that South Africa's public culture has become increasingly xenophobic, with the prevalence of openly

expressed anger and resentment against many foreigners which is seen daily in the newspapers, heard on radio and expressed in the streets.

Landau et al (2005) point out that there is strong evidence that, due to fear of economic competition, the belief that foreign nationals drain out public resources and are criminals (among other reasons), South Africans are generally uncomfortable with the presence of black foreigners in the country. The same view is echoed by Osman (2009) who asserts that the majority of South Africans currently believe that immigration and migration impact unfavorably on the country and puts a strain on South African resources. Landau et al (2005) then highlight that there are wide-spread anti-foreigner sentiments throughout South Africa with foreign-nationals in the country reporting feelings of discrimination and exclusion. In light of this therefore Hunter (2007) concludes that xenophobia has become a part of everyday life for many non-nationals in South Africa.

Landau et al (2005) also note that although South Africa is a nation built through migration and committed to universal human rights and tolerance, few politicians and citizens see non-nationals as entitled to these rights. Cuthbertson (2009) observes that migrants have become a target of abuse at the hands of South African citizens who include the police, the army and the Department of Home Affairs, and there is also a growing unfounded perception that migrants are responsible for a variety of social ills such as unemployment, the spread of disease and crime. Similarly Harris(2001) notes that some political parties have capitalized on xenophobia by campaigning for the need to protect South Africans from the threat posed by foreigners to South Africans' social and economic security, with some senior political figures demonstrating their xenophobic prejudices through inflammatory statements about foreigners such as linking them to crime, taking jobs and drugs.

Hadland (2008) says that violence commonly viewed as xenophobic in nature erupted in South Africa in May 2008 leaving more than 60 people dead and tens of thousands of people displaced, and this for many South Africans who had been welcomed into exile in the 1960s and 1970s in Tanzania, Zimbabwe, Zambia, Mozambique and other states, xenophobia was a betrayal of friendship. Osman (2009) attributes this to the government's lack of determined initiative to address the immigration crisis, although it has, among its many objectives, the promotion of human rights based culture in both government and civil society in respect of migration control. In view of this therefore Hadland (2008) points out that there is need for South Africans to be educated about issues of migration.

Vatala (2001) notes that conflicts also arise amongst South African ethnic groups and therefore suggests that strategies be employed to remedy the existing xenophobia which exists amongst ethnic groups within South Africa, adding that there must be a change of attitude and behavior of all within institutions if relations are to be enhanced, lamenting however that top managers within public institutions are reluctant to transform and change their attitudes towards other ethnic groups.

It is the researchers' view that xenophobia is a reflection that others' rights are undermined and not respected, and that it amounts to denying foreigners rights. In light of this Landau et al (2005) advocate that foreigners should not be denied rights, and that South Africa must protect the livelihoods, security and rights of all of its residents.

### **Education and foreign students in South Africa**

Hunter (2007) says that teachers need to affirm students' ways of life as the norm so that they are able to deal more easily with their classroom experience, adding that individuals feel empowered when their way of life is represented in every sphere of society. In addition, Osman (2009) suggests that if schools are to be places of support and care for refugee children, then the ethos, curriculum and practices must encourage and support all cultures represented in the school.

Osman (2009) indicates that the South African education policy is based on principles of inclusivity. However, as Hemson (2006) points out, South African schools express intolerance and prejudice towards anything that deviates from the traditional norm established during apartheid. This corroborates Osman's (2009) view that it is not only the adult foreigners who were victims of xenophobia, but children are also targeted and experience xenophobia through name-calling and sometimes physical violence. Hence, foreign learners lament taunts by teachers in the classroom and bullying by other learners at the playground for being 'makwerekwere'- a derogatory name. Furthermore, Osman asserts that South African learners do not easily befriend foreign learners, as they believe that they are taking their places in the school, in the debate team, in the sports awards, and the like. They also feel neglected and have the perception that the needs of foreigners

supersede theirs, thus stirring feelings of animosity. The views of these learners however are contrary to Hunter's (2009) assertion that education is a universal right for all children where migrants should not be discriminated against. Hunter (2009) further states that education is a tool for countering xenophobia and other forms of discrimination in the wider population, while the Freedom Charter (1955) declares that the doors of education shall be open to all.

According to Osman (2009), the Department of Education is aware of the violence and intimidation against migrant children and the government of the day admits that it has not done enough to fight xenophobia. Hunter (2007) therefore calls on teachers as animators of South Africa to use their powerful positions to affect the ideology of many people against xenophobia.

### **Social wellness**

According to Davis (2013) social wellness refers to the social well-being of individuals and is an aspect of overall wellness which includes the relationships that people have and how they interact with each other, as well as the building of a general connection which fosters healthy, supportive, nurturing and intimate relationships with those around oneself. This is consistent with Duke University Wellness (Duwell's (2013) assertion that individuals must be able to build personal connections with others and to be part of a positive social network if they are to be socially well. The same view is echoed by Trainer (2011) who says that relationships are essential to maintaining wellness and health, and therefore the ability to develop and maintain friendships and supportive social networks is a sign of social wellness. Similarly Oberlin (2012) says that building a strong social support network can create a good mood and enhance self esteem and social wellness. Oberlin therefore urges individuals to adjust to, and develop new friendships whenever possible or when they move to a new place. In light of this therefore Chobdee (2013) says that individuals should seek to have positive rewarding relationships with others, pointing out that people who maintain their social network and support systems do better under stress.

Oberlin (2012) urges individuals to develop and build close friendships and practice empathy as they interact daily with others. In these interactions, Duwell (2013) suggests that maintain the same values, beliefs, and attitudes in a group as they do when interacting with any other person for them to be socially well. Similarly, Chobdee (2012) concurs that the ability to be oneself in all situations is a sign of social wellness.

According to Corbin (2012), social wellness promotes the welfare of others and that of self, thus contributing to the common welfare of the community. This idea corroborates what of Campus (2012) highlights that being aware of the social concerns in one's community and getting involved in solving them is a good sign of social wellness. Similarly, Trainer (2011) says that the ability to be involved in solving community problems is a practice that enhances social wellness.

According to Campus (2012), individuals should value others' opinions, have respect for others and be non-judgmental, honest and trustworthy if they are to promote social wellness. In the same vein, Corbin (2012) points out that social wellness involves respecting oneself and others. It is my view that in the presence of mutual respect people can easily be comfortable with each other, hence Oberlin (2012) highlights that social wellness entails being comfortable and at ease with people, and the ability to enjoy being with others. This is supported by Campus' (2012) view that valuing time alone and with other people is a practice that enhances social wellness, therefore, as Trainer (2011) says, as a good sign of social wellness, individuals like this are not afraid of going to a place where they might not know anyone.

Oberlin (2012) states that the ability to value diversity and treat others with respect is an indication of social wellness. This view is similar to that of Duwell (2013) who says that diversity should be respected and honored, and that an appreciation and understanding of human differences must be developed.

Campus (2012) asserts that exploring diversity by interacting with people from different cultures, backgrounds and beliefs is a practice that enhances social wellness. In light of this, Oberlin (2012) urges teachers to commit themselves to building a community of learners who value, respect and appreciate personal uniqueness and choices, and who challenge stereotypes and promote inclusion and mutual understanding.

### **Social wellness in South African schools**

According to Tabani and Human-Vogel (2010), racial tensions in South African schools continue despite local and national efforts to promote social wellness, and this is evidenced by the continuing reports of interracial violence which suggests that desegregation as a strategy for social cohesion is not working as well as it should. They also point out that there are frequent reports of racial discrimination and violence between black and white learners at schools. These views are echoed by Singh and Rampersad (2010) who say that learners treat each other with prejudice and suspicion and there is no cultural tolerance, instead ethnocentrism and racism are practiced. Consistent with these views is Terry and Irving's (2010) observation that schools have been successful in meeting the demand for desegregation than achieving the ideal of social integration.

Phatlane (2007) points out that the old racial divisions in which society was compartmentalized ceased to exist in 1994, although such divisions still persist both at societal and at school level because the deep seated distrust of the other could not be wiped out overnight, nor could integration take place without deliberate state intervention, adding that school integration and the social cohesion of learners are possible if a proper enabling environment is created. Meier and Hartell (2009) contribute to this stance by stating that the opening of schools to all races does not ensure an automatic understanding and acceptance of learners by educators and amongst learners themselves, and desegregation does not necessarily lead to predictable and meaningful attitude changes of groups to each other, and can even lead to heightening of tension and prejudices, adding that, since policy is not practice, and although formal arrangements for democratic education in South Africa are in place, South Africa still has a long way to go in making ideals concrete and achievable within the educational institutions. In view of this Panther (2006) says that there is little interaction between the racial groups in South Africa and hostility is evident in some cases which results in fights between black and white learners.

### **Rationale for the study**

The researchers have worked as teachers in several schools in South Africa and realized that there is a lot of cultural diversity amongst learners and also amongst teachers. The researchers worked in schools where such was the case, with the population of the school including several teachers and learners from neighboring countries. The researchers observed that in this particular school cultural diversity posed real challenges to the point that educators from one cultural group would openly despise and ridicule those from another and this could be seen even amongst learners. Learners and teachers were stereotyped and prejudiced in like manner and treated as people with no entitlement to rights and privileges. This view is in line with that of Neocosmos (2010) who says that in some sections of the post-apartheid South Africa xenophobic hostility aimed at non-citizens is equal to a denial of rights and entitlement which manifest through stereotypes and prejudice, adding that in some sections the rights discourse is used to both maintain privilege for some and undermine it for some, depending on the context. This scenario clearly showed that individuals in this school grossly lacked respect for human dignity when it came to dealing with people from diverse backgrounds. The researcher was motivated by this whole experience to embark on this study so as to prove that highlight that every person is entitled to respect and human dignity, and that it is possible to treat every person with respect and dignity even in the prevalence of cultural diversity. The research question for this study was: how is the respect for equality and human dignity in a primary school.

### **Theoretical framework**

This study is guided by a triple lens consisting of Hettler's (1970) wellness theory, Bronfenbrenner's (1979) systemic perspective as well as Letseka's (2000) Ubuntu principle. Although Hettler (1970) proposed six dimensions of wellness, this study focuses on only one of them- the social wellness dimension. The social wellness dimension according to Hettler (1970) is about living in harmony with fellow human beings, seeking to have positive interdependent relationships with others as well as advocating for mutual respect and cooperation with others. Bronfenbrenner's (1979) theory assumes that individuals live within a social system made up of different subsystems which influence them on a continuous basis, directly or indirectly; and where what happens in one part of the system affects or is felt in all the subsystems involved. The theory assumes that interdependent relationships exist between individuals and their environment, thus implying that individuals within the school community are affected by the home, school and other subsystems of the social system.

Letseka (2000) describes the Ubuntu principle as being about human interconnectedness, valuing human life, harmony, loving others, civility, caring for others, having respect for human dignity among other things- thus suggesting that human beings do not exist in isolation.

## Method

The interpretivist paradigm was used for the study because the research method for this study is qualitative in nature. According to Henning, Van Rensburg and Smit (2010) the interpretivist paradigm can only be used in qualitative research because it is descriptive in nature and seeks to present the participants' reality from their own view point. The researchers therefore described participants' values, views, intentions, beliefs, reasons, self understanding, meaning making and observations as reflected in the collected data so as to construct knowledge and interpret meaning, as is derived from Henning, Van Rensburg and Smit (2010). The qualitative research method was used in this study to explore the different ways by which cultural diversity impacts on social wellness, as well as investigate the views of teachers and learners on cultural diversity, thus gaining a deeper understanding of the phenomenon under investigation. This is supported by Henning et al (2010) who say that qualitative methods usually aim for depth and specifically enable the researcher to gain an understanding of the perceptions, values and actions of the participants under study. Qualitative questions were used and these encouraged the free flow of information from participants with no interference from the researcher. This is consistent with Morse (1994) who highlights that in qualitative research the researcher should not interfere with the participants' provision of knowledge to avoid hampering the trustworthiness of empirical data. Data was collected by means of interviews with five teachers and ten learners in a primary school. Interviews were conducted during breaks and after lessons in a naturalistic environment. Each interview lasted for thirty to forty five minutes with each participant. Data was collected until saturation point and credibility was ensured as Guba and Lincoln (1985) say a researcher must spend a prolonged engagement with participants.

Data was transcribed from interviews and typed verbatim. The researchers re-read the transcribed texts very carefully trying to make meaning of each sentence. The segments or units of meaning she came across were marked with markers of different colours. The researcher then labelled these segments or units of meaning. These labels are called codes (Henning, *et al.*, 2010). The researchers wrote the codes next to the segments of meaning. The researchers then again read through the data, abbreviating the topics and codes next to the appropriate segment of text as recommended by (Creswell, 2009). Henning, *et al.* (2010) suggest that the labels should consist of more than one word so that they have a precise meaning. The process of identifying the codes is called coding. She then grouped similar codes to form categories and then labelled these categories. Henning, *et al.* (2010), who say that the related codes can be grouped or categorized, supports this view. The researchers then inductively named the ensuring categories, as is advised by Henning, *et al.* (2010) using the data as a guide in deciding what a category should be called, the categories were grouped together and formed the following themes:

- Mutual respect and human dignity
- Rights and equality
- Non-discriminatory and non-racist attitudes and Acceptance of everyone
- Inclusivity, non-judgemental attitude and tolerance

## Discussion of Findings

Table . Biographical background of participants

Participant (Pseudonyms)	Status in school/Race
A Trishan	Learner- Indian
B Mary	Staff member-English (white)
C Palesa	Learner- Pedi (black)
D Katlego	Learner- Tswana (black)

E Tinashe	Staff member- (black) Zimbabwean
F Jane	Staff member- Southern Sotho (black)
G Nomusa	Learner- Zulu (black)
H Sam	Learner- (black) Nigerian
I Ayisha	Learner- Ethiopian
J Amara	Learner- Congolese (black)
K Jayden	Staff member- Afrikaner (white)
L Phindile	Staff member- Xhosa (black)
M Muntu	Learner- Ndebele (black)
N Botshelo	Learner- Venda (black)
O Ntsako	Learner- Tsonga (black)

Table 1 depicts the biography of participants who were interviewed, it had a different racial groups made up of black, white and Indian teachers and learners.

The following is a presentation and discussion of themes that emerged from the research data:

**Mutual respect and Human dignity:** The findings of this study reveal that the participants felt that mutual respect is essential in a culturally diverse school if social wellness is to be realized. This echoes Deardorff's (2006) argument that individuals from diverse cultural groups ought to have respect for other cultural groups to be culturally competent. The same finding is consistent with that of Johnstone, Logue, Minor, Rhu dick, and Riotto (2013) who say that all groups and individuals should be respected in the school.

With regard to respect participants expressed themselves thus:

Participant A: "Respect one another."

Participant B: "To always treat people with respect."

Participant C: "Treat everyone with the respect that they deserve...treat everyone ...with respect, respect everyone."

Participant D: "...show respect towards everyone else... Show all teachers respect."

Participant F: "Everyone should give respect to each other. Respect towards teachers and fellow learners. Respect."

Participant J: "There must be mutual respect. Learners must... respect among each other. Respect. Respect for others and elder people."

Participant L: "To promote a uniform standard of respect throughout the school, particularly from management. Learners can take an active role in promoting good social interaction based on respect."

Participant M: The learners must respect the teachers and everybody in the school so that the teachers can also treat them with respect. Teachers and staff members must treat each and everyone with respect regardless of their background culturally."

Participant N: "... show example to the learners that respect ... that they are also human and should be loved and respected."

Participant D: "Teach your children to be ... respectful to peers and elders."

Participant E: "Talk to learners about respecting everyone. They should teach their children to respect people from different backgrounds."



Participant I: "Teach them about respect."

Participant L: "Parents should teach their children about ... respecting diverse communities, people and situations to ensure that they can flourish in a multicultural school context."

Participant M: "They must teach them respect."

Participant O: "Teach them about respect..."

It is of particular note that the participants do especially point out that respect should be given to those from diverse backgrounds. The participants also emphasized the importance of respect by expressing the need for it to be taught to children. They seem to view respect as a value too important to just be left for children to figure it out on their own, hence suggest that both teachers and parents teach it to children.

One participant pointed out that human dignity as a value which needs to be taught if social wellness is to be enhanced. This finding corroborates that of Lund (2013) who asserts that schools should encourage belief in the dignity of everybody. Similarly, Nasp (2014) also contends that all people should be treated with dignity, and that adults should help children understand the reasons why they should treat all people with dignity.

Participant O: "Teach them about human dignity."

This expression demonstrates a strong advocacy for human dignity to be upheld for everyone.

**Rights and Equality:** The study revealed participants' strong advocacy for rights in an effort to promote cultural diversity. This corroborates Brach and Fraserirector's (2000) assertion that the observance of rights such as the right to non-discrimination and respect ensures cultural competency. Similarly, Lawstuff (2012) suggests the incorporation of children's rights into school rules as a way of teaching and administering them.

Participant B: "Teach the children about their rights".

Participant N: "Teach children rights and consciousness about who they are."

Participants' expressions seem to suggest that when children are taught about their rights and those of others, social wellness is promoted.

In this study, the participants expressed the need for equality to be upheld and applied to all if social wellness is to be promoted - thus echoing Schwartz and Bardi's (2001) assertion that equality enhances and contributes to positive social relationships. Participants expressed themselves as follows:

Participant B: "They shouldn't have a favourite child and treat everyone the same."

Participant C: "Treat everyone equally even if they are from different backgrounds. Treat everyone equally... Teachers and staff shouldn't ... use favouritism on how they look and especially what race they are."

Participant D: "They are just as I am. Should treat everyone equally... Treat everyone equally."

Participant K: "Let them know that everyone is equal. They should make sure they follow all procedure to make equality possible. Parents should teach their children about equality."

Participant L: "Parents should instil in their kids/children a sense and attitude of equality, particularly in relation to race, culture within black communities, language and socio-economic contexts."

Participant N: "Work together to promote equality... making it clear that they are also human."

Through their expressions participants demonstrated a strong advocacy for equality which is a value closely linked to democracy.

**Non-discriminatory and non-racist attitudes, Acceptance of everyone and Inclusivity:** The participants expressed discrimination and racism as undesired social phenomena which should be done away with. In the same vein, Lin and Bates (2014) condemn any ethnic or cultural material that communicates racist or discriminatory phrases, words or comments stating that all such should be eliminated. The same finding is supported by Beynon (2014) who upholds that

children ought to be helped to develop a healthy non-discriminatory attitude by positively and openly talking to them about race, ethnicity and religion. He adds that discrimination and racism should be overcome by accepting, encouraging, tolerating and supporting cultural diversity.

Participant A: "Don't discriminate others"

Participant B: "Teach them not to be racist."

Participant C: "Teach them not to be racist."

Participant D: "And don't think low/bad of people"

Participant E: "Nobody should be racist."

Participant G: "Don't worry about their race or skin colour."

The participants strongly denounced discrimination and racism in this study as obstacles to social wellness. In the above expressions, the participants reveal an awareness of the negative effects which discrimination and racism might possibly have on social wellness- given the history of the country.

The participants highlighted accepting everyone as a necessary value for promoting social wellness. This finding is consistent with Goh, Wahl, McDonald, Brissett and Yoon (2007) argument that learners ought to accept other learners and their diverse values and lifestyles, adding that members of a school community should accept differences amongst themselves. Similarly, Beynon (2014) asserts that children should be helped to accept other people.

Participant I: "Teach learners about the importance of accepting people from different cultural groups."

Participant K: "Parents should teach their children about ... acceptance."

Participant L: "Parents should teach their children about embracing ... diverse communities, people and situations to ensure that they flourish in a multicultural school context."

Participant N: "Teach children... that they should accept ... each other. ...accepting each other the way we all are. They are also human and should be ... accepted."

Participant O: "Teach them about ... acceptance of people who are different from them."

The participants suggest that children be taught acceptance of diverse people in order to promote social wellness. In addition, the participants pointed out the responsibility everyone within a culturally diverse school setting has of accepting others.

The participants demonstrated an advocacy for inclusivity within a culturally diverse school setting in order to promote social wellness. Similarly, Deardorff (2006) upholds that individuals in multicultural schools ought to be accommodative of people from other cultures if they are to be culturally competent. Also, Schwartz and Bardi (2001) assert that accommodating others enhances and contributes to positive social relationships. Nasp (2014) who argues that accommodating diverse people is an all-time value, which includes gender, ethnicities, those with special needs, races and religions, underlines the same finding.

Participant F: "Accommodating towards teachers."

Participant J: "Be accommodating. Encourage inclusion."

The participants seem to instruct that inclusivity should be practiced. They also highlight, through the above expressions, inclusivity as the responsibility of everyone within a culturally diverse school setting.

**Non-judgmental attitude and Tolerance:** Participants in the study expressed that individuals within a school community should not judge each other if social wellness is to be realized in the school. Similarly Johnstone et al (2013) argue that non-judgmental attitudes in the school should be encouraged so as to promote understanding amongst learners and staff.

Participant B: "Should not judge children on how they look or what race they are".

Participant C: "Teachers and staff shouldn't judge others".

The above expressions suggest that participants view the exclusion of judgment based on race and looks as ideal for promoting social wellness.

One participant demonstrated a strong advocacy for tolerance in this study as a way of promoting social wellness. This finding is consistent with that of Knauth (2012) who describes tolerance as a shared value which ensures the cohesion of plural societies and which is crucial in the field of education as a strategy for living together in a context of cultural diversity. Knauth (2012) further describes tolerance as a precondition for peaceful existence in a multicultural society.

Participant C: "Teaching learners to tolerate everyone. They should teach them to tolerate everyone."

In this study tolerance was highlighted as a value that needs to be taught to learners and one which should be practiced towards everyone in promoting social wellness. It is the researcher's belief that tolerance is based on the acceptance and inclusion of those from diverse cultural groups.

## CONCLUSION

The researchers could see through the integrative lens of wellness, Ubuntu and bio-ecological theories that it is possible for people from different cultural backgrounds to have positive, cooperative social relationships with each another that are based on mutual respect, equality and human dignity- if they so intend and so channel their efforts. The integrative lens therefore helped to show that through the unconditional application of values such as tolerance, acceptance of others, respect and inclusion, the attitudes in the school towards different cultural groups could be positive regardless of the school's negative social historical past, or the prevalence of cultural diversity in the school.

The study aimed at highlighting the need for respect and equality for human dignity to be upheld for everyone regardless of race, culture or nationality- thus promoting social wellness. Strong views were expressed by participants that are aimed at improving social wellness in culturally diverse school settings, among which was the view that it is imperative for human dignity to be upheld for everyone.

The study revealed that in general, the school employs values that help in the promotion of equality and respect for human dignity– thus proving that it is possible to be socially well even in the midst of much cultural diversity. It is in this manner that the study has managed to satisfy the researchers' rationale for embarking on this study.

The findings highlight the need to promote the good of society and that of the individual, while seeking to promote the good of the community above self-interest – which is the essence of Ubuntu (Letseka, 2000) .The Ubuntu concept was part of the integrative lens that guided this study.

## Recommendations

According to Vaccaro (2006), Ubuntu is a worldview that represents the spirit of kinship across race and creed thus uniting man-kind to a common cause. In light of this, the following recommendations are made in order to promote social wellness in culturally diverse school settings:

- Teachers and other school staff should receive training specifically on how to appropriately deal with and respond to cultural diversity in the school.
- The Department of Basic Education should plan and put in place a compulsory in-service training programme, particularly for teachers and other school staff on appropriate ways of handling and dealing cultural diversity in the school. Sufficient funds should be allocated and set aside for this programme.
- In addition, a compulsory programme must be put in place for high school learners that focus on handling cultural diversity in the family, school, community and society while particularly denouncing stereotypes, discrimination, prejudices and racism.

- Teacher training institutions, in particular, should have a programme that specifically focuses on handling and managing diversity in the school and in the classroom. The programme should also equip the would-be teachers with skills and knowledge to impart to learners on how best to react and respond to diversity in the school and society as a whole.
- The Department of Higher Education and Training should make it policy that all institutions of higher learning have a compulsory programme for all students on how to appropriately respond to diversity in the community and in society as a whole seeing that South Africa is a 'rainbow' nation - as some have come to call it.

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## The Utilisation of Assistive Technology in Enhancing the Educational Support for All Learners in Mainstream Schools

Rowlands Trudi

Magano Meahabo Dinah

Department of Psychology of Education, University of South Africa, Pretoria, South Africa

maganmd@unisa.ac.za

### Abstract

*The paper addresses the use of Assistive Technology (AT), and how it enhances the educational support of all learners in mainstream schools. The theoretical frameworks used to guide this study included the Wellness Theory (as developed by William Hettler, 1979) and the Cultural Historical Activity Theory (CHAT). The study was embedded in an interpretivist paradigm and followed a qualitative research method. Sampling was purposive, with participants being selected based on the researcher's pre-defined purpose for the study. Data was collected using questionnaires with open ended questions, face-to-face interviews and document analysis. Data analysis was done through thematic coding (noting recurring patterns of information) and the development of major themes based on qualitative data collected. Findings revealed that there is a need for more technological gadgets in the school, the need for staff training in order to effectively use the technology, and the need for more educational assistants to support students with more complex needs. However, the most pressing need arose in the theme of time – time for professional development, research, collaboration and training. Recommendations made for the effective use of AT included the promotion of professional development in staff and the establishment of professional learning communities which value the sharing and exchange of information regarding knowledge and skills for technological tools.*

**Keywords:** Assistive Technology, Educational Support, Technological gadgets, Mainstream Schools

### Introduction

This study was undertaken to explore how Assistive Technology could be utilised to enhance the educational support of all learners in a mainstream school. A number of students, both with and without diagnosed learning disabilities, experience barriers to learning. This is inherent in the outline given in the Salamanca Statement (1994: 15) 'that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted learners, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups'. However, support on offer may not always serve the current purpose, or be fit for purpose. Remedial support is not a one-size-fits-all approach; as each learner is unique, so is the support they may require. The researchers noted that students with a diagnosed reading disability were being given a "reader" for tests, examinations and evaluations rather than being taught to read or being taught to use developed software and Assistive Technology which could assist them throughout their lives, rather than just the duration of the test.

The main aim of this study was to explore and describe the use of Assistive Technology and how it can enhance the educational support of all learners in mainstream schools. The research question that guided the study was: **How can Assistive Technology be used in enhancing the educational support of all learners in mainstream schools?**

### Theoretical Framework

This study made use of Cultural Historical Activity Theory (CHAT) as a lens. CHAT addresses the central tenet of Assistive Technology in that learners experiencing a barrier to learning, can be placed in a context and given the correct tools (technology) to enable interaction with the resources / artefacts (technology) and thus build their learning experiences and knowledge. This highlights the fact that learning is not isolated but works in tandem with the environment and tools in that environment which can either support or hinder learning and the acquisition of new skills or knowledge.

Using this approach, the learning situation or activity system is composed of 'the individual practitioner (the learner or student, the colleagues and co-workers of the workplace community, the conceptual and practical tools (the items, equipment, software or devices which may constitute Assistive Technology) and the shared objects as a unified dynamic whole' (Engeström, 1991: 267).

Furthermore, Hettler's (1979) Wellness Theory, and the six dimensions inherent in this, served as a guide for the study in guiding researchers as to how learners were supported in their learning looking at wellness dimensions such as physical, emotional, social, intellectual and career wellness when AT was used in their classrooms. Hettler's model focuses on an integrated approach to wellness, and living a healthy, fulfilling life. The model defines six equally important areas of life: physical, emotional, intellectual, spiritual, social and occupational. Hettler (1979) espoused that achieving wellness meant finding balance in these six key areas both discretely and as they overlap in human life, as these six distinct categories or dimensions are intertwined and help to empower people to contribute to their environment and community, and enable them to build better living spaces and social networks thus achieving more balance and wellness in their lives. This wellness theory can be applied to education as a whole, as both policy makers and teaching staff seek to create happy, healthy schools which act as agents of learning as well as providing safe, nurturing environments that equip students with both academic and life skills, with specific reference to the use of AT in the classroom. This is especially true when considering Hettler's overarching definition of wellness to be that of an active process through which people become aware of, and make choices toward, a more successful existence.

These in turn articulate with the questions educators need to ask in terms of using AT in a classroom – is it appropriate to the unique needs of the student, will it help or hinder their progress, does it capitalise on their strengths so as to build esteem and autonomy to facilitate lifelong learning and inclusion in the mainstream classroom where possible?

### **Assistive Technology and Inclusion**

The planning element of using AT as an intervention to support inclusion and enhanced learning support in the mainstream classroom among students who experience barriers to learning, is the most important step in using AT and is commented on in various research studies (Murry & Murry, 2000). Theorists such as Edyburn (2002; 2006) support a simple process of posing three questions when considering implementing AT for students. These include assessing the disability (what), the impacts or limitations of learning (why) and what equipment/ AT will be best suited to accommodate this learner (how). In order to ensure that every learner is included in the learning environment Assistive Technology may be of great help.

### **Universal Design for Learning**

Universal Design for Learning (UDL) as exegeted by Rose and Meyer (2002; 2005; 2006), explores the pedagogical, neuro-scientific, and practical underpinnings of UDL and the three principles on which UDL is built. The first principle of UDL highlights the "what" of learning by underscoring that every learner is unique and thus learns in a unique manner, differing in the ways that they perceive and comprehend information that is presented to them – this accords with Hettler's intellectual wellness. For instance, students with sensory disabilities (blindness or deafness) will require different ways of presentation than a student with a reading disability, or cognitive disability. Learning and transfer of learning, occurs when multiple representations are used, because it facilitates learners making connections between themselves and the new information/concept (such as is indicated in the premise of CHAT) which allows students to interact with the learning.

The second principle of UDL addresses the "how" of learning. Being that each student is a unique learner, they choose to navigate learning environments and express how they know in multimodal manners. This can be illustrated in students who have significant movement impairments (like cerebral palsy), those who struggle with strategic and organisational abilities (such as an executive function disorder) or learners who have language barriers. Their approach to learning tasks is diverse as some may be able to express themselves well in written text but not speech, and vice versa. In the classroom or learning environment, there is not one means of action and expression that will be optimal for all learners; providing multiple options for action and expression is essential to demonstrate their knowledge and show how they have learnt.



The final principle of UDL illustrates the “why” of learning – the provision of multiple means of engagement. This principle most closely parallels with the Wellness Theory of Hettler (1979). Affect represents a crucial element to learning, and learners differ markedly in the ways in which they can be engaged or motivated to learn.

These principles inherent in UDL and the planned use of AT, all have commonality in that they attempt to reach and engage the maximum number of learners, they recognise that students possess different skills, experiences, and learning styles, they emphasise flexible and customisable curricula and finally they all use multiple modes of presenting content, engaging students, and assessing comprehension. These principles, applied to curriculum development, seek to give all individuals equal opportunities to learn and can provide a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone, as actively advocated for in the research of several researchers such as Black Hawkins, *et al.*, (2007), Edyburn (2006; 2013) Goleman (1995), Vygotsky (1978), Bruner (1996) and Dyson and Milward (2000), rather than a single, one-size-fits-all solution, which by its very nature goes against the ideas entrenched in the Wellness Theory of Hettler (1979) that can be found in many schools.

AT in the classrooms can be instrumental in supporting this building up of emotional intelligence and the idea of a “can do” attitude. Being able to do something in a classroom, such as read independently through the use of audio books or text to speech software (Dragon speak or Read Aloud 6), can boost confidence and develop self-esteem in learners. Previously hard-to-include learners can now be included and contribute to the classroom environment and learn alongside their peers if AT is used appropriately and efficiently. This is not limited to reading but also to the use of computers to assist in writing – speech to text software is instrumental in supporting this. Assistive Technology allows students to benefit from technologies that enable them to perform tasks that they were formerly unable to accomplish, or had great difficulty accomplishing.

Assistive Technology seeks to further this goal as it inherently aims to promote and enhance overall quality of life. The province of British Columbia in Canada has established Equipment and Assistive Technology Initiative (EATI) to provide a source of funding for assessment, trialling, purchasing and/or training with equipment and assistive devices that promote social and occupational inclusion (BC Personal Supports Network, 2011). Currently, the BC Coalition of People with Disabilities (BCCPD), CMHA-BC Division, Inclusion BC and SPARC BC are working with the Ministry of Social Development and Social Innovation (MSDSI) to facilitate the development of community-based demonstration projects that will contribute to improved social inclusion outcomes for people receiving Persons with Disabilities (PWD) assistance (Disability Alliance BC, 2015).

However, as mentioned, there is data with regard to specific projects which indicate the positive results gained from using AT in classrooms to support students who have barriers to learning. Stremel (2005) suggests that the use of technology is important as it can allow students to access curriculum and reach the goals and outcomes set. This idea is further expanded by Jackson (2009) who argues that students should develop their information processing skills to assist them not only in school but outside the class in the modern, technologically complex world. This translates into the use of “smart technologies” such as iPads, iPhones and the SMART response systems used in the classrooms which facilitate participation for students who may heretofore been excluded. However, researchers caution that, while the access to the appropriate technology is important, the success of a student using these technologies is highly dependent on a teacher’s ability to integrate that technology into the classroom and curriculum (Bergin, 2000).

This foreshadows another historical concern for the effective implementation of AT: the teacher’s ability to implement it. Studies by various researchers (Reiser 2001; Floyd, Smith, Canter, Jeffs & Judge, 2008) indicate that in order for teachers to use AT in a manner that brings forth a strong, positive impact, they must be confident and well-trained to do so.

## Methods

The study is located within an interpretive paradigm. Furthermore we used a qualitative research which is concerned with processes and the meanings which are attributed to phenomena within a particular social context (Denzin & Lincoln, 2005).

A case study approach was used since only one school formed a research site. Two teachers participated in the study on voluntary basis and were free to withdraw from the study if they felt uncomfortable.

**Data Collection:** Chosen methods to determine the extent to which Assistive Technology is supporting inclusion in a “real life” context included the use of document analysis, qualitative questionnaires (open ended questions), and face to face interviews. The questions were based on how teachers were using technology in the classrooms to support their teaching and how learners used technology in their learning. The questions included the following technological devices (wheelchairs hearing aids / FM systems, talking watches, large print material, alternative keyboards and mice, voice recognition software, adaptive toys, laptops, Ipads, Iphones, Braille printers and adaptive learning tools such as talking calculators). Teachers were to indicate how they were using Assistive technology for all learners in the teaching and learning environment.

**Data Analysis:** Coding techniques for finding and marking the underlying ideas in the data include the following strategies: grouping similar kinds of information together in categories and then relating different ideas and themes to one another (Rubin & Rubin, 1995). The researchers use Thematic Content Analysis (TCA) is a means of presenting qualitative data collected during the research study (Anderson, 2007). Thematic analysis is the most common form of analysis in qualitative research and emphasizes pinpointing, examining, and recording patterns (or "themes") within data which has been collected. Table 1 below sets out the themes deduced from the interviews, open-ended questionnaires and document analysis.

**Table 1 Themes from the interviews, self-completed questionnaires and document analysis**

Themes from interviews	Themes from self-completed questionnaires	Themes from document analysis
Time (for planning, for collaboration, for research)	Time for research and sharing of awareness of AT which exists to support classrooms	Time to engage in professional development, training and collaboration with other staff who teach identified students to discuss challenges and success in using AT to support students in a mainstream setting.
Training (In-service and professional development as ongoing relating to high tech, low tech and no tech awareness and options)	Training to enhance the ability to use AT to enhance support for mainstream classrooms.	Training to meet identified needs and support at both school and divisional level for training
Access to tools and equipment (such as iPads, computers)	Access to more technology (iPads, computers)	Awareness of AT equipment to best support identified needs
	Use of Educational Assistants to provide support out with the mainstream setting	
	How AT contributes to the six dimensions of wellness	

## Discussion of Findings

**Time for planning, for collaboration, for research:** The aspect of time (or lack thereof) proved most prevalent across the collected data sets. Staff felt they needed time to plan, time to trial AT, time to research AT, time to seek guidance, time to implement and pilot and time to review and engage in collaboration with other staff.

The suggestion that one could ‘plan specifically’ for students and thus enhance their learning experience was shared in the interview, specifically in relation to knowing ‘what to use, when, how and with what student’ if provided with enough time to do so.

Direct responses from the interviews highlighting this theme are recorded below.

Question 1: How useful was it to do a class learning profile, noting the diagnosed needs of students as well as undiagnosed students, before meeting with the consultants to brainstorm possible Assistive Technology solutions for establishing an inclusive classroom environment

*Participant 1: This was a great exercise. I actually want to do this exercise with all my classes because I think it works really well in helping me get to know my students and helps to plan for their learning. It was good to be able to think about each student and plan for them more specifically but took time.*

*Participant 2: Have a supply of earphones ready for when you use the Read Out Loud program, the students often lost or broke earphones. Also, making sure computers were up to date and also newer for all of them would be better so you don't spend half the lesson getting them to work and then lose time to teach. I think time is the biggest issue – time for me to figure it out and then time to use it and help the kids figure it out. Getting used to the new software and time to try it out so that when I used the SMART response, I could use it competently and also be able to quickly support a student who was struggling with their response remote and QWERTY keyboard.*

**Training (In-service and professional development as ongoing relating to high tech, low tech and no tech awareness and options):** Findings from the interviews suggest that staff would be more amenable and eager to use AT if they had the training to do so confidently and competently (words used directly in response to the question asked) and thus enhance the educational support on offer for all students in the mainstream setting. The interview generated information relating to the theme of training and staff development.

Question 3: The initial set up of the inclusive learning environment involved some training, delivered by consultants, and included both teaching staff and classroom support staff. Do you think this training was valuable? Motivate your response.

*Participant 1: Very valuable. I know I have been teaching for a long time but there was a lot in the training that I didn't know and so it was good to ask questions and have the selections explained so I knew what to use, when, how and with which student.*

*Participant 2: Yes, this was valuable – I need to be comfortable with technology if I am going to be using it and teaching people with it. I want to feel confident and competent. It was interesting to see what kind of questions were being asked when we looked at each option we had and what the potential for it was.*

Having the external consultants support the two classroom teachers in the pilot project, was shown to be useful (as noted in the interviews) and helped build knowledge and capacity. This articulates with the research conducted with various teachers (Reiser, 2001; Floyd, Smith, Canter, Jeffs & Judge 2008) which indicated that in order for teachers to be aware of and actually use AT, in a manner that brings forth a strong, positive impact, they must be confident and well-trained to do so. This requires knowledge and access to training in order to be well-prepared. The responses received from the research site, suggest that teachers simply are not well-informed and need to be "taught" or prepared in terms of knowing what Assistive Technology entails. Lack of professionals' knowledge about technology was evident; for example, few training programmes are incorporated into initial teacher training or ongoing training courses to include courses or class sessions on AT applications and issues (Todis, 1996). For many teachers, as noted in the interview, finding out about Assistive Technology is a personal choice and often undertaken in their own time and at their own expense. This lack of professional development and teacher training in this area leads into another obstacle, that being the lack of ongoing support for the training. Providing updates on what new technologies or strategies exist and supporting new developments with training is lacking.

Document analysis of learners' Individual Program Plans (IPP) again revealed that AT is needed in teacher training if the information contained therein is to be effectively used. Being able to understand what assessment and diagnostic information means, and interpret this to make wise choices for the use of AT in the classroom to enhance inclusion, are all fundamental to the document. There are two pages in the Individual Program Plan (IPP) devoted to this information, underscoring the importance of understanding the assessments and diagnoses.

In order for teachers to use AT effectively to enhance support for all learners in the mainstream classroom, they must be confident and well trained to do so. Many students do not enjoy using a computer nor does it suit their needs. For example, a student with a motor impairment may not be able to type very quickly; a student with a visual impairment may not be able to see the screen or keyboard; and a student with attention deficit disorder may be over-stimulated or distracted by the laptop or computer.

**Access to tools and equipment (such as IPads, computers):** Question 4: Once the project was set up, and the equipment / items being used were in place and actively being used by students, what was your initial feeling for the interactions you had observed in your class with students?



Figure 1 Hand Fidgets

*Participant 1: At first the fidgets took getting used to because I was worried they would be seen as a toy and thrown around the class or something. After the first week though, the fidgets and even the Hokki chairs were just being used the way they were supposed to. Initially, all the students wanted to use the fidgets and the chairs because they looked like fun. But after I implemented a seating plan and strategic choices, then it was better and the students who really needed the tools, were using them.*

*Participant 2: I didn't use the fidgets as I had an older group – mainly Grade 9s, but I did pilot the SMART response system and at first the kids thought it was a game and fun, kind of like texting, but after a few lessons they really enjoyed using the tools – it was a great way to engage everyone as each child has to submit a selection when using the SMART response, this was especially great to use in Math and Science reviews and lessons. I didn't have to use exit cards anymore because I could just do a quick 5-minute exit session with three or four questions and then when I looked over the data later, see what area most students had struggled with and then use that for the start of the next lesson and build from there.*

Assistive Technology theorists (Cook & Hussey, 2002; King, 1999) suggest that teachers have a critical decision to make: remediate or compensate. To make this decision, teachers must be well-trained and prepared to do so in an informed and current manner. Edyburn (2000) suggested that one means of addressing the remediation vs. compensation problem is to consider that these are not mutually exclusive options, but they can be complementary and work in tandem with each other. AT cannot be a stand-alone strategy, and requires “buy in” from the user, effective matching with the user and effective utilization and implementation from the staff supporting the learning.

Another consideration for professional development when using AT, is awareness of what exists in this realm, amongst the plethora of technology, and how teachers, who have an ever more demanding job, can be aware of what is available and how to ensure they choose the correct interventions for their students. Knowing that resources such as speech recognition software (like Dragon Speak) is good for students who have trouble with grapho-motor skills (such as dysgraphia), or that text to speech software (like Word Q and Read and Write Gold) is available to support students with a written expression disability as well as a reading disability, can be invaluable information for teachers. Webspiration, and other graphic

organizer software, can be extremely effective for a student diagnosed with ADHD/ADD, and the use of screen magnifiers, Zoom Text and JAWS software, can be instrumental in allowing a visually impaired person to access curriculum. Whether the AT is in the form of Braille, an FM system (for hearing impaired students) or in the form of software such as Speak Q or the Dasher Keyboarding system, it exists to serve a unique purpose, and thus careful, intentional training is vital to ensure appropriate selection.

## Conclusion

Educational support for all students in the mainstream classroom environment is a possibility but, like any change, it needs to be planned for. Resources such as time and training, manpower and access to information, expertise, funding and various AT tools need to be in place.

Simply making a change and expecting it to work, as indicated in the above exploration, will not work. Change needs to be scaffolded and supported in order to empower not only the teachers, but the students, the wider school and even the community. As John Dewey (1897) stated, "Education is a social process; education is growth; education is not a preparation for life but is life itself".

Perhaps future researchers can build on these recommendations and undertake a longitudinal study of the benefits of teacher training programmes and the ability to use AT to enhance support for all learners in the mainstream classroom setting.

## Recommendations

Effective use of AT compensates for a student's skill deficits or area(s) of disability and can increase a child's self-reliance and sense of independence within their learning environment. This study has produced data which, in analysis, allow the researcher to make the following recommendations:

- Promote effective professional development of all staff in the school environment to deepen knowledge and confidence when selecting and initiating AT to support all learners in the mainstream setting. The AT which is least effective is that which teachers least understand.
- Promote professional learning communities which actively follow a guided inquiry process to enhance learning, collaboration and sharing to build capacity and confidence in staff to effectively use AT to support learners in the mainstream setting.
- Facilitate value sharing and exchange of knowledge in each learning site/school through provision of time to collaborate and train.
- Engage in a longitudinal study (3-5 years) to effectively gauge the effect of professional development on the implementation of AT in the classroom to support inclusion.
- Promote professional reading and an emphasis on staff remaining current (updating their knowledge through professional inquiry and reflection) and include time as a resource for staff.

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## The Role of School Intervention Teams in Supporting Learners with Special Educational Needs: A Wellness Perspective

Rampana Masego Betty

Magano Mehabo Dinah

Department of Psychology of Education

[maganmd@unisa.ac.za](mailto:maganmd@unisa.ac.za)

### Abstract

*This study focused on the importance of respect for equality and human dignity in the quest to achieving social wellness in a primary school. The views of teachers and learners on issues of cultural diversity in relation to social wellness were explored in the study. The study was guided by an integrative lens consisting of Hettler's (1970) theory of wellness, Letseka's (2000) Ubuntu principle and Bronfenbrenner's (1979) ecological theory also known as the systemic perspective. The study is embedded in an interpretive paradigm and the method used was qualitative in nature. Sampling of participants for the study was done purposively, with the research approach being a case study. Fifteen participants were sampled in total, and the case was a multicultural school in Gauteng province. The researchers obtained ethical clearance from the University's Ethics committee the Department of Basic Education and the school's principal. Data was collected in one primary school in Gauteng Province in South Africa, through interviews and questionnaires with open ended questions. Findings revealed that when mutual respect, human dignity, rights, equality, acceptance, tolerance, inclusivity, non-judgmental, non-discriminatory and non-racist attitudes are upheld for everyone social wellness is enhanced and xenophobic attacks will be minimised. Findings also revealed that participants cherished equal treatment irrespective of cultural background and respect for all. Teachers in primary schools are faced with a huge responsibility of making sure that lessons learnt in Life Orientation classes on cultural diversity are taken seriously and applied in daily lives. Ethical conduct is also encouraged in order to practice what the Constitution of South Africa stipulates regarding human rights.*

**Keywords:** School intervention team (SIT), support, wellness dimensions, Special Educational Needs (SEN)

### Introduction

The first education policy in Botswana was established This study focused on the importance of respect for equality and human dignity in the quest to achieving social wellness in a primary school. The views of teachers and learners on issues of cultural diversity in relation to social wellness were explored in the study. The study was guided by an integrative lens consisting of Hettler's (1970) theory of wellness, Letseka's (2000) Ubuntu principle and Bronfenbrenner's (1979) ecological theory also known as the systemic perspective. The study is embedded in an interpretive paradigm and the method used was qualitative in nature. Sampling of participants for the study was done purposively, with the research approach being a case study. Fifteen participants were sampled in total, and the case was a multicultural school in Gauteng province. The researchers obtained ethical clearance from the University's Ethics committee the Department of Basic Education and the school's principal. Data was collected in one primary school in Gauteng Province in South Africa, through interviews and questionnaires with open ended questions. Findings revealed that when mutual respect, human dignity, rights, equality, acceptance, tolerance, inclusivity, non-judgmental, non-discriminatory and non-racist attitudes are upheld for everyone social wellness is enhanced and xenophobic attacks will be minimised. Findings also revealed that participants cherished equal treatment irrespective of cultural background and respect for all. Teachers in primary schools are faced with a huge responsibility of making sure that lessons learnt in Life Orientation classes on cultural diversity are taken seriously and applied in daily lives. Ethical conduct is also encouraged in order to practice what the Constitution of South Africa stipulates regarding human rights. In 1977 but it was not implemented until the second policy on education in 1994, the Revised National Policy on Education (RNPE) where Special Education provision received an explicit attention (Dart, 2006). Chapter 9 in the Government of Botswana's Report of the National Commission on education outlines the development of Special Education provision and states that as far as possible this should be through the integration of children with Special Educational Needs into mainstream schools so that they are prepared for social inclusion. Children with more severe



learning problems or disabilities should be taught in special units attached to ordinary schools, or catered for abroad if their needs cannot be met within the country (Government of Botswana, 1993).

The guiding document for developing Special Education provision (RNPE of 1994) aims at ensuring that all citizens of Botswana including those with Special Educational Needs have equality to educational opportunities. Therefore, by integrating these children as far as possible with their peers in ordinary schools needs a comprehensive assessment that is based on the children's learning needs not group norms, hence this means there have to be some provision for individualized instruction and support strategies. For this to be successful, there have to be an early identification and interventions which need an active participation of the children's parents and community. This study specifically focuses on the effectiveness of the School Intervention Team (SIT) which its major role is to act as an education and information programme which has to meet the pre-mentioned goals. **Community Junior Secondary School (CJSS)**: A level of education that is between primary education and senior education. It automatically admits children who wrote standard seven examinations without considering their academic performance to do form one to form three (Dart, 2007).

**Inclusive education**: an education system that incorporated all children in the local or mainstream schools unless there are compelling reasons for doing otherwise. It regards diversity as ordinary (CSIE, 1996) Macintyre and Deponio (2003:3) elaborate that the policy of inclusion means that children with disabilities should not miss out opportunities for social interaction by being sent to special schools as they could also benefit intellectually from lessons with their peers. **School Intervention Team (SIT)**: A small group of staff who work with and on behalf of the whole school in a structured and organized manner, to provide support to those learners who need extra help to maximize their learning potential (Ministry of Education, 2012:2). **School intervention Team members**: These are the people who ensure that learners have their needs attended to in an organised and timely manner. In community junior secondary schools (CJSS) they should include Senior Teacher humanities, Senior Teacher guidance and counselling, Head of departments pastoral, language teachers, mathematics teachers, ordinary teachers, additional members such as class/subject teacher, parent, rehabilitation officer, social worker, chief, nurse and student representative where applicable (Ministry of Education, 2012).

It is indicated in the Recommendation (92b) that there has to be a School Intervention Team (SIT) under the coordination of at least one Senior Teacher in every school (RNPE Government of Botswana, 1994). This puts an onus firmly on each and every school to pay particular regard to learners with special needs within the school. In addition, Recommendations (95a and b) command that during the pre-service or in-service training, teachers should be imparted with a broad or general knowledge on special education although there is a room for specialization as well (RNPE Government of Botswana, 1994). This gives a strong conviction that a large percentage of teachers in Botswana if not all, have some light on special education hence according to the expectations should be able to delight in fulfilling the agenda for the country's inclusive education.

### Rationale for the study

In connection to the discoveries made in the background of the study, this study addressed the issue of special education in Botswana's inclusive education. As evidenced by other scholars and researchers, inclusive education is not receiving the optimum support as expected. Chhabra, Srivastava and Srivastava (2011) in their research when identifying the attitudes and concerns of teachers towards the inclusion of students with disabilities in the general classroom, found that teachers in Botswana have negative attitudes with some concerns about inclusive education.

The results also revealed that many regular teachers feel unprepared and fearful to work with learners with disabilities in regular classes and so display frustration, anger, and negative attitudes toward inclusive education because they believe that it could lead to lower academic standards (Chhabra et al, 2011). In addition, Brandon (2006) and Gaotthobogwe (2001) examined attitudes of Botswana teachers toward inclusive education and found that teachers held non-favourable attitudes toward inclusive education. A gap between recommended practices and the reality of implementation of inclusive education in Botswana was discovered by a number of researchers such as (Pilime, 2003; Dart, 2007; Mukhopadhyay, 2009 and Mukhopadhyay, Nenty & Abosi, 2012). Hence the main research question for the current study was:

## How are learners with special educational needs assisted in community junior secondary schools (CJSS) in Botswana's inclusive educational setting?

### Theoretical Framework

The study used the cultural history theory of Russian psychologist called Lev Vygotsky and the wellness theory of Bill Hettler. Looking at Vygotsky's theory which is used in many rehabilitation programs world-wide and Hettler's theory on wellness, these were considered as a good standard and foundation for effective school intervention teams (SITs). Vygotsky introduced the idea that children can perform more challenging tasks when assisted by more advanced and competent individuals. He also believed that challenging tasks promote maximum cognitive growth. He described this as zone of proximal development (ZPD) and this is considered as a range of tasks that a child can perform with the help and guidance of others but cannot yet perform independently. Lastly, Vygotsky's theory encourages that children should be allowed to play with others since play allows them to take on roles they would normally not be able to perform in real life thus stretching themselves cognitively. This theory can be one of the guiding principles in ensuring an effective inclusive educational system in schools. In this theory Hettler (1976) recognized a human body as a formal expression of physiological development and personal evolution. He focused mainly on the six dimensions of human wellness as social, physical, intellectual, occupational, emotional and spiritual. Australian Sports Commission, (2004) asserted that schools are the critical setting for an education that leads to active and healthy living. As settings for learning, schools can and should provide the broad, coordinated approach to developing the concepts of self and the beliefs and values that lead to ongoing, physically active and healthy living. The study attempted to explore how School Intervention Teams in Botswana Junior secondary schools supported learners.

### Method

A constructivist paradigm was found relevant for this case study. Planks (2010:228) described this paradigm as one that seeks to understand human behaviour in terms of people's intentions, values, attitudes and beliefs. A constructivist paradigm allowed the researchers to exploit the research topic in detail. In this case, the paradigm allowed the researcher to investigate and understand the role of SIT in supporting learners. The study involved mixed research design which was in the form of convergent design where the researcher collected qualitative and quantitative data concurrently and mixed the two databases by merging the results during data analysis and interpretation (Creswell 2003, 2014). A case study approach was used in the study since a contemporary phenomenon such as the role of School Intervention Team was within the boundaries between phenomenon under study and the real life context (Yin, 2003). Edwards (2001) highlighted that case study requires the identification of the unit of analysis that forms the focus for the study. In this case, schools with functional SIT were identified and Sit coordinators and members of SIT were involved in providing data.

**Location:** The research was based in Gaborone South East Region. The ministry of education has some education centres which focus on different regions. Therefore, this region includes Community Junior Secondary Schools in Gaborone East and nearby villages which are on the south of Gaborone such as Mogobane, Ramotswa and Otse. The main focus was in Gaborone East schools. Purposive sampling was used wherein schools with functional School Intervention Teams were used. To address the research questions, a mixed method approach which incorporated the use of questionnaires for members of SIT and interviews with the SIT coordinators was employed. Questions from questionnaires ranged from (*years of experience of SIT coordinators, attendance of workshops, attitude toward SIT, frequency of referrals by SIT, and satisfaction regarding feedback from external referrals*). Interviews questions covered the following aspects (*strategies used to build SIT and functions of SITs*).

**Data Collection:** Self-designed questionnaires for members of School Intervention Team were hand delivered by the researchers to the respondents and provided assistance in the form of clarity according to the demands of the respondents. Since the teams did not have a large number of members only a total of 14 respondents volunteered to complete and return the questionnaires. The respondents completed and handed back the questionnaires within 30 minutes. In cases where respondents were very busy, the SIT coordinators were requested to allocate the questionnaires to their team members and collect them, the researcher then picked them from the coordinators. Voice recorder was used with the permission of the participant. The use of voice recorders kept the interviews very short as they took almost 20 minutes. In one school the

coordinators did not permit the use of voice recorder hence allocated time (30 minutes) catered for note taking. Transcription of the interviews into text was done after the interview.

**Data Analysis:** This involved quantitative analysis where information was reported in terms of numbers of the sample who return the questionnaires. A descriptive data for all dependent and independent variables in the study was represented in the form of tables and charts with numbers and percentages of respondents. Conclusions were reached based on the data scores of responses on the questions posed. Open ended questions from the questionnaires were analyzed based on the content presented hence summary was drawn from the answers.

Qualitative analysis of open-ended data from interviews was analyzed through content analysis. Here general questions were asked and analysis was developed from the available information supplied by participants. McMillan and Schumacher (2006:364) regarded the qualitative data to be inductive in nature hence its findings can be presented in narrative form or as rich descriptions. This involved the use of verbatim account. Data was first coded or organized into "chunks" before bringing meaning into these "chunks" (Rossman & Rallis, 1998:171), then used to come up with descriptions for certain themes of discussions so as to make an interpretation or meaning out of the data as stated by (Creswell, 2003:194).

### **Discussion of Findings from Quantitative data-Questionnaires**

In figure 1 the majority of members of SIT were people who have worked for few years because 43% are those who are considered to be new at work. In general, 86% of respondents who returned the questionnaire had less than ten (10) years work experience.

In figure 2 the findings showed that most schools did not run workshops on SIT to the whole staff members because the majority of members of the teams did not under go any orientation workshop as proven by 79% of respondents. It was apparent enough that there is need for more workshops on SIT to sensitize teachers and other school staff on the importance of SIT

An equal number of 21.3% of respondents indicated that teachers make referrals of learners with SEN to SIT every day, once in a week, and once to thrice in term. Most respondents have noticed that these internal referrals are done once to twice in a month.

### **Level of satisfaction on external referrals**

In figure 3 64.3 % of the respondents were 20% satisfied with the feedback they get when learners are from external assessment and 37.7% were 60% satisfied. The main concern raised was that in some schools parents are the ones who take their children for external assessment hence some do not take them for assessment. In one school they noted that there were some learners who are referred to Guidance and counselling department so in most of the times they are not given feedback as to whether those learners were assisted.

### **Discussion of Findings from interviews**

#### **Strategies used to build SIT**

Most teams comprised of the Guidance and counselling Senior Teacher, Deputy School Head, 2 teacher aids, coordinator, and one to three subject teachers. Most schools had workshops to motivate and sensitize teachers on the importance of SIT. Subject Teachers volunteered to be part of the team.

Participant 4: *"We have all the senior management, language representative, practicals and one support staff. We are supposed to have a Mathematics representative but no one showed interest. The team was supposed to be a strong one because most people joined but this is not the case because many of them have no basic knowledge since the team is new, so we are to have a workshop where everyone will have basic knowledge on what to do"*

Participant 3: *"I had been not running SIT as a team since teachers were not interested to join because they have their own work to do, so I do it as an individual where I can although I am employed as a Science teacher and I am also a Senior Teacher. As such I have equal load of classes as other science teachers in my department. Social workers and Police officers visit us often as stake holders not as team members"*

### **Functions of SIT**

#### **Compile information on learner and open a file for each learner**

Participant 5: *"We take into consideration the welfare of all learners in the school. Their health status, social and emotional wellbeing is concern to the team. Working hand in hand with the guidance and counselling department in the school, we offer counselling to learners with disabilities and create a room for them to accept themselves and feel as valuable assets in the school."*

Participant 1: *There are two teacher aides who offer breakthrough to the identified learners. They do that every afternoon.*

The interview results indicated that it is through SIT that members of school are in a position to understand and appreciate the uniqueness of learners and even the staff they have. Findings indicated that SIT is not only for the benefit of the identified learners but it takes into consideration the needs of every individual in the school. This correlates with the Six Wellness Dimensions model which is for the benefit of everyone as it recognises a human body as a formal expression of physiological development and personal evolution (Hettler, 1976).

#### **Internal and external referrals**

It was indicated that teachers do refer identified learners to the team and severe cases are referred to Central Resources Centre (CRC) in Tlokweng for professional assessment, while in some cases learners are taken to clinics or hospitals for consultation by medical practitioners.

Participant 1: *"There are no internal referral forms but teachers verbally report the cases they identified in their classes to the team, fourteen (14) cases were referred to CRC and reports are taken to BEC."*

Participant 3, 4 and 5 said: *"There is a manila pasted on the notice board in the staffroom where teacher write the names, class and description of the difficulty the identified students have."*

This study indicated that there are some internal and external referrals in the schools where learners with special educational needs have been identified. The use of manilas for writing the names of learners identified during lessons and specifying the area of their difficulties serves as an important method for internal referral to SIT. The coordinators indicated that they are the ones who make detailed report to Central Resource Centre (CRC) at Tlokweng as they refer the identified learners for professional assessment. They highlighted that before they do any referrals, they device some interventions to help the learners and to be sure of the learner's problems. The Ministry of Education (2012) regards referral as a problem solving forum which aims at assisting teachers on how to assist the referred learners or reducing the barriers to learning in learners. This document also stipulated that the School Head, Head of Departments (HODs) and Guidance teacher should assist with referrals of identified learners for further assessment (Ministry of Education, 2012).

It was evident enough that through the use of SIT, schools aim at seeing progress in child's mental, physical, occupational, spiritual, social and emotional aspects of their learners' lives. For example, one of the coordinators was full of joy and appreciated the effort she employed in assisting one of the students who had learning difficulties. She highly believed that SIT should coordinate the movement of students from level to another or from one school to another. She proudly indicated that with the help of the interventions she devised, that a particular learner managed to excel in her education and was now pursuing her tertiary level in special education. This is a signal that SITs are even concerned about the occupational wellness of learners and they want to see them progressing for one stage of life to another.

### **Kinds of difficulties/disabilities referred to the team and criterion for identification and assessment**

All sampled schools indicated that they have quite a high number of learners with intellectual disabilities/ learning disabilities, dyslexia and one or two with physical disabilities. Some types of disabilities were exclusive to some schools as indicated by the comments below:

Participant 4: *“Some students have behavioural disabilities, some are kind of “lazy”, we have mild hearing impairment and a number of those with visual impairment but none is blind.”*

Participant 2: *“Our school is a modelling school for inclusion, so we have quite a number of disabilities. There are those who are using wheelchairs; some have finished their form 3; we have those with visual impairment although we do not the blind; there are those with hearing impairments, and a lot of those with intellectual disabilities.”*

The respondents emphasised that they are not allowed to make formal assessment of learners. Their role is to identify learners' problems and do the normal educational testing and assessment that is done by administering quizzes, tests, assignments and practical work to learners. They indicated that although this is done to all learners, there are cases where they have to modify their assessment tools when they do informal assessment of the learners they have identified to be facing difficulties in learning.

Participant 5: *“We have formulated our own school based assessment tool teacher that assesses basic English skills like reading and writing skills, simple mathematical operations/functions. For example, we can pick up a short passage and ask the learner to read and as he/she reads we identify the key areas where that learner is struggling.”*

Participant 2: *“We assess them looking at their physical appearance, academic performance and background from primary school because some are known from primary schools. We even interview the learners to know their educational background, then, call their parents for interview too believing that parents know their children better.”*

Majority of SIT members indicated that they are not conversant enough with identification and assessment of learners with some disabilities except for those who show physical disabilities, hearing impairment (HI), visual impairment (VI), dyslexia and the slow learners. Their experiences on special education concur with findings by Dart (2007) and Mokobane (2000) which indicated that teachers in ordinary/mainstream schools lack skills in basic identification, assessment and support.

### **Meetings and feedback to the staff**

The majority of SITs have formal meetings twice in a term. That is, at the beginning and at the end of the term. They give feedback on the proceedings of the team usually during weekly brief meetings. One sample school indicated that their meetings as the team are just casual.

Participant 3: *“Because of overload we meet on corridors and just say help here and there. We do not have formal meetings.”*

Participant 4: *“Teachers are notified of the SEN learners' tests, exams and marking during staff meetings. Usually, the head of department is the one who gives the staff feedback on the achievements, challenges and new cases that the team is facing. And this is done during Wednesday brief meetings.”*

### **Parental involvement**

Almost all the sampled schools were not satisfied with the parental involvement in SIT.

Participant 2: *“It is the role of the team to call parents of the identified learner and discuss the learners' problems with them. Unfortunately, most parents are not forthcoming for meetings but there is no how we can progress with other objectives of the team without parental consent.”*

Participant 1: *“Yes, parents are given advises on how their children can be assisted. Most of them do not forward their consent for their children to be included in special education programmes.”*

One can conclude that that there is little joint effort between parents and the sample schools. Dukes and Smith (2007:5) state that when parents and practitioners work together in early year's settings. The results have a positive impact on children's development and learning. This case study revealed that parental involvement is even more vital in ensuring better effectiveness of SITs at community junior secondary schools (CJSS).

It is important for the school through SIT to reach out to parents of learners with SEN since parents are considered as children's first and most enduring educators. In their research, Duke and Smith (2007) discovered that parents have unique strengths, knowledge and experience to contribute to the shared view of a child's needs and the best way of supporting them.

### **Support from external stake holders**

Two of the sampled schools indicated that there is no support that the team is receiving from external stakeholders while the majority indicated that they have achieved the little because of support from external stakeholders.

Participant 3: *"Like I stated before, although these stakeholders are not part of the team, we have good partnership with the local police and social worker. There are times when police officers are invited to come and address learners on issues of discipline. They even attend to indiscipline cases. The social workers attend to learners who are not fit spiritually, physically and emotionally. We have come to this point as SIT through the support we get from [school A] whenever we get stuck. That's where we benchmark."*

Participant 2: *"We once invited a resource person from CRC to come and share with teachers on how to handle and live with learners with SEN and to even share with the staff on how they do their assessment at CRC. We were also invited a resource person from Botswana Examinations Council (BEC) to explain to the staff on how the examinations for the disabled are being run. We received support from the Ministry of Transport and Communication; they donated two computers and different software for special education to the team. We have accumulated most things by asking for donations from different authorities."*

Participant 4: *"So far we have not received any support from anyone since I am new in this post. I would like to know more on where to get support but I will appreciate it most if the Ministry of Education can be on our side."*

Participant 1: *"Although there are no enough psychologists at CRC, so far we referred 14 learners and they were assessed now we are taking the report to BEC."*

### **Challenges faced by SITs**

Looking at the responses and the working conditions of SITs, it becomes apparent that there are numerous challenges that these teams are going through. Some indicated that the teams are still new and struggling while others indicated that there are overwhelming school activities that hinder them from doing their best as the team. Some considered their teams to be still dormant because the coordinator stopped volunteering and no one is willing to take over; hence those schools failed to be part of this study. Nevertheless, coordinators stated the main challenges that they face as narrated below.

Participant 3: *"SIT is not a mandate or obligation in our education system because it exists through volunteering. Teachers and even senior management team are not willing to volunteer. We are supposed to have more than ten members according to the stipulated list but we are only 4 because teachers find it as an extra job as they complain that they are not paid for special education."*

Participants 1 and 5 also alluded that there is low participation from senior management and other staff members.

Participant 4: *"Although there was a workshop on SIT and its composition, there is no enough time to call for meetings due to packed schedules with activities in our school. Our activities as SIT are lagging behind and as such learners are not identified and internally assessed and even assisted accordingly."*

Coordinators indicated that although some of them did special education, they only specialised in some areas and not the other. So, they experience challenges as the whole team in assisting learners who have difficulties in areas they did not

specialise on. For example, Participant 4 puts it as thus: *"I don't know how to assist learners who cannot read or write but for those with visual impairments and physical disabilities I try."*

Participant 2: *"The environment in which we do the assessment of identified learners and their remedial in not conducive, since it is noisy. This used to be a passage and was improved into a temporary office."*

Participant 5: *"We need a classroom to conduct remedial lessons. We also need books and other materials that correspond to the level of the learners with educational needs." Other participants indicated the same challenge."*

Participant 1: *"Although we have a rondavel that we use for remedial teaching, it does not have electricity; so, we cannot use anything that uses electric power in it. It does not even have a chalk board or white board."*

Respondents underlined on the questionnaires that there is no confidentiality since they do not have an office or a classroom to do their work.

Participant 1: *"Due to labelling by other students, our learners' attendance for remediation is poor."*

Participant 3: *"the identified learners in our school are shy to be helped; hence they do not turn up for remedial teaching."*

Participant 3: *"It is not easy for the school head to take head of the request we make when we ask for reduction of load and this de-motivates me. I started SIT in about two schools where I came from and my teaching load was reduced."*

Participant 3 continued to say: *"it is very difficult to help learners who need special educational interventions because they are in large numbers and I also have my classes to teach and also I am the senior teacher, so it's a lot to do."*

Participant 2: *"There are reports we receive from the feeder schools on how the learners have been performing, whether they have undergone some assessment by professionals at CRC. Therefore, time is consumed on identification and assessment."*

Participant 3: *"After the school has identified the child and parents are called to sign for their child to be helped, parents do not come and this makes the team to fail to help the child without the parent's consent." Participant 2 stated that parents do not come to register their children for special education programmes. As a result, identification takes long. Only those learners with visible disabilities are easy to be helped. She further highlighted that some parents are not forthcoming to support their children to be assisted by Central Resource Centre (CRC) at Tlokweng and this has great impact on the functionality of the team.*

Participant 3: *"Since teachers are to account for the results of their classes, they consider every learner whose performance is very low or not pleasing to be special education learners although this is not always the case. So, there are many referrals to the team and teachers complain that they do not have time to conduct remedial for individual learners."*

Participant 5 pointed out that *"Almost the whole school is being referred to the team though they need remedial; teachers still need more workshops on the purpose of the team and the kind of disabilities to be referred to the team."*

Participant 4: *"Teachers forget to mark scripts for learners who had special tests and exams since these learners scripts are put in their separate envelopes according to individual needs. This de-motivates learners when scripts are returned and theirs are not among others."*

Participant 4: *"The work is overwhelming for me as the coordinator since I also teach practicals; so, I think I should resign from being a coordinator and maybe just be a member. I feel that we are not doing enough to meet the needs of these learners because we have other subjects to teach."*

Participant 2: *"Man power at Central Resource Centre (CRC) is very low. After identifying students here in our school, it does not benefit them because some of our students finish school without being assessed by a psychologist."*

Participant 3: *"We don't know who is doing special education at the region so we do not know the Principal Education Officer (PEO) for special education."*

Participant 4: *"As the coordinator who is new in this team, I don't know who to see at the region in Gaborone when I want to ask for help regarding special education, and enquire on the ministry's stand on special education."*

the teacher aides, parents, external agents such as Botswana Examinations Council (BEC) and Central Resource Centre (CRC), Ministry of Education, Skill and Development, Non-Governmental Organisations (NGOs), and physical resources (which includes offices for assessment, library, teaching and learning aids) are crucial to the functionality of SIT. The studies carried out on Inclusive Education in Botswana also indicated the need for adequate equipment, enough paraprofessionals, and adequate funds to support the learners with SENs in regular classrooms as necessities for effective inclusion (Brandon, 2006; Kuyini & Mangope, 2011; Chhabra, *et al.*, 2010). But if the SIT strategy is to become widespread, then coherent direction, support and monitoring from outside the schools is required (Hopkin, 2004).

### **Participation level of teachers**

The findings clearly revealed that teachers are not willing to be part of the team which is another blow to the functionality as a community. This was indicated by 35% of respondents who completed the questionnaire. Interviews illuminated that teachers prefer to refer a large number of learners to SIT even those that can be assisted within the normal classroom setting. According to the South African Education White Paper 6 (DoE, 2001:18), teachers are the primary resource in the implementation of the goals of the Inclusive Education policy. Study by Gloeckler, Johnson, Laney, Malayeko, Maloof, Sword, and Thanner (2009) have shown that for these SITs to be effective, general education teachers must take ownership of the team. An expectation from the Government of Botswana (Ministry of Education) which is in line with the second and third Recommendation (95a and 95b) concerning teacher training states respectively that *“all teachers should have some elements of Special Education in their pre-service or in-service training”* and *“most Special Education teacher training should be a broad based rather than focusing on single disability”* (RNPE, 1994:42).

Most teachers at CJSS in Botswana are diploma holders who did their training at Botswana Colleges of Education and underwent Special Needs Education Awareness Courses as witnessed by (Dart, 2006). However, only a very small number of these teachers are part of SITs. Unlike in the observation made by Brandon (2006) and Gaothobogwe (2001) when examining the attitudes of Botswana teachers toward Inclusive Education, it was not crystal clear as to whether teachers in junior secondary schools still have non-favourable attitudes toward Inclusive Education. Most of the comments from the coordinators were that teachers have greater workload so everyone is busy with her teaching subject. One coordinator indicated that teachers want to be compensated for the little help they will bring in assisting learners. This seemed to denote that teachers still need clarity on their roles towards Inclusive Education since it seems they consider Inclusive Education as someone's responsibility excluding them.

### **Lack of support to the teacher aides**

Teacher Aides were concerned about the way they were treated by the Senior Management Team (SMT) and other teachers. Since they are employed on temporary bases, they feel discriminated and not fairly treated. They emphasised that their concerns and ideas are rarely taken heed of. In some instances, they are warned of talking about negative things that the school is putting against learners with disabilities. This seems to show that most schools are not yet ready for inclusion of learners with SENs or ready to accommodate people who can assist in achieving Inclusive Education objectives. The mind set of both teachers and SMT needs to be changed in order to prepare them for inclusion. This can be through workshops arranged by the Ministry of Education Skill and Development (MoESD), BEC, and CRC. Support for specialist resource teachers was identified as an important factor in shaping positive teacher attitudes to inclusion (Kauffman, Lloyd & McGee, 1989).

### **Overall rating of SIT**

When rating the overall performance of SITs, coordinators were not strongly content with how their teams are functioning to achieve the set objectives.

Participant 3: *“Were are trying, its only that everyone is busy with his/her work so we don't assist these learners as expected. The School head is very supportive.”*

Participant 2: *“We are not achieving our objectives as planned because most of the work is done by me as the coordinator. I do Individual Educational Programmes (IEPs) for individual learners since teachers do not do them and the teacher aids*



*do not know how to do them. I am the one who offers assessment and remedial to, make reports to Central Resource Centre (CRC), and see the overall proceedings of the team. For us to achieve our objectives, we need more trained personnel and more scribes.”*

Participant 4: *“There is still more to be done for SIT to yield better results. We are still behind of doing that which we think can best work for the disabled, we are not doing enough at all because people are busy with what they are paid for.”*

### **Ways of enhancing the effectiveness of SIT**

The coordinators emphasised much on being hired for what they do the need for an office and classroom for special education, and speeding up of external assessment by CRC. The following are their comments.

Participant 3: *“The Ministry of Education should implement their policies on special education and inclusion, than people volunteering as we do. We are employed not for special education but because of the need we see in our learners, we end up volunteering to start and coordinate SITs. Let there be a post for senior teacher special education in secondary schools just as there is one in primary schools. Let us not help but be hired for special education.”*

Participant 2: *“Looking at the fact that we have a lot of students who are challenged; for example, right now in my school we have more than 25 learners with learning disabilities only, 12 intellectual disabilities, 4 with visual impairment, 7 hearing disability and 2 with physical disability. It’s too much for 1 specialist; therefore, we need more specialists (Learning disabilities, visual impairment and hearing impairment) to assist each other since this is a modelling school for Inclusive Education. Special education needs someone with passion since these kids need to be loved.”*

Participant 3: *“I think School Heads need to attend workshops on special education and the requirements for Inclusive Education, maybe that’s when they won’t have difficulties with reducing our class loads.”*

All the sampled schools highlighted that there is need for reserved classroom and office specifically for special education. Participant 2: *“We need a porter cabin which can be partitioned into 3 segments; library, office and resource room.”*

The findings of this study indicated that it was mainly the school initiatives to form SITs. Formation of SITs came up as an initiative from subject teachers. The findings from the interviews showed that people who are performing the duties of SIT coordinators started by volunteering to start up SITs at their schools. Most of them started this as individuals where they identified few learners with learning difficulties in their classes and devised educational interventions for them based on the skills and knowledge they gained during their studies at university level.

These coordinators seemed to be fulfilling recommendation 92b which suggests that anyone can volunteer to coordinate SIT (RNPE, 1994) although the post needs to be filled with people with special education qualifications in future.

The findings as revealed by the interview with the coordinators indicated that most of the coordinators are members of SIT because they have some educational qualifications on special education. Most of them have specialised in various areas of special education as this was indicated by 60% of the participants. For instance, some coordinators had degree qualifications in Hearing impairment (HI) and learning Disabilities (LD). This showed that almost in every school there are qualified people who did double major of Special education and other subjects at universities and colleges. One may conclude that there are quite a good number of people whom when given a chance, can make Inclusive Education possible and effective.

Although it is easy for someone to do that which he/she is confident at, there were some coordinators who had no educational qualifications on special education who out of passion volunteered to start and coordinate SITs. They believe that with much support from the school management team commonly known as the Senior Management Team (SMT) and Principal Education Officers (PEOs) for special education they can develop and end up performing better in this area.

On the other hand, the results of the study indicated SIT activities and membership are dominated by females (98%) as compared to 2% male participation in interviews and completion of questionnaires. Therefore, it was concluded that the majority of men are not interested in being members of the team. Among these statistics there were a minute number of subject teachers who joined SIT out of passion for the learners with learning problem and other disabilities. Questionnaire results indicated that teachers who are members of SIT volunteered to be part of SIT after attending a workshop on special

education awareness. These teachers indicated that they have some basic knowledge on special education from Colleges of Education. Research has shown that teachers with special education awareness tend to have positive attitudes towards and are willing to assist learners with disabilities (Dart, 2006; Mangope, Kuyini & Major, 2012; Mukhopadhyay, 2009).

Lastly, there was a category of people who are supposed to be members of SIT by virtue of the employment positions. For example, three out of the five sampled schools had a minimum of two teacher aides who are responsible for assisting in offering the remedial lessons, mobility of learners who find it difficult to move around and taking notes for those who are unable to write. Teacher aides have been hired on temporary basis by the Ministry of Education to offer support in such needs. Teacher aides raised a concern that they are not professional teachers although they are expected to do some remediation. Unfortunately, they highlighted that they know nothing about special education issues and as such they find it difficult to handle some difficulties and disabilities that learners have. Although they are not qualified, they indicated that they enjoy working with people with different disabilities.

Previous studies conducted on Botswana's education state did not say anything on teacher aides, their qualifications and their responsibilities. Therefore, this can be considered as an improvement in the state of Inclusive Education in some schools. According to Pugh and Macrae (1995), teacher aides should be classroom support staff for teachers in the sense that they help with clerical and instructional duties in the classroom and also work with individual students and small groups as directed by the teacher.

Most SIT coordinators indicated that Guidance and Counselling Senior Teacher and at least one Head of Department (HoD) should be part of SIT by default but this is not the case as some were reluctant to join, and those who joined the team are not very active. The document from Ministry of Education and Skill Development (2012: 7) outlines the following as people who are obliged to be part of SIT at secondary schools, namely; coordinator senior teacher humanities, Senior Teacher Guidance and Counselling, Head of Department pastoral, and language teachers. The following are additional members; class/subject teacher, parent, rehabilitation officer, social worker, chief, nurse and student representative where applicable.

According to Jones (2004), people with knowledge on special education are very special components of evaluation system which has to be specially constructed to meet the requirements of all students in the classroom and not just those who have special gifts and are in good health.

There were some inconsistencies in answers regarding the duration of existence of SIT in various schools. This may signal that most of the members just joined the teams recently. It may also signal that there are times when some teams are active and times when they are dormant. Generally, results from questionnaires and interviews showed that most SITs were formed very recently while others have been in existence for quite some years. For instance, 40% of schools had SIT that had been in existence for 5-9 years while 60% fell in the range of 1-4 years. The high numbers of recently formed SITs above seem to imply that there is a trend of schools introducing this programme. This implies that schools appreciate the need for formation of SITs as a means of assisting learners with SEN. Unlike in the research conducted by Mangope, *et al.* (2012), where teachers were not sure if there is SIT in their schools, all the participants in this current study affirmed that their schools have relatively functional SIT.

Coordinators highlighted that if there can be unity in schools where teachers and Senior Management Team (SMT) work together to ensure that all learners receive appropriate educational interventions, the pass rate will even improve. Therefore, SIT will be an important tool that empowers all to do their best for better school results. The main aim of SIT was seen as important in benefiting the school at large.

The research findings about school environments indicated that there is more to be done by class teachers, subject and parents to address barriers to learning for learners with behavioural and learning difficulties. It was realised that it is the responsibility of SIT through active coordinators to keep a record of information about wellness, school performance and educational interventions for the identified learners. Hence it could be said Vygotsky's (1978) cultural-historical theory and Hettler's (1976) wellness theory are the two guiding theories that help in the achievement of objectives set by SIT since these focus at a person as a whole.

Questionnaires and interviews revealed that SIT is responsible for identification of learners with special educational needs. Coordinators indicated that they usually enquire from feeder schools (primary schools) on the difficulties that the identified learners had. Teachers who are members of SIT and coordinators indicated that they informally identify learners during the teaching and learning process looking at the physical, sensory and intellectual difficulties. Only one coordinator indicated

that since she has identification skills, she identifies and even assess learners both formally and informally. She indicated that she makes use of school records, pre-made checklists, exam results and even consults the learner's guardian for interviews. These agree with Vygotsky's cultural-historical theory where he elaborated more on zone of proximal development (ZPD) which considers if the child is able to complete more challenging tasks (education-portal.com, 2015). In addition to this, Hettler (1976: 2-3) encouraged that emotional, spiritual and physical wellness of individuals should not be overlooked; hence these can be some of the guides during identification.

Findings of this study showed that SIT provides guidance and counselling mostly through Senior Teachers Guidance and Counselling. This proves that SIT is concerned with the wellness of all learners since the emotional wellness of learners is not overlooked (Hettler, 1976). The Ministry of Education (2012:9) states that Guidance teacher is responsible for the development of a comprehensive guidance and counselling programme that include learners with special needs. They should also provide guidance and counselling to these and their parents.

The finding also showed that informal assessment is done by administering class exercises, quizzes, tests and examinations. The assessment is also based on whether the learner can perform some motor skill. Teacher aides indicated that they do remedial in the afternoon and what they offer are basic skills such as writing, reading and arithmetic skills. They use their own common knowledge based on how they were taught while they were beginners at primary schools. In one of the sampled schools, the coordinator emphasised that there is need for sign language translators since there is a number of learners with hearing impairment in her school.

## Conclusion

The schools had SITs with very little membership. Only few people volunteered to answer the questionnaires and mostly of them were the teacher aides. It was not easy to generalise some of the findings from the questionnaires of the study since other SIT members such as HoDs, Guidance and Counselling Senior Teachers and most of the teachers who are members of SIT did not volunteer to answer the questionnaires. Some individuals misplaced their questionnaires. There are also various role players that must be engaged for the goals of SIT to be realised, and these include the principal or school head, SMT, teachers, teacher aides, external stake holders such as CRC and BEC. Better infrastructures like office and teaching-learning resources are also crucial for the advancement of Inclusive Education. Audit Commission (2002:41) considers these as features for an effective environment for inclusion. These include leadership commitment to high standards of all; staff commitment to meet the needs of all learners, commitment to team work, commitment to on-going staff learning, commitment to improvement, teaching and learning being at the heart of the school, not only accepting diversity in learners as the school but celebrating it and lastly, having high expectations of all learners.

More study needs to be conducted on the teachers' perceptions on Inclusive Education in Botswana as well as on issues that hinder them to use their special education awareness skills once they get into their classrooms. Also, more studies need to be conducted to investigate the views of Principal Education Officers for Special Education (PEOs) on the reasons for stagnant Inclusive Education practices and the Ministry of Education's intentions on Inclusive Education.

## Recommendations

The on-going school systems should manage and develop staff in order to help all staff to evaluate their own practice, learn from one another and from outside, and develop as professionals. Workshops on special education should be conducted at school level for the whole staff. Teachers should be assisted on how they can improve their social interaction with all learners without discrimination since this is essential for every learner's cognitive development and Vygotsky's theory advocates for this.

Schools can introduce a similar programme as one running in the USA known as "Mentoring New Special Education Teachers". Bey and Holmes (1990) outlined that this programme aims at helping beginning teachers to cope with "dissatisfactions, disappointments, and difficulties" in the first year of the teaching and improve teacher performance. Through this programme each and every new teacher to an environment where inclusion is practiced will have the opportunity to know the culture of his/her new school in regard to education of learners with SEN and they will see the need to take part in assisting those learners.

To avoid rejection and labelling of learners with disabilities by their classmates and even school mate, the following suggestion by Downing (1996) can be adopted by schools. The suggestion is that classmates can watch a videotape on students with disabilities. Following that videotape, they can be encouraged to ask questions aloud or via a question box for class discussion. Also, schools can infuse disability issues into classes. This will help students to see that peers with disabilities are not better or worse but they are just different in some ways, and very like their classmates in most ways. Downing (1996) emphasised that the goal of awareness activities is to share information and realistically portray disabilities while building for appreciation of differences.

The identified learners should be given counselling and shown the reason why they are chosen for special remedial programmes. This will help learners in need of special educational interventions to accept themselves and turn-up for remediation. These learners should be allowed to evaluate the programme in place for them. This will help learners to fully acknowledge that they are in need of help; hence their attendance for remediation will improve impacting positively on the effectiveness of SIT.

In order to encourage parental involvement Duke and Smith (2007) listed about 20 starter ideas which they regard as ways to support good relations with all parents and a sample of those are as follows:

- Listen carefully to what the parents have to say about their child. Acknowledge they know best;
- Keep parents informed about infrastructure developments made;
- Establish pattern of talking to parents about everyday matters. This will make it easier to discuss difficult issues; and
- Encourage parents to tell you social stories about their child.

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## The Academic Wellness of Postgraduate Students in ODL Institutions: The Case of UNISA and ZOU

Magano Meahabo Dinah

Mafumbate Racheal

Department of Psychology of Education University of South Africa

maganmd@unisa.ac.za

### Abstract

*The objective of this study was to explore and establish the academic wellness of postgraduate students in the respective institutions. The sample of six ZOU students and six UNISA students was purposively drawn from two institutions. This study draws an intensive ethnographic research interrogative approach through observations, interviews, and open ended questions to explore and establish the academic wellness of ZOU and UNISA postgraduate students in ODL Institutions. An integrative framework lens namely the Transactional distance theory, Cultural Historical Activity theory and Hettler's Wellness theory were mainly used to try and get a better perspective on students' wellness in ODL institutions. By using an integrative lens, the researchers were mainly trying to get a better perspective on academic wellness of postgraduate students in ODL Institutions. Ethical considerations were observed by the researchers. Data was analysed manually through hand coding and categorizing of ideas, which eventually formed themes to this research study. Findings for now revealed that postgraduates' students in both institutions are technologically challenged, are experiencing challenges in terms of registration process and library facility usage. The mentoring process and the student-supervisor relationship have a great impact on their wellness. Additionally findings from this study revealed that post graduates students' wellness in both institutions, is affected in different form hence they are crying for the respective institutions to assist them accordingly to enable them to overcome the encountered problems during their learning process. The study was limited in its geographical coverage and scope, the findings of the research can neither be generalised to other provinces nor to the entire populations of Zimbabwe or South Africa. In view of that, it is therefore, recommended that, the study should be replicated in other ODL institutions. In this way, a broader and more comprehensive perspectives and understanding will be gained on the academic wellness of postgraduate students in ODL institutions.*

**Keywords:** Academic wellness; ODL; ZOU; UNISA; postgraduates

### Background

UNISA was founded in 1873 where it started as a university college which offered courses to learners via correspondence. Subsequently, the university migrated through the various developmental stages of distance education. In 2004, thus when it was constituted as a comprehensive open and distance learning university. Similarly, ZOU was founded in 1999 as an Open and distance learning. Both universities (UNISA & ZOU) as Open Distance Learning Universities, promote open access to courses, flexibility in methods and criteria of assessment. Open and distance learning (ODL) implies a shift from content to learner. This dictates that the needs of the learners be addressed in a holistic manner (Seleetse, 2002:91). For a student who has other commitments in life like work related issues, family and other responsibilities it is very difficult to study full time at a university. With an increasing number of students who study part time and living in other countries, an ODL university is the best option for them to study. Open Distance Learning institutions support diversity and social inclusion (Gaskel, 2010). Wisker, Robinson and Shacham (2007) argue that isolation is no longer an issue since in this age of electronic communication, interactions at a distance is comparable to a face to face one. Although their argument is debatable since in developing countries there are challenges of access to internet or technophobia depending on the age cohort of students. Postgraduate students need more support since there is a lot that is expected from them in terms of delivery. Simpson (2008) asserts that there is a theory that is needed for student support especially in ODL context. Simpson (2008) suggested that in ODL learner support should focus on learner's strengths and proactive motivational theory. The theories that Simpson (2008) postulated are actually supporting the academic wellness of students. Dzakiria (2008) also emphasised that students in ODL context need support in order to attain academic fulfilment. All learner support

systems are interrelated and support one another hence, it is against this background that the central question that the study addressed was: **how is the academic wellness of postgraduate students in ODL Institutions?**

### **Theoretical Framework**

The study used an integrative lens of transactional distance theory (Moore, 2007), Cultural Historical Activity theory (CHAT) Lev Vygotsky (1978) and the Wellness theory (Hettler, 1980). The researchers used transactional distance theory since both universities are ODL institutions which have planned learning that normally occurs in a different place requiring special techniques, communication through various technologies and special organizations and administrative arrangements (Moore & Kearsley, 2005). Moore and Kearsley (2005) further define the transactional distance as the gap of understanding and communication between supervisors and postgraduate students caused by geographic distance that must be bridged through clear modes of interaction. Dialogue between the supervisor and the student, flexibility of structure in this study the marking of the proposal and chapters and giving feedback, and student autonomy are three major components in transactional theory. Furthermore the researchers used CHAT as a lens and the focus was on mediation: how practical activity shapes and is shaped by cognitive functioning. This in turn aids students in acquiring the thought processes and behaviours deemed valuable and specific to their culture or society. The changes and academic growth that students experience as a result of these interactions with supervisors allowed students to become competent in their research. Vygotsky (1978) explained this interaction in terms of "mediated action" in which participants are not passive, rather active as they interact with artefacts or tools (technologies) and use these interactions to make meaning of their environment, or evolve and change their current meanings. The CHAT theory has a strong focus on the social aspects of human beings. In the current study the social aspect was the communication between the postgraduate student and the ODL administrative staff and the supervisor. The third lens used in the current study was the wellness theory of (Hettler, 1980). Hettler (1980) developed a theory of Wellness, exploring how humans can develop ways to live optimally. Hettler's model focuses on an integrated approach to wellness, and living a healthy, fulfilling life.

### **Student supervision in ODL context**

In supervision there is a formal role played by a supervisor who is by virtue of being in an academic institution should be more qualified to lead an activity of supervision. Chiapetta- Swanson and Watt (2011) assert that there are expectations and accountabilities to both the supervisor and the supervisee. Every university has rules and regulations that pertain to the smooth running of supervision. In ODL institutions the challenge may be the number of students allocated to supervisors. Therefore it calls for careful administrative skills from the supervisor so that none of the students is lost or forgotten. The procedures that are outlined in ODL universities should advantage both the student and the supervisor (Chiapetta-Swanson & Watt, 2011). Though in ODL the supervisor and the student may not meet but the supervisor should bear in mind that 'supervision in the academic context is a process to facilitate the student becoming an independent researcher and scholar in their field, capable of adapting to various research arenas (Pearson & Brew, 2002). In becoming a scholar postgraduate students have intellectual freedom to explore eccentric ideas, follow hunches, and test the supervisor's knowledge which may be annoying to other supervisors. It therefore calls for maturity and one's personality to understand the stance that the student is taking in writing and building an argument. In ODL the challenge is the relationship may be strained and there is no chance of meeting and resolving the misunderstanding. In supervision it is more on the wellness of the students since this is a developmental path for their academic journey.

Supervision in ODL institutions has a major challenge of distance, problems related to ICT accessibility and affordability (Mafa & Mapolisa, 2012). At times internet is unreliable and frustrates both students and supervisors. At UNISA a system of recording students' activities is known as myUnisa which is a tool which needs an internet facility and the server must always be on. The supervisor frustration comes when after marking the student's work and needs to record the activities onto myUnisa and the system is does not work on that day. The supervisor ends up sending an email and the chances are high that the supervisor may forget to update the system the following day. The supervisor should ensure that students don't become dissonant. In overcoming dissonance supervisory dialogue should provide support enabling students to succeed in their postgraduate studies (Wisker, Robinson, Trafford, Creighton & Warnes, 2003).

### **Mentor mentee relationship in ODL context**

Supervision entails mentoring relationship between the supervisor (mentor) and the student (mentee). The mentoring role is characterised by a relationship wherein personal experiences and knowledge are being shared and someone less experienced grows and matures in such a relationship. Chiapetta-Swanson and Watt (2011) assert that a mentor is someone who engages in a long term relationship with a student by mutual agreement. Magano (2011) posits that mentoring process ensures that even after the student has completed a PhD will be able to be an independent researcher and not resenting anything that has to do with research. Effective supervision has mentoring in it, therefore the two concepts mentoring and supervision cannot be separated (Manathunga, 2007). Since ODL institutions has a wide spectrum of students, the mentoring process may be complex since online telemetries are used in communication. In using technology to facilitate the process of supervision one must guard against the abuse of power as a supervisor. Magano (2011) and Manathunga (2007) posit that there should be freedom of expression between supervisor and the students though guidance is also necessary and mutual respect between mentor and mentee. The role of the mentor is to ensure that there is guidance regarding students' aspirations, the students prior knowledge, know that it is the students research, counsel where there is frustration, being a role model and have a good relationship (Mafa & Mapolisa, 2012). Good mentors are accessible to students that they are supervising and respond timeously and give constructive feedback (Chiapetta-Swanson & Watt, 2011). A good mentor assists in choice of the research topic and guides the student accordingly. Sadly in ODL context most students do not discuss their topics with supervisors first, they write research proposals and after registration the administration office sends the proposals to the departments. Other students stay for a prolonged period of time without a supervisor, by the time the student gets a mentor the anger level is high and they take time to get along.

### **Support structures in ODL context**

The student who studies at an ODL institution needs extra support in order to succeed in one's studies. Apart from receiving support from the supervisor, there are a number of technological services on library services and administrative issues like posting assignments and receiving them back. A student in ODL institution needs resources to refer to and therefore internet facility should be reliable. In a study conducted at Allama Iqbal Open University (AIOU) on perceptions about distance library support services, respondents indicated that they were dissatisfied with the virtual reference services, online database facilities, interlibrary loan, library membership and borrowing of library material from AIOU (Arif & Mahmood, 2008). A study conducted by Chabaya, Mupa, Chabaya and Chiome (2012) at Zimbabwe Open University on customer care in ODL institutions students indicated that they needed quality tutorials, efficient registration processes, well managed weekend tutorials and quick and efficient publication of results. Customer care referred to by Chabaya et al (2012) simply mean student support. In promoting the wellness of postgraduate students, support services for students in ODL institutions should be helpful and upgraded. The loan system of books should be improved also especially time frames of courier processes. This is in line with UNISA strategic thrusts of ODL research which is the impact of student support (cognitive, administrative and affective) on student success and retention (Unisa's Open Distance Learning Research Framework and Plan, 2012-2015).

### **Purpose of the study**

- The purpose of the study was to establish how the wellness of postgraduates students from the two ODL institutions (UNISA & ZOU), is being promoted throughout their journey in postgraduate studies.
- To explore strategies which the two universities may employ in order to support and ameliorate the predicament postgraduate students at UNISA and ZOU find themselves in when pursuing their studies which impacts on their academic wellness.

### **Method**

The study followed an interpretive paradigm and was qualitative in nature (Henning, Van Rensburg & Smit, 2010). The researchers were interested in knowing the students' experiences at the two universities; hence the qualitative method was appropriate. The researchers requested their students who were enrolled at Masters and Doctoral degrees to participate



in the study. Ethical considerations were observed by the researchers. Participants were ensured privacy, anonymity and that their rights and voluntary participation would be taken into consideration. Telephonic interviews which had open ended questions, tracking instrument, emails, workshop sessions and weekend school sessions were used to obtain data from students. Since the Universities are Open Distance Learning emails were used to send the requests to students to participate in the study.

**Data Collection process using telephonic interviews:** A day before the interview date, the researchers made follow ups with the participants to ensure that nothing had changed to the scheduled dates. The participants were briefed on the interview process in which they were free to remain in the interview session or withdraw any time they felt like. In a period of two weeks all interviews were completed and each was between 30-45 minutes. As Glatter and le Vacic (1994) argue, maintaining an equal amount of interview time with each interviewee ensures consistency which leads to trustworthiness of the study. The questions evolved around the registration process, the proposal writing stage, the support during proposal writing stage and completion of the dissertation or thesis, what it takes to complete the proposal or thesis, the library use, the process of borrowing books, the e-resources, the internet use, the type of supervisor, the communication with support staff (administrative staff), the use of technology, the challenges in general in an ODL institution as a postgraduate student. Follow-up interviews were conducted until data were saturated. The environment was favourable and non-threatening (Rossouw, 2003). The instrument was now administered to twelve postgraduates students (six from UNISA and six from ZOU).

**Data collection process through tracking instrument:** Unisa had a tracking instrument which tracked all the students' progress. The document asks the student's satisfaction and should indicate their progress.

**Data collection process through emails:** The researchers used emails from the two institutions on how they communicated with the students. The emails were tracked from the moment the student enquired about the registration to stage where the student has progressed. Some of the participants were about to complete their studies whereas others were in the mid-way towards completion. These were honest communication that was not modified.

**Data collection process through workshop sessions:** The researchers took the evaluation sheets from workshops which were held with students in two consecutive years. The evaluation sheets focused on how the students were guided in proposal writing, library use and chapter writing.

**Data collection process through weekend school sessions:**

Researchers outline that there are positives and negatives of studying through ODL (Sonnekus, Louw, Wilson, 2006). At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, and phenomena in terms of the meanings people bring to them (Denzin & Lincoln 2000:3)

## Data Analysis

Qualitative methods of data analysis were used. Data analysis begins when the first data were collected, which in turn guided decisions towards further data collection (Burns & Grove, 2001). In this study, the data analysis process involved "bringing order, structure and meaning to the mass of the collected data (De Vos, Strydom, Fouche, Poggenpoel & Schurink, 2005). The researcher analyzed the data collected from telephonic interviews, tracking instrument, emails, workshop sessions and weekend school sessions. Similarly, Creswell (2009) maintains that, the first stage of data analysis involves taking text data or pictures gathered during data collection, segmenting sentences or images into categories, and labeling those categories with a term based in the actual language of the participant.

### Telephonic Interviews with postgraduates students

In analyzing data we followed what Henning, Van Rensburg and Smit (2004:34) outlined. All the interviews were tape recorded to ensure that the researchers captured every word which was said by the interviewees. All the folders/tapes were transcribed for easy coding and analysis. The transcribed folders were typed and printed on hard copies for easy easier clustering of similar topics. At the beginning, we had to read all the transcriptions from all students (participants) carefully.

As Henning et al (2004) and Creswell (2009) explain the researchers colour coded the data and patterns of similar meanings were grouped together into categories. Categories were further collapsed into patterns of similar meanings until few themes were formed. The following themes from University of South Africa and Zimbabwe Open University emerged:

Table 1: Emerged themes from UNISA and ZOU

Questions	UNISA	ZOU
1. The registration process	Frustrating if you don't have patience on the use of technology, you wait to be allocated a supervisor and this may take a year	It is done manually at the regional centre and this ensures accuracy in filling in of the form. Fees for registering as a postgraduate student is very expensive.
2. The proposal writing stage	Your topic is changed to suit the interest of the supervisor and it is not possible to see him or her and talk face to face	The supervisor assists you to coin/panel beat the topic to be more meaningful. There are rare cases when the supervisor changes your topic
3. The support during proposal writing stage	It depends on the supervisor some take time to respond others are quick and give substantial feedback that guides you	Some supervisors are very supportive and they give quick feedback while others derail every process
4. What it takes to complete the proposal	You as a student you have to read and have insight on research otherwise you may fail the proposal module and you are given a year at UNISA to complete that	The Proposal has to be completed and accepted within a period of two years. Usually when to go and present a proposal and defend it will depend upon the agreement between the supervisor and the student.
5. The library use	Our library at UNISA is so helpful and the librarians do library search for you regarding articles related to your topic.	The Library at ZOU is far away from where I stay and the books in the library are not current ones
6. The process of borrowing books,	The books are enough though if you are far like me when you borrow they may be lying at customs and you are waiting. No one informs you unless you make some enquiries	Most of the books are minimum and old version. The few current ones are quickly grabbed by those who stay near the regional centre.
7. The e-resources	Very helpful though some articles are abstracts only and do not have full versions	Though very helpful, most of the articles do not download the full articles.
8. The internet	That is a challenge for a person like me who needs to buy data bundles so that you can upload staff. At times Unisa internet is down you can't access the library that is frustrating and I can't go personally it is far	The internet is only in town and at our regional centre so it becomes very cost for me considering where I stay.

9. The type of supervisor	If it were possible I would try to meet my supervisor. The explanation in writing is not enough at times. He tries but sometimes there are misunderstanding because we never met	I send my proposal to my supervisor for marking then my supervisor makes an appointment with me. We then meet face to face for further explanation on how I should go about correcting my proposal.
10. Communication with support (administration staff),	That is really frustrating the waiting period to be allocated a supervisor. With me they changed supervisors twice and I wish the process could be changed especially the registration process. When you go during the year in June you can't register	The communication is very effective. I was quickly allocated to a supervisor and I am always getting in touch with my supervisor whenever need arises.
11. The use of technology	The use of technology is not an option at this level with an ODL institution. You are forced to adapt or else you will lag behind. I have learnt a lot of things since I joined UNISA	One has to have the know how of computers; otherwise you will have a terrible experience. Without technology, then you will not obtain current information.
12. The challenges in general in an ODL institution as a postgraduate student.	The space between me and my supervisor is a problem but constant communication helps a lot. As a student I drive my supervisor by sending emails asking questions and sending work promptly so that he does not forget me	I am well connected on internet, therefore, I am always communicating with my supervisor. However, some of my friends who are in rural areas are not connected on internet are always facing a great challenge since most of us meet our supervisors once after every three months
13. The positives and negatives of studying through ODL.	Right now I have developed my skills in the use of technology I no longer rely on anyone and I know I will complete my studies and the bursary is helpful	I can pursue further studies while I am still at my work. The introduction of a SSB stop-order in payment of my school-fees has enabled me to carry my studies in a more financial stability than before.
14. How long did it take you to complete your Masters or Doctoral degree	I took almost 5 years instead of completing within 3 years	

The themes above were further collapsed into the following

- Postgraduate students are technologically challenged
- Registration and library use a nightmare
- Supervisor supervisee relationship impacts on academic wellness

**Tracking Instrument:** An actual example of a tracking instrument used by Unisa College of Education in tracking student's progress. This is a section completed by the student showing how she felt ever since she started communicating with her supervisor. The supervisor's section is not shown since the purpose of this paper focused only on the student's academic

wellness.

## APPENDIX B: COLLEGE OF EDUCATION – STUDENT’S COPY

**TABLE 2: TRACKING INSTRUMENT OF M&D SUPERVISION PER SEMESTER**

Please complete the template below to assist the College to track student progress.

Tick the applicable period: July, 2013 \_\_\_\_\_ September, 2014 \_\_\_\_\_

STUDENT’S TITLE, SURNAME AND NAMES: \_\_\_\_\_MRS xxxxxx

SUPERVISOR TITLE, SURNAME AND NAMES: \_\_\_\_\_PROF yyyyyyyyyy

Student			Study Programme			Submission												
Number	Surname	Name s	Master s	Doctor al	Qualificatio n	Type							Date					
xxxxxxx	xxxxxxx	xxxxx x		X	PhD Inclusive Education	Research Proposal Draft		Thesis/dissertation Chapter					Acknowledgement of receipt from supervisor	Feedback received				
						1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Final	1	2	3	4	5	6	7	
Rate your communication/interaction with your supervisor (tick A, B or C)					A ✓	B					C							
					Satisfactory	Unsatisfactory					Developing (Comment)							
Give a brief description of your progress up to this month					I have been compiling my research proposal since March 2013 and through a number of communications with Prof yyy, have been able to submit in June 2013 to the approval Committee. I am currently awaiting news of this submission.													
State measures that your supervisor took to assist you towards timely completion of your writing					Quick and constructive feedback – Prof yyy has been very helpful in recommending readings and research work that may be helpful in my own research. Clear and effective communication has been a huge help to me as I continue my studies. I appreciate Prof yyy professional and instructional													

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**Email: Extracts from emails.** An example below is a communication from a student expressing how she feels after receiving feedback from a supervisor. The response from a student shows confusion which is a normal occurrence in Open Distance learning institutions where an email communication may not give a thorough explanation on what the supervisor expects from a student.

*Dear Prof,*

*Thank you for the feedback received today regarding my work.*

*I am quite confused - my chapter 1 which you have said is unacceptable and requires complete reworking in line with A.....s, is the very same chapter 1 on which you commented below.*

*Why is this now unacceptable? I want to ensure I understand what it is that is required as everything that is being asked to be changed was in the accepted proposal and I did not alter it.*

*I understand altering the font and size, and making minor corrections to headings etc but eliminating whole sections which were previously approved is concerning.*

*Thank you for clarifying - I want to work with you and am, seeking clarity so that I can do so .*

*Please understand, I am not trying to be difficult, I just want to ensure I do the right thing.*

### Workshop Sessions: The actual extracts from the workshop evaluation sheets

The responses below show how students feel after a face to face contact with the supervisors. The responses show

satisfaction and what they have learnt and clarity on a number of issues which were unclear. This is a clear indication that some students even though they are in an ODL institution they still prefer face to face contact sessions with their supervisors.

Participant: I am grateful that I attended I wish you can do face to face workshop sessions more than once in a year.

Participant: I did not know a theoretical framework and data analysis know I understand.

Participant: I know understand what a paradigm is by attending this workshop I did not understand my supervisor when I read his emails.

### **Weekend School Sessions**

Other than telephonic conversations or one-to-one tutorial contacts, the Zimbabwe Open University (ZOU), through its Regional Centers, conducts two to three sessions of weekend school every semester per programme to assist its students in clarification of some difficulty areas or concepts encountered during the studying process. It has some contracted part-time tutors who assist with the tutoring process and these part time tutors will be expertise with their areas of teaching. These weekend school programs have been greatly welcome by all students as witnessed by the percentage turn-out. This programme has led to yielding a lot clarity and help among students resulting in retention of students and increase pass-rate. When asked how they were viewing the weekend sessions towards their studies, the following were some of the responses from the students:

*Student A: These week-end schools are very beneficial to me such that I do not even want to miss any session because our co-coordinator and tutors are experts in their areas of study and they clarify difficult areas to us during the week-end school.*

*Student B: I live as far as Mwenzi District which is about 200km from the centre but I don't even feel the distance because I know it is worth it. Even if I do not have enough bus-fare, I borrow from my friends or relatives. At these weekend school sessions, difficulty areas are clarified*

*Student C: We really want to thank the University for coming up with this helpful programme for us. My prayer is that this programme will be a long lived one.*

### **Discussion of Findings**

**Technological Challenges:** Findings in this study revealed that students in both institutions UNISA and ZOU had challenges with regard to technological tools. These findings are similar to what other researchers such as Chigunwe and Ndoro (2013) who assert that the majority of lecturers and students lack ICT skills and the major stumbling block to IT literacy is limited. Since the current study was addressing the academic wellness of students, challenges with technological tools delayed their completion of degrees therefore one can conclude that it is advantageous to be technologically skilled in order to enhance one's academic wellness in an ODL institution. Another challenge is that some students who are of mature age are techno phobic and are not free to use emails to send their proposals they still prefer to send hard copies by post. Other students find it costly to use internet and feel that the system is cumbersome although to most students ODL is a preferred institution because one is not disturbed from studying from any part of the world and communication is fast and enhanced by technology such as emails, skype blogging etc.

### **Registration and Library use a nightmare**

Both universities have the libraries books and e-resources, though in ZOU the challenge is old books and new ones are few. The students who are far from the university don't get a chance of getting new books in the library. On the other hand UNISA students who depend on the postage of books or courier system do get books but after they made enquiries which cost them money since they use their own telephones for follow up. The articles are available and the student will upload and be able to use the article. As far as registration is concerned; UNISA students indicated the frustration that they face

particularly when they are new students who are not clear about the procedure. ZOU is still using the manual way of registration which takes time. UNISA has a large number of students that need supervision which is another nightmare of waiting for a supervisor, whereas ZOU students enjoy the privilege of being allocated a supervisor immediately after registration. Students get an opportunity of meeting with the supervisor and decide on the topic. UNISA students rely on online communication since the student population is all over the world. This calls for both the student and the supervisor to check the emails on daily basis since students rely on that. Currently there are supervisors who prefer to use video conferencing to communicate with students regarding certain aspects of research.

Another challenge which is experienced by students who are techno phobic is searching the e-resources from the library while at home. Most struggle and end up using sources from google only or Wikipedia. The challenge of not using scholarly articles in the proposals or in chapters causes a delay in the student's work being approved by the committees who review proposals or the supervisor. Support is needed from the library staff in training student on the use of the library. What was positive from the workshop sessions which were face to face was that students received training on the library use and this brought some light to most students. It therefore mean that most students still prefer the face to face contact sessions so that what appears to be complicated may be simplified. Feedback from the workshop sessions proved that it was beneficial to have contact sessions with the students and teach them how to explore the library search for articles or books. In order to enhance the academic wellness of students dual mode is necessary in ODL institutions.

### **Supervisor supervisee relationship impact on academic wellness**

In both universities ZOU and UNISA supervisors behave almost the same. The relationship is determined by the personality of an individual and whether the supervisor understands the role of mentorship as Manathunga (2007) and Magano (2011) highlight the importance of mentoring. Findings of the current study indicated that students differed in their explanation of their supervisor's role. There were those who were positive regarding feedback which was timeous and constructive and those who complained about the delay of receiving feedback. The change of supervisors was a concern for students at UNISA and they were not sure about the cause of changing the supervisor. The change of supervisors may discourage the student moreover when one is far, the distance also may cause dissonance. Students who are persistent make use of online communication to seek clarity and post their work in bits and pieces so that a dialogue is maintained which is in line with Cultural Historical Activity theory. The tools which are online communication facilitate learning and mentoring process. The use of technologies add value to postgraduate studies, hence ODL institutions promote lifelong learning and contribute towards human development.

The findings in the study indicate that the supervisors and the students met occasionally during workshop sessions at Unisa and weekend sessions at ZOU. These sessions were of help to students and there is evidence that some students prefer face to face sessions which enabled them to ask questions and get clarity in areas that appeared difficult for them. After sessions with supervisors students felt that they benefited a lot. Even though some students prefer face to face contact with supervisors, Open distance learning is a solution especially in developing countries where most people enter the work force with only undergraduate degrees or college certificates. In an era where technology is advanced face to face contact cannot be the only modes of learning, students need to get used to technology and online learning. Learning through open distance education is also supported by a study conducted in Nigeria which showed clearly that ODL is a good strategy for human capital development (Olakulehin, 2008).

### **Conclusion**

The study revealed that ODL institutions are helpful towards improvement of qualifications amongst adults who are working. ODL institutions contribute positively to the academic wellness of postgraduate students although this comes with challenges. The good thing is even when a period of studying in an ODL institution is prolonged but students do complete their degrees. The issue of not getting used to technological tools goes with age; this may be a temporary measure since the Y generation is used to technological gadgets. Poverty may be another obstacle of obtaining tools like computers and getting access to internet if one does not have money. Both universities where the study was conducted need to improve on the registration process since this may discourage some. The online facility depends on the availability of internet and to some this may not be easy to access. The manual registration at ZOU may be cumbersome for those who stay far from

the university and the university if it is ODL it must extend its territory and make use of online registration also. The blended methods for both universities may be a viable mode which will cater for the needs of diverse students. Inclusion is necessary since access to higher education is also a right for the previously marginalised groups.

### Recommendations

On the basis of the research findings, the researchers suggest the following recommendations: that the postgraduates students at UNISA be allocated an alternative manual registration process at the centre as this will promote fast allocation of supervisors to students rather than being congested technologically within the short given space of time. Basing on the voice from the students, supervisors should not change students' research topics; instead, they should assist in re-shaping that very topic. The study also recommends a timeframe for completion of the proposal for ZOU students to promote standardization. Supervisors should not be changed frequently as this may frustrate the student. Timeous feedback encourages the student and the tempo of working is maintained. A tracking tool should be used by all supervisors so that they also see how the students feel about their supervision. Contact sessions are necessary in ODL institutions to enable students to know who their supervisors are. The contact sessions allows students to meet and form a network amongst themselves.

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## Provision of Health and Social Services for Drug Addicts in the Republic of Macedonia

**Suncica Dimitrijoska**

[sdimitrijoska@yahoo.com](mailto:sdimitrijoska@yahoo.com)

**Svetlana Trbojevik**

[svetlet@fzf.ukim.edu.mk](mailto:svetlet@fzf.ukim.edu.mk)

**Natasha Bogoevska**

[natasa.bogoevska@fzf.ukim.edu.mk](mailto:natasa.bogoevska@fzf.ukim.edu.mk)

**Vladimir Ilievski**

[vilievski@fzf.ukim.edu.mk](mailto:vilievski@fzf.ukim.edu.mk)

University of Ss Cyril and Methodious, Faculty of Philosophy,  
Institute of Social Work and Social Policy

### Abstract

*The Republic of Macedonia experienced a rapid growth in drug addiction after its independents in 1991. The complexity of the problem represents a serious challenge for all relevant factors involved in creation of policies as well as actors in delivery of health, education and social services. Provision of necessary service required appropriate amendments of relevant laws based on the adopted international legislation. The most significant legal changes were introduction of the principles of pluralisation of social protection (Law on Social protection, 2004), that enabled emerging of new private for profit and nonprofit actors as providers of services as well as introduction of the principle of decentralization, enabling establishment of services on local level. Additionally, a number of national and local strategies and programs were developed and adopted within the system of health and social protection. These changes contributed to an increase in the number of available services offering variety of treatments responding to the individual needs of beneficiaries. Despite the increase in offered service, the state has yet to respond to the ever rising problem of addicted children. So far, little has been done for this age group of addicts that requires specialized and adjusted service provision. Provided social services are facing the problem in the sustainability of the available services provided within the nongovernmental sector that is mainly financed from foreign funds.*

**Keywords:** system of social protection, social services, health services, drug addicts, addicted children.

### Introduction

#### Legal framework for protection of consumers of drugs, psychotropic substances and precursors

The problem of dependence on drugs is a multidimensional and complex problem that causes a series of negative consequences with economic, social, health, educational and safety character. This global problem is set high on the agenda of international organizations and agencies that sought solutions for overcoming, reducing and preventing of this phenomenon.

With the aim to introduce the phenomenon and to review the situation in the local context, we will give an overview of the main international documents without an ambition to enter in their detail elaboration.

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Universal Declaration of Human Rights guarantees the right of every person to a standard of living that will provide an adequate health and well-being for them and their family, including medical care, where mothers and children are entitled to special care and assistance.

Based on the European Charter of Patients' Rights everyone has the right to a proper service in order to prevent illnesses. Health protection amongst others should be provided through raising people's awareness, guaranteeing free of charge health procedures in regular intervals for different population groups exposed to risks, and ensuring access to all of the achievements that are a result of scientific research and technological innovations. Health care protection should be provided by creating conditions for equal access for all without any discrimination.

International Convention on Civil and Political Rights guarantees the right to life and prohibits the liberty of depriving of life, which implies health protection as well as protection from abuse of drugs and other psychotropic substances and requires countries to adopt positive measures to increase the life expectancy of people.

The International Pact on Economic, Social and Cultural Rights obliges each country to recognize the right to physical and mental health that can be achieved, and completion of this right requires the following measures to be undertaken: protection, treatment and suppression of certain diseases and creating conditions for providing medical services and assistance in all cases of disease, creation of basic conditions for good health (quality food, housing, access to quality drinking water, proper sanitation and etc).

International Convention for Abolition of all Forms of Racial Discrimination which prohibits discrimination in exercising the right to health and medical assistance. European Social Charter guarantees the right to health care, social and medical assistance and the right to social protection. It complements the European Convention on Human Rights which guarantees various rights and freedoms. The Charter has several provisions that express or imply the right to health, health and wellbeing of children and young people which are protected by Articles 7, Article 11 and Article 17. According to Article 1, health education in schools should be a priority of public health policy, incorporated in part of the curriculum, with special emphasis on: smoking, drugs, alcohol abuse, nutrition and sexual education, accessible to all children without discrimination.

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention of 1988) provides improvement of cooperation between signatory countries for efficient combat against various aspects of illicit traffic in narcotic drugs or psychotropic substances as a problem that has an international dimension. It obliges countries to provide criminal and other offenses punishments depending on constitutional regulation due to possession, purchase or cultivation of narcotic drugs and psychotropic substances for personal consumption and taking appropriate measures to prevent illicit cultivation and to eradicate plants containing narcotic drugs and psychotropic substances with strict respect for the fundamental human rights.

Based on the Convention on the Rights of the Child: Countries should take appropriate legislative, administrative, social and educational measures of protecting children from illegal use of narcotic drugs and psychotropic substances as defined in relevant international treaties, aiming at prevention of use of children in illicit production and trafficking of these substances.

Domestic legislation also guarantees protection of the rights of drug users in the Constitution and other various legal acts:

Based on the Constitution (Article 39) every citizen is guaranteed the right to health care, but also notes the obligation of citizens to preserve their health and health of others. Hence, children not only have a right to health care but have the obligation to preserve their own health, which among other things implies not to the use of drugs and other psychotropic substances that endanger their health and but their responsibility to care for the health of others, more precisely not to incur other children to use drugs.

According to the Law on Child Protection (Article 9) the state and its institutions in the system should take all available measures to protect children from illegal use and other forms of abuse of children in the illicit production and trafficking of narcotic drugs, psychotropic substances and precursors.

The Health Care Law assumes provision for citizens with the right to protect their health and provides access for all citizens to general preventive measures which should ensure healthy environment, systematic health examinations and other measures and activities to prevent diseases. That assumes health care for all citizens by taking measures and activities

for preservation and promotion of health, preventive, diagnostic - therapeutic and rehabilitation measures based on principles of: accessibility, rationality and continuity. Drug addiction as a complex social and health problem requires a long-term healing process and individual approach to persons by providing multi- professional teams for assistance.

Based on the Law on Health Insurance the insured persons are provided with basic health services that include preventive measures, more specifically health services for identification, monitoring and assessment of health condition. This is a very important Law that affects the users and drug addicts in order to implement preventive, therapeutic and rehabilitation measures, examination and assessment of health condition, treatment, rehabilitation, care, accommodation and meals in hospital setting.

Children exercise health insurance rights on the bases of their parents insurance until the age of 18 years or in case of continuing education until 26 years old. There are cases when they can exercise the rights on health insurance after reaching 26 years such as cases when due to illness they had to interrupt their schooling (Article 16). This Law and Health Care Law do not specifically regulated treatment of children addicted to drugs.

Law on Protection of Patients' Rights ensures quality and continuous health protection in line with current developments in health and medicine, in accordance to the individual needs of the patients with full respect for the dignity of their personality and in respect of their best interest and the absence of any kind of mental or physical abuse.

- Protection of patients' rights is based on the principles of humanity and accessibility, which is very important especially for drug addicted children, respecting privacy and human relations between the patient and health worker based on ethical principles, which is also very important for the specified group.
- Respecting the principle of availability, based on health services that are constantly available and accessible to all patients equally and without discrimination.
- Equal opportunity to protect the rights of all patients in the Republic Macedonia.

Law on Social Protection provided establishment of daycare centers for persons who use or abuse drugs and other psychotropic substances and precursors. These Centers provide the following services for addicted persons and members of their families: counseling services, information and education, employment, cultural - entertainment and leisure activities.

Law on Control of Narcotic Drugs and Psychotropic Substances prohibits dispensing medicines containing narcotic drugs, psychotropic substances or precursors to minors and persons who show signs of mental disorder. Parents, adoptive parents, guardians, teachers, health workers, social care employers and sports workers are obliged and responsible to take measures to prevent and suppress abuse of narcotic drugs and psychotropic substances among children and youth.

The Government adopted program for drug abuse, psychotropic substances and precursors in educational institutions. The Ministry of Education and Science at the beginning of each year publishes guidelines for promotion and coordination of regular educational activities related to damages caused by use of narcotic drugs and psychotropic substances on health, learning and development of children and youth. Centers for Social Work after established contact with the addicted person and their family are obliged take all necessary measures for their rehabilitation and if needed to provide referral to an appropriate health institution.

The problem of drug use and drug misdemeanor aspects are regulated in the Criminal Code which foresees sanctions for person that manufactures, sells or offers for sale or for buy to sale, hold, transfer or mediate in the sale or purchase or otherwise releases narcotic drugs, psychotropic substances and precursors as well as prescribes penalty by law for violations of public order and peace for the ones who are involved in to taking narcotics, psychotropic substances and precursors.

The Republic of Macedonia develops a strategic approach in taking measures to address this problem through adoption of a National Drug Strategy in the Republic of Macedonia (2006 -2012) and (2014-2020). The Strategy, lists separate risk groups such as addicts in prisons, victims of trafficking, Roma, athletes that use doping, young people involved in criminal groups, etc. Leading principles and objectives of the strategy are the principles for protection of human rights, guaranteed safety of all citizens in the Republic, equal opportunities for all, balanced approach, adapting to the needs of different target groups, shared responsibility and coordinated approach and the principle of availability and cost effectiveness.

## 1. HEALTH CARE FOR DRUG USERS

Drug users are treated within the existing network of public and private health institutions. Their treatment includes: treatment in day hospitals, hospital treatment, detoxification and substances treatment. The majority of drug users are treated through day hospital treatment, where they are treated with substances, psychosocial interventions, individual or group counseling and psycho-social therapy.

Persons with problematic abuse of heroin have been provided with substance methadone therapy and therapy with buprenorphine, for the sole purpose to achieve complete abstinence, to prevent development of abstinence crisis, to reduce the incidence of recidivisms, to improve their psychological and social functioning, to prevent HIV infections, to prevent contracting hepatitis B, C and D and to reduce involvement in criminal acts and antisocial behavior.

The largest number of person with problematic use of heroin seeks treatment with methadone. Methadone treatment program for persons who use drugs is conducted under the established protocol for performing health activities established by the Ministry of Health of the Republic of Macedonia, which refers to the use of methadone in the treatment of opiate addiction. In order to involve one person in the healing treatment, the following health tests are required: comprehensive physical and psychiatric examination, laboratory tests (general blood test, levels of fats and sugars in the bloody, test for Hepatitis C and HIV status).

For treatment of persons between 16 and 18 years a parent or guardian consent is required. The available treatment is not provided for persons under the age of 16 years.

The substance methadone therapy also covers beneficiaries from correctional institutions in the country.

Substance therapy with methadone is provided within the Centers for prevention and treatment of drug addiction in the following cities: Gevgelija, Bitola, Veles, Stip, Tetovo, Kavadarci, Ohrid, Strumica and Kumanovo.

In the capital city Skopje, the treatment is provided within the Center for prevention and treatment of drug abuse and other psychoactive substances-KiselaVoda, in the Department of the Clinical Center in Psychiatric Hospital „Skopje "- Skopje and in the Hospital "8<sup>th</sup> of September".

Treatment with buprenorphine is administrated within the University Clinic of Toxicology - Skopje. In order to begin the treatment with buprenorphine, one needs to carry out the following tests: a comprehensive physical and psychiatric examination, laboratory tests (blood test, tests on the levels of fats and sugars in bloody, tests for Hepatitis C and HIV status).

In 2014 the above mentioned health institutions have treated over 1200 patients with methadone substance therapy. Apart from the treatment in public health institutions above 150 patients have privately financed their substance therapy treatment in private health institutions. The University Clinic of Toxicology-Skopje in 2014 administered treatment with buprenorphine to 230 persons. Their treatment was covered with the public health insurance scheme by the Ministry of Health<sup>1</sup>.

Unfortunately, the number of beneficiaries that can receive methadone therapy is limited. The closed list for intake of new patients on methadone and buprenofin therapy puts individuals in an uneven position. Patients who are not enrolled in the program and are in situation of dire need for addiction treatment and are in unfavorable position compare to other patients who receive needed health services and have uninterrupted access to service.<sup>2</sup>

In Macedonia there is a complete absence of a specially designed program for the treatment of minors for drug addiction. Drug addicted persons who are younger than 18 years instead of being included in special treatment programs, are fully marginalized and discriminated. This current problem has been more increasingly emphasized by the civil sector and

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<sup>1</sup>Program for health condition of addicted persons in the Republic of Macedonia for 2015, Government of the Republic of Macedonia, Official Gazette no. 196/2014

<sup>2</sup>Protection on the rights of patients with the focus on persons users of drugs, Association for emancipation, solidarity, and equality of women RM-ESE.

indicates the violation of the rights of children and their inability to be provided with adequate health services and health care.

Civil society organizations and the Red Cross of the Republic of Macedonia are active participants in the treatment of persons who use drugs. Within the Program for reduction of drug use they provide assistance in nine different cities in the country. Their services are focused in providing: medical, social and legal assistance for persons who are receiving treatment for drug dependence, people who use drugs, and people who aspire to abstinence or are already in the phase of abstinence from drug use. The main aim of these services is to provide beneficiaries with access to health care, to advance their rights related to their health and to contribute to the process of their social integration. This program also involves families of drug users as well as professionals that work in health and social services as target groups.

The following medical services are covered under this program: basic treatment of wounds caused by prolonged or inappropriate injection of drugs, counseling and education for health protection, motivation for treatment and referral to health facilities.

## **2. SOCIAL SERVICES FOR PERSONS WHO USE DRUGS**

Social protection is provided through a system of measures, activities and policies for prevention and for overcoming the basic social risks to which drug users are exposed to such as reducing poverty and social exclusion as well as strengthening of their capacities for social integration.

At the national level, the treatment for drug users is provided by public and private institutions as well as civil society organizations. Through multidisciplinary approach and continuous monitoring and technical support an appropriate response to the needs of the target groups has been established by following further decentralization and expanding of the network of services for treatment of drug users.

The principles of decentralization and pluralism can be noted in the process of social protection where provisions of services have been provided by local government, civil associations and religious organizations.

Some municipalities have adopted local strategies and action plans for reduction of drugs abuse that through certain activities aim to ensure reduction of the availability of drugs, reduction the number of persons experimenting with drug use, development of health and social services that will provide accessible and effective treatment and care for people who use drugs and harm reduction from drug use.

The rights of social protection that can be obtained by drug users are in the form of financial assistance, more precisely social financial assistance and permanent financial assistance, cash compensation for assistance for care by another person, allowance for blindness and mobility, depending on health and financial situation of the drug user.

Rights in the area of non-residential protection are: rights of social service provided for persons that cannot be obtained in other institutions.

Non-residential social protection for people who use drugs is provided in the form of daycare centers for drug users, providing services for persons who use drugs and other psychotropic substances as well as services for members of their families. The aim of these services is to provide appropriate services, information, counseling and education for work engagement and engagement in cultural, entertainment and recreational activities. The beneficiaries require immediate assistance in the process of their social reintegration after completing the program of medical treatment. The Ministry of Labour and Social Policy has established these types of day care Centers in Ohrid, Kumanovo, Strumica, Skopje and Kavadarci.

Currently the Social Work Centers offer daycare centers for persons who use or abuse drugs and other psychotropic substances. There is one faith based center in Strumica and daycare center in Ohrid. The daycare center in Strumica is a part of the multisectoral cooperation between the Ministry of Labor and Social Policy, Ministry of Health, Municipality of Strumica, Nongovernmental organization and the Orthodox Church.

The services of providing information, advice on treatment of addiction and referral to a competent institution that should be provided to children who use drugs are very limited. This category of children mainly receive assistance in kind such as

food, clothing and hygienic supplies which indicates to the poor financial situation of these drug users. Part of the juvenile drug users received counseling and were referred to use services for homeless in the Shelter for homeless people in Skopje.

The reports of Centers for Social Work has limited data on the services provided to drug using persons. Professional, advisory and counseling assistance has been offered insufficiently. Based on the available statistics for 2012 all of the Centers for Social Work (30) recorded 396 drug addicts of whom 366 were male and 30 were females. Regarding their age most of them were in the age group from 26 to 45 years 325 males and 23 females. However, based on the available data for 2013, there were 47 new registered beneficiaries. This indicates on the small number of people who sought assistance from the Social Work Centers in accomplishing some rights provided by the Law on Social Protection. There are cases where drug users were registered in the Social Work Centers not as drug users but as socially excluded persons.

A daycare centre for administration of methadone therapy has been established within the largest prison in the country since 2006. The medical facility has 120 providing treatment to drug dependent persons as well as to other patients. The assistance administered to these beneficiaries includes counseling for overcome the problems that drug addicted prisoners face. Inmates from other prisons in Skopje, Bitola and Ohrid also receive methadone substance therapy. This assistance is offered in conjunction with local treatment centers and the University Clinic of Toxicology (for buprenorphine). Apart from medicament therapy they are offered counseling for overcoming the existing risks they face with.

Presentation of social services for drug users provided by NGO "HOPS" and NGO "Doverba"

NGO "HOPS" established their first needle exchange program in the year of 1997. This program enabled them to identify other drug abuse related problems. Namely, besides the problem of sharing injecting equipment, their clients manifested needs such as attainment of health care and social care rights as well as the lack of respect for their human rights. This lead to the need to introduce additional services in the program such as medical, social, and legal services as well as counseling service, testing for HIV and offering of various educative services for drug users.

NGO "HOPS" expands its activities with the opening of two drop-in centers in Skopje in 2005 and 2006. In addition to this they develop outreach work at multiple locations, encompassing the suburbs of Skopje.

The service of providing information on identity documents refers to the provision of information on required documents for obtaining personal documents, and in the case of minors, provision of information for obtaining a birth certificates, for obtaining certificates for citizenship and alike. In this regard they have contacted 10 children, and 6 of them were referred to the competent institution for acquisition of personal documents. These persons were mainly referred to the Regional registry services and to the Regional offices of the Ministry of Justice and Ministry of Interior.

All programs of the NGO "HOPS" are harm reduction programs, except for the program in Gevgelija. The services provided in Gevgelija are administrated by a social worker, and include: help and assistance in obtaining documents, assistance for obtaining social and health rights, counseling, education, motivation for treatment and referrals to appropriate social and health institutions. In the period from 2012 to 2014 HOPS have administered a total of 27.297 social services.

The data of NGO "HOPS" on work with children who use drugs shows that during 2015, they have provided assistance in information to 11 children about the necessary documentation for obtaining health insurance. They have assisted 8 children and their parents to connect with the Health Insurance Fund as a responsible institution where they can obtain their right to health care. Also, they have offered individual counseling assistance to a number of children.

NGO "Doverba" primarily offers social and counseling services. By provision of adequate financial and logistical assistance to drug users who are not in position to initiate the process of obtaining documents on the health care and social care.

The fieldwork in association "Doverba" started functioning in 2002 and provides the following three types of field work: outreach in frequent places where drug users meet; fieldwork in the homes of drug users conducted mainly on the initiative of user's parents especially in case when they are unable to motivate their children to sought help in the counseling centre; and field social work interventions that include offering mediation and technical assistance in obtaining documents needed for health insurance, social protection or any other kind of mediation and assistance in contacts with public institutions.

The process of social services begins with establishing contact with drug user, conducting personal needs assessment, planning services to mitigate the risks in his/her surrounding. Planning the support that will enable connection with the primary social network of beneficiary, planning development of the client in areas that will contribute to improvement of participative interaction in the surrounding. Social services may be administered as day care services in a community, advisory-therapeutic and social educative services as well as services for independent living. Offered services are complimentary and related to other offered services. The services include a plan for continues monitoring and evaluation of planned and achieved goals and revision of the planned activities depending on the changes occurring at particular drug user and their environment.

An indirect treatment causes changes in the users surrounding that affects the unproductive interaction of drug user. Mainly referring to material and economic aspects of environment, socio psychological aspect is a result of these two aspects of the environment related to other social factors such as social compensation of the environment.

The direct treatment is applied when the problems of the user are of psychological and somatic nature as well as when problems are overcome. The social worker is in a role of therapist working on the personality issues, attitudes, value system, emotions and behavior as well as on stimulation, activation and development of current potentials of the person with the aim of improvement and social integration in the environment. Besides counseling that is used in the direct treatment they are implementing psychotherapeutic method, group therapy, psychodrama, reality therapy, cognitive therapy, and other methods and techniques.

In practice, they usually combine indirect and direct treatment which basically represents the complex treatment that is needed due to the complexity of the problem that drug users experience.

Fieldwork aims at establishing contacts with hard to reach population that already has risky behavior of drug abuse. Field work is only part of the social health services that are applied for addicts and is accomplished through education and distribution of educative and preventive materials as well as referral to institutions that offer services for drug users. Fieldwork is highly flexible and adapted to the needs of drug users and is accomplished through three approaches: outreach in public, outreach to the institution and outreach in homes, in cases where drugs are used in homes/apartments of addicts.

### 3. FINDINGS AND ACTIVITIES OF THE OMBUDSMAN FOR CHILDREN USERS OF DRUGS

The Ombudsman has investigated the problem of drug use through in a longer period of time through visits to institutions responsible for the healing and treatment of drug users and acting upon complaints or institutionally initiate inquiries. According to the findings of the Ombudsman, the number of children users and addicts to drugs and other psychotropic substances is constantly growing whereas the starting age among children is decreasing (first experiences are noted at the age between 7 and 8 year old children). Predominantly, these are children without parents or parental care and are from the Roma community.

The Ombudsman has identified:

- Lack of appropriate facilities and human resources in the network of health care facilities as well as lack of adopted treatment protocols, treatment and rehabilitation of children who use drugs,
- Lack of strategy and special measures for separate treatment of children that differs from treatment of adults.
- Lack of opportunities for placing children in special institutions for healing and treatment.
- Insufficiency of space and appropriate conditions for therapeutic treatment and accommodation for addicts, lack of separate unit for drug addicts in the Psychiatric Hospital "Skopje", and space for protection and inclusion of all interested addicts to participate in the treatment of addiction.
- Insufficient number of centers for addiction and clubs in Skopje and other municipalities where there is an emerging need to treat addicted persons.

The Ombudsman has repeatedly addressed the authorities with a request to seriously consider this problem and proposed to undertake all possible measures (legislative, administrative, social and educational) for preventing children who use drugs and become addicted, especially to establish health care institutions for appropriate treatment, support and care of children users drugs. Considering the raising trend in the number of addicts and having in mind the age group of affected children, the Ombudsman recommends introduction of educational programs in schools to prevent and reduce drug

addiction and other psychoactive substances so children from the earliest age will be informed about the damage and the consequences from addiction.

Additionally, the Ombudsman recommended continuous education of the general population as well as of health workers about modern trends in medicine in the field of addiction prevention and engaging society in more frequent and timely medical checkups in order to provide early detection of addictions.

Because children are more frequent in becoming users of drugs and other psychotropic substances, the Ombudsman considers as necessary the following:

- The state should adopt specific strategy;
- Special measures should be undertaken for the proper treatment of children different from the treatment of adults;
- The need to create opportunities for placing children in separate institutions for healing and treatment;
- Active involvement of all institutions and institutional bodies which are authorized and obligated to take care about the rights of child: health, social, educational and other aspects.
- Provision of appropriate protection and health care for children.
- Children should be provided with protection and care necessary for their well-being and the institutions, services and facilities responsible for the care or protection of children shall be in accordance with the standards established by competent authorities, particularly in the area of safety and health, the number and suitability of staff in the institutions as well as professional supervision.
- Establishing a day care center for children who abuse drugs through inter-sector cooperation of the Ministry of Health and Ministry of Labor and Social Policy.

## CONCLUSION

Treatment of drug users in the Republic of Macedonia dates from the late 1970s and early 1980s, with the introduction of substitute methadone therapy. Until the adoption of the first National Strategy on Drugs in 2006 this type of treatment was centralized. In 2006, the Ministry of Health opened 10 new offices for treatment and harm reduction of drug use, including methadone maintenance treatment in the cities of Strumica, Kumanovo, Stip, Ohrid, Gevgelija, Bitola, Veles, Tetovo and Kavadarci and one in the main prison in Skopje. These services work with the support of the Ministry of Health, Ministry of Labor and Social Policy, Social Work Centers, the local community and NGOs and their work was initiated within the program for building coordinative response to HIV/AIDS in the country (supported by the Global Fund). This development has increased the coverage on the territory of the Republic of Macedonia with substance methadone treatment, the availability of therapeutic services and strengthening institutional capacities. In addition, a growing number of health professionals operate effectively at the local level through a multidisciplinary approach and by introducing a new model for continuous monitoring and technical support in order to have an adequate response to the needs of the target groups.

The implementation of the Macedonian National Drugs Strategy (2006-2012), was followed by further decentralization and expansion of the network for treatment services and harm reduction of drug use, including methadone maintenance treatment, with the opening of two additional centers in Skopje as well as two additional centers in prison facilities, one in the city of Bitola, and one in the investigation prison "Skopje", in Skopje.

The introduction of new models for treatment of dependent drug users was accomplished with the introduction of buprenorphine in 2009, within the highest levels of health care, tertiary health care, at the University Clinic of Toxicology, Clinical Centre Mother Teresa in Skopje. Buprenorphine is used for detoxification and substitution therapy.

At national level, drug treatment is provided in different health, social and civil organizations. Predominantly, drug treatment is available in the framework of public health services, making the public sector leading actor in treating drug addiction with medicaments. Also, four private psychiatric services offer treatment of drug addiction. National system for treatment covers outpatient and hospital treatment, detoxification and substitutive therapy. Most treated drug users receive outpatient treatment which offered opioid substitution therapy, psychiatric interventions, individual or group counseling and social and psychological therapy. Inpatient drug treatment consists of psychosocial interventions with pharmacological assistance in terms of treatment for addiction withdrawal. Detoxification can take place in an outpatient or in hospital settings.



The Association of Social Workers of the City of Skopje in 2003 actively operates the SOS line for assistance of drugs as a permanent service to all citizens in the Republic of Macedonia. Through a toll-free number citizens can get information on the types of drugs, their effects, harmful consequences of their use for the treatment in domestic and foreign institutions, as well as information on HIV / AIDS, sexually transmitted infections, and assistance in scheduling a free counseling provided by expert.

So far, there were three day care centers opened for people who use or abuse drugs and psychotropic substances. Programs for harm reduction from drugs are established in 13 cities in the country.

Despite the actions taken, the problem of drug abuse in the country is rapidly growing. It is estimated that in the Republic of Macedonia 6000-8000 persons can be considered as addicts on heroin and may face serious health and social consequences.

National Drugs Strategy of the Republic of Macedonia (2014-2020) and the Action Plans and activities that address new challenges identified in recent period, include:

- The need to improve the quality, diversification (in terms of sensitivity to cultural differences, gender, age, ethnicity) and the availability of centers for substance therapy with methadone,
- The need for reorganization, decentralization and increasing the availability of tertiary primary to primary level, treatment of drug addiction with psychotropic substances -Buprenorfine.
- The mandatory need for administration of psychiatric services in drug addiction treatment in specialized clinics.
- The need for conducting research and analysis on the reasons for the increasing number of deaths as a result of methadone overdose.
- Continuous high prevalence of mortality associated with drug abuse.
- The need for conducting analysis for the high incidence of road accidents deaths related to possible use of psychoactive agents as a risk factor.
- Growing trend to use of more psychoactive substances at the same time, including drugs containing psychotropic substances.
- Challenge and the dynamics of illegal drug markets, including changing of routes for transporting drugs across the borders drug trafficking, the use of new communication technologies.
- Preventing the diversion of chemicals that can be misused as precursors for illicit manufacturing of drugs.
- Emerging trend in the EU countries that is present in the country with appearance of new psychoactive substances.
- Development of social services for drug users at local level.
- Designing social protection programs specifically focused on assistance and support for children who abuse drugs.

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## Subjective Predictors of Safe and Risky Behaviours. Presentation of Selected Results of the Studies Among Workers in Non-Traditional Forms of Employment

Małgorzata Dobrowolska

University of Silesia

malgorzata.dobrowolska@us.edu.pl

### Abstract

*The paper presents selected results of the studies carried out among Polish workers in non-traditional forms of employment, using the Occupational Safety Culture Scale (Milczarek, 2000) consisting of 6 sub-scales: management commitment and participation; OSH training and analysis of accidents; values; relations between employees and affiliation to the company; responsibility and awareness; safe behaviours. All groups of the nine examined forms of flexible employment have declared the evaluation of occupational safety culture at the average level of 5-6 Sten, which shapes its following features. The paper presents selected results of the Author's own broader research project on a sample of workers in non-traditional forms of employment.*

**Keywords:** atmosphere of occupational safety and health, flexible workers

### Introduction

It is a common knowledge that dangerous behaviour and errors at work affect the accident rate (McSween, 1995). Subjective conditions of safe behaviour, although essential for safety, are not as important measurements of working environment analyses – the organisational and physical working conditions which are the most common variables. Safe behaviours are considered an effect of good safety management, and not a matter of individual circumstances (Goszczyńska, 1997; Studenski, 1996; Tyszka, 1992). And it is this issue that causes a lot of controversy.

Safe behaviours are understood as a function of ability and motivation to perform one's tasks safely, as an opposite to risky behaviours, an attitude towards changes, a result of preventive actions and safety management policy within the organisation. On the other hand, the behaviour of people in situations of risk can be associated with an analysis of advantages and disadvantages, which is a conscious choice, it can be a habit or result from such a habit, from following others' behaviours, executing orders, complying with bans and standards based on formal and legal aspects (Goszczyńska, 1997, after: Najmiec, Milczarek, 2003, p. 5).

### Theoretical background and an overview of selected studies

In their study carried out on a group of drivers, Clark & Prolisko (1979) found that a positive attitude to the rules and respect for other drivers manifests itself among people causing fewer accidents, than those who treat the legal provisions as imposed and restrictive in terms of freedom. Different nations are diverse when it comes to perception and acceptance of risk (Cutter, 1993; Goszczyńska, 1997). In the US, Norway and Poland, modern technologies are seen as more risky, than in Russia or Hungary (Mechitow, Rebrik, 1990). In societies which lower the risk, accidents are caused much more often. They are a result of unsafe conditions and behaviours, and the acceptance, consent and tolerance among others is a symptom of poor and undesirable safety culture which results in such accidents. In comparison to the UK, there is also a five times lower rate of deadly accidents. It results from the different attitude to OSH regulations, confidence in the preventive role of OSH regulations, the attitude of superiors to their subordinates who take the risk, the attitude of employees to their co-workers who take the risk, the attitude of superiors to employees who need to comply with safety standards, the attitude towards OSH training, the prestige of services and rank of OSH position and the involvement of employers in the organisation of safe working conditions. It has been noted that the role of the safety creator is played by

the employer who creates the OSH policy, and, at the same time, defines threats, specifies standards, and promotes vigilance against threats (Pidgeon, 1994) (after: Studenski, 2000, p. 1-4).

Szczygielska (2011) discusses three approaches to changing the attitudes: cognitive approach that is based on changing the way people think; social approach, or imitating the behaviour of individuals considered to be role models; and behavioural approach understood as the effect of system of reinforcement and punishment, as an essential element for the safety-oriented behaviour in the workplace. Knowledge of the attitudes, or willingness to behave in a certain way in response to certain stimuli, allows to predict the human behaviour (Ajzen, 2001). There is a relationship between attitude and behaviour, due to the behavioural element, which is important for occupational safety and health (Harley, Bolman, Gregory, Eros, 2001; Szczygielska, Wszesińska, 2009). There is a positive relationship between positive attitudes to OSH and the accident rate value in the organisation (Donald, Canter, 1994). This allows to avoid mistakes, like a waste of time, discouragement, accidents at work. In the cognitive approach, the Author suggests to change the way of thinking about OSH, using the information and a persuasive statement through training and direct talks with the staff. In the behavioural approach, behaviours, opinions and attitudes that are rewarded can be repeated and included in the routine behaviour. Such activities are used in order to strengthen the desired OSH attitudes. Diverse reinforcements and rewards clearly linked to the behaviour or attitude are a condition for the reward to be seen as desirable. Social approach to the changes of behaviour is based on the principles of learning by observing and memorising these behaviours. Gaining acceptance in the group requires the adoption of its standards and, therefore, the group moderates safety-oriented behaviours. As a result of modelling, it is possible to know the unknown pattern of behaviour, to refrain from negative behaviour, e.g., breaking OSH regulations, being easier to display certain behaviours, mimicking the behaviour of others (after: Szczygielska, 2011, p.19-21).

The model of determinants of safe behaviour suggested by Najmiec & Mielczarek (2003, p. 5) takes into account the individual and social variables. The former include emotions, like fear, anger, curiosity, and a sense of control, temperament traits (in particular, the need for stimulation, reactivity), seniority and level of professional experience, individual experience in emergency situations. Some of the selected social determinants have been singled out – the opinion of the management and co-workers in the field of compliance with the OSH regulation and an overall safety culture in the organisation (after: Najmiec, Mielczarek, 2003, p. 5).

Szmajke (1992) has carried out a synthesis of personality determinants of resistance to difficult and threatening situations: self-esteem, guilt, neuroticism, sense of control over reinforcements and responsiveness, need for stimulation (Gal, Lazarus, 1975, Drwal, 1981, Modzelewska, 1983, after: Szmajke, 1992, p. 242). In the working conditions that are characterised by difficult situations, like overload, novelties, deprivation, people with low self-esteem, high level of neuroticism and sense of guilt, with an external sense of control and low level of reactivity function worse than people with opposite features. These individuals are also more prone to accidents at work (*ibid.*, p. 242). The dimensions which are important for the perceived and accepted risk are: the level of anxiety in the face of danger, how imaginable causes and results of events are, how catastrophic or chronic the consequences are, how voluntary the taken risk is, how controllable the consequences of risky events are, how often the accidents happen, how inevitable the consequences of the risks are, how big and important the infringed human needs and values are (Goszczyńska, Tyszka, 1986, after: Szmajke, 1992, p. 244).

Ratajczak (1992) emphasises that emotions which will be triggered, and their role, depend on the dangerous situation. She applies the principle of interventions made and describes three such situations which differentiate the behaviour: situation of dangers which can be prevented and predicted; situation of dangers which can be eliminated and controlled; situation of dangers from which one can be protected, and finally – situation of dangers from which one should escape and evacuate. Each of these situations causes various emotions, however, anxiety is the dominant one (*ibid.*, p. 197-198). Various emergency situations show different adequate behaviours, and fear can create favourable conditions for them or disorganise human behaviour, according to the principle that moderate anxiety favours right decisions, and excessive fear leads to inadequate behaviour. The Author systematises the effect of emotions (in the form of stress) on behaviour, while stressing that they may deform the perception of the situation by narrowing the area of awareness, distract, divert one's attention; they can demobilise employees to fight against the existing threats by the minimisation of meanings, due to stress as a dominant and competitive emotion; they can demobilise the standard workflow, thereby creating a greater risk; they may lead to exhaustion, excessive involvement of energy. Thus, stress can trigger involuntary dangerous behaviours (*ibid.*, p.202). As part of the preventive actions, the Author suggests: training on the development of skills to deal with difficult

situations, which allows temporary states of relaxation and self-control; creating models of efficient actions, hope and confidence in one's own strength; the formation of a positive self-image by suppressing pessimistic attitudes (*ibid.*, p. 204-205). The second group of methods proposed by the Author concerns the professional selection – diagnosis of resistance to stress, emotional weakness (*ibid.*, p. 206). The third group of conclusions relates to the optimisation of working conditions, adequately to human capabilities without causing frustration and tension in difficult situations, reducing environmental stressors (*ibid.*, p. 207). The last group concerns the design of adequate warning and alarm systems, adapted to the sensory organs, which guarantee the effectiveness of the collection of information about the risks (*ibid.*, p. 208).

Sztumski (2004) distinguishes three attitudes towards occupational safety: conformist attitude, hedonistic attitude and opportunistic attitude. Stasiła – Sieradzka (2012, p. 219-225, after: Sztumski, 2004, Horton and Lesile, 1970, Rybakowski, 2007, cf. 2013) lists twelve attitudes to safe behaviours. Indifferent attitude shows in people who do not care about any safety issues; while fatalistic attitude is characteristic of people with catastrophic visions who believe that accidents are inevitable; it is similar to cynical attitude when a person cares about their own safety but has no interest in general safety problems. Religious attitude is a belief in supernatural forces, in the power of faith. Sentimental attitude shows in people with the belief that all safety measures are utopian. On the other hand, scientific attitude is characteristic of people with an organised and rational approach to research, analyses and implementation of programs to improve safety. Conformist attitude expresses a passive approach to safety issues, the adoption of standards; opportunistic attitude, on the other hand, expresses a passive attitude to risks and aware exposure of life and health to risk in the name of one's own purposes. Enthusiastic attitude is typical for people interested in safety systems implementations; realistic attitude is characteristic of those who analyse the resources and costs involved in the organisational safety issues, without denying the very essence and seriousness of the problem. Pragmatist, on the other hand, is a person who analyses safety with a view to actual opportunities to reduce the risk and accident rate. Sceptical attitude is a belief that any improvement activity in the workplace does not affect the level of safety in the organisation. This quick overview of the above attitudes shows how different the motivations, beliefs, approaches and behaviours can be, in the face of danger and in relation to the issue of occupational safety. Even the same workplace, the same path of shaping safety-oriented behaviours, although it moderates and improves the attitude to safety, it still depends on the subjective factors of every single employee, regardless of the form of employment.

In his study of the efficiency of drivers, Najmiec (2008) proves that it is conditioned by the safety culture. The efficient behaviour of a driver itself depends on three conditions: accurate self-evaluation, assessment of one's own competence, and the right assessment of situation on the road, making the right decisions and executing efficient manoeuvres. The efficiency also depends on the age, personal and temperamental characteristics, experience, fatigue or monotony (after: Najmiec, 2003, p. 10). It can be argued that all jobs are similar, and the analogy is justified in terms of promoting safety culture, because the efficiency of actions is affected by momentary loss of attention, perception disorders associated with sleepiness and fatigue, personality traits, competencies and skills, nervousness and haste, as well as unawareness of the risks (cf.: Najmiec, 2008).

Szczygielska (2009) emphasises that greater professional experience, understood as longer service, causes greater resistance to the changes in the established patterns. Analyses of individual accidents in enterprises have confirmed that they are more common in the age group of long-serving workers. This almost automatically brings to mind the instructions for preventive measures, due to patterns handed down to the younger workers, and due to the fact that, particularly, groups of people with bigger experience have been affected in terms of creating OSH behaviours, regardless of the form of employment. The younger groups, up to 30 years old, are recommended to receive a message together with good practice possible to be used immediately, as younger workers find it easier to implement new behaviours in their work or adopt certain standards, than those with already formed abnormal behavioural styles (after: Szczygielska, 2009, p. 29).

Tyszka (1992) has presented a model employee behaviour in hazardous conditions. In most cases, every worker is affected by a diverse range of harmful or risky factors, which depend on the behaviour of the employee to varying degrees. Whether the employee is aware of the threatening factors depends on the information available to them. Sources of information affect the scope of the worker's knowledge about the risks. Perception of risk determines what is seen as dangerous or not, given the immediacy of the negative effects, catastrophic or chronic character of the risk, degree of familiarity with the threat, controllability of negative effects. After perception and evaluation of threats, it is time for behaviour determined by three elements: analyses of advantages and disadvantages associated with a particular behaviour, imitation or

subordination to the group standards, and a formed habit. When choosing between different safe and dangerous behaviours, the three mechanisms mentioned can be involved to a various degree. Therefore, the creation of safe behaviours of employees should be done by providing reliable information about risks present in the workplace, proper assessment of risk, creating working conditions which favour choosing safe behaviours, using behavioural techniques to develop habits of safe behaviour and, finally, promotion of safe behaviour standards (after: Tyszka, 1992, p. 28-33).

As it has already been mentioned, Goszczyńska (1997) says that the behaviour of a worker in an emergency situation can be induced and regulated by three mechanisms: a conscious choice preceded by an analysis of advantages and disadvantages; a habit; imitation of the other people's behaviour or submission to group norms. The last two mechanisms are more unconscious, thoughtless, automated way to respond (after: Goszczyńska, 1997, p. 181-182). It results in the fact that the prophylaxis and measurement of occupational safety and health in terms of subjective impact should include both the improvement in the area of OSH and creation of favourable conditions for automated, unconscious activities related to the performance of duties.

### Presentation of own research

The study has been carried out among workers in non-traditional forms of employment. It has been conducted among temporary workers employed by agencies, replacement workers, workers employed under civil law contracts, social economy employees, workers employed under fixed term contracts, part-time workers, teleworkers, seasonal workers and self-employed entrepreneurs or businesspeople.

Polish method developed in the Industrial and Organizational Psychology Lab at the Central Institute for Labour Protection (CIOP) covers similar elements of climate as the foreign methods, which include the involvement of management in OSH, employee participation, values shared in the field of OSH, OSH training, responsibility and awareness of the staff in the field of OSH, safe behaviours. This tool is used to study the self-assessment of safety climate. M. Milczarek (2000) has created her own tool on the basis of very similar measurements. The tool has been used to measure the organisational climate in organisations using flexible forms of employment. Due to multiple statistical analyses obtained, this paper will mention selected conclusions.

As for the results of the variable against the analysis of individual differences, relationship with socio-demographic factors, the following variables have been chosen: gender, age, education, occupation, position, sector, industry, seniority, the number of employers, duration of employment contract, place of residence, marital status and the number of children. It has been shown that the occupational safety variable is correlated with gender, age, education and occupation.

Analysis of the Mann–Whitney U test has showed that there is a statistically significant relationship between gender and the result on the scale of occupational safety culture:  $U = 493371$ ;  $p < .001$ . The results obtained by women ( $M = 182$ ;  $SD = 29.063$ ) have been higher than among men ( $M = 177.46$ ;  $SD = 30.024$ ). The Kruskal–Wallis one-way analysis of variance has showed that there is a statistically significant relationship between age and the results obtained on the scale of occupational safety culture: Chi-square ( $df 2$ )= 13.327;  $p < 0.01$ . The highest results have been obtained by the oldest employees at the age of 41-65 (median = 183). Slightly lower results have been reported in the youngest group – 18-30 (median = 181), and the lowest ones – in the middle group (31-40 years old) (median = 176). The Kruskal–Wallis one-way analysis of variance has showed that there is a statistically significant relationship between education and the results obtained on the scale of occupational safety culture: Chi-square ( $df 2$ )= 28.671;  $p < .001$ . The highest results have been obtained by employees with higher education (median = 183). Slightly lower results have been reported in the group of employees with secondary education (median = 175), and the lowest ones – in the group of respondents with primary and lower education (median = 173). The Kruskal–Wallis one-way analysis of variance has showed that there is a statistically significant relationship between occupation and the results obtained on the scale of occupational safety culture: Chi-square ( $df 4$ )=46.835;  $p < .001$ . The highest results have been obtained by directors, CEOs and business owners (median = 193), then specialists and freelancers (median = 183) and technicians and officials (median = 182). Slightly lower results have been obtained by low-ranking employees – trade and services employees (median = 172) and workers (median = 172).

The lack of correlation of this variable has been obtained together with the other personal data: sector, industry, seniority, the number of employers, duration of employment contract, place of residence, marital status, the number of children.

This means that, in accordance with Health & Safety Executive, the assessment of high occupational safety culture, understood as *"the result of individual and group values, attitudes, perceptions, competences and patterns of behaviour, as well as style and quality of safety management within the organisation"*, where an enterprise which has high safety culture is characterised by *"communication based on mutual trust, perception of safety validity, trust in the efficiency of preventive measures"* (Horbury, Bottomley, 1997, after: Milczarek, 2000, p. 17) will be affected by the group age of relatively mature and older employees with higher education, higher or middle-ranking – of specialised positions in the organisational structure, and the fact that the respondents are men. Younger employees, women and the less educated – with education lower than primary, as well as the lowest-ranking workers, tend to assess safety culture as low. Organisation as a system where the main role is played by the employees and adaptation to external conditions, will be assessed more pejoratively. Attitudes, behaviours, implemented values, or organisational culture traditions, defined as *"norms, values, attitudes and generally accepted patterns of behaviour and procedures in the organisation, shared by all its members"* (Milczarek, 2000, p. 18), are evaluated more critically, in accordance with the study results obtained.

The variable – *flexible worker's perception of occupational safety climate*, is among the environmental determinants of human behaviour at work. The mean score on the scale of occupational safety culture in the group of flexible workers was 179.33 with a range of the variable from 99 to 243. The median is 179, which means that half of the respondents has a score under 179 points. The negative value of skewness (slightly lower than zero) means that the distribution in relation to the vertical axis is symmetrical. The negative kurtosis informs that the distribution is slightly flattened. There are a little too many extreme values. The results obtained by flexible workers on the scale of occupational safety culture have been analysed with the regard to the form of their employment. The assumptions of analysis of variance have been met – normal distribution in sub-groups and homogeneity of variances. Analysis of variance has showed that the form of employment significantly differentiates the results of the respondents on the scale of occupational safety culture:  $F(8, 2107) = 8.31$ ;  $p < .001$ . The results of the study show that the highest scores on the scale of occupational safety culture are obtained by self-employed workers (mean 190.9), while the lowest scores – by seasonal workers (mean 171.7). The results obtained can be explained by the specificity of the conditions associated with self-employment as a self-employed person usually creates them on their own, while employers of seasonal workers pay the least attention to occupational safety and health conditions.

In their early Polish study on safety culture, K. Burche & A. Grzelak (1974) listed several factors that influenced safe or risky work undertaken by employees. Social pressure was one of the key ones – it was a group influence which affects the formation of behaviour, depending on the implemented environmental values. The second important finding was the fact that there was no clear procedures, systems and expectations of management or supervisors in the field of OSH, which does not favour the occupational safety. If OSH issues are of low importance in the system of values, no company's community groups pay attention to OSH, and thus we can speak of poor safety culture. Unfortunately, the study has showed that the concept of a good employee is associated with an efficient employee who works fast, regardless of the safety requirements and, what is even worse, risky work is identified with high competence, and OSH regulations are perceived as unnecessary, and personal protective equipment is considered inconvenient and useless. Non-compliance with the regulations, failure to use security and personal protective equipment have proved to be the norm for many employees with the approval of superiors and management (Milczarek, 2000, p. 18). The study by R. Studencki (1999) shows that safety culture in Polish workplaces is much lower than the culture of English plants, which results in a high number of accidents and a high percentage of employees' diseases, however, these analyses have shown mean, average assessments (not low in any event) of occupational safety culture.

When describing the safety climate, Zolar (1980) conducted a study related to safety by analysing various aspects: the importance of OSH training, management attitude towards safety, the level of risk in the workplace, the status of OSH workers. The accumulated result has been specified by a level of safety climate, or the atmosphere in the plant perceived by employees and connected with occupational safety and health. The safety climate is associated with the overall level of safety, it determines either safe or risky job. The better the safety climate, the lower the number of accidents. The safety climate is a manifestation of the safety culture, and its monitoring favours maintaining high safety culture (Mearns, Flin, Gordon, Fleming, 1998). This study has shown a combined result of the organisational climate as average, according to the literature cited above. The analyses of additional questions about the accident rate in the organisation have been confirmed as well.

## Conclusion

The studies of safety culture in the nineties were based on observational measurement methods during visits, interviews with the staff, analysed documents and questionnaires completed by employees. Their purpose was mainly to examine the management commitment to safety issues, clarity of objectives and OSH procedures, employee involvement in safety policy, communication process in the organisation and the overall relationships between the employees. The study results clearly showed that there is a relationship between the accident rate and safety culture. The enterprises with high safety culture have: greater individual safety awareness, higher morale of employees, greater mutual trust between the management and employees, efficient organisational learning, focusing on safety issues, acceptance of personal responsibility for safety (Mielczarek, 2000, p. 19). The studies also showed a correlation between safety culture and other derived variables, like safety management, or technological risk with the accident rate (Horbury and Bottomley, 1997). The above has been also confirmed in the analyses carried out in the context of these professional problems of workers in non-traditional forms of employment.

In addition, Heinrich (1996) proves that most accidents are more connected with dangerous behaviour within the enterprise (88%) than with the dangers resulting from working conditions, which due to the mean results obtained in this study is not without significance. The increase in safe behaviours is subject to the same conditions, than the ones described above – it prevents and reduces the number of injuries and accidents. Since behaviours are the result of attitudes and beliefs, prevention and prevention systems should be aimed at creating safety culture: strengthening the awareness and values of safety at work, particularly among women, people with lower education, lower-ranking workers, according to the obtained conclusions.

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## Regulation of Electronic Communications Market

Jonida Gjika

Authority of Electronic and Postal Communications (AEPC)

[jjjika.lawfirm@gmail.com](mailto:jjjika.lawfirm@gmail.com)

### Abstract

*The field of electronic communications for the importance of the everyday life, and the impact that reflects the economic development, it is considered important, so that the approach to electronic communications services has found attention from state structures in each country, consequently in Albania. Its electronic communications market operates on the basis of a special material law, under the supervision and continuous monitoring of the regulatory entity (AEPC), who fulfills his regulatory mission through ex-ante intervention in the market, as well as attention and legal responsibility over those of the Competition Authority which extend its effects through ex post interventions. The structure of the market for the (number and dimensions of the players) in order to successfully fulfill the regulatory mission it should not be a political objective, but to be finalized in concrete results. Political objectives focused on innovation and technological innovation, to increase investment, expanding opportunities for consumer choice, in terms of competitive prices for market products /services, which ultimately serve for the final goal of the regulator to maximize social welfare, are provided to only as a combination of regulatory measures and legal instruments to achieve those objectives, through the use of appropriate models for market regulation as a first step to target the achievement of effective and comprehensive competition, and measuring the performance of the markets in which regulation orients in a competitive market dynamic.*

**Keywords:** Regulation, competition, market, entrepreneurs, analysis, regulatory, consumer, liability

### Introduction

The structuring of the electronic communications market in two levels, the level of wholesale markets and the level of retail markets, itself this segmentation serves effective development of competition in these markets. Development of competition in domestic markets as an integral part of the electronic communications market based on domestic legislation, which provides legal possibilities for intervention by the two institutions mentioned in the above, imposing that the two institutions AEPC and the Competition Authority to establish cooperation and coordination of actions for continuous involvement of two institutions in the development of competition, which through the process of monitoring and analysis conducted, intervene in case of identification of a ineffective competition and not consistent with the purpose of the substantive law of the field <sup>1</sup>and competition law<sup>2</sup> under which determine the role to be played by the Competition Authority <sup>3</sup>to regulate economic activity in cooperation with the regulator and other institutions.

Legislation provides relevant regulatory intervention through measures in two possible variants of ex-ante and ex-post, respectively by AEPC and the Competition Authority determinations made in the relevant laws. Two of the above institutions, have a special importance for addressing fundamental issues of competition in this market, considering aspects of the consolidation of this market in the products and services its constituents, but even in the presence and increasing the market to new players and consolidation of existing players, as a provider of electronic communications services. Technological innovation and the current trend that supports the development and perfection of networks that enable the delivery of services based (IP Internet Protocol) necessarily require the identification and sharing of services in terms of monitoring for the assessment of their competitiveness, which represents an evolution of the services offered in the

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1 Law no. 9918, dated 19. 05. 2008 "On Electronic Communications in the Republic of Albania" amended;

2 Law no. 9121, dated 28.7.2003 "On Protection of Competition" amended;

traditional manner on basic physical infrastructure, but also it requires, among other new services and business models that are in step with the respective Regulatory oversight and consumer requirements.

In this new environment, regulators must find ways to adapt their rules to ensure fair competition, to stimulate investment and innovation, and to consider the protection of customer priority.

Two Institutions of the above cited, respectively, in their missions reflect the legal responsibilities and scope of their action field in the implementation of the relevant mission, so if AEPC has the mission: "As an independent regulator and precursor for the markets of telecommunications and postal looking to achieve a regulatory framework that promotes a favorable environment for investors and provides solutions, price and best quality for all users of telecommunications services and postal services in Albania", although with a little more specific field of action for the field of electronic communications, the Competition Authority has indicated in its mission as: "Independent institution which acts to ensure a free and effective competition in the market in compliance with the Law "On Protection of Competition" based on three main pillars that define the Competition: abuse of dominant position; Prohibited agreements in the form of cartels and mergers or concentrations of enterprises as well as the entire legal framework regulating the activity of an independent institution in the Republic of Albania. This institution conceives its function as promoter and advocate of competition and consumer interests, with the ultimate goal to generate growth market. "

### **Competition, fundamental and complex aspects of the market**

History of the development of the electronic communications market in all its origins, has made it clear that the competition is a key element that performs and provides a functional combination of binomial request-offer. It's proven and it is abundantly clear that not only markets monopoly, but also markets, which are monitored by regulatory supervision of direct, often characterized by high prices, poor quality of service and development of innovation is incompatible with the requirements of the customer. Networks and service providers in terms of financial and security saturation for not losing the market, tend to be slow to develop new networks and services. In contrast, most competitive markets force networks and service providers to pay more attention to the customer needs, both in terms of price and in terms of quality and innovation in products / services in the market. Benefits of proper development of competition, and the pressure that brings such a development in the market, it has made it possible to clearly identify the transition from markets built on the basis of monopolies towards fully competitive markets trend, in which increases the opportunity for a variety of products / services and technologies on which facilitated and offered in the market. This means among other things the presence of multiple players in a market as potential bidders, instead of a single provider, to which so directly create opportunities for the benefit of consumers by reducing prices, improving the quality of service, as well as an advantageous introduction of new technologies and services. In other words, if the market is in terms of an effective competition or tend toward it, then this reduces the need for ex-ante regulatory intervention at every level of the supply chain products / services needed for the customer.

The features of the market economy, despite the "freedom" in which they appear, can not be identified clearly if the economy itself which they represent does not work built on a base of rules sanctioned by law and respective regulatory acts. Designed in such a frame of rules will pattern their behavior in the market and its actors, in terms of the development of competition with a complete set of features identified as: free, fair, efficient, dynamic, competitive, comparable with other analog economies, flexible in relation to consumer demand, etc, which together will constitute an efficient model of an economy in full competition.

European legislation and transposed to a high degree in many economies of countries outside the EU, has identified and considered as very important the necessity of defining the market and identifying its competitive features or not, and necessary steps to be followed to achieve efficiency and competitiveness regardless development stage in which it is identified. The dimensions of the market depend on a factors group that among other are associated the degree of development of industry and market weight of actors being considered, with technologies and quality of consumer demand which considered together define and model the elements of the offer will be launched. The competition aspect is supported by numerous debates academic and professional but their essence has to do with determining the precise position and principled separation between the state and the role of regulatory bodies with the economic freedom necessary for not obstructed breathing due to its development and to assign the role of cooperative and supportive of one another and

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removing the maximum role of beneficiaries or negative impact on the exercise of state weight detrimental to the development of economic freedom and its efficiency in relation to consumer demand.

### **The process of interventions ex-ante and ex-post in the electronic communications market**

The need for regulatory intervention ex-ante and ex-post, is determined by the stage of development of the market, the features of its competition, and each of the types of interference mentioned in the above are designed as a set of rules and procedures based on legal tools necessary which define the market power of entrepreneurs and their dominant position or not.

Economic –legal concepts for dominant power, abuse of dominant position, identification of potential market concentrations and types of concentrations and procedures for the control of concentrations, prohibited agreements in the market and their types, market monopoly, duopoly, oligopoly and cartels possible etc, market investigation procedures, the preliminary investigation, in-depth investigation, constitute the basic concepts that has defined in its outreach Law no. 9121, dated 28.7.2003 "On Protection of Competition" - changed.

The commonality of treatment made in the respective cited two laws under which act the Competition Authority and the regulator of the field on the "dominant power" essentially for entrepreneur/ entrepreneurs, who individually or jointly possess a position of economic power which enables a significant expansion, helps in the way of their behavior in a different and independent way from the other competitors, by different categories of users and consumers.

The concept of the relevant geographic market, which means a geographical area for the provision of the products / services that are provided by the entrepreneur / entrepreneurs in the fulfillment of the requirements for products / services in terms of competition which are homogeneous and distinguished from neighboring areas differentiated in conditions of competition between them.

The concept of the relevant market as a market made up of electronic communications services provided in the country or in some regions of his and other electronic communications services that greatly can replace that service, as well as the relevant product market / service: products or services that are interchangeable or substitutable in terms of their functional characteristics, their prices or their intended use in terms of competition or the structure of supply and demand. Identification of relevant markets, products / services offered in these markets done through the process of market analysis, a process which is based on principles such as, technological neutrality, transparency, non-discrimination and the principle of security and competitive environmental protection.

Based on the principles cited above, the process of market analysis carried out by the regulator with relevant professional structure which can make market analysis at its own initiative or at the request justified by market parties in order to identify the stage of the relevant market competition and the presence or not of entrepreneur/ entrepreneurs which may result in dominant position in the market analyzed. The process of market analysis has focused on the definition of the relevant market, analysis of the need for regulation in the relevant market, competitive level analysis of the relevant market, determination of entrepreneurs/ entrepreneurs with significant market power and determining the liability/liabilities imposed for entrepreneur/entrepreneurs identified with significant market power.

The process of market analysis and relevant legislation creates opportunities for collection and recording of any information needed by entrepreneurs in the market, and can use the results of (customers) public surveys, studies and international comparison carried out by third parties for markets analog, can prepare questionnaires and to publish these documents, which should be accessible to interested parties. Identifying the need for regulation in the relevant market or the need for ex-ante intervention, which comes after an analysis of the phase in which the development of competition in the market analyzed has considered and is obliged to prove the fulfillment of the three main criteria as: the existence of high barriers and non-transitory entry ; if there is a market structure which does not attempt towards effective competition within the relevant time horizon and try the paucity of competition law which only does not avoid in fully way respective market/markets failure. In the analysis to identify the level of competition and the assessment of the status of entrepreneurs / entrepreneurs, who are actors in the market that is analyzed on their position in this market, based on the data analyzed performed the market assessment of the relevant part of the respective entrepreneurs analyzed in detail the characteristic

features of the relevant market compared with data such as income, number of users, the volume of traffic that they develop, transmission capacity etc.

Such market its characteristics for entrepreneurs/entrepreneurs among others evaluated over the control infrastructure factors, over the technological advantages or individual superiority in relation to other competitors in the market, facilities for privileged access to the capital market and financial resources as well as countervailing power of purchasers. Considering the advantages of entrepreneur/entrepreneurs on their opportunities for diversification of products/services as well as their weight and influencing factors stemming from economies of scale or advantages that have for development of network sales or supply chain.

Ex-ante regulation often takes the form of sector specific regulation, based on clear rules in advance, while ex-post regulation aims to stop behavior that is shown to be detrimental to the development of competition and takes enforcement options, including fines, orders, or stop harmful behaviors identified. Adjusting ex-ante and ex-post have differences between them since ex-ante interventions considered as interfering with the fastest effect of market regulation with preventive nature after tests conducted have an objective of a prediction for a short term on the main development trends of competition while interventions ex-post or ex-post adjustments, essentially have their retroactive nature since it comes as a result after identifying effect and their effect is different from ex ante intervention. But the combination of these two interventions maximizes the conditions for the development of competition, intending it to be effective and complete.

### **Conclusions:**

Ex-ante regulation is selected as fast and direct way by regulators of the field which has been effective turning nature monopoly markets such as telecommunications markets only two decades ago towards establishing effective market competition.

Ex-post adjustment realized through the competition law has served and serves inability to meet the regulatory action in order to direct field and to recover the possible consequences between the parties on the market on cases of distortion of competition and the factors that help its achievement.

Legal and regulatory acts should be far-sighted, to be flexible and neutral to allow the introduction of new technologies and new services in the market of electronic communications in order to develop the market and increased consumer demand.

Laws and regulatory acts to promote competition serve as an important catalyst in the field of electronic communications. The elimination of barriers in this area related to the dimensions of the market in terms of the number of players in the market, or as otherwise known to the competition barriers of licensing providers despite increasing opportunities for fair and effective competition which ultimately will be reflected in mature markets, remains of particular importance, continuously monitoring aspect of such markets and regulatory pressure for possible intervention in cases of fading that right effective competition.

### **References**

Law no. 9918, dated 19. 05. 2008 "On Electronic Communications in the Republic of Albania" amended;

Law no. 9121, dated 28.7.2003 "On Protection of Competition" amended;

Directive 2009/140/ec of the european parliament and of the council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

Explanatory note Accompanying document to the Commission Recommendation on Relevant Product and Service Markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

Commission Recommendation of 7 May 2009 on the Regulatory Treatment of Fixed and Mobile Termination Rates in the EU (2009/396/EC)

Commission Recommendation on the Regulatory Treatment of Fixed and Mobile Termination Rates in the eu explanatory note {C(2009) 3359 final} {SEC(2009) 599}

## Cases Where Soft Power is Being Ignored

Elira Luli, PhD Cand.

European University of Tirana

liraluli@gmail.com

### Abstract

*Today, in times of globalization and anarchy regarding global security concerns and global order in general, one can expect a dramatic shift to soft power in approaching unresolved sensitive issues that have plagued and petrified the whole system of international relations. But since there is friction and lack of constructive communication between great powers global disorder will continue to disperse divergences, conflicts, exclusions, cultural-ideological biases and extremism around the world. The world environment reveals itself uncertain with a bunch of challenges ahead that require the utilization of soft power values and its potential to resolve some of these sensitive issues in a durable time frame. Although globalization tends to shrink the role of hard power in general because of the growing interdependence relation among states, one can still observe some cases where states base their actions solely on hard power or are still attached to its means and strategies. Conversely, other states seem unwilling to share and exchange values or attracts other actors or states by argument or persuasion in order to achieve common goals. This paper aims to analyze the role of soft power, namely the power to persuade and attract through its "values dimension", its effectiveness to complement hard power and cases where its role has been ignored.*

**Keywords:** soft power, hard power, unresolved challenges, world order, public diplomacy

### Introduction

The picture of the world order in general reveals itself uncertain more than ever before. Despite the overall financial crises and challenges there are still concerning issues like "terrorism, nuclear proliferation, financial instability, pandemic disease, mass atrocity, or tyranny" (Lagon 2011) and radical changes and balance disruption in ideological or cultural relationships between states or religious groups. "These issues are all inter-related" (Riordan 2004:8), moreover, open disputes; some new and some inherited from the past; reflect the divergences between two or more actors in other regions and states because of the lack of good will and soft power misuse or negligence in bringing these conflicts or disputes to an end. The concept of power has shifted dramatically in the wake of 21st century. Although power takes many forms and dimensions, its manifestation in international politics and foreign relationship realm depend on the context of the situation and its capabilities to influence. This paper aims to analyze the role of soft power, namely the power to persuade and attract through its "values dimension" (Lagon 2011) and resources, its effectiveness to complement hard power and more specifically cases where its role has been ignored, neglected or misguided. The aim of this article it is not to predict the exact outcomes and the solution that would have been reached in those cases where soft power usage has been or it is still absent, but to bring up significant facts about the importance of its usage, its influence and how and where it's utilization is missing. Hard power has been traditionally a form to exert "military force and conquest" (Nye 2002:2) which began to change for a number of reasons after the end of cold war, when Joseph Nye Jr. first coined the term of soft power in 1990 and started to develop its concept afterwards. Just as the concept of soft power has evolved during time, the concept of power in general and its "level or faces" (Trunkos 2013:2) take significant importance depending on situation and context. Anyhow, some states in some cases still rely mainly on hard power in order "to induce others to change their position" (Ibid:4). While the utilization of hard power or "the overreliance" (Lagon: 2011) on it may cause today more political, diplomatic and social defects than it caused in the past, the complete absence of soft power where it is expected to influence the resolving of global importance challenges furthermore, may send to loss of time, cost and opportunities. Observing some important events in international arena, like for instance the spreading of terrorism, European enlargement and its skepticism, the Schengen agreement, Israeli-Palestine conflict, Middle East crises etc., one can only question, -where did soft power remain? How are these unsolved issues affecting the peace and stability of the world system in general? What have the leaders and actors related to these events and facts have been doing wrong so far? Did they really go in to the heart of problems to find solutions or their haste to confront the above mentioned challenges without any significant

combination of hard and soft power together have only heightened tensions between the parties? One has to pose these questions because “the context of the twenty-first century, however, presents new challenges for nations-states and other actors on the global stage – in part because the role of information, culture and communication in the practice of international politics” (Hayden: 2012;1) is becoming increasingly important. Moreover the 9/11 events, and other terrorists attacks that happened afterwards continue to shift the focus on issues like “identity, culture and communication”(Ibid:2) not only as components of soft power but also as important means in finding constructive solution and approaches. By giving the right importance to these social elements and facts as actual form of expressions, would be easier to understand the viability and importance of soft power in general and the key role that it is expected to play in the cases that will be mentioned in this paper.

### **Hard power and soft power; their value dimension and complementary role**

Some important aspects of soft power are its resources which differ a lot from hard power resources, namely ideology, “culture”, “political values”, “foreign policies” (Nye Jr. 2006), image, information, institutions that are utilized through various instruments such as public diplomacy and cultural diplomacy. Soft power is related to attraction, power to persuade through attraction, ideas, values and foreign policies that are able to transmit, produce and obtain the desirable outcomes like for instance “Europe has successfully used the attraction of its successful political and economic integration to obtain outcomes it wants”, (Ibid 2006) although now the refugee crises, the policy and stance difference of EU member states toward refugees and the growing or rather the unbearable influx of them heading toward EU has recently put at risk the Schengen agreement. “Image and ‘public relations’ are everyday terms for ‘soft power’. In the business world one would use the term ‘goodwill’”,(Matteuci 2004) but depending on different situations soft power “like any form of power, it can be wielded for good or ill” (Nye Jr. 2006). The image of US and West in general “(democracy, freedoms and lifestyles)” (Ellwood 2014) was an example to follow and their values helped to overcome communism and weaken the position of Soviet Union when the iron curtain fell in the early 90s without any use of force, coercion or military intervention. That was “what Washington achieved after World War II: it used soft-power resources to draw others into a system of alliances and institutions that has lasted for 60 years. The Cold War was won with a strategy of containment that used soft power along with hard power.” (Nye J. Jr. 2004) The West and US image that was produced by the launching of these values dimension at that time created an effective soft power that provided attraction and a haste for communist countries to embrace western values. The events of 9/11 and the Iraq war afterwards changed US “traditional position of prestige”(Ellwood 2014), since “the United States has often acted as though its military preeminence can solve all problems.”(Nye Jr.2006) Although in the 90s it was much easier for the West to obtain the political outcomes through soft power values dimension without using any military force, today the situation is different if we take in consideration the situation that was created in Ukraine. “In the Financial Times, Robert Cooper, a former senior EU diplomat, warned that all the soft power the EU can deploy in the Ukraine will be useless if it can’t be accompanied by a hard edge, though he did not specify what this hardness would consist of.” (Ellwood 2014) Probably the hardness mentioned by Robert Cooper would consist of what Joseph S. Nye Jr. refers to when he thinks that Europe needs “to be smart today” (Nye Jr.2006) in investing more on “hard-power resources”(Nye Jr.2006). “Today Nye prefers the term ‘smart power’, to express an idea of synthesis between the hard and soft power versions that states may deploy in given situations,”(Ellwood 2014) as military coercion is becoming less creditable but not less relevant in a continuous change of global system and soft power is increasing its influence as long as values, norms, behaviors, culture and historical experience will continue to matter in this contemporary world system. A combination and a right use of soft and hard power through smart power strategies would play a significant role in international relations today. This combination is deepened and developed further more by Julio Gallarotti with the term “Cosmopolitan power” (Gallaroti 2010). He refers to “cosmopolitan power” in essence as “a balance between the hard and soft power sources” (Gallarotti 2010;30). This balance would consist of both forces and a “compromise between hard and soft power”(Stuenkel 2011) or a balance between coercion in combination with persuasion in international relations, “abiding by existing rules” and “liberal norms” (Gallarotti 2010;49).

### **Where has been soft power neglected or misguided?**

There is much criticism today about US overreliance on hard power which is not restoring the image of US as a power that knows how to exploit “political means like dialogue, respectful multilateralism, and the use of new media” (Lagon 2011), on



the other hand efforts, military actions and logistic expenses to counter terrorism are not generating any bold perspective in understanding or digging more on the impetus, dynamics, social-economic and ideological factors that drive terrorist organizations or groups to violent acts, and moreover factors that drive people to engage with terrorist organizations and such acts. All this would mean to go into the heart of the problem and "to address this problem has to begin by understanding its origins" (Walt 2015). There is "a vast counterterrorism industry, much bigger intelligence budgets, and more energetic government surveillance, but the basic counterterrorist playbook has evolved little over the past 20 years"(Ibid 2015) Even terrorist groups use soft power instruments and social media to attract people from different age groups, more specifically from the younger generation and spread their influence in different parts of the world. Admittedly, extremist groups know how to use soft power means and mechanisms. "These organizations deployed in different regions of the world spread their ideology thanks to the educational programs developed especially towards the youth. Soft power instruments used by states in combating terrorism are implemented more effectively by terrorist organizations like Al-Qaeda; schools and madrasas in countries such as Pakistan and Syria are put to use to brainwash the youngsters and these threats exist also in Saudi Arabia and Indonesia." (Blöse 2014) Meanwhile in a time when "USA is losing the information war of ideas and that the international public is starting to express doubts about the war on terrorism" (Pešto 2010), media as well isn't playing a valuable role (since public diplomacy "is used for media consumption"(McEvoy-Levy 2001:2)) in facing or fighting terrorism by giving forehead news and publicity to the successive terrorists acts that continue to happen time after time, instead of doing more to "discredit, marginalize, spoof, and embarrass" (Walt 2015) these acts of violence. Social media could play a more constructive role in helping to fight these phenomena if they could use smart ways to describe and broadcast acts of violence like for instance "ways to discredit extremist movements" or "make them look ridiculous, so that joining or backing them is seen as stupid, uncool, or embarrassing". (Ibid 2015) In this case probably soft power-public diplomacy has been misguided in "portraying the Islamic State and its ilk as cruel, cunning, fanatical, dedicated, dangerous" instead of finding the right messages to convey regarding this phenomena in order to prohibit the young generation to engage with such groups or terrorist organizations. On the other side Europe has been facing hardships by massive migration and terrorism. Although EU is characterized by its soft power, the mass migration crises and the events and attacks that happened in Paris, Istanbul and Cologne are putting the Schengen agreement into question because of the immigrant influx and terrorism threats. The open-door policy that EU had toward the immigrants acted as a sort of "openness for assistance" or as an invitation for cultural approach in this globalization era of values, but the consecutive above mentioned acts are risking to shake the very foundations of the European Union. In this case the application of EU soft power policies would be meaningless if Europe risks to collapse because of these rapid and unpredicted crises. When EU German President Martin Schultz declares "Nobody knows what we are facing this year. We are threatened as never before"<sup>1</sup>, that means that an edifice established with lots of sacrifices for many decades is not only risking crumbling but is also fragile, therefore vision and solidarity is required to eliminate the consequences of a huge crises, now already inside the house of EU. Whether a combination of soft and hard power will be exploited<sup>2</sup> in order to deal with this crisis remains to be seen. At the moment "division and mistrust" (Hewitt 2016) is prevailing. The conflict in Syria has had a negative impact not only across the region but also for the EU. When there is friction and clash between great powers, tensions are reflected in other regions and countries related to these great powers. When Mustafa Kemal Atatürk first pronounced "Peace at

<sup>1</sup> This declaration by Mr. Schulz has been cited also in other articles recently, to express emigration crisis and strains that the European Union is facing this year. See more: EU will FALL amid terror and migrant strain - and it's starting in Germany, admits EU head.- by Rebecca Perring

<http://www.express.co.uk/news/world/634693/EU-threat-terrorism-Islamic-State-migrant-crisis-Germany-Angela-Merke>

<sup>2</sup> In December 2014, Federica Mogherini, High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission said: "Today, the EU cannot simply watch the suffering of Syrian people without acting. We are ready and willing to bring a continued support to the people of Syria and to the neighbouring countries hosting Syrian refugees. It is time for things to change. We are determined to play our role to the full and bring a lasting political solution to this regional crisis"(EU Commission Press release)

After the attacks in Paris, France declared its state of emergency. "In the meantime, countries began implementing their own measures"(Hewitt 2016), border controls, fences, constrains. "Hungary built a fence. Germany, Austria, France, Denmark, Sweden and Norway all began introducing checks at their borders. It amounted to a suspension of the Schengen agreement."(Hewitt 2016)

[https://ec.europa.eu/commission/2014-2019/hahn/announcements/eu-syria-eu180-million-deal-crisis-and-spill-over-lebanon-and-jordan\\_en](https://ec.europa.eu/commission/2014-2019/hahn/announcements/eu-syria-eu180-million-deal-crisis-and-spill-over-lebanon-and-jordan_en)

<http://www.bbc.com/news/world-europe-35405896>

home, peace in the world"<sup>1</sup>, it was as though he was ahead of his time, since the world has become a global village and so interdependent. Although global trends have their benefits and pitfalls, the negative aspects are spread more rapidly than positive ones. The situation in Syria represents a complex situation where hard power and muscle flexing between "erstwhile cold war rivals" (Ahmad 2015) and other regions involved like Australia and France seem to be the core of the problem but not any sort of the solution. On 9 November 2015, Naveed Ahmad<sup>2</sup> stated in his article relating the Syrian case "Debating hard power against IS" that "if military solutions alone are to be pursued, then the West and the Gulf will have to keep its doors open for refugees, and banks flexible to depleting financials." (Ahmad 2015) Actually, this influx of refugees that he warned about not only has brought to a great debate regarding "the open door policy" but also heightened tensions inside the EU and brought the entire EU project at risk. "An ideology cannot be destroyed with missiles and the geopolitical point-scoring between global powers is not an attempt to help Syrians" (Ahmad 2015), but also not an attempt or any good will to implement smart strategies in order to bring these atrocities and crises to an end for the benefit of the whole region and beyond. Once the Middle East is mentioned, it is understandable that the region is in long-term crises, considering also the Israeli-Palestine crises as one of the longest and most permanent one in the world. This crises has led to harsh confrontations between Israeli and Arab World that have also brought to two frontal (regional wars) in the Middle East, associated with Palestinian waves of refugees fleeing to safer lands and with recent tense situations of terrorist actions between groups or nationalist and fundamentalist organizations, like those between Hamas and Hezbollah on one side and Israel on the other. In a global era, continuous open crises tend to transmit other crises in the region and violence evokes violence further more. Probably regional internal problems like poverty, Islamic radicalization and rivalry between Islam sects and totalitarian regimes in countries like Iraq, Egypt, Libya and Iran have brought to the absence of any social peace, long term political instabilities, confrontations etc. Lastly, as mentioned above, the refugee crises from Syria and Iraq are not only destabilizing the EU but are likely to grow and further expand the radical conservative and extremist groups in Europe. In the case of Middle East crises, means and forms of "soft Power" and "hard power" have generally been used but the fact is that no concrete results or improvements are shown, "because much more is needed" (Nye J. Jr.2004) to be done in this region. Soft power has been difficult to implement in this region even by EU side, since "those persuading need to keep in mind the political and cultural landscapes inhabited by those they seek to persuade." (Wessberg 2015) This applies not only to EU but also to the US, because "Above all, Americans will have to become more aware of cultural differences; an effective approach requires less parochialism and more sensitivity to perceptions abroad."(Nye J. Jr. 2004) Effective soft power strategies would be important to yield public diplomacy in the Middle East countries but firstly a remold of these policies is needed, be they in medium or long term, "in order to better explain U.S. policies and "brand" the United States as a democratic nation."(Nye Jr. J. 2004) The region reveals in hardship more than ever if we take into consideration the fact that from a crisis like Israeli-Palestine from many decades, today we have similar crises with different specifics and variations throughout the whole region. These crises without an end may further encourage the refugee crises and increase the fatigue of international actors and western allies involved, who really want to bring this situation to an end, but may find themselves disillusioned in their expectations. "Although far from omnipotent, the United States is still, as former Secretary of State Madeleine Albright called it, "the indispensable nation." Soft power is crucial to sustaining and best leveraging this role as catalyst" (Lagon 2011) but that would require some "changing attitudes at home"(Nye Jr. J. 2004) and a constructive debate with allies and foes especially regarding the situation in Syria, where the war is raging at the moment. "Wielding soft power is far less unilateral than employing hard power" (Nye Jr. J. 2004) - a fact that applies to all the parties involved in Syria but especially to the US as a "catalyst". (Lagon 2011)

1 Mustafa Kemal Atatürk stated immediately after the Turkish War of Independence that "Peace is the most effective way for nations to attain prosperity and happiness"

"Mankind is a single body and each nation a part of that body. We must never say "What does it matter to me if some part of the world is ailing?" If there is such an illness, we must concern ourselves with it as though we were having that illness."

<http://ataturk.twoday.net/stories/4080648/>

22 Naveed Ahmad is a Doha-based investigative journalist and academic with special focus on diplomacy, security and energy issues. Opinions expressed in the article "Debating hard power against IS" remain those of the author and do not necessarily represent those of al-Araby al-Jadeed, its editorial board or staff.

## Conclusions

Today, in a world order made of growing complexities and “inter-connectedness” (Riordan 2004:8) soft power remains still the other face of the coin, to get the outcomes one wishes to obtain by exploiting values of example, influence and admiration. While some regions finds themselves in total dark and austerity, global powers have failed to tackle most prominent crises and threats and reach common ground and consensus in finding solutions or any peace agreement between the parties. That is because on one side “the threats these issues pose can only be contained through collaboration with a broad range of partners from a broad range of different cultures that exists today” (Riordan 2004:8), while on the other side these actions require a broader understanding and sensitivity with regard to different cultures. When thinking about public diplomacy and cultural diplomacy as instruments to flourish soft power, firstly the West is having problems in understanding the ideology and the cultural landscape of those they are seeking to “defeat”, meanwhile “we have seen that assertion of western values as possessing unique and universal validity could be counter-productive” (Riordan 2004:10) The right word in this context instead of “defeat” would be “influence”, but as long as military acts and coercion are prevailing, there is always less space for soft power techniques and instruments as well as smart strategies to influence. Although terrorism is becoming a more compound and tricky phenomena it is still true the fact that “The current struggle against Islamist terrorism is not a clash of civilizations; it is a contest closely tied to the civil war raging within Islamic civilization between moderates and extremists. The United States and its allies will win only if they adopt policies that appeal to those moderates and use public diplomacy effectively to communicate that appeal.” (Nye J. Jr.2004). EU is overcoming the hardest time ever since its project was brought to life, because of the refugee crises. This crises appeals for solidarity, leaving behind national interest and finding good will more than ever between EU leaders in overcoming further consequences and crises to prevent “divisions between Eastern Europe and the northern countries” and “clash of values” (Hewitt 2016) by people they consider of different cultural background that now are merging in to the EU. The world is not only facing a political project such as the EU risk of failure but also the greatest humane catastrophe happening after the WW2. Some of the above mentioned challenges show that measures, interventions and preventive diplomatic means taken so far, have been out of a long term vision for a securer and a more stable international order. Moreover methods and institutions that are in charge for decision-making in general, especially those with international character like UN or Security Council seem outdated and require reformation. Their decision-making and ways have proven that they are not able to anticipate or precede solutions for a more prosperous and a securer world without conflicts and crises. These organizations are the products of a status-quo established after the World War Two, which prepared the conditions for a bipolar world order that brought a bipolar leadership, which indeed bore a rivalry or a permanent conflict at that time, but in the end established a peaceful coexistence for almost fifty years. While now, in the conditions of a multi-polar world, new rules and compromises are required.

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## Engagement Ceremony in the Sothern Coastal Area of Albania, An Ethno-Folkloric View

Msc. Blegina Bezo (Hasko)

### Abstract

*One of the most important rituals in this area is also the engagement ceremony, which was considered like a prenuptial agreement of both young ones and it didn't have only a moral importance but also a juridical one between both families. But this tradition had to pass through some rules that each family had to follow starting from the matchmaker who was supposed to be a respected person to the gifts that was made according to the tradition. Also, in this tradition existed some strict rules where the consanguinity of the young ones, who were going to be engaged was forbidden. The engagement was allowed only if they were cousins after seven generations had passed. This rules was to avoid problems with the baby's health and also that the baby would be pure blood. Anyway the engagement could never be broken by the girls or the girl's family as I was considered to be a great offense to the boy and this could bring blood feud. The engagement ceremonial started from the day that the word was given and the setting date of the day. That rings were exchanged, that happened on Monday or Thursday, which was accompanied by giving gifts. But engagement can be broken from the family of the boy only for some reasons, if the girl was sick or deterioration of relations between the families up in enmity to property issues, if separate for moral issue then the family of the boy had to give explanations for claims that they had based on facts, otherwise that was a great insult to the girl's family amounting to enmity. A key step in this ritual is the moral and educational preparation for daughter as well for the men, and also the preparation of the girl for this holy day from the preparation and decoration of the girl from dyeing hair with henna and to the preparation of the dowry.*

**Keywords:** tradition, traditional wedding, rite, heritage, song, ritual practice

### Introduction

Engagement is an important moment in human life, whether it is the obligation of family and morality, even the laying of foundation stones for the fulfillment of the goals of early patriarchal to have heirs blood and wealth and the creation of new family. This is justified by a rich opus verses and rituals that accompany engagement, which have a practice rule that follow each - other and is one of the customary rituals that continues even today to be quite practiced. At the beginning of this long ritual, the two protagonists to be related to marriage get "chosen". According to custom, engagement is an important moment in human life, be it as a promise of marriage to moral character, but also as a legal agreement between the heads ( the householder 's son and the daughter's one ), that should be respected necessarily or it's deterioration in certain conditions lead to serious consequences, up to murder. Breaking the Engagement would mean a breach of faith, of the given word. The given word is the couple's premarital relationship, which shows that the boy and girl have decided to build their lives together.

Part of the ceremony of engagement are also the cycles of Folk Music, which relate to customs dealing with the binding of families through the ceremony of engagement, and gifts made on this occasion.

Social and family life was regulated by law, therefore cutting the given word for engagement and exchange of moles were a public commitment and people considered equivalent to the legal and unbreakable connection that was created between the couple.

Families have paid careful review of the circumstances before wedlock and have given it great ceremonialism, to express the joy, happiness and appreciation for this step in the life of the two young ones.

Care and preparation for engagement was not only during certain days but started years ago by the way of educating the children. When children grew up, parents were at the forefront concerns about the fate of their lives and trying to prepare them well to face the future.

The son was better taken care of, because he had to become a good man, to keep a family on his shoulders, to be responsible to face life and also meet all obligations required of him outside the house. Different from boys, girls got prepared to become good wives, mothers able to raise and educate children, and very good housewives.

All this preparation was because the creation of new families was at the forefront of the parents, not only when it came time for the wedding, but also later. Serious preparations were made for the young ones to be acquainted and to remove any shyness for a big step such as marriage, which would be soon to come.

Each engagement began with the messenger who was a mediator for the betrothal. He was a man who knew both families and felt that they could link the fate of their children, because in general they made a good match for marriage. To them he was supposed to be a man of his word, known for fearlessness and honesty. After his task was done, his gift was a pair of shoes by the bridegroom, such a gift was more of a symbolic character to reward efforts of round - trip on both sides, until the engagement was made. During the wedding, the bride always brought a gift of a towel and a handkerchief that was also symbolic for the trouble of the messenger.

Despite the general nature in Albania three types of matchmakers are known: interest-free, financial interest, or both together. On the coast, matchmaking was not made out of financial interest because there was a belief that matchmaking was a necessity, as it were the only way of binding between families.

An engagement without a messenger was made only when the girl was forcibly taken from her parents' house, or she left herself and got married, which was an extraordinary event and unacceptable for the family and the social circle in which the girl lived. But these engagements can be made even when the families of the boy and the girl knew each other well or when the friendship could be renewed as when the arrangements were previously completed

In these kind of family bindings, a matchmaker was not necessary, because now both respective families were in continuous contact, were very well acquainted and did not need further information to decide ties by marriage.

Objective and subjective reasons that determined the need for matchmaking of engagements have been different, but the main and most crucial cause has been the prohibition of engagements within the tribe i.e. between girls and boys with blood relations. This obstacle existed in order to preserve the purity of the tribe and for healthy descendants to be born.

The task of the messenger usually was assigned to a man who had authority or had friendship or binding with the girl's family, a man of his word and not just anyone. Messenger could also be a woman, with the knowledge and permission of her husband. Her actions were preliminary, as the final act of engagement was completed by her husband, for the word of the man was a guarantee of respecting the agreement. When the landlord decided on matchmaking, he paid a visit to the other family and show the reason for coming. His job was to put the first stone in the foundation of creating a new family, therefore from him "depended" the future of the two respective families related in friendship.

Once the deal between the interested parties was made, they appointed a day Monday or Thursday, to drink the coffee of engagement. Which was the main ritual ceremony.

The demand for betrothal was always made by the boy. This action had to do with preserving the image of the girl, to whom belong the right to choose even though her personal opinion was not taken into account at all.

In both Muslims and Orthodox beliefs the betrothal was made by matchmaking. The presence of two witnesses is part of the ritual practice of placing the crown. Families held feasts, according to their economies. On the day the word was given, a date was appointed for the engagement coffee. They got some gifts with them. The only difference of the engagement between the two religions was the fact that the Orthodox permitted a request for engagement from the girl's family, while the Muslims did not. If such a thing was to happen that put into question the character and integrity of the girl.

In the late XIX and especially in the early XX century among Orthodox families, customs changed, being influenced by European behavior, much faster than Muslims. The main factor of these impacts was mainly the young people from wealthy Orthodox families going out of the country to attend schools. Their arrival was accompanied by the arrival of new elements, which aimed at liberation of the closed family life in Albania. The elderly claim that in previous times there were less differences between their marriage ceremonies, which indicates early common culture. In the late nineteenth century and early XX century and even later they began to deepen some changes. We can say that national traditional customs were

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being replaced with a blend of our tradition with European or Oriental elements but again the tradition of engagement is very important.

As mentioned earlier engagement in civic families, was actually carried out by parents, the girl was requested a formal opinion, or simply informed of the engagement. These kinds of connections, initiative and decision of the parents, made them carry a great responsibility for the further progress of the life of their children. In general, the engagement is respected as "institution of the oldest" which meant the oldest children. To be engaged prior to the release queue was unlikely, children betrothed in order. Interviews show that this queue was sometimes unaffected by gender. However these were isolated cases, as the queue is usually respected only among girls. Also in certain areas it is a custom for the younger sister to get married before her brother. It happened not infrequently that any physical deformation of the oldest girl delayed the engagements of her younger sisters, until her partner was found as well.

Ethnographic elements and aspects of the application of the rituals described above were mentioned in the songs sung during the ceremony.

These were creations that intended to create the festive atmosphere in this step with great weight in human life. Songs were dedicated to the promises, of engagement. The main attention focuses on the figure of the girl who would become a bride. In this cycle until the end of the ceremony, the girl will remain the main character of the wedding ceremony.

Several symbolic objects such as clothing, jewelry, different gifts mentioned in the songs help us recognize the ritual of engagement. But the lyrics, as noted above, pay more attention to the birth and flowering of affection, claiming that, even when love was forced to enter the tight frame, people understood that the marriage bond, has mutual feelings as a foundation.

On the social plain, the engagement of young creates cheerful atmosphere. Everybody looks at them with kindness. The whole ceremony was permeated by congratulations regarding luck, happiness, friendship, etc. They all spoke of the main purpose of the ceremony, creating a new family that would be healthy and inseparable for the rest of their lives.

Engagement is the prelude to the marriage contract, which means: the proposal the boy makes to the girl for marriage. Usually the proposal made by the boy who then becomes the fiancé (the one who proposes) after the act of engagement, while the woman is betrothed (proposed).

So, engagements aimed and revealed the position of the girl and her family, because the consent of the two families was necessary before the contract of marriage was made

The ritual of the first meeting of the two families is also quite special. The boy's family goes and speaks to the landowner, the girl's father, or if is not present, his oldest son is summoned by name, as he is now the host. Usually the wife opens the door. She invites them to join in and with the accession of them walking in, the family members who are in the house in that moment get on their feet. Friends are directed by the lady of the house near the chimney. When a guest is present the fire has to be well lit, because, even if the house does not have food, liquor or other things to offer them, the latter is satisfied with the fire of the chimney and the smiling courtesy of the mistress of the house, the "*veqile*"<sup>1</sup>, as it was called at that time for such cases.

She brings coffee and hard liquor and the host addresses the guest, claiming he did not know the reason of the visit. "Speak, o traveler! What good brought you to me?" The first representative of the boy's family replies: "Trouble brought me here." The landlord asks: "What trouble?" It is interesting to note here that the demand was not direct, but expressed with metaphors. "Would it do for our fireplaces to make for a third fire?" And then transformed to a direct request. "I come to ask the girl's hand for the boy." Another interesting fact is that in the coastal culture it wasn't the boy's family who asked for the girl's hand.

As the claim is stated, the girl's father says to his wife: "Woman, bring the bottle of liquor before us!" This was the first sign that the demand was preferable.

The owner of the house itself fills the guest's glass, takes his and says: "Arise, cheers, my friend! Welcome!" This is the second sign that the guest is waiting for. The conversation continues while the men drank the liquor. The host then addresses the guest: "Listen, friend. Your demand honors me, but I need to take my time for a response, as I am to discuss this matter with my neighborhood." The neighborhood meant the family and the key members of the girl's tribe, which meant men.

Unlike today, the future of children in past centuries was decided not only by the close family but also the rest of the relatives. The boy's family answers: "Of course you will have to discuss, but do not take long." Here's where hope first blossoms. In case of a negative response, which was never given at the moment, but the next morning the girl would've been promised to another family. For that all measures had been taken. Such was the honor, dignity and pride of Himara.

The landlord does not rush to give a response. That's because of several reasons: firstly, it was against his pride to openly show excitement, secondly, because the householder needs time to get information on the boy's family, his social circles and distant relatives. Normally this should be the time to research any distant blood ties, debts, old enmities, etc. The family's friends were also checked for enemies, as they could engage their daughter to an enemies' friend.

Other information can be, for example, the reputation of the boy's family. As well as its economic position and social status. This is applied throughout Albania. In addition to information on economic and social position, the girl's father can also ask for the boy's mother's ancestry. This not only to avoid any possible blood ties, but also to see family roots from the mother's side, from what family his mother was, as it was believed that the children that would be born will definitely take after their grandmother's brothers.

Where there was harmony and demands and conditions were met, the response was usually not delayed. The answer was generally given within three months. There were cases when the response was given after a week or 15 days or a month, but usually within three months. When there was turmoil, resentment, unrest or match of blood, when the love between the couple was spread throughout the opinion of the village, the province and known by all neighborhoods and tribes of the village, then the answer may be delayed a year, and in some cases it was delayed up to three years depending on the final settlement of enmities that can exist between two tribes.

Conditions could be placed and factors taken into so that possible hostilities could be quenched for the sake of the couple's love. We can say that it happened among the wiser people, to those tribes with rich traditions and cultural heritage, bravery, which were heard and respected in the province or in the countryside. They argued the issue in the Assembly and the whole family and the neighborhood had a say in the matter as they were also included in the feud.

After the expiration of the waiting period, the visit was repeated by a member of the family of the boy, usually the one who had made the first visit. "Come on in!" The guest sat in the corner, was offered coffee and liquor by the lady of the house, and having knocked their glasses together, the host hands the box or pouch of tobacco with flint and tinder to the guest. The lighting of the cigarette, indicated that the promise was made. The host lit the guest's cigarette, then the two parents, uncles, or brothers rise up on their feet and hugged. The embrace was the symbol of the end of the first phase.

The day of the engagement was not decided at the moment, because of possible economic difficulties of the families, woes of the tribe, who could be located away from each other, where most were shepherds, farmers, also in the southern a lot of people left as immigrants. However, after obtaining consent, in the near future engagement was made through the exchange of visits and dinners between both families. Usually these exchanges were made on Sundays, one after another. A few weeks later families determined the day of the wedding, which could not be changed.

The wedding date must be an odd number. This can be changed only in case of death, which ought to be grave enough to make the change of date obligatory. The death of a child or an elderly man, were not considered as such, but only the death of a young man of 18-25. In such cases, the mourning family would inform the other on the period of grieving. This period's end was signaled when the grieving family started singing as it was the first sign in people's psychology which ensured the happiness of the marriage.

After the date of the engagement was set, began the visits between the couple's relatives, except for the couple itself. Various pretexts were used, such as randomly dropping by, request for help, or borrowing cattle. The day of the engagement the boy's family came to the bride's side. In this visit, all members of the family of the house of the girl were



forced to wait outside the gate. Group hosts were composed by leading men of the family and tribe, and two or three married women who were older than the bride.

First came the girl's father. He was at the forefront. However, if the girl's family had a grandfather or grandmother they were at the forefront too, but the main leader was the father. To be noted here is a phenomenon that occurs among Muslims as well as Christians. "Blood-brother" was a close friend of the bridegroom, with whom he's performed the blood-bounding ritual. He had the same respect as the godfather. The families met, greeted each other, shook hands, hugged, and then entered the guest room to sit on the woolen carpet.

Betrothal had some obstacles. Engagement is not allowed between people who were of a tribe, as they were considered siblings. If they were related to the father's side of the family any marriages between the tribes were impossible for seven generations, while connections to the mother's side limited it to five.

Despite its unbreakable character, the engagement was off only when one of the betrothed died, which brought no other matter to handle other than wealth redistribution. The engagement could be called off only by the man's family as they had the exclusive right over its status (with the consent of the father). Causes of breaking the engagement could be: the girl's illness, deterioration of relations between families' fiancés to hostilities but also because of real estate issues.

When the honor of the girl's family was in question, they had to provide explanations to prove their claims, otherwise offense would be taken and hostility would be conceived, which would also lead up to murder.

The girl's family had no right to break the engagement, as it was considered a grave insult and could only be made up by the killing of family members including the girl.

The girl did not have a say on who she was engaged to.

### **The qualities of the betrothed**

As the young man and women begin to mature, they start thinking about the qualities of their life partners, who will one day become their husband or wife.

For a strong and solid relationship it was important for each of them to be in the same social status.

Not that association with a member of a higher social status wasn't an ambition, however such relationships were less stable than those of a same level. In one way or another the difference between the social levels would affect the relationship. Expenses were also a problem of their own. For example, in villages cattle would need to be sold in order to face the wedding expenses, and such a thing could ruin the family's economy, in cases when the other party were of a higher economic level, and had higher requirements than the other family can afford. It was the boy's family who had to cover most of the expenses.

There were other conditions besides economic. These could be cultural or educational, and some of them had physical preferences, such as height and eye color. Some property condition, and others as a condition of receiving background and good family. Family background was important as well. Another very important quality were beliefs and religion.

Religious women were considered to be of a higher morality and human virtues.

Such qualities were the minimal requirements for a bride, and aforementioned traits are a plus in her favor. On the contrary, when a woman is wealthy, beautiful, or comes from a renowned family and has none of the religious morals she has no benefits and is considered prone to infidelity, dishonesty and headstrongness.

The qualities mentioned, also apply to men and a female should not allow herself to marry a man because of his wealth, position or beauty, but she should require that, first of all, the man to be moral as it's the key to a happy marriage.

The man who is virtuous, well educated in terms of national and religious identity, and with a strong character, protects his wife, lives in harmony with her and is patient and caring towards her. If he loves her, he respects her; if there is dislike between the couple the man can let go of the women in a civilized manner.

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Cohabitation is overwhelmed with responsibility. During this time it is likely for many things to change. If it is built on weak grounds, e.g. based on the property, and if all the wealth is spent, large cracks will doubtlessly occur in marital relationships, because a marriage not been built on sound foundations, but on the basis of a transitional greed, is doomed to an end.

Only a marriage that is built on sound foundations, is a real marriage.

Based on the principles and rules referred to above, which lead to a healthy and stable marriage, we also hope for Albanians as a people to continue to respect family values and morals.

In the past (previous generations), and nowadays as well, engagement in our current society is built on the basis of different interests that satisfy the needs and conditions that partners have set for each other as necessities of a possible marriage in the future. Aforementioned qualities were once deemed necessary to develop a solid foundation for engagement, but nowadays these qualities and requirements are totally different and we can say with complete assurance that they are wrong. This has also caused more frequent divorces amongst young couples.

While in our immediate past engagements were made (as our ancestors inform us) based on interests and weak motives which lead to an unhappy marital life. Organizing the betrothal was the parents' exclusive right, the girl's opinion never being accounted. The same is often true for young men who didn't get to decide on their own fiancée, but he was rather forced into a betrothal, right after his sisters were "taken care of" as well, which negatively affect both women and men.

So, these engagements were made on weak grounds, e.g. based on assets, social status and even scandalous examples such as the "daughter swapping"; a girl is offered to the boy's family to marry in exchange for one of his sisters and vice versa, all because of vile interests.

Therefore, the engagement does not lead to the creation of a happy family. Often these engagements end tragically, such as the suicide of one of the fiancés. The most frequent victims have been women, but cases where the victims were men are not absent.

Also, these links have even led to the destruction of families, ruining of marriages and infidelities and abandonment, especially men who decide to secretly marry another woman (usually in a different country), leaving their lawful wife and kids behind. Women are also not excluded from such behavior. These cases are quite frequent, and that is mostly because of the phenomena of "mismatching", the main obstacle for divorce being the fear of the general public opinion.

In this day and age, while we are so proud of our new Albanian society and it's civilized morals and values, there are fixed engagements still being set up, with little differences from the time when they were the norm and overall, they're still wrong. It is still the boy's family that takes the initiative, carefully selecting the family they want to create matrimonial connections with, while also reviewing the mother's side of the family. The man of the house had absolute power, while the girls were fully submissive to whatever fate he had planned out for them, their free will fully ignored.

In the past marital connections were made between certain social strata. A peasant son could only hope to marry into an another peasant's family, while a merchant wouldn't expect his son to marry anything less than an another merchant's daughter. This way, a stable household was maintained. There's a saying in Himara that says: "Should you want to wed a maid, ask her mother as well". The mothers were considered as a reflection of the girl's morality. She was also seen as an example regarding household chores, raising children and maintaining good relationships between families as well.

Engagements were made within the same religion. As marriages of the same faith they express the fanaticism and bigotry of that time, keeping love and marriage within an "impenetrable framework". But there were times when love has violated these collective norms and young lovers have realized their marriage by fleeing elsewhere. These marriages have been rare and generally detested by both the families of the young lovers. Many times they have ended tragically, with division, strife, return to the family, even murder. Gradually, this mentality began to fade. New thoughts began to become part of the concept of marriage between different religions, prejudices started to fall regarding marriage taking place between young people with different religions, etc.

Today engagement is made with the consent of the young (boy and girl), which leads to think that young people have now been liberated from the habits and interests with weak motives based on tradition of the past, when engagements were arranged by the parents, not considering their children's will. But today, engagements, although happening with the consent of the young, is still not built based on the qualities and features mentioned above, as most of engagements occur mainly

based on the economic situation of the partner without expecting any redeeming qualities from the partner. And it's a criteria on which most parents usually agree on.

Today engagements are arranged on criteria such as physical appearance and wealth. In comparison, origin, family, ethnicity and religion are barely regarded, so long as the selected partner is loving, wealthy and good looking.

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## The Market for Audit Services in Kosovo

**Agim Kastrati**

European University of Tirana, Albania

akastrati7@hotmail.com

### Abstract

The main objective of this study is to examine the factors that influence the level of external audit fees paid by firms to their auditors. In practice, audit fees are determined based on agreement, negotiation and consensus between client and auditor. Many studies have been conducted on the market of audit services, but many countries, including Kosovo, have not been studied. In this paper, we have tested the effect of audit client size, client complexity, client risk and the size of the audit firm on the amount of audit fees for a sample of audit engagements performed in Kosovo major cities. Required data were collected from interviews with audit partners from various audit firms and individual auditors with purpose to assess the client's attributes and other factors that have influence on the audit fees. Consistent with previous studies, the result of our data analysis showed that the amount of external audit fees is significantly influenced by the client's size of business (measured either by total assets or turnover), complexity of business (measured by number of the companies in the same group). Also, clients' risk is found to have a significant impact on the level of audit fees. On the other hand, is not found any impact of client's industry type on audit fees. Our findings also suggest that audit fees are not significantly influenced by audit season and client profitability.

**Keywords:** audit fees, audit risk, client attributes, external auditing

### 1. Introduction

The purpose of this study is to examine the factors influencing the level of external audit fees paid by firms to their auditors in Kosovo. Pricing of audit services has been an interesting subject for many of the researchers and various studies have already been done in this field. Many studies were conducted to explore the factors that determine the audit fee charged by an auditing firm. The knowledge of these factors is helpful both for client and the auditor.

The external audit services and audit fees paid by companies to their auditors are obviously of interest to both companies and auditors: Companies are statutorily required to have their financial statements audited and want the fees they pay to be reasonable, auditors provide such services and want to ensure that the fees they charge are sufficient to enable a satisfactory service to be provided (Gist, 1992).

Audit fee is determined on the basis of characteristics specific to auditing firm and client. Characteristics of client include: size of its business, complexity of its business and risk of liquidation or risk in doing the audit of business. Hay (2010), in his study concluded that auditors charge fee on the basis of three attributes: client specific (client's business size, client's risk and client complexity), auditor specific (big or non-big firm) and engagement (busy season).

The much more audit fees would result in more effort and increase in audit quality. But in this sense, the auditors would be financially dependent to their customers and due to fear of losing the work, they may not be able to manage the auditing work sufficiently, although this decision may result in unpleasant financial consequences for them (Simunic, 1984).

The study of market of audit services in different countries is beneficial as it helps in understanding the similarities and differences in those countries. The practical advantage of this study is that it will help in gaining knowledge of economics of audit services in Kosovo and will help in development and harmonization of international auditing and accounting standards. One of the goals of this paper is to contribute in international auditing literature by testing the factors influencing the audit fees in Kosovo.

## 2. Literature review

Previous literature on the factors which influence the level of audit fees has investigated the relationship between audit fees and various corporate attributes. The most common corporate attributes in previous research include corporate size, profitability, risk and complexity. The first empirical evidence on the market of audit services was presented by Simunic (1980), which opened the way for future researchers to conduct audit fee studies in different countries. Simunic (1980) concluded that the price charged by auditors is function of: a) resources utilized by auditor in auditing and b) the opportunity cost of conducting an audit. Therefore, auditors charge fee on the basis of client specific and auditor specific attributes. Causholli et al. (2011), in their study regarding overview of empirical research related to audit fee find out that client's size of business is the most significant determinant of audit fee among all other determinants. The reason for positive and significant relationship of audit fee with size of client's business is that labor usage and effort of auditor gets high as the size of company's business gets high. Causholli et al. (2011), say that common proxy for measuring clients' size of business is natural log of assets or sales. The larger company will have more transactions, therefore, requires the auditor to perform more detailed audit processes and procedures, and thus the auditors have to be more attentive and diligent to audit and review their clients business, which results in higher audit fees (Taylor & Simon, 1999; Meshari, 2008). Fleischer (2012) provides evidence of German market regarding the relation between client's size and audit fee by using a different proxy than actually used for client's size of business. His study uses number of employees for client's size of business and results of study show that client's size of business has highest explanatory power and shows a significant positive relationship with audit fee. Harshani (2008) concluded that the external audit firm is expected to perform more audit work as the client size increases to ensure the performance of an adequate amount of compliance and substantive testing. This increase in audit effort is naturally expected to be associated with the increase in the amount of audit fees.

The complexity of business is another significant determinant of audit fee. Complexity of business is measured by presence and number of subsidiaries or branches, area of activity, complexity of operations and the complexity of assets reported in the balance sheet. A significant proportion of previous studies observed positive relationship between corporate complexity and audit fees. Simunic (1980), concluded that auditee companies with complexity are charged higher level of audit fees. Verbruggen et al. (2011), found positive relationship between corporate complexity and audit fees. The main reasons to explain such a relationship is that greater numbers of subordinate financial statements require more audit time and greater expertise to ensure the accuracy of the consolidated financial statements (Sandra & Patrick, 1996). Moreover, auditing complex clients exposes external auditors to more professional liability claims than non-complex companies (Clatworthy & Peel, 2006).

It is natural to expect a positive relationship between audit fees and client complexity, because a more complex audit client means a more diverse organizational structure, and harder to review transactions. This increase in audit effort is naturally expected to be associated with an increase in the amount of audit fees.

Audit risk is another factor with significant influence on audit fees. Audit risk is the risk that audit firm will be held liable to third parties for failure of business or misstatements in financial statements. Simunic (1980) concluded that an audit fee is a function of both the cost of performing the audit and the expected cost of the audit risk. Charles et al. (2010), point out that usually auditors assess the risk of client before conducting its audit. They say that when auditors feel that risk of client is high then they increase the amount of evidences and in doing so the effort and cost of audit increases which is compensated by high fee. Calderon et al. (2012), say that the auditors can never disclose all misstatements in financial statements as the time for conducting audit is limited and auditors rely on sampling techniques. The auditors therefore invariably charge extra fee in order to mitigate the risk arising from limited time available to them for conducting audit and such extra fee or premiums compensate the auditors for the potential loss associated in conducting an audit.

The impact of audit firm size on audit fees was examined by several audit fee studies, with purpose to find out whether audit fees paid to "Big" audit companies are significantly higher than fees paid to "non-Big" companies. Another reason for studying the audit firm size comes from the assumption that the firm's size indicates the audit quality. Chia et al. (2007), show the evidence that the big firms conduct a high quality audit than the others and that's why these firms charge high fee. The audit quality depends from the independence of auditor and an independent auditor is better able to perform his duties than the dependent auditor. The study of Sun et al. (2011), indicates that the audit quality differentiation of big firms is due to deep pocket hypothesis i.e. in case of high litigation firm Big firms are more likely to be sued and therefore perform

a high quality audit. In the UK (Chan et al., 1993) found that audit fees charged by “Big” audit firms to be higher than fees charged by “non-Big” audit firms.

### 3. Methodology

The main objective of this article is to establish empirical evidence about factors which influence the level of audit fees in Kosovo. Required data were collected from interviews with audit partners from various audit firms and individual auditors, with purpose to assess the relation between audit fees and client’s attributes. The entire population of this study consists from 56 auditors which are employed in Kosovo audit firms or are working as individual auditor.

The hypotheses of this study are based on the findings of previous studies in this area as well as our experience in this field. These hypotheses are as follows:

**Hypothesis 1:** Audit fee is positively associated with size of the auditee

**Hypothesis 2:** Auditee fee is positively associated with the degree of auditee’s complexity

**Hypothesis 3:** Audit fee is positively associated with the clients’ risk

**Hypothesis 4:** Audit fee is positively associated with audit firm size

**Hypothesis 5:** Audit fee is positively associated with busy season

**Hypothesis 6:** Audit fee is positively associated with client’s industri tipe

**Hypothesis 7:** Udit fee is positively associated with client’s profitability

Based on these hypotheses is designed the research questionnaire, which was sent to the auditors in October 2014. The questionnaires were sent to 56 auditors, and 32 questionnaires were received and were judged useful for the study.

### 4. Analysis, data explanations

To test the hypotheses we have processed and analyzed the results of the data collected.

**Hypothesis 1:** Audit fee is positively associated with size of the auditee

To test this hypothesis, we have analyzed the responses in our questionnaire regarding the relations between audit fee and size of auditee. Results are presented in the following table:

Table 1 “Is audit fee positively associated with size of the auditee?”

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	25	78,1	78,1	78,1
	no	6	18,8	18,8	96,9
	n/a	1	3,1	3,1	100,0
	Total	32	100,0	100,0	

Details regarding the perception of the auditing professionals on the impact of the size of auditee on audit fee show that 78.1 % of respondents answered that audit fees are positively associated with size of the auditee. Only 18.8 % of respondents declared that audit fees are not positively associated with size of auditee.

As we said above, we can conclude that the hypothesis H1 is confirmed related with that the audit fee is positively associated with size of the auditee, because 78.1% of respondents claimed the reasonability of hypothesis.

### Data analysis related to the impact of auditee's complexity on audit fee

**Hypothesis 2:** Audit fee is positively associated with the degree of auditee's complexity

To test this hypothesis, we have analyzed the responses in our questionnaire regarding the impact of auditee's complexity on audit fee. Results are presented in the following table:

Table 2 "Is audit fee positively associated with the degree of auditee's complexity"

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	20	62.5	62.5	62.5
	no	11	34.4	34.4	96.9
	n/a	1	3.1	3.1	100.0
	Total	32	100.0	100.0	

The perception of the auditing professionals on the impact of complexity of auditee on audit fee show that 62.5 % of respondents answered that audit fees are positively associated with complexity of the auditee. Only 34.4 % of respondents declared that audit fees are not positively associated with complexity of auditee.

Our results indicate that there is a significant positive relationship between complexity of the auditee and audit fee. Therefore, second hypothesis of study is supported and it can be concluded that complexity of auditee has significant impact on audit fee. The positive relationship is as a result of the fact that complex business is difficult to audit and requires more audit time.

### Data analysis related to the impact of clients' risk on audit fee

**Hypothesis 3:** Audit fee is impacted by clients' risk

To test this hypothesis, we have analyzed the responses in our questionnaire regarding the impact of clients' risk on audit fee. Results are presented in the following table:

Table 3 "Is audit fee impacted by clients' risk"

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	27	84.4	84.4	84.4
	no	4	12.5	12.5	96.9
	n/a	1	3.1	3.1	100.0
	Total	32	100.0	100.0	

The responses of the auditing professionals on the impact of clients' risk on audit fee show that 84.4 % of respondents answered that audit fees are positively associated with risk of the client. Only 12.5 % of respondents declared that audit fees are not positively associated with clients' risk.

Based on the results from the table above, we can conclude that the hypothesis H3 is confirmed related with that the audit fees are positively associated with clients' risk and in this case 84.4% of the interviewees claimed the justification of hypothesis.

**Data analysis related to the impact of audit firm size on audit fee****Hypothesis 4:** Audit fee is positively associated with audit firm size

To test this hypothesis, we have analyzed the responses in our questionnaire regarding the impact of audit firm size on audit fee. Results are presented in the Table 4:

Table 4 "Is Audit fee positively associated with audit firm size?"

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	22	68,8	68,8	68,8
no	8	25,0	25,0	93,8
n/a	2	6,3	6,3	100,0
Total	32	100,0	100,0	

Data analysis of respondents related with impact of audit firm size on audit fee shows that 22 from 32 of them evaluate that audit fees are positively associated with audit firm size. Only 8 (25%) of respondents declared that audit fees are not positively associated with audit firm size.

Based on the results from the Table 4, we can conclude that the hypothesis H4 is confirmed, therefore the audit fees are positively associated with audit firm size, since 68.8 % of the interviewees claimed the justification of hypothesis.

**Data analysis related to the impact of busy season on audit fee****Hypothesis 5:** Audit fee is positively associated with busy season

To test this hypothesis, we have analyzed the responses in our questionnaire regarding the impact of busy season on audit fee. Results are presented in the Table 5:

Table 5 "Is audit fee positively associated with busy season?"

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	13	40,6	40,6	40,6
no	17	53,1	53,1	93,8
n/a	2	6,3	6,3	100,0
Total	32	100,0	100,0	

Data analysis of respondents related with impact of busy season on audit fee shows that 40.6 % of them evaluate that audit fees are positively associated with busy season. On the other hand 53.1 % of respondents declared that audit fees are not positively associated with busy season.

Based on the results from the Table 5, we can conclude that the hypothesis H5 is rejected, therefore the audit fees are not positively associated with busy season.

Our results indicate that there is not a positive relationship between client's industry type of the auditee and auditor fee. The findings also revealed that audit fees are not significantly influenced by client's profitability. Consequently, hypothesis H6 and H7 are not supported.



## 5. Conclusions

Results of this study indicate that the size of auditee is a significant factor in determination of audit fee. It is reasonable because the larger the company size, requires the longer the audit process, and consequently the higher the audit cost. In other word, the number of hours needed to complete the audit work determines the amount of audit fee. Our results are in accordance with prior findings. Simunic (1980), concluded that the large client will have more transactions, therefore, requires the auditor to perform more detailed audit processes and procedures, and thus the auditors have to be more attentive and diligent to audit and review their clients business, which results in higher audit fees.

Our results indicate that there is a significant positive relationship between complexity of the auditee and audit fee. The positive relationship is as a result of the fact that complex business is difficult to audit and require extra effort and time. Also, more complex company, measured by the number of subsidiaries, requires more audit work to examine individual company financial statements and consolidated financial statements. These results are in line with previous research. Greater number of subordinate financial statements requires more audit time and greater expertise to ensure the accuracy of the consolidated financial statements (Sandra & Patrick, 1996).

Our results suggests that clients risk is a significant determinant of audit fee, because the higher auditee risk, obviously, causes more efforts exerted by auditors to lower future litigation risks. These results are in accordance with previous studies in this field. Firth (1993) found that higher level of client risk will increase the auditor effort which result in higher audit fees, therefore, the auditing firm will have to undertake detailed work to resolve or moderate the risk.

Findings of this study indicate that audit firm size is another significant factor on audit fee. This is reasonable because the reputation and status of audit firm can have a great effect on audit fees. Hay et al., (2006) argued that higher audit fees are expected when an auditor is recognized to be of superior quality to other firms. The findings of this study also suggest that audit fees are not significantly influenced by client profitability and client industry type.

Most of the determinants of audit fees that were found to be significant are in line with prior studies. Therefore, we can conclude that in Kosovo is used similar platform on calculation of audit fees as in other countries. We believe that this study will help in gaining knowledge of economics of audit services in Kosovo and will help in development and harmonization of international auditing standards. This paper will contribute in international auditing literature by testing the factors that influence the audit fees in Kosovo.

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## Barriers to Learning, Achievement, Institutional Identities and Professionalization

**Dr. Miriam Aparicio**

Main Researcher CONICET.

National Council of Scientific Research (CONICET).

Universidad Nacional de Cuyo (National University of Cuyo). Mendoza. Argentina.

miriamapar@yahoo.com

### Abstract

*This study is part of the broader research program on University Quality Assessment. The aim was to go deep into the causes for delay in finishing studies in Argentina. This brings about a problem at the institutional and personal levels (disappointment, depression, frustration,...). In 1995 the Department of University Polices called for a contest to analyze the Causes for Dropout, and we won it. It had been preceded by another project (still in progress) dealing with graduates from different faculties. The combination of different factors (basic, personal, occupational, structural, institutional and psychosocial ones), concerning the 20 years of the UNCuyo and 6 Faculties/Study Courses (1987-2004; N 299 individuals) gradually showed which factors predicted different achievement levels, as well as the strongest underlying reasons of the individuals' courses of action. The quantitative-qualitative method was applied. In this paper, we focus on a motivational factor: Fear of Failure; one of the predictive ones for delay along with others, as it showed differentiated profiles according to Academic Units and Courses of Studies (Disciplinary and institutional identities). The results are very relevant within a context in which delay in studies is quite evident. The intervention and support systems and Professionalization to improve University Quality and the students' personal and professional achievement are necessary. Then, Performance, Identities and Professionalization comprise macroanalysis (national policies), mesoanalysis (questions differentiated as Academic Units), and microanalysis (individuals who are affected in their personal health and self-fulfillment due to the lack of non-disciplinary programs).*

**Keywords:** Psychology - Barriers to Learning - Researches on Psychology of Education, Social, Health, Organizational Studies, Quality, University, Delay, Identities, Professionalization

### I. Introduction

This work on university studies extension is not an isolated research. The issue of failure within an institution has always been the object of special concern, that is why, M. Aparicio has been working for over a decade along a continuous line which goes deeper into the subject of achievement from different theoretical and methodological angles (Aparicio, 2006 a and b, 2009 c, 2010, 2012 a, b and c, 2014 a and c, 2015 a, c and d).

More precisely, this study represents the extension of the Research Program on University<sup>1</sup> Quality Assessment started in 1994, which included three projects along these lines: Success (graduation) and Failure (dropout) at the academic and socio-professional levels. Its development involved work with three subsamples: graduates, delayed students in relation to the established length, and dropouts. This work was carried out within the UNCuyo (National University of Cuyo) (1980 – 1995), with a later extension until 2004.

Within the framework of the improvement process of University Quality, the UNCuyo authorities considered it was very important to analyze the problem related to the delayed students in that institution who first enrolled in 1985 and reenrolled later in 2004, with the intention of continuous improvement<sup>2</sup>. Therefore, they decided to carry out this research, which is,

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1 All the research has been carried out in the CONICET (National Council of Scientific Research) and the National University of Cuyo.

2 The system allows yearly re-enrollment, and there is no limit for student as for number of years they take to graduate at University.

Students could re-enroll every year until 2015, when the system changed: there are limits to continuing in each of the years and there is a pre-requisite subjects regime in some Faculties.

globally, of special interest since it goes through different socio-economic systems, curricula, admission and promotion systems, etc. Besides, it is, as far as we know, the first analysis with these characteristics at the national level in Argentina.

In this respect, at a more specific level, from a grass-root perspective anticipated by Aparicio along this line, the personal factors (objectives and subjectives) – as usual in the available literature – are recovered in the model, as well as the contextual factors, which helps elucidate their relevance in performance. This applies not only to the university but also to the labor and structural levels, regarded as conditioning factors of achievement; all this, plus an “undervalued” insertion of graduates into the labor market, under the present circumstances, could lead to an of the period of study. This – according to previous studies – weakens the expectations about obtaining a university degree<sup>1</sup>.

Regarding the literature referring to other authors, we will just mention for the sake of brevity some founding fathers

## 2. Background: The Problem of the Politico-educational Agenda

We will not deal with the theoretical-methodological approach used in the Academic Achievement issue and its influencing factors.

We will merely point out that this is a fundamental problem within the university policies agenda due to the figures that focus on failure. Over ten years ago, La Nación Newspaper, in its 01/19/01 issue, published an article entitled “Why so many people leave their studies. University students: only 19 graduates out of 100 enrolments.” This article states that vocational disorientation, the mistaken ideas on which students base their career choices, and their difficulties to adapt to an unknown and more demanding study environment contribute to increase the number of university dropouts. An unfavorable economic situation also helps: many must prioritize work over studies.

In Argentina, according to the official figures of the year 2000, only 19% of students at public universities graduate. Today, the figures of the UTN (National University of Technology), Mendoza District<sup>2</sup>, increase this figure to 33%; on the other hand the UNCuyo (National University of Cuyo) reports that 38% of students graduate, thus, surpassing the country average in certain courses of study<sup>3</sup>. For the Universities, the loss of students implies a waste of resources in a time of meager budgets. It should also be considered the duration of studies, for most students take half as much than the required time to complete their studies (Aparicio, 2005, 2007 a and b, 2008, 2009 a and b).

There exist plenty of figures and descriptive studies; however, research is inadequate in revealing the actual significance of some factors on which the educational system itself could work in order to reduce the figures of failure, which appear to lie not only in a change of curriculum, improvement of infrastructure or increase of hours, but on attitudes strengthening solidarity and values in order to cope with adversity. Among these factors, there are the motivational ones and those related to them. Other factors dealt with in core research by Aparicio and complementary ones can be seen at en Aparicio 1995-2015, ops cites.

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1 See Aparicio, 2005 a, 2007 a and b, 2009 (HDR, Francia Also Aparicio, 2014 a and c; Adelman, 2004; Pascarella & Terenzini, 2001, 2005).

2 <http://www.losandes.com.ar/notas/2013/6/10/indice-719650.asp>. Index UTN. Printed edition, June 10, 2013. It reads: “At the National University of Technology, Mendoza District, the graduation index is assessed using a different methodology, since they consider the relationship between the enrolments and graduations in the same year.

According to the data submitted by the Academic Secretary, Mr. Juan Carlos de la Iglesia, this index has improved since 2003, when the relationship was 15.43%, with 674 enrolments against 104 graduations, the figures in 2012 is 33.62%, with 455 enrolments and 138 graduations.

Although this is relative data, since those entering and those completing university are not the same students, there exists a significant evolution with a favorable figure, said Mr. de la Iglesia, as he sadded he was working to improve this index.”

3 <http://www.losandes.com.ar/notas/2013/6/10/recibe-chicos-ingresan-uncuyo-719648.asp>

The 38% of the students entering the UNCuyo graduates, as a report drawn by this university shows. This percentage surpasses the country average of 27%. Medicine, Engineering, and Odontology provided a better index. Los Andes Newspaper, printed edition, on Monday June 10, 2013.

### 3. Development Plan

The research was carried out in two instances: quantitative and qualitative. This work followed the quantitative approach. We just deal with the relationship between the Academic Performance Factor at University (UP) and the Motivational Factor, especially in the Fear of Failure as associated to negative performance/relative performance.

### 4. Objectives

#### 4.1. General Objectives:

Analyzing the relationship between Academic Performance of students who take longer to complete their studies than the time determined by the curriculum in the system, and the core, sociocultural, psychosocial, pedagogical, institutional and structural variables of the causal model, with a view to detecting the causes and comprehension of this problem. Furthermore, it looks into the core sociocultural, psychosocial, pedagogical, institutional and structural variables of the causal model, with a view to detect the causes and comprehension of this problem.

Being aware of the sociocultural and psychosocial aspects often associated to delay in studies (descriptive and explanatory levels) in order to determine the high-risk population and prevent the situation.

#### 4.2. Specific Objective:

Analyzing the relationship between the motivational factors and delay in studies.

### 5. Hypotheses

The hypotheses concerning each of the factors included in the model are not considered. Reference will only be made to the general hypothesis and the relative hypothesis concerning the factor being studied: the motivational factor and associated sub-factors.

#### 5.1. General Hypothesis

Pedagogical-institutional and structural factors (labor market) as well as psychosocial ones have an impact on the achievement processes associated to academic performance; their interaction could determine selection in higher education and later in the market.

#### 5.2. Specific Hypothesis

H1/ More motivation and high expectations favor Academic Performance (UP), measured by the number of Years at university (2005-COHORT), pre-established Time for the completion of the course of study according to the corresponding curriculum (ANIPLAN), Not-Passed Subjects (MATPLAN-PASSED), number of Subjects in the corresponding curriculum (MATPLAN), Number of Below-Average (FAILURES), Passes Subjects (MATPLAN).

H1a/ Motivation for learning (MOTLE) has a positive impact on university performance.

H1b/ Motivation for reputation (MOTREP) has a positive impact on university performance.

H1c/ Fear of failure (FEOFA) paralyzes students and impairs university performance

### 6. Guiding Questions

Theses questions guided our study although in this article we intend to show the influence of motivational factors and, specifically, the "fear to failure" factor in students' performance; the last of the issues pointed out.

How significant are core and sociocultural variables for Academic Performance and extension in studies?

What psycho-pedagogical-cognitive characteristics have an effective impact on the students' performance?

How significant are job-related factors for the students who worked and/or still work, if we consider that these factors are among the ones ranking first regarding dropout or delay in studies at university?

Are the factors inherent in labor insertion (subjective, like satisfaction, and objective) associated to delay in studies?

How relevant are psychosocial factors in terms of facilitating or obstructing factors of performance?

## 7. Methodology

We used a quantitative (descriptive and predictive levels) and qualitative methodology. Triangulation was later applied. In this work, we only refer to one of the factors included in the model, and to the correlational and predictive analysis related to it.

### 7.1. Population

Individuals in delay according to institutional records = 1,880; simple to 5%= 304; respondents N = 229. They are individuals who have been entering the National University of Cuyo since 1985, have not graduated, are still inside the system, and reenrolled in 2004<sup>1</sup>. The effective sample consisted of all the students who could be located – central problem in monitoring studies – and with whom we could work individually in order to apply the techniques. It is a type of strategic population since – considering the changes made during the period covering studies at the educational, economic and political level – these individuals should meet the new demands of the productive system. The data gathering process was carried out in two stages (registers, data provided by the UNCuyo Statistics Department and an at-home survey / interview).

### 7.2. Techniques

We included a semi-structured survey with variables of different kinds, thus covering a wide pedagogical-institutional, structural, core and sociocultural range. We also included tests in order to measure Motivation/Expectation (Montero and Alonso Tapia), Attributional Style (Seligman, 1991), Coping (Frydenberg & Lewis, 1991) and Resilience (Hendersen & Milstein, 2003; Melillo & Suárez Ojeda, 2003). Finally, to measure Learning Styles (CHAEA), we used Montero and Alonso Tapia's Questionnaire (1992).

We also produced sociocultural factors (Cultural Origin or CULTORI, Social Origin or SOCORI); factors related to the labor world: Satisfaction in the labor world (RESU), Objective Labor Achievement (ROO) and Subjective Labor Achievement (RESU). A composite index is essential in this framework: University Performance (UP). Another core quantitative variable was the Academic Performance factor, based on the equation which includes several indicators.

Finally, among the quantitative techniques we used the interview and open phrases included within a Final Section of the survey, and a lexicometric analysis was later carried out.

Let us now consider just the motivational factor which was measured through the MAPE test (Montero and Alonso Tapia, 1992). Let us consider for a moment the theoretical bases, which will help us understand the reasons for including this factor within the theoretical model and the results. The individuals may feel inclined towards an *intrinsic* or *extrinsic* goal when faced to learning related tasks (Pintrich and Schrauben, 1992); i.e., first, they may focus on learning and development of their capacities, or on the other hand, focus on the execution and the image they show at performing such task.

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<sup>1</sup> According to official data provided by the UNCuyo itself, this population consists of 1,880 students. Considering this list, a sample for finite universes was taken, with a reliability of 95%, or two sigmas ( $p=50$  and  $q=50$ ), and an allowed margin of error of 5%, which implies a sample of 304 units. Then, the sample was set through a proportional system to each of the strata, i.e., according to the relative presence of each Faculty over the universe. The effective sample (individuals making substitution, even when they were not located), makes a total of 229 individuals who are distributed as follows: Philosophy and Literature (Educational Sciences) 15; Economic Sciences (Certified Accountant and Business Management) 69, Political Sciences (Social Communication) 20; Law 67; Medicine 21; and Engineering (Civil, Industrial and Oil Engineering) 37.

Dweck and Elliot (1983) go deeper into this and, based on these two angles, they provide three different possible motivational patterns: *Motivation for learning (MOTLE)*, *Motivation for reputation (MOTRE)*, and *fear of failure (FEOFA)*<sup>1</sup>. Orientation to a certain goal is quite determined by the idea the individual has about the concept of intelligence.

The individuals with learning-oriented goals, and with a motivational pattern based on a *high Motivation for learning*, perceive intelligence as catalog of skills which expands through effort. They think that a suitable reflection on their mistakes helps learning and improving, and they see uncertainty as a challenge to overcome. They are hardworking, show high performance and reject the lack of effort. They show a desire for learning and their expectations are based on the effort they are willing to make.

The *extrinsic* orientation, directed to execution, leads to two kinds of different motivational patterns: *Motivation for reputation* (competition, search for positive judgments) and *Motivation for fear of failure*. These two types of motivational patterns share some features; however, they differ in an *approximation* tendency, which is shown in the motivated individuals by excellence, and an avoiding tendency, present in the fear of failure of the motivated individuals.

The individual oriented to execution goals considers intelligence as something global and stable. They endeavor to project a positive image (Motivation for reputation) or avoid projecting a negative image of themselves (Motivation for fear of failure). They focus on the obtained *product or result*, on showing their *competences* to others. Mistakes are seen as failures or flaws; on the other hand, uncertainty is considered a threat for the assessment of competences they pursue. They look for flattering statements about their competences.

As regards the practice and evaluation procedures, the motivational patterns described have been studied by Montero and Alonso Tapia (1992), authors of the MAPE II Questionnaire. The score obtained by the individuals in each scale is assessed according to whether we talk about positive saturation (1 for affirmative answers and 0 negative ones), or negative saturation (1 for negative answers and 0 for affirmative ones).

On the basis of these criteria, a direct score of the individual is obtained in each of the 6 scales of the questionnaire. This score corresponds to 6 first-order factors; direct score that may be converted to percentile score, referring to the respective attached one. According to the direct score, a percentile score corresponds to each scale. Percentile score allows for a more accurate idea of the individuals' situation in each of the scales that reflect the 6 first-order factors.

Once the score of first-order factors are processed, the score of the second-order factors must be obtained. The three second-order factors are determined on the basis of the direct score obtained in the 6 first-order factors. The assessment is determined based on the following formulas (Roman numbers correspond to the second-order factors and the Arabic numbers correspond to the first-order factors):  $F_I = F_1 + F_2 + (12 - F_6)$ ;  $F_{II} = F_3 + F_5$ ;  $F_{III} = F_4$ .

The direct score of three second-order factors are thus obtained. This score may be converted to percentile score.

In order to interpret this, we need to make reference to Montero and Alonso Tapia (1992) for the first-order factors and to Dweck and Elliot (1983) for the motivational factors. We provide now a brief summary these factors.

### *First-Order Factors*

*Scale 1* makes reference to *high performance and hard-working capacity*, to individuals who consider they take up large amounts of work simultaneously and usually work more than their co-workers.

*Scale 2* shows *intrinsic motivation*, to individuals who think work causes self-satisfaction and it represents challenges. *Scale 3* refers to *ambition*, to individuals who wish to achieve prestige, to get higher ranks at work, and is in search of positive judgments regarding competences.

<sup>1</sup> In Spanish MOTAPRE, MOTLUCI, MIEFRACA, respectively.

*Scale 4* refers to *performance inhibiting anxiety*, to the lack of confidence in the capacity to achieve success, to individuals with a tendency to experience depression after failures. It also refers to the avoidance of difficult situations or to a feeling of anxiety and blockage in view of them.

*Scale 5* refers to *performance facilitating anxiety*, to the pressure existing in every test which leads to an improvement in performance. Pressure here helps work and performance.

*Scale 6* refers to the lack of effort, to individuals who make frequent breaks while performing their tasks, do not finish them and usually apply the principle of minimum effort.

### *Second-Order Factors*

According to Dweck and Elliot's contributions, it should be clear that *Factor I* represents Motivation for learning, *Factor II* represents Motivation for reputation or competence, and finally, *Factor III* represents Fear of failure (called here FEOFA).

As regards the latter, in terms of inhibiting anxiety for fear of failure, the author defines it as a lack of confidence in one's own capacity to achieve success, blockage in the face of obstacles, and avoidance of these obstacles. Our histogram, by means of Jarque-Bera test, shows the normality of the variable. The probability of the test accepts the HO of normality ( $p > 0.05$ ).

The high values (close to 12) represent individuals unable to deal with obstacles or problems, who are afraid to fail and this fact leaves them motionless. The low values (close to 0) show the opposite situation; individuals who can deal with difficulties and experience no inhibiting motivation of performance<sup>1</sup>.

Let us now analyze the results.

## 8. Results

### 8.1. Bivariate Analysis

It is not our purpose nor would it be possible to analyze the relationships between the multiple independent variables (model conditions) and the dependent variable (effect: Academic University Performance – UP<sup>2</sup>).

We should say that core, occupational, pedagogical, cognitive and psychosocial variables (Motivation, Attributional Style, Resilience, Coping Strategies) were included in this model. Among the latter, we briefly provide the results for Motivation: Motivation for Learning, for Competences and Reputation, and Fear of Failure (measured through MAPE) in relation with UP (University Performance).

**Summary Table 1: Motivation (MOTLE, MOTREP and FEOFA) vs. UP (Pearson's Correlation)**

<i>n-Ach</i>	<i>Regression Coefficient</i>	<i>Probability</i>
<i>MOTLE vs. UP</i>	0.000137	0.9076
<i>MOTREP vs. UP</i>	0.000201	0.8852
<i>FEOFA vs. UP</i>	-0.002507	0.2408

<sup>1</sup> Most of our students remain on the left side, that is, they are not afraid to fail. The results represent a certain consistency, considering that these individuals will not leave university due to fear of failure, despite the difficulties they go through. In other words, "relative" failure has not prevented them from keeping on studying.

<sup>2</sup> In Spanish RU.



This table summarized the findings. As regards Motivation for Learning (MOTLE) vs. University Performance (UP), our findings show that Motivation for Learning has not accounted for a dependent variable, University Performance (UP). Regression in a lineal model (close to 1) does not help verification.

As regards Motivation for Competence and Reputation (MOTREP) vs. UP, it can be seen that it does not account for UP. Regression in a lineal model (close to 1) does not help verification. As regards Inhibiting Motivation for Fear of Failure (FEOFA) vs. UP, regression in a lineal model shows that *Fear of Failure inhibits students*.

In other words, MOTREP and MOTLE show probabilities with quite high values and indicates a lack of lineal association with UP, whereas FEOFA indicates a certain association, although somewhat low.

As a summary, the following Table shows, now from the point of view of correlation, that neither Motivation for Learning nor Motivation for Reputation account for University Performance. This is because it refers to under motivated individuals in both aspects. On the contrary, Fear of Failure inhibits students and reduces their probabilities for success in studies.

**Table 2: Pearson's Correlation Coefficients**

	UP	LOG(UP)	MOTLE	MOTREP	FEOFA	RESIOPP
UP	1.000000	0.986687	0.007732	0.009618	-0.077994	0.170907
LOG(RU)	0.986687	1.000000	0.013405	0.015849	-0.083501	0.193229
MOTLE	0.007732	0.013405	1.000000	0.440513	-0.097083	0.112193
MOTREP	0.009618	0.015849	0.440513	1.000000	-0.048622	0.122926
FEOFA	-0.077994	-0.083501	-0.097083	-0.048622	1.000000	-0.037792
RESIOPP	0.170907	0.193229	0.112193	0.122926	-0.037792	1.000000

## 8.2. Multivariate Analysis

Before starting with this multivariate analysis, let us say that the bivariate analysis, even though it plays a specific role, is particularly incomplete as regards Social Sciences, since social facts are complex. Therefore, as a last resort, we have carried out a multivariate analysis for it gets us closer to the actual situation being studied: the causes of performance of delayed students.

### **The Academic Performance Model (UP)**

After presenting the Bivariate Analysis and the regression successive estimates, the most suitable model to account for University Performance and provide the best functional form is the following: Briefly: the variables accounting for Academic University Performance (UP)<sup>1</sup> are RESIBON (Resilience regarding Bonds), RESIOPP (Resilience regarding Opportunities), COPINA (Lack of Coping Strategies), COPIST (Strategy and Effort), PSGOOD Positive Personalization), AGE (Age) and WORKACH (Work Achievement). This means that the motivational factor is not predictive in the framework of the multivariate model on delay in studies. Other factors, especially psychosocial ones, besides Age and Work Positioning, account for part of the phenomenon.

<sup>1</sup> In Spanish (RU=UP) are RESIVINC (RESIBON), RESIOPOR (RESIOPP), COPINA (COPINA), COPIES (COPIST), PSGOOD (PSGOOD), AGE (AGE) and ROO (WORKACH).

## 9. Future Research Research Directions.

As it has been pointed out, this study extends the investigations conducted by Aparicio (1995-2015), and was carried out with different university populations: graduates from two national universities, UNCuyo dropouts, and individuals who take longer to graduate than the time determined by the curriculum in the system and re-enrol in university courses. All the studies cover more than two decades and have been made at different stages. The problem of retention was agreed to be developed because of its relation to achievement, addressing the factors/dimensions that could – as it has been pointed out by the experts – influence on permanence at university.

Fourth level populations (postgraduate: doctoral students/doctors) in the last ten years as well as in the local tertiary level (Teacher Training institutions) were addressed since they could be somewhat affected by difficulties determined by certain reasons and/or historical and structural circumstances. Finally, university professors working within the scientific system will also be considered (doing different research work: full time CONICET or other organisms researchers, university professors conducting research work within the Teacher-Research Programme sponsored by the National Ministry of Education since 1995).

Aparicio has been working on the issue of Achievement/Failure from the educational point of view, complementing it with the viewpoint of Social, Work, and Organizational Psychology.

The objective is to acknowledge what factors may be positive or negative within each organizational institution so as to produce knowledge-based data, transferring them to the political-managerial decision-makers (specially related to Education and Employment) allowing the change of the practices that generate difficulties and contribute to failure.

## 10. Conclusion/Discussion

We are particularly interested in this issue since we consider Education as an essential factor in personal and societal development. Admission to university without retention or graduation could be taken as personal and community failure and results in increased costs for the state, the organizations and the individuals. The organizations in the labour world also demand trained staff, professionalization of the training institutions and/or individuals, and commitment from all the parties involved.

Our studies have shown that those individuals who do not finish their studies are placed in a more vulnerable situation than the graduates. Such situation could improve by implementing support programs to help students overcome motivational and emotional difficulties and thus graduate. Although a degree does not ensure a higher and/or better positioning in the professional world (as it happened during the last century), it improves the individual possibilities of achievement and the organizational quality prospects.

Finally, whether or not our investigations corroborate the findings done of other developed countries, it is important to highlight that the systemic perspective and the studies carried out over long periods of time are essential to allow the comparison of inter-institutional, inter-disciplinary, inter-country achievement profiles which have as background different macro-societal frames (economical, political, cultural, social). In relation to this, Aparicio 2015 c and d) points out the need to develop a more integrative perspective of analysis which combines quantitative factors (measurable) and qualitative factors ("senses" that underlie the actions) and which, when merging, change the direction of the results on Quality, as when it is measured by figures, whether it is in organizations or in countries.

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## The Three Dimensional Spiral of Sense: a New Paradigm Systemic Applied a Six Areas Disciplinares and Two Axis: Identity and Professionalization

Dr. Miriam Aparicio

Main Researcher CONICET.

National Council of Scientific Research (CONICET).

Universidad Nacional de Cuyo (National University of Cuyo). Mendoza. Argentina.

miriamapar@yahoo.com.

Tel +54 261 4251901 / +54 261 154 542284

### Abstract

*This article introduces a new systemic theory called "The Three Dimensional Spiral of Sense", applied to Identity and Professionalization. The epistemological mainstays of the theory are stressed here, a theory supported by more than 30 years of empirical research at CONICET (National Council of Scientific Research, Argentina), with individuals belonging to different populations, some of them covering periods of over 20 years (intra-generational studies), and others covering three generations in-line (inter-generational studies). This article presents the most specific theoretical frameworks, and it formulates the six disciplinary areas in which the new analysis of the social data was carried out: Education, Health, Science, Media, International Relations and Interculturality. The first area – Education – is dealt with through different levels (secondary level, tertiary level, University and PhD training. Here, we only make reference to the studies carried out, returning to some epistemological issues in this theory. The methodology used was quantitative (statistical analysis, a semi-structured survey) but mainly qualitative (hierarchical evocations, interviews). The approach was macro-micro-meso-macro, micro, not quite common yet. It consists of a kind of sui generis systemism which recovers relationships (links, back and forth) between individuals and contexts, without overlooking neither the former nor the latter, thus, avoiding any type of reductionism. Individuals, organizations and frameworks interplay and feedback themselves. The results, particularly the qualitative ones, show the rich interactions underlying the continuance or innovation processes, which favor or hinder the individuals' development and identity in times of abrupt change; at the same time, these results reveal the need for Professionalization in emerging countries.*

**Keywords:** Systemic *Sui Generis* Paradigm, the Theory of the Three-Dimensional Spiral of Sense, Identity, Professionalization

### I. Introduction: Epistemological Support

This theory or, if someone prefers, pre-theory is the result or synthesis of the principal research works done within the CONICET (National Council of Scientific Research) and since 1995 the Argentine Ministry of Education, Science and Technology.

The research was developed since 1995 along the lines of Social, Labor and Organizational Psychology, and its core issue was Achievement at University and at Work, and their mutual sustained interaction. My interest grew stronger, particularly in relation with the analysis of the impact (explanatory/quantitative level) and comprehension (qualitative level) of the psychosocial factors on achievement within the context of the international patterns related to Quality Assessment at University in its connection with the scientific and productive systems (for a case reference, see Aparicio, 2014 b). The quality criterion leading us was pertinence, i.e., we observed the interactive analysis of the answers provided by the university system to the needs of the socio-productive and scientific world. This criterion was mostly overlooked at the international level. It should be mentioned here that this Assessment was started late in Argentina, in 1995, when the University Quality, combined with context, is first considered a priority. University polices emphasize the need to reach systemic analyses. However, Assessment comes down to figures, statistics, diagnoses, inputs and outputs, but the human processes, which lie at the base of such figures, remain unknown in the Argentine system and, more globally, within the international framework, as it has been commonly pointed out literature until these days. Boudon, in 1973, invites us to

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work from a more integrating systematic perspective. It was a challenge to implement a systemic analysis of the factor with an impact on achievement at the macro level, and of the impact of the macro or micro organizational contexts on the individuals. My research is oriented in that direction, i.e., towards the search for a more holistic and comprehensive approach to analyze the “mechanisms” and/or factors that, when acting interactively, anticipate the achievement in three levels or dimensions: psycho-individual, meso-institutional/organizational and macro (Aparicio, 2015 c and d). Such approach will let us surpass diagnosis and identify the interplay between the macro cosmos and the micro cosmos; a kind of resourceful play, such as the one between the individual, culture and society. In other words, our perspective aims at the comprehension of macro and meso organizational results and deals with the micro psychological and meso-institutional processes.

This new approach, which will reveal itself in the scientific production of 2005 and 2006 but which will be published in full in 2015, comprises explanation and comprehension, quantitative and qualitative methodology, macro-micro-macro strategy analysis, processes and results, diachronic and synchronic and retrospective and prospective analyses, transdiscipline. It also includes factors of different kinds which interact and transform mutually into a self-ecosystem.

These theoretical-epistemological mainstays are presented here in this brief Introduction with the purpose of making results reading and interpretation easier.

I cannot retrace a long history or the core issues of the many research works (central or peripheral) developed. Nor can I make an inventory of the theories designed, or expand on the complementarity of certain micro-theories and/or factors which have been dealt with in literature in an isolated way, thus, overlooking the semi-dependence and semi-autonomy typical of the social and human phenomena.

On the contrary, I am definitely interested in emphasizing some key point on the method and other aspects related to underlying principles.

My open-circuit models include, at least, five factors: base, psychosocial, pedagogical/institutional, organizational and structural factors. They offer a double way, or “back and forth movement” between the individual and the (institutional or macro) context with positive and negative effects on the individuals and the institutions.

The research was carried out on populations covering two decades and also, the first studies were intergenerational. The first world study was made on three generations in line, 1977-1980. Large populations: As can be seen in some research presented here, we worked with very diverse populations: individuals who entered University since 1980/1985 (18 study-courses at UNCuyo (Cuyo National University) and 5 Engineering study-courses at UTN (National University of Technology) and, among them, some got their degree; others delayed their studies and another group dropped out studies. Others were developed with researchers, teacher researchers, doctors, university, tertiary level and secondary school teachers, organizations of the Judicial System (magistrates), university graduates working exclusively for the State, etc.

This broad time and space coverage of the research regarding “academic-professional careers” – 20 years in the lives of two universities – and broad also as regards university graduates’ and students’ predecessors – three generations: grandparents, parents and university students – let us analyze the meso/micro relation (organizations and individuals) within the “framework” of singular, family and group (cohorts) careers with remarkable differences at the macro social, economic and political level in Argentina.

In fact, working with large populations let us, on the one hand, determine the differences among the older university graduates’ careers, who enter University in a different moment of our history, a time of prosperity in which they could realize their needs for achievement, their ambitions better than the previous recent graduates, who found themselves within a context of unprecedented institutional and economic crisis. The “back and forth” of the individual/structure system appears very clear (macro/micro level). On the other hand, working in the same organizational contexts, yet with data gathered from different historical, economic, social, educational moments, let us observe better the strong presence or weight of the macro level over the meso-organizational and micro levels as regards professional insertion and promotion (mobility) and many other variables which we cannot deal with now. The different environments, then, leave their imprint on the individual careers.

The temporality (time) factor played a fundamental role regarding the possibility to observe the “back and forth movements” on the system with different consequences<sup>1</sup>. Moreover, it was a decisive factor in order to grasp the movements and self-substance loops between the three levels or dimensions of our theory, which would have been impossible had we not had small samples or worked only at one synchronic level, leaving aside the diachronic level. Besides, due to the combined methodologies and techniques applied, we could relive each of the actors’ past, go over their history, with all that it involves, analyze their socio-professional situation at the time of our research, their projection for the future, their goals, ambitions, frustrations; their positions whether or not accompanied by recognition, their identity strategies in order to face difficulties...

The CONICET helped us reveal the differences and similarities according to factors, times and spaces and reach higher levels of generalization and higher levels of depth. From here, after years of research, emerged the mainstays which I now present in these lines and summarize, even at the risk of simplification, my perspective, its stages, its transformations, and its theoretical-methodological issues, revealing a unit in dynamic and interactive “metamorphosis”.

After analyzing this dynamic interplay in three levels (macro, meso and micro), which is called three-dimensional spiral of sense, and how to interpret this self-sustenance in different fields through the research works which have been by way of example–, finally, we will present a short Interpretation of results which we have referring to along the article and a Conclusion.

Let us stop for a moment in two core theoretical frameworks related to our research works.

## II. The Framework

### 2.1. About Identity and Professionalization

The Professionalization matters (or better, lack of Professionalization) and its impact on personal and professional Identity, regarding their professional “future” and the possible performance of the individuals (Silva & Aparicio, 2015 b). Other issues are dealt with since: a) Career path, like identity, is in my opinion, a meeting place between a certain history, a biography, and the relational/structural level. That is, a context favoring or impairing the realization of different levels (Dubar, 1991; Aparicio, 2009 f). In fact, all identities are interwoven between the individual “the others” recognizing or not, and compel the individual to develop “surviving” identity strategies (Goffman, 1963), given the gap between what is desired and what is imposed/denied; due to the existence of “perverse” mechanisms; b) Identities are not shaped from nothingness but from institutions (family, school, business, etc.). The interplay of individuals, institutional and macro contexts is shown clearly.

We have worked on two core issues: identity related to professionalization in the field of formation, and professional insertion.

Professionalization has been source of long debate since the 80s (Lang, 1999). On the one hand, the effects of “overcrowding” in higher education (Bourdoncle & Demailly, 1998) has emphasized the need to consolidate certain competences and sets of knowledge essential for professional practice and its corollary, social recognition of professional groups (Bourdoncle, 1993). The quick changes within the professional world demand innovative transformations in training institutions and consolidation of new competences valued by the market. On the other hand, as regards this research, the conditions of professional practice in the working world have changed, and professional insertion as well as duration and promotion represent a complex problem..

In the specific field of training, the new professionals encounter various difficulties, in addition to lack of recognition. Some authors even speak of de-professionalization of those graduates on this field (a process of “proletarianization” (Ozga & Lawn, 1981); the “semi-professional” status in a broad sense (Etzioni, 1969), the devaluation of the graduate's image in

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<sup>1</sup> See Aparicio, 2005 a and 2009 c. In this research, “Temporality” and its impact on professional achievement and associated careers take up a full chapter.

the field of education (training) along with an ever growing weakening (burnout) (Tardiff & Lessard 1999); Maroy 2006; Aparicio, 2006 a, 2006 b, 2007 a, 2007 b, 2009 a, 2009 b, 2009 c, 2013 a). In general, it can be said that there is a certain tension between the area of work and the area of training, as well as between the expectations at the moment of vocational choice and the actual experience in the professional environment; also, between the "ideal" situation expected by the PhD students and the real one of the PhD graduates; between the representation of the doctors and their world experience. Is there an identity crisis as regards the deep changes in the labor market and as regards expectations? (Goffman, 1963). Is there certain overprescription in the institutions to respond to the changes in the labor market along with underprescription in the means used to such response, as it is usually said? Within this framework, the links between the personal training experience and the professional life become a source of concern in the field of training and, especially, in the studies related to humanities and social sciences.

Besides, this issue involving institutional and even disciplinary identities, as well as the identity reconstruction processes, is accompanied, as it has just been said, by actual insertion conditions, duration and professional mobility; all of them will have an impact on professional careers (Dubar 1991, 2000 a, b and c).

Identity is, then, the result of a history and a certain time marked by specific contextual characteristics (Aparicio, 2013 a). Argentina there appears the existence of a favorable context to the identity crisis. Uncertainty prevails – within a context in which Professionalization has not developed adequately.

Two final words about this theme: Identity and Professionalization.

As regards Identity, we cannot expand any more at this point. We refer to our own work and other international literature (Aparicio, 2012 c). There the reader will be able to find different forms of identity (ethnic, professional, cultural, sexual,...); the different approaches – sometimes opposites – unity, decentration, essentialism vs. constructivism, difference vs. resistance); identity in terms of transaction. The processes related to Identity are also shown (individualization, identification, attribution and introjection, conservation, narcissism, realization); the most prominent perspectives (behaviorism, genetic, clinical, social and psychosocial views...); perspectives associated to cultural anthropology, to symbolic interactionism, to phenomenology, to systemism). Identity appears in the interweaving of history, biography and relations, it always involves an "alter" – other – who may or may not recognize, may or may not accept.

As regards Professionalization, as is widely known, it affects people, job positions, professions, groups, and from it comes the so called Professionalism. There usually exist different approaches to the issue. Once again, we can see here our levels, at least, the micro and meso levels.

Professionalization has 2 purposes: acquiring collective capacities, previously dealt with by Bourdoncle & Demailly (1998), and internalizing cultural and professional rules (autonomy, polyvalence, team work). Thus, those who are responsible within the labor market try the individuals to identify themselves with the aims of the company and get involved with the identity model the company follows. However, conflict often arises between the personal and the collective projects and the individual has to resort to identity strategies.

*In all cases, Professionalization tends to reduce the gap; this gap is smaller in some cases than others.*

*Finally, finding the link between Burnout and inadequate Professionalization is not difficult, since it refers to a syndrome characterized by a fall in expectations.*

## 2.2. Theories of Achievement

*There are various causes related to achievement / failure, and in addition to this problem there is the unambiguity of the term "failure": the definitions refer to different aspects, such as poor performance, course repetition, drop-out, poor education quality, school maladjustment, etc. Failure is also linked to physiological, psychobiological and family background factors.*

*Achievement Related Approaches: Studies by Cabrera and Nora (1994), offer five broad categories to classify the approaches related to dropout and retention, considering whether the emphasis assigned to the core explanatory variables*



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*falls on personal, family, or institutional factors. We can identify five approaches: psychological, sociological, economic, organizational and interactionist, which are supported by empirical research.*

Different models show the impulse of adaptation to university life and acceptance of the fashion or "identity" each institution presents; the role of engagement and positive interactions among students and with teachers, as well as the role of perspective, which, as stated by Tinto (1975, 1987, 1993), exhibits an individual side and an academic one. Nevertheless, Tinto is one of the principal writers about this subject and particularly about the causes of drop-out. This relationship between socio-academic inclusion and retention has been also observed in studies with representative samples at the national level in the US (Astin, 1991; Horn, 1998; Leppel, 2002; Thompson, 1990; Tinto, 1998) and in studies on a single institution (Eaton & Bean, 1995; Thomas, 2000).

Bean, 1980; Bean & Metzner, 1985 adds the persistence factor to Tinto's model on behavioral intentions within the business labor framework. He states that institutional (external) factors, such as the programs offered by a university or the interrelationship between students and teachers, may have an impact on the student's decision to endeavor to persevere. Satisfaction with the institutional offer could work in like manner. Therefore, we can see that focus is on organizational/institutional, environmental, and non-cognitive personal factors (ambitions, motivations, interests, etc.).

Pascarella (2001; Pascarella & Terenzini, 1991, 2005) suggests, in turn, a model that combines institutional and environmental features, distinguishing five groups: 1) personal features (aptitudes, performance, personality, ambitions, and ethnicity); 2) structural and organizational factors (admission systems, selectivity); 3) environment; 4) interactions within university life; and 5) the quality of students' effort.

A more recent approach, the psychosocial approach, claims that it is necessary to test the relationship among motivation, social and institutional constructs. Studies carried out in the US also show that the best predictors for graduation are academic training and students motivation (Adelman, 2004; Pascarella & Terenzini, 2005)<sup>1</sup>.

Compared with the foregoing methods, ours integrate a variety of these factors grouped in the last two approaches: psychological and organizational (see especially Aparicio 2005 a, 2006 a and b; 2008 a and b). Some variables used in the afore mentioned models are incorporated and the impact of these variables on the subjective and objective achievement is analyzed based on quantitative methodologies and predictive models (Aparicio, 2005 a); on the other hand, in the light of qualitative methodologies, we intend to account for the origin and sense of this problem in the students' personal-professional experiences.

In this study, we deal, especially and always from a qualitative point of view, with the psychosocial aspects of the problem (processes leading to failure), and the institutional aspects, which have been observed in some typical practices identifying each course of study and, in a more global manner, the university. Both aspects are combined based on an integrating perspective without disregarding educational institution, nor the individuals and their sociocultural background (close and distant), nor the structural present context. However, the latter is part of our analysis only as a secondary aspect, whether from the viewpoint of degree devaluation in the labor world, or from the discontent students express (i.e., from their opinions as regards these poor institutional practices in relation to the higher demands of the labor market). All this has an impact on the perseverance and success in studies and employability. Individuals, institutions and macro-social contexts interweave in this analysis.

The meso-institutional and micro-personal levels within a structural background of crisis (underemployment, high unemployment rated, even for university graduates, etc.) are self-sustainable in this integrating and holistic perspective (Aparicio 2008 a, 2009 a and b, 2009 c, 2012 a, 2012 b, 2015 c and d). Here lies the uniqueness of our quantitative/qualitative *sui generis* model.

**General Hypothesis:** within achievement at university level there exist different factors: individual (objective and subjective), pedagogical, institutional and structural (labor market). Their interaction operates selection in higher education.

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<sup>1</sup> For more details, see Aparicio (2014 a).

**Specific Psychosocial Hypotheses:** a) Psychosocial factors (combine aspects of the individuals and their context) favor academic and/or work failure. b) Ambitions, expectations and n-Ach (need achievement) have a specific impact on the selection which operates before and during entering university as well as during the course of studies. c) These factors together with others (pessimism of perspectives, dissatisfaction, anomy, etc.) create achievement patterns which are different according to the courses of study, whether favoring achievement or not. d) All this benefits different institutional identities linked to biographical-contextual identities of the individuals.

### III. The Epistemological Mainstays Applied to Six Disciplinary Areas

We have developed this non-linear, non-determinist, integrating and holistic (*systemic sui generis*) theory after working for over 30 years, researching on complementary areas. At this point, we cannot go into details in each of the research works (Aparicio 2015 c and d). We will simply point out the core disciplinary areas with a brief reference to the self-sustained interplay of the variables; such interplay will eventually let us grasp the “sense” of human and/or social phenomena we have dealt with. To conclude, we will point out some epistemological issues supporting this theory.

#### 3.1. Education, with special application to Professionalization and Identity

This issue is present in several research works (university graduate students, drop-outs, delayed students -1980-2004-; in a second moment, the research is carried out up to present days. We will also worked with students “retained” within the system and PhDs<sup>1</sup>). Teachers and although sometimes Authorities and Officers of the Political/Educational and Labor area are also included.

The studies were carried out at different universities: Universidad Nacional de Cuyo (*Cuyo National University*) – UNCuyo –, Universidad Tecnológica Nacional (*National University of Technology*) – UTN –, and Universidad Austral (*Austral University*), all of them in Argentina (Aparicio 2015 c and d). Finally, we added individuals of Non-University Tertiary Level (i.e., studies with individuals studying at Teacher Training Institutes, INFD). They have quite distinct profiles. Our research showed the differences and similarities related to the interaction of individuals, macrosocial/structural contexts and institutions. This reveals the presence of different institutional and personal/professional identities largely related to excellence at University or in their Study courses and to the level of Professionalization achieved.

#### 3.2. Health

It is another field we have dealt with in which the interplay between the macro, meso institutional and micro levels emerge clearly. We have carried out several research works on the three mentioned levels: Burnout in different populations (some are cooperative studies) and Factors operating “para-choc” (measured quantitatively): Engagement, Well-being, Optimism,

<sup>1</sup> This research includes doctors in education at National University of Cuyo, 2005-2009), and doctors under training in Adult Education at Cnam (National Conservatory of Arts and Crafts, France). Two research laboratories took part in this work: the Laboratorio de Investigaciones en Educación (Education Research Laboratory, Conicet/UNCuyo, Argentina and the CRF, Centre de Formation sur la Recherche, Cnam). It is expected to find different profiles according to the work/professional contexts in which they are situated together with the differences of the respective contexts in our country and with the contributions from the micro level: the problems, values and priorities appearing in the social representations shared by each of these groups. As we can see, this lets us see different institutional, personal and professional identities as well as different aspects along their professional career.

The results show no obvious differences are noticed between the French and Argentine groups. Doctoral training is valued by both groups; that is, although the general idea is that PhD degrees are devaluated, subjectively, doctors are quite satisfied. Along this line, they expect improvements in their future work life, thus a positive view prevails. On the contrary, other graduates on education without a PhD degree do not show the same prospect. Briefly: doctoral education (Argentine) is still considered an “add-on”. The strongest claim against labor market lies on the lack of recognition, especially among the French doctors. Comparatively, the Argentine group has higher expectations as regards the degree. The “plafond” effect linked to the context appears in our research. The self-sustaining movement – the links (back and forth movements) – appear as the result of this interplay (Aparicio, 2015 a, c and d).

Pessimism, Resilience, Coping or strategies to cope with adversity (helping improvement and/or controlling it), attributive factors such as Alignment, Internality, application or motivational factors (2005 a, 2009 a and b, 2014 d, 2015 c and d).

Among the qualitative dimensions, we can mention: Personal and Professional Expectations, N-ach/Ambitions, Sense of Effort and Engagement, Resilience (importance of building firm and solid bonds). Other aspects related to the importance of Professionalization appear here (teachers' support mechanisms, level of social and for-life competences formation beyond procedural and disciplinary competences, satisfaction – although not always related to economic aspects or hierarchical position, among other aspects) (Aparicio 2005 a; 2007 a and b; Aparicio & Cros, 2015 a).

Once more, each study reveals similarities and differences by educational organizations or institutions which feedback on each other thorough time (we should remember that studies cover large periods of time, which shows theses self-sustaining socio-cultural, psychosocial, organizational and structural variables), both at institutions/faculties/study courses offering unique profiles with predominantly positive or negative aspects, and in individuals. Such self-sustenance also shows institutional selection processes and self-selection.

### 3.3. Science

On this field, we carried out a research work, a replication of *the important research done by the UNESCO (1971, 1979, Knorr, K., R., Mittermeir, G., Aichholzer, R., Waller, G, among others).*

*We work with Team Chiefs and Team Members. The statistical analysis clearly shows the existence of "Invisible Schools"; schools referring to institutional and disciplinary identities (Crane, 1972; Aparicio, 2014 b, 2015 d)2. Our work combines the three levels of the theory: macro structural (political-economic), méso organizational (research teams), and micro individual: researchers (Chiefs and Members). Interaction and self-sustenance appear clearly at the three levels within Dr. Aparicio's theory called "Three-Dimensional Spiral of Sense".*

The findings reveal the relation between Disciplinary Identity/identities (hard sciences vs. soft sciences, with their rules, values, etc.) and Institutional Identities in an unfavorable macro/structural context, all of which leads to a low level of Professional Satisfaction with consequences at the level of anomy, pessimism, etc. The three levels are again in their self-sustained interaction, in a relation of partial dependence and partial autonomy.

### 3.4. Media and Institutional Cultures

*This study tests hypotheses included in the psycho-socio-communicational paradigm, which emphasizes the long term cognitive effects of the media and the role of the psychosocial subject as recipient: the hypothesis of "agenda-setting" (Cobb & Elder, 1971; Mc Combs & Shaw, 1972; Gerbner & Gross, 1976; Ettema & Cline, 1977; Iyengar, 1979; Bregman & Missika, 1989; Aparicio, 1995 a).*

Institutional homogenization – particularly between different faculties and/or study courses – is surprising and makes us rethink the role of the university in educating for the critical reading and filtering of the material the media provide as (Pasquier, 1994; Aparicio, 2013 b).

*As far as we are concerned, we wished to analyze the appearance of the individuals / contexts relation in their sustained interaction. This was possible thanks to the extensive time of our research in a changing structural framework and carried out in several study courses (micro-organizations) of the UNCuyo (Aparicio, 2002; 1980-2004 and 2005-2014).*

*Objectives: a) To elucidate such effects in audiences with different levels of education, b) To detect levels of manipulation and homogenization of the "mental maps" linked with the centralization of the "fourth power", c) To analyze if institutional affiliation (different faculties and/or study courses) has an impact on the "filter of the news" from the point of view of the prevailing ideology, beliefs, defining purposes, priorities. In other words, we wished to determine if such institutional*

1 International Comparative Study in Organizations and Performance of Research Units, UNESCO (1971).

2 The Founding Fathers are referred thereto.

*affiliation influences on the cosmivision of the individuals in them (here, the students), contributing to the design of such mental maps.*

*Hypothesis: The central hypotheses are offered, taking into account that forty nine were considered: a) there would be a marked correlation between the order of importance assigned to the information by the media and that adopted by youths (high incidence of "mental construing"), b) receptivity of the addressees would vary according to cognitive competence; c) the institutional characteristics could impact on a different interpretation of the social reality, producing certain homogenization in the "mental map" of the individuals in them.*

*Results show different interpretations and levels of "filtering" in accordance with the pertaining institution. As far as we are concerned, there exists a clear institutional influence in the cosmivision young people as regards the news selection they make of the offers of the media. Individuals and contexts once more in their interplay.*

The micro/meso interplay is evident; i.e., personal identities getting feedback from institutional identities (Aparicio, 1995 b, 2005 b).

### **3.5. International Policies, Cooperation and Relations<sup>1</sup>**

The purpose was analyzing a study about the impact of Food Allowance – a program implemented by international organizations – within the framework of the fight against hunger in an unpromising context which puts the Goals of the Millennium at risk. It is especially interesting to see how the quantitative variables and the qualitative dimensions appearing at the macro level (political and economic in particular) also occur at the meso level (regional) and, on the basis, at the micro level. The mainstays of the theory appear clearly again, although the areas and disciplines change since work is no longer on-site.

This disciplinary area interweaves with many others, especially, with axis-variables in Social, Community and Health Psychology and Psychosociology (field of research).

Professionalization does not play a direct role, although it does appear when dealing with improving the Management on the Matter, which has an impact on these International Programs and their quality (Cf. Santander Aparicio, 2012).

### **3.6. Interculturality**

We work with Native Peoples (Natives) of Argentina (Huarpes, Kollas, Wichis, Aymaras and Mapuches) and Chili (Mapuches). Also with ethnic minorities. The study refers to a more recent issue in our context, although its roots come from long ago, in a history plagued with prejudices, stereotypes, discrimination against those who were different, against the others. All these aspects have often been concealed under words of "acceptance of diversity". Comparative studies from Argentina and other countries are presented here, revealing personal and professional identities always interwoven between the individual and his/her immediate and macro context in a sustained interplay. . In fact, the institutions are not prepared to welcome and nurture "the other one" , "the different one" although international laws spread and this problem is increasingly evident in the public an school policies debate. (See Wieworska, 1996, 2008; Aparicio, 2014 g, h, i, j; 2015 c and d). It can also be clearly observed quasi absence of Professionalization regarding Interculturality and diversity. Finally, it can be observed that Professionalization and Identity have strong implications on practices and, globally, on personal and institutional achievement or failure levels, and deep down, on the macro system.

### **IV. Interpretation of Results**

*It would be impossible to deal at this point with the results according to factors, in themselves and their dynamic/systemic interaction or "back and forth" movements between individual and contexts within the different research works. As for the rest, some of them have been presented in or derived to the work which deals with them in full 2.*

<sup>1</sup> The author was advisor in theoretical-methodological matters. See Santander Aparicio, 2012.

<sup>2</sup> For a synthesis, see Aparicio, HDR, 2007 a and b.

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*I will simply remark some theoretical-methodological contributions and limits and the theoretical/model nodes which get us closer to a renewed theory.*

*In principle, the analysis revealed differences and similarities in relation with the discoveries in Argentina and other countries (particularly, French speaking countries).*

*This is quite important from the point of view of the construction of our theory. In fact, we could see the change of sense shown by some variables in relation with the findings of other European studies. This could reveal a key aspect in our framework: the importance of the interplay between the individuals and their context (here, the institutions/organizations in the labor market, the State, all this on a macro framework, of different priority origins and problems); it could also reveal the importance of a "contextualized" analysis and of a methodological approach aiming at recovering the sense of human behaviors or actions within the "back and forth" movement between the individuals and their contexts; finally, it could reveal the importance of specific reappropriation of the disciplines involved based on a comprehensive approach. The observed differences, in fact, let us outline new approaches and invited us to review theories and methods.*

*The similarities found in this work let us infer the existence of a certain disciplinary, institutional, organizational and also and basically cultural homogenization in vivo; a certain "standardization" already appearing in the first research works (descriptive level), which will eventually melt the differences (both at the level of the individuals and the organizational level), with the aim of protecting institutional identity.*

*In fact, our results gradually showed that there are homogeneous profiles inside the faculties of one University, according to academic units/faculties and academic "areas" ("hard sciences" versus "soft sciences"). Such homogeneity within each institution could be expected to some extent; however, it surprised us due to its extended presence and "power".*

*From the theoretical-methodological point of view, our framework – multi-referential – has also let us, overcome the barriers that trap thinking with the burden of certain "-isms" (sociologism, psychologism,...), and led us to find points of contact. The different approaches interwoven in our research (psychosocial, psycho-sociological, sociological, in the field of education, human resources administration, management, occupational medicine, ...), has finally let us relativize the theses supported within the framework of other theories. They showed that our objective is complex yet not determined.*

*Finally, it provided us with a comprehensive interpretation of what was our sub-issue in this presentation of the Theory of the Three-dimensional Spiral of Sense: the problem of Identity and Professionalization. We carried out the analysis taking the intergenerational, social and professional careers as one of its guiding themes.*

*Three-Dimensional Spiral of Sense, a name which makes reference to the non-linear relations within the social and human phenomena, which may be better understood in diverse disciplinary areas (interdiscipline and transdiscipline), until a deep sense is reached in many cases, if we consider three dimensions in a self-sustained interplay: society, culture and the individual, or, in other words, the macro, meso and micro levels.*

*Let us try to answer the following question: What epistemology we could use to analyze the careers?*

*A career basically comprises a personal history and the influences of the context. It also confers a certain identity and "speaks" of the levels of professionalization. As a complex phenomenon in which multiple variables participate, it requires a sui generis systemic interpretation, away from the classical and administrative systemism, in which the three aforementioned levels appear in a dynamic way with unpredictable (positive and negative) effects. Thence, I decided to represent (a career) as an open spiral upwards and downwards, with multiple factors and/or dimensions interwoven in a semi-dependence and semi-autonomy relation; a spiral in which there is room for freedom and chance (and the uncertainty this fact involves), in which there is room for a kind of curiously "limited" freedom" yet not determined by context; a spiral comprising society, personality and culture and it is deeply rooted in socialization, in a broad sense (family, organizations, country or cultural ethos).*

*This interweaving will reveal the presence of the macro in the meso and the micro, and the micro in the meso and the macro; the imprint of the institutional culture on the individuals and, at the same time, the individuals will be the bearers of such culture. Therefore, culture will appear as producer and produced, being at the heart of the interplay.*

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## Direct Participation of Citizen in Democratic Decision Making at the Local Level

PhD (c) Ramiz Fazliu

College "ILIRIA" Pristina

### Abstract

The Essence every proper democracy is characterized by the level of participation of citizens in decision-making for different local issues and affairs. The right of direct participation of citizens in decision-making on local issues proclaimed even by the norms prescribed by domestic legal frame (countries apart) but also internationally, which determine in an almost standardize form the participation of citizens in decision-making such as civic initiatives, gatherings of citizens, referendum, public audience, polls, surveys, petitions etc. Through these forms of participation citizens are directly involved in making decisions about local affairs and issues related to the life and the common interests of the local level. Therefore, people with their participation can influence in decision-making in various fields, such as, in the area of decision-making for local policies dealing with legal acts (regulations and other local acts), plans and programs, as well as concrete development projects at the local level. The object of this paper deals with the most common forms of citizen's participation in decision making at the local level which are illustrated with some concrete examples on how is regulated by legal norms and practically implemented in some countries with developed democracies: the USA, Great Britain, Switzerland and the countries of Central and Southeastern Europe such as Estonia, Hungary, Kosovo.

**Keywords:** citizen, participation, establishment, law, local self-government, referendum.

### Introduction

The first level where the democracy begins and testes is exactly the local government, precisely the first level of local government. Local government is the first gate where the citizen has the chance to be active in local government unit and get the necessary experience to participate in higher levels and develop the democratic and political culture.

In order to achieve this, the citizen shall be provided these three basic conditions:

1. If the citizen is guaranteed the legal framework of the right to participate in decision-making on local character;
2. If the local authorities have the political will to implement the legal framework and
3. If there is awareness and readiness of the citizen for using his rights to affect local decision - making.

The right on local self-government or its participation whether direct or indirect citizens in deciding on public affairs of common interest it is provided not only by national legislation (Constitution<sup>1</sup>, law, statute) but also by the European Charter on local self-government<sup>2</sup>, which defines local self-government as a group of local institutions that have the right but also the obligation that certain citizens of the local community to enable, directly or through their representatives, to govern certain public affairs relatively in independent manner, in their own responsibility and for their own interests. The participatory approach of policymaking and lawmaking at EU and Member States also is rooted in the Lisbon Treaty<sup>3</sup>. More specifically, Article 10 provides that "every citizen has the right to 'participation in the democratic life of EU; decisions will be taken in the most transparent and as close to the citizen ".

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1 The Constitution of the Republic of Kosovo, Pristina, 2008 Section, 2,123,124.

2 European Charter of Local Self-Government, adopted by the Council of Europe in 1985, Strasbourg

3 The consolidated version of the Treaty on European Union; [http // eur-lex.europa.eu](http://eur-lex.europa.eu)

## 2. The forms of direct participation of citizens in the democratic decisions

Every proper democratic system of local self-government to perform its functions and to meet the set out democratic principles is obliged to incorporate forms of direct participation of citizens in the decision-making process on local importance issues. Since citizens have no legal forum to decide on various issues, the possibility of their involvement in the process of establishing democratic forms and their participation in almost all systems of local self-government is regulated by the provisions of constitution, law and statute local self-government unit.

Since the regulation of local self-government system varies from one country to another, the framework of forms for democratic participation of citizens is changing, not only by their volume, but also the manner of organization, depends as required by legal regulations.

The most characteristic and frequent forms of participation of citizens in the process of direct democracy, which enable the participation in local affairs, to decide in the unit of local self-government, especially in the matters of meeting the daily needs are: public polls (surveys), civic initiative, public audience, gatherings of citizens referendum and also other forms, such as petition and complaint.

### 2.1. Public Polls (surveys)

To decide on local issues there are several public opinion surveys organized on specific issues. Through these surveys for a certain issue, citizens are asked directly. Citizens' opinions can be expressed instantly, orally or in writing, for specific issues. This form of citizen participation in the process of decision is made in order to gather the opinions of citizens, ordinary or representative category, to clarify any political event, economic issues or other matters of general interest. For example, public opinion is required for the initiative, adoption, amendment or cancellation of a legal act of the municipal council or executive body of the municipality.

Usually, public opinion polls are organized via public media (newspapers, radio, television, electronic portals, but not ruled out other forms, such as specialized companies dealing with this activity.

The survey of public opinion as a form of citizen participation in the decision making process on local issues, practiced in almost all the countries with a developed democracy. Thus, for example, in Estonia this form is justified as: "To decide on local issues can be public opinion polls or a referendum. At least 1% of citizens of the local unit, but not more than 5% of its inhabitants, can vote, have the right of initiative for the approval, modification or cancelation of a legal act of the Council, or executive local government<sup>1</sup>. "It is common practice that the results of the survey are published, or presented in written (the report) to the relevant authority for the thoughts and decisions arising from the implementation of specific survey.

### 2.2. Civic Initiative (people)

Civic Initiative (people), as a democratic institution, is old and known since ancient Greece, as vox populi - as the voice of the people as a form of democratic expression. Even though the range of involvement of the scope of functions and duties of local governments is large, for some cases with interest, bodies of this level of government cannot, or do not need to solve at certain moments, in cases when they are not in their competence, they are not included in the work plan, annual budget, or activity program, then these bodies pursue alternative way, for certain issues want to listen the voice of the people, which is their desire and determination of the matter.

The difference to the survey, which comes and reflects by the certain body of the relevant local government unit (the Council or the Executive Body), the initiative comes from the citizens, as a form of democratic expression. Initiative should be

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<sup>1</sup> Local governments in Central and Eastern Europe and in the community of independent states. Anthology of the Institute for Local Self-Government and public services, Budapest, 1994, p 83

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understood, primarily, as interest, which is a reflection and an opposite direction from the definition of local government; its purpose is to meet or conduct public affairs in the interest of the local population. People initiatives often can not be limited to local boundaries, because sometimes it exceeds these limits. This primarily depends on the purpose of the request submitted and the level of its completion.

Civic initiatives as a form of democratic expression is known almost in all democratic countries, but it is more expressed in the USA, often known as a petition. Thus, "a group of people formulate a joint proposal, which convey a significant number of signatures also other people and address the representative body to decide on the proposal"<sup>1</sup>. Through this form, which in Anglo-Saxon countries, in particular in the USA, citizens regulate issues of local concern mainly in the cities, where the local administration (government) doesn't pay any special importance to certain issues, which remain to be initiated by the citizens.

People initiatives as a form of democratic expression and opportunity to achieve certain goals of citizens interest, among countries with developed democratic system, is practiced in all countries of Eastern Europe that passed the transition. This form of citizen participation is already a legal category as well, e.g. In Hungary, the people initiative is provided by the special provision, under which: "It is possible that people initiative to be submitted to the Council related to any matter of the scope of its authority. The electorate 5-10% of voters may file the people initiative to the mayor. It is his obligation to discuss and decide on the people initiative at his closest meeting"<sup>2</sup>. Even with the Law on Local Self-Government in Kosovo, the Citizens' Initiative is regulated by the Article 70, which allows citizens to take initiatives for local issues, but must be signed by 15% of the registered electorate in the certain municipality.

### 2.3. Public Audience

Public audience, as a new form of democratic expression, is mainly related to the corresponding activity and the way of solutions to numerous problems that concern citizens locally. It is the practice in almost all local governance systems; local government authorities (in most of the cases mayors) organize public audiences, where citizens and representatives of local organizations can ask questions and have proposals on issues of public interest.

This is a form of expression, where citizens can directly engage in the nomination process, but also the determination of the public interest issues. Thus, the public audience now cannot be understood only as a matter of politeness and courtesy, which at some time characterized spiritual leaders, or leaders. Public audience, as a democratic institution, has taken the form of a mandatory legal provision at the local level, not only in countries with developed democracy but also in other countries that successfully passed the democratic transition. Thus, by the law on municipalities in Hungary, there is a provision with special regard which regulates the form of organization and holding the public audiences. With this provision, "The Council, after being notified in advance, invites citizens in public audiences to local officials-mayor, which are mandatory required to be held once a year."<sup>3</sup>

Even with the Law on Local Self Government of Kosovo, the issue of public audience is regulated by Article 68 where the mayor is obliged twice a year to organize public meetings with citizens<sup>4</sup>, where they will be informed about projects and achievements and hearing the concerns and proposals of citizens on local issues.

### 2.4. Assemblies of citizens

The institution of the direct participation of citizens in the process of determination, is known since Ancient Greece (assemblies of polis), but as the most expressed form is still practiced in the Great Britain as "Town Assembly" which usually takes part once or twice a year in the parishes, which count under 300 residents, and do not have a chosen

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1 Same there

2 Same there . pg. 98

33 Same there. pg. 100

4 Law on Local Self-Government in Republic of Kosovo, 2008. Article 70

representative body (designated elders)<sup>1</sup>. In these assemblies, the citizens except making decisions on numerous issues, they also elect the chairman of the parish, which is usually the executive body.

Meanwhile, in the USA, the institution is known as "town meeting" This is in fact a special annual assembly of qualified electors. These electors gathered in the meeting, constitute the elected "legislator" body. The assembly approves basic decisions on the "politics" of the city, electing local officials, confirms the budget, approves the amount of fees, approves decisions on referendums etc.<sup>2</sup>

It is worth to underline that the decisions in the citizen's assembly are approved by majority in public form.

It is a practice that the forms of citizen's assemblies are regularly used for public discussion on the occasion of proposed projects and plans, as well as systemic ones, as well as development plans at the local level and beyond. This form of citizen participation in the decision-making process is the most common form practiced as a democratic form of direct self-government at the local level.

## 2.4. Referendum

The referendum is the most preferred among democratic forms where citizens directly decide important issues and specific problems of a self-government unit. The referendum is public, with the participation of all citizens which enjoy the right of vote. The rules of the referendum shall be determined by law<sup>3</sup>, depending on the issues raised and which have to be approved directly by citizens, members of an organization etc.

Legal and constitutional theory recognizes three forms of the referendum such as:

- State -Referendum
- Local -Referendum
- Consultative - optional Referendum

As for the matter of the issue to be decided by referendum we can distinguish: the constitutional referendum (approval of the constitution), the law referendum (approval of the law), local referendum - direct placement for any act or decision within the self-governing unit, or adoption of any document or act of an enterprise or organization (political, trade unions etc.) - institution, optional and consultative referendum.

Initiative and the decision on the referendum is taken by the competent authority for approval of the decision to go for the referendum (mostly Parliament), or by the request of citizens (a right that is recognized to a certain number), depending on how it is foreseen by the constitution or law.

Through the referendum, citizens by secret vote shall be determined **pro** or **contra** the preliminary submitted proposal. The decision taken by referendum is obligatory for the organ, which has declared the referendum. The question is what pushes representative bodies, or even its own citizens to undertake an initiative of organizing a referendum? The motives can be different and diverse. In this case we will mention three as the most common: **first**, if an issue cannot be resolved in regular procedure (e.g. In the municipal councils-City), but the question remains open (contest open). This contest is followed in arbitration solution to all citizens of certain territory, then through a referendum; **Secondly**, if an issue is too important for local government and with the risk of failure of the decision by the representative organ, then this issue is forwarded for the referendum and **thirdly**, the motive may be of political nature which is more often when resolving any vital but also sensitive issues (national aspect, religious, gender, etc.) to certain citizens of the local unit, or even wider. Also, the results of the referendum are often exploited and use as political guidelines for the serving leader to make decisions of a political nature, for example the announcement of early elections.

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1 Vojislav Simovic, Municipal system and municipal politics, Prishtina, 1972, pg.86

2 Same there. pg.87

3 In Referendum is decided by the absolute majority of voters who have been in a referendum, provided that in referendum has participated majority of the voters registered in the local government unit.

With the referendum can be raised all the issues with economic character, legal and political, and the final decision is whether the majority voted "pro" the proposal, actually over 50% of the total number of citizens eligible to vote in the referendum. It is the practice of many countries that by law is foreseen a series cases, where a referendum may be required. Regarding the organization and holding of referendums, especially for local issues, Switzerland and the Scandinavian countries are more well-known in this matter.

## 2.5. Other forms of participation of citizens

Through the forms of direct determination and declaration, the citizens can participate in local self-government through signature of lists for candidates (independent) of citizens in local elections, petitions, proposals and complaints. These forms of participation or declaration of citizens are regulated by law or other acts of local self-government units (statute, regulation).

**The lists of candidates (independent) of citizens for local elections** - is a more frequent form and in increasing trend of participation of citizens or groups of citizens to participate in local elections for representative bodies or candidates for the Executive Body (head union-mayor), in local self-government systems, which is elected by direct elections. Through this form of participation and determining the election of their candidates, rather than political parties, citizens are justified by the fact that their candidates represent their interest better towards local authority than candidates who hold the guise of a political party, which represents in these bodies, where on their decisions, quite often they have justification conform their political entity status.

**Petition-** is a form of reaction or "protest in writing" through which citizens ask the competent authority to take necessary measures in order to solve the problem determined at the local level. The petition is usually filed-arranged by a certain group of people, which organizes the activity of collecting signatures for it. The procedure of filing a petition is provided by law or the statute of self-government unit. The law also defines the time limits within the petition is organized and the body who is obliged to take the decision and give the response to the applicants of the petition.

**Complained-** is an individual or collective action where a citizen or group of citizens can complain about providing or not providing proper quality of public services. Every citizen has the right to complain to the competent authority at the local government unit. The procedure of filing complaint is regulated by law or municipal normative act. After filing the complaint, the body to which the complaint is filed is obliged to examine and decide (within 30 days) and return the answer to the complainant or group of complainants about its decision on the issue that was the subject of complaint

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## Labour Law of E.U. About the Free Circulation: A Comment on Recent Discussion According to Most Relevant Pronunciations of Justice Court

**Antonio Vito Pasquale Boccia**

PHD Industrial Relations – University “Alma mater studiorum” of Bologna (Italy)

Guest Professor at Faculty Fastip – “Aleksandër Moisiu” Universiteti i Durrësit (Albania)

C.M. (Fellow) at Faculty of Law - University “Ippocratica Civitas” of Salerno (Italy)

*prof.antoniboccia@gmail.com*

### Abstract

Today, into Shengen's area, some of the european countries -among which the Austrian Republic- because of illegal immigration and because of the terrorist attacks too, decide for the temporary national frontier closing: directly between the same countries that build up the European Union. If it happens, in this period, it would mean also the unavoidable restriction of the working rights among the european citizens. But what did represent and does represent the freedom of circulation among the workers in the law Community system? Naturally there will be a law discussion about: in this occasion we try to give an answer to this question, according to the right, but - above all- let's try to bring back the discussion on a line of law correctness, according to the recent decisions of the European Court of Justice that set limits to the topic.

**Keywords:** Labour Law of E.U., Free Circulation, Justice Court

### 1. Il principio di libera circolazione delle persone

Nel diritto comunitario, com'è noto, le normative che regolano la circolazione delle persone all'interno del territorio dell'Unione Europea costituiscono uno dei capitoli più rilevanti e significativi.

La libera circolazione dei cittadini della U.E. ha una sua propria caratterizzazione, prettamente economica, che tuttavia pare essere funzionale soprattutto al raggiungimento degli obiettivi europei in materia di politica sociale. Invero il diritto alla libera circolazione (dei lavoratori) è finalizzato alla costituzione di un unico mercato del lavoro su scala europea: per tale motivo a tutte le persone che lavorano all'interno dell'Unione, proprio in quanto soggetti economici, deve essere assicurata la piena libertà di spostamento tra i vari Stati-membro che costituiscono la Comunità: siano essi lavoratori subordinati, lavoratori autonomi o persone giuridiche (1).

In particolare, sul punto, si è osservato che la libertà dei lavoratori ha implicato la abolizione di qualsivoglia forma di discriminazione *ab origine* basata sulla nazionalità delle persone, con riguardo al diritto di ingresso nel territorio comunitario, all'accesso al lavoro, alle condizioni, al soggiorno ed al diritto di mantenersi la propria residenza (2).

Per l'effetto, quindi, l'esigenza di favorire la mobilità intra-comunitaria dei lavoratori ha superato i criteri (obsoleti) basati sulla nazionalità, interni ai singoli Stati-membro: non a caso si sono succedute nel tempo una serie di norme di attuazione, a partire dal 1961, e la stessa Corte di Giustizia ha avuto modo di pronunciarsi più volte sull'argomento. (3)

Nel campo di applicazione delle normative sulla libertà di circolazione rientrano anche i componenti della famiglia del lavoratore (il coniuge e i discendenti che siano minori di anni ventuno): tuttavia c'è da dire che il diritto di soggiorno dei familiari non costituisce un diritto autonomo, bensì è naturalmente collegato alla circostanza che il lavoratore abbia già esercitato il suo proprio diritto di libera circolazione e che disponga di un alloggio. (4)

In patica l'esistenza di un mercato del lavoro comunitario permette che lavoratori e datori di lavoro possano scambiare in piena libertà le domande e le offerte di impiego, dando esecuzione ai contratti di lavoro conclusi. (5)

Quanto ai contenuti del diritto medesimo, esso si estrinseca innanzitutto nella parità di accesso ai posti di lavoro disponibili in ciascuno dei Paesi-membro della UE, ed è identificabile nella garanzia della parità di trattamento nell'accesso all'impiego tra lavoratori nazionali e lavoratori che provengono da altri stati comunitari. (6)

In buona sostanza la garanzia di parità di trattamento trova fondamento nella impossibilità di far dipendere la assunzione del lavoratore a criteri discriminatori in ragione della sua nazionalità. (7)

In effetti il divieto di discriminazione, *a contrario*, rappresenta un autentico limite giuridico sia per i comportamenti dei poteri pubblici, sia per la autonomia dei privati: sicchè le clausole discriminatorie che siano contenute in norme, o contratti (individuali e/o collettivi), sono da considerarsi radicalmente nulle. (8)

Ovviamente la libera circolazione può essere parzialmente limitata dalla (legittima) richiesta di attestati di qualificazione professionale, poichè le regole per il rilascio di tali attestazioni risultano ancora essere diverse nei vari Stati-membro, in prevalenza per ciò che riguarda i lavoratori autonomi. (9)

## **2. La libera circolazione dei lavoratori**

Sempre in ordine al contenuto del diritto in esame e sulla base del diritto alla libertà di circolazione di chi lavora, il principio di parità di trattamento del lavoratore costituisce, evidentemente, una parte integrante del diritto di libera circolazione: trattasi di una garanzia di carattere generale – la quale inerisce alle condizioni di lavoro e che deve trovare puntuale applicazione in relazione a tutta la materia lavoristica - su cui, peraltro, si è più volte soffermata la Corte di Giustizia. (10)

Il principio di parità gode comunque di un'ampia valenza protettiva: non a caso tale garanzia è funzionale sia alla integrazione dei lavoratori migranti che alla tutela degli stessi cittadini del paese di accoglienza. (11)

Ciò detto, si osserva quanto segue: il principio di libera circolazione non può che implicare il diritto a spostarsi liberamente nel territorio degli stati-membro e, quindi, il diritto del lavoratore a lasciare il proprio territorio nazionale, onde accedere ad una attività lavorativa in un altro paese comunitario. Quanto alle formalità, esso sarà applicabile semplicemente con la presentazione di un documento di identità, senza il rilascio di alcun visto di uscita: detta facoltà coincide con il diritto di ingresso del lavoratore migrante in ognuno dei paesi della UE, che non è condizionabile da alcuna forma di visto di ingresso. (12)

Altresì, la libertà di circolazione del lavoratore si concretizza nel diritto di soggiornare senza il rilascio di alcun permesso costitutivo del diritto. (13) Accanto a tale diritto esiste la ulteriore facoltà, esercitabile dopo la cessazione dell'attività lavorativa, di continuare a risiedere sul territorio dello stato ove è stata esercitata l'attività lavorativa, sempre ricorrendo determinate condizioni di durata del lavoro. (14)

Infine, quanto alle residue limitazioni legali che sono, ad oggi, ancora poste alla libertà di circolazione dei lavoratori, giova ricordare che sussistono ancora due limiti: un primo, di carattere meramente residuale, che riguarda l'accesso dei lavoratori extra-nazionali all'impiego pubblico nelle amministrazioni dei singoli stati-membro (limite che, occorre dire, si va riducendo sempre più, sia grazie alle direttive di coordinamento in materia, sia alla luce delle numerose pronunce della Corte).

Ovviamente sussiste anche un altro -ed ulteriore- limite: il quale concerne, invece, le ragioni di ordine pubblico, di pubblica sicurezza, ovvero di sanità pubblica, su cui conviene soffermarsi alla fine del presente articolo.

Dunque è facile notare che, quanto all'oggetto del divieto, esso non può che riguardare i singoli provvedimenti, adottati in casi eccezionali da uno (o più) stati-membro, relativamente al limite di ingresso sul territorio nazionale, o alla espulsione di soggetti dal territorio medesimo (16).

Ovviamente non possono sussistere mere ragioni di carattere economico, ma solo motivazioni gravi che riguardino minacce all'ordine pubblico, alla sicurezza, o per la sanità e l'igiene: anzi, a tal proposito, l'Unione sta cercando di armonizzare i vari criteri nazionali, ancora oggi non uniformi, pur restando fermo - in capo alle competenti autorità nazionali - un certo potere discrezionale, con riferimento, in particolare, alla procedura di espulsione. (17)



### **3. La libera circolazione di servizi**

A completamento della materia che ci occupa, si deve sottolineare che il Trattato sul funzionamento della Unione, nell'evidente intento di assicurare la piena mobilità dei fattori produttivi in senso ampio, con gli articoli 56-62 TCE prevede, inoltre, la libera prestazione e circolazione dei servizi: questa costituisce, in un certo senso, il pieno completamento del diritto alla libera circolazione dei lavoratori.

In effetti per "servizi" devono intendersi, secondo l'art. 57 TFUE, «le prestazioni fornite normalmente dietro retribuzione, in quanto non siano regolate dalle disposizioni relative alla libera circolazione delle merci, dei capitali e delle persone». Tali prestazioni comprendono attività di carattere industriale, commerciale, artigiane e, infine, le libere professioni. (18)

L'art. 56 TFUE, rispetto all'esercizio dei servizi, peraltro, prevede il divieto di restrizioni nei confronti dei cittadini degli Stati membri stabiliti in un paese della Unione che non sia quello del destinatario della prestazione.

In secondo luogo, con l'art. 57 paragr. 2 TFUE, è previsto che per il prestatore (il quale, a titolo temporaneo, eserciti la propria attività in un paese diverso da quello di origine) il pieno diritto di esercitare la propria attività «alle stesse condizioni imposte da tale Stato ai propri cittadini». (20)

La libera prestazione dei servizi non può che comporsi - analogamente alla libera circolazione dei lavoratori subordinati e al diritto di stabilimento - sia del diritto di accesso all'attività che del diritto al trattamento nazionale: ma, mentre il primo diritto presuppone l'esercizio continuo e permanente di un'attività in un altro Stato membro, la libera prestazione dei servizi riguarda anche un esercizio solo temporaneo e occasionale di un'attività non salariata (all'interno di ognuno degli Stati-membro).

Come per il diritto al libero stabilimento, anche nella libera prestazione dei servizi sono in primo luogo vietate le discriminazioni "dirette", ossia quei casi in cui la normativa nazionale prevede espressamente un trattamento diverso e meno favorevole per i liberi prestatori rispetto a quello applicabile ai soggetti stabiliti (come nel caso della norma francese, che vietava ai soli medici stabiliti in altri Stati di visitare più di un paziente per un periodo complessivo di due giorni).

Naturalmente è fatto divieto anche delle discriminazioni "indirette" (dette anche "occulte"): ossia, per meglio dire, è vietata qualsiasi forma di discriminazione dissimulata che, sebbene basata su criteri in apparenza neutri, nella vita pratica vada a produrre lo stesso identico risultato discriminante.

Il principio è stato affermato, ad esempio con riferimento alla normativa italiana, in materia di concessione di lavori pubblici che, per quanto riguarda i subappalti, accordava la preferenza alle imprese che svolgevano la loro attività prevalentemente nel territorio della Regione interessata dai lavori (21).

Sono, infine, vietate le discriminazioni "materiali", cioè quelle che derivano dall'assimilazione della situazione del prestatore di servizi straniero a quella del prestatore nazionale rispetto a requisiti che risultano per il cittadino di uno Stato membro più difficili da acquisire (come nel caso delle normative professionali, in cui lo Stato, imponendo ai liberi prestatori la risposta a requisiti previsti dalla normativa nazionale, non tiene conto del fatto che tali soggetti sono già tenuti a rispettare i requisiti richiesti per l'esercizio dell'attività nello Stato di stabilimento) .

Si noti che, come già osservato in tema di diritto di stabilimento, mediante una giurisprudenza ormai consolidata la Corte ha assunto -nei confronti delle discriminazioni indirette o materiali alla libera prestazione dei servizi- un approccio diverso, che non si limita ad accertare l'esistenza di una discriminazione, quanto piuttosto verifica se sussiste un ostacolo alla libera circolazione dei servizi (22).

Sicché il principio del trattamento nazionale, che è stato sancito all'art. 57, terzo comma TFUE, non può e non deve essere inteso nel senso restrittivo della necessità della applicazione integrale della disciplina nazionale alle attività di carattere temporaneo, che siano esercitate da imprese stabilite in altri Stati: invero, piuttosto, la libera prestazione dei servizi, come del resto quella dei lavoratori -in quanto principio fondamentale sancito dal Trattato- potrà essere limitata sempre e solo da normative di carattere temporaneo che siano giustificate dal pubblico interesse e che siano rese obbligatorie per tutte le persone e le imprese che esercitano la propria attività sul territorio di tale Stato.

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## The Modern Mind, Religion, and the Spiritual in the Thinking of Frank C. Doan

Simuț Ciprian

Emanuel University of Oradea

ciprian.simut@emanuel.ro

### Abstract

*The problem of modernism presented itself as a challenge to traditional Christianity. It argued in favor of different values, both human, as well as spiritual, that came into conflict with what Christianity had known up to that point. Frank C. Doan is one of the thinkers who spoke in favor of the spiritual and the need of this realm for the true seeker of the eternal. He also spoke against any kind of exaggerations and obsolete forms of religion/spirituality/preaching that were present in Christianity at the beginning of the XXth century. This article presents the way he Doan argued in favor of the spiritual, to the detriment of the materialist way of life, as well as a comparison with certain thinkers of his own time, some modernists, others traditionalists. The essay brings forth a century old set of arguments in order to aid the contemporary thinker and believer in setting forth a personal and better informed way of thinking about the historical heritage of religion in general and Christianity in particular.*

**Keywords:** modernism, religion, Christianity, heritage, preaching

### Introduction

#### The Genuine Manhood

At the turn of the XXth century the modernist movement saw a set of books that argued in a modernist manner about religion in general, and Christianity in particular. The presented ideas argued in favor of a bigger picture than that presented to that point. The ideas presented by Frank C. Doan argue in favor of Christians looking at a bigger picture than that they had known until then. It is important for the contemporary believer and religious thinker to look back at the historical heritage of religious modernist thought, in order to better assess the present state of religion and Christianity.

The 'Preface' of Doan's book is essential for understanding the way he organized the chapters within it. The essays were delivered on various occasions, from lectures before students, to the Billings Lectures for the American Unitarian Association. In spite of various locations and dates, the essays are about religion and its place in modern society. Religion, God, God-Man, and larger Life are terms used by Doan to express what and how religion works in itself, but also how it is perceived by the early XXth century modern man. From these terms I would consider 'God-Man' as most important in relation to what conservative or traditional Christianity is. This concept will be encountered in the first chapter of his book 'Religion and the Modern Mind', which will be analyzed in the following paper. First of all, God-Man is an experience. Doan explains that in order to have this experience, one must

'strip your manhood most scrupulously, most painfully bare of all its filthy parts, to lay aside your bestialities and liberate your manhoods, to expose the naked, cold-as-steel soul of you to the eternal tempering energy of the world's fire-dust; then by reacting to transpierce the universe's self with this pure and strong manhood you bear, and call the resulting experience God, God-Man, Man-God, or by what name soever God may will. That experience is your religion's sole deep concern. That experience *is* you; it *is* God.' (Doan, 1909, p. v)

Such ideas are rather puzzling, at least for those of us who come from a traditional line of theological interpretations – such as the reformed Baptist (*The Baptist confession of faith*, 1765) - of the relationship between God and man. God is seen as outside creation, but also within it, but not one with it. God is transcendent and personal, but also personally involved in the life of man. The Christian religion encourages the creation of moral life, but in an automatous manner. This is due not too the fact that God is seen in Christianity as a law giver, but at as a Spirit giver, therefore, Christianity is not a religion of law, but a religion of Spirit (Evans, 1911, p. 431). Doan's perspective does not cancel the existence of God, but it morphs into a connection within man. He puts a strong emphasis on primordial reactions and feelings in order to describe the religious life of man, in connection to what/who God is. He argues that the image of God is shaped by one's age. The God

of the young is enthusiastic, whimsical, and shallow, while the God of the old is aged, level-headed, and senile (Doan, 1909, p. vi). In order to get passed such negatives and reach the universal true religious feeling one must revert to temperament and the freshness of one's soul, regardless of age. 'Perpetual youth against congenital agedness' is the fundamental essence of conflict between man of different generations (Doan, 1909, p. vi). If one considers the description of God in light of man's image, this is a conflict between gods. The accusation can be that since man created God, he gave it spiritual qualities greater than the one's man possesses, but this God has also a low animal nature, such as that of man (Macculloch, MCMVIII, p. 76). Wisdom is acquired in time and Doan argues in favor of a constant critical reassessment of one's beliefs. This means that if at a younger age some things are considered shallow, but at a latter age are considered valuable, it means one is destroying one's soul and humanity. That would equate to blasphemy against the One Doan calls God. In this context, the God/God-Man of Doan is one of 'everlasting youth and perpetually buoyant Life' (Doan, 1909, pp. viii–xix).

### The Use and Abuse of Religion

The first chapter of his book is entitled 'Religion and the modern mind' and it begins with an expected question: what is the place of religion in modern life? Before answering the question, Doan marks the fact that for over twenty five years the question had been posed and answered so many times from all sorts of weak points of view, that it became annoying for the a true modern mind. The book where he writes this remark was published in 1909, but the speech itself had been given in previous years. The problem is that the issue of church and human life is real, but the way it was handled lead to contempt for the honest, truth seeking people (Doan, 1909, p. 1).

The issue at hand is that the arguments in favor of keeping religion in the modern world are 'too secular; or too apologetic; or too defensive; or, if you please, too *practical*' (Doan, 1909, p. 1). This perspective argues in favor of balancing the purely spiritual aspect of reality with the practical one. There should not be too much of any of one in the detriment of another. Forcing the simple, clear truth of the spiritual realm with fabricated and excessively rational arguments brings no benefit to the genuine modern man. There is a need of the theoretical/doctrinal element, in order for the practical aspects of the religious life to make any sense at all (McComb, 1910, p. 18). Doan does not deny the need for the practical aspects of the spiritual and he does not deny that the spiritual has practical aspects, but he criticizes forcing the argument in favor of the practical side. Doan speaks, in this context, for a healing element for such deviations, namely a 'revival of those eternal verities in which all men of whatever culture have always instinctively believed' (Doan, 1909, p. 1). Such an approach flattens the *spiritual* to a universal kind and to a universal way of basic experience.

Doan's point argues in favor of a spiritual realm that can be sensed and experienced in the same way - at least at a basic, primordial level – by all humanity, without exception. The church becomes a simple, but quite important, 'distributor of the bread of life, of the pulpit as a place of moral and prophetic vision' (Doan, 1909, p. 1). The purpose of the church is not to indoctrinate, but to present and transpose the spiritual into the life of the believers via the message of the pulpit. The other problem is that the pulpit becomes too mundane, too ordinary. It lacks the 'spaciousness of the New Testament', putting a far too great emphasis on duty, but leaves God outside. Thus, the church lives in an environment it created, with no valuable and deep motives (Jackson, n.d., p. 78).

The *bread of life* can refer to Christ Himself as an expositor of the spiritual realm, as well as a materialization of a spiritual reality in the Eucharist. I must admit that the later perspective is a personal one and a slight exaggeration of the first. If the spiritual realm can be explained through language, thus offering meaning to the words that make up ideas, it is proper to argue in favor of the pulpit as a promoter of moral values and warnings against evil actions. The prophetic aspect of the pulpit is not related to the idea of some sort of direct dialogue with God, but a refined understanding the *spiritual* and a capacity of taking meanings from this realm and explaining them in plain language, but with great authority. If man is a spiritual being, than Christianity, in spite of a larger package of common themes shared with other religions, is set apart by the intrinsic values promoted by Christ. Man is to act in accordance with an disinterested love of God (Macculloch, MCMVIII, p. 93). Doan argues that people, or in his case the genuine modern man, desires the spiritual, as well as the church. There is no inconsistency between modern man and religion, one does not exclude the other. Modern man desires to know as much about reality as possible. This desire includes the spiritual. In spite of this desire, the modern man will reject any exaggeration, any theatrical, any dogmatic approach or explanation of the spiritual and religion. In Doan's own words: 'put it for him frankly, unaffectedly, above all undogmatically, and he will bow his assent' (Doan, 1909, p. 1). Modern man

needs the spiritual, but he will reject the traditional way in which it is presented. In other words, modern man needs a natural, human/humane, clear, genuine presentation/explanation/dialogue on the subject of the spiritual and religion. If he feels truth and sincerity, Doan believes that modern man will not only accept, but bow his assent. The truth of the spiritual does not reside in one's affections and affectionate manner in which one presents it, but the meaning of the arguments.

The battle between truth and fiction was expressed vividly by Mr. Garrick in a dialogue with a minister, who asked him why was that those who talk of fiction gain huge crowds, while those who preach the truth have a small attendance. The answer was quite poignant: 'you preach truth as if it were fiction; and we deliver fiction as if it were truth' (*The Quarterly Christian Spectator*, 1833, p. 518). This was in 1833, but in a dialogue between Doan and a certain Mr. Pratt, he asks the later on what he should tell the students preparing for the ministry. Doan marks the words of Mr. Pratt as saying that 'since religion is the profoundest instinct, the deepest concern of human being, to be its sponser before men is indisputably a man's most sacred calling' (Doan, 1909, p. 2). However, Doan continues the words of Mr. Pratt, who ended his thought with a quotation - possibly from the 1833 *The Quarterly Christian Spectator* - 'he preaches the truth as if it were fiction!' It is not the full quotation from the *Quarterly*, but it is a reference to the modern minister, who preaches in such a way.

In spite of the massive amount of information from previous centuries of Christian doctrine, history, and various teachings, Doan argues in favor of using these in a 'simple and passionate emphasis of eternal truth' (Doan, 1909, p. 2). When talking about the practical side of arguing in favor of religion to the modern man, Doan refers to forcing the argument simply on the side of making the church a 'vital power in the lives of men' (Doan, 1909, p. 2). In another book on the subject of religion and the modern man, J. Macbride Sterrett - a pastor in the Protestant Episcopal Church - argues that the real modern man acknowledges the heritage of the past ages and uses them not as a slave, but as a competent and mature critic, searching the good and the valuable, in order to prosper the present and prepare the future (Macbride Sterrett, 1922, p. 16). Unlike the advice of Sterrett and the appeal to common sense of Doan, those he calls 'religion's ill-advised promoters' are suggesting churches should give up certain types of architecture, such as medieval, in order to adopt the style of modern buildings, with the sole purpose to make people feel more at home. Doan also marks that the church is ill-advised to serve man in one's needs, from food to spiritual matters. Entertainment is not forgotten and the ill advice is to transform the church into the mirror of modern forms of entertainment, because it cannot compete with the theater or the concert hall. The political sphere is also included and here the advice is in favor of a model of Christian Socialism. He does not explain in great detail these changes, but he proves to be greatly irritated by such puerile and futile modifications, to the detriment of religious values and honest spiritual quest (Doan, 1909, p. 3). Religion should be more than the external forms that symbolize the spiritual world. A church building is the result of a certain type of theology, which is the result of a certain type of exegetical interpretation. For Christianity they both stem from the same book, the Bible. The problems appear when the pulpit and the buildings are considered the essence of what people from outside should adhere to, not the message that is received, evaluated and then accepted.

The tragedy for the church, and implicitly for Christianity is the remark made by one of Doan's friends. This friend, a psychologist of religion, argued two extremes. First he believed that the days when priests could impose an external authority on the lives of men are now dead. Doan calls these dead influences 'hocus-pocus' days (Doan, 1909, p. 3). The office of the priest, the pulpit, and the church itself do not and should not command political or social authority in the form of dominion over the lives and freedoms of men. Authority in religion should be personal. There must be no hindrance between man and God. Christianity works of principle of direct authority upon man, by God, with no mediation, except the direct work of Christ (Butler, 1922, p. 135). However, Doan presents the other extreme that his friend goes into, namely that all that is left for the church is to transform itself into a sort of club, which would debate the 'deep and eternal concerns of life' (Doan, 1909, p. 3). The power of the church is thus leveled. Besides the debates on the eternal, the church is of no use to mankind. With this perspective Doan cannot agree, since he believes strongly in the presence and the existence of the spiritual realm, which is manifested, in the case of Christianity, through the pulpit prophecy and the moral teachings.

The harm done by the ill-advisors is ever groaning, due to the perspective they offer the members of the churches, namely that their church is dying and there is an honest need to revive it. The very thing that should bring people a message about the connection between the spiritual and the physical is that which has been perverted, the sermon. Doan reiterates that a practical sermon does little good to the church, unless coupled to mature explanations of dogma, or the teachings of the church. He points to the fact that those who argue in favor of an excessively practical sermons believe that the congregation is unable to understand the doctrine or the creed - the very identity of a denomination. Christianity would be reduced literally to a club, with no basic, fundamental values that would transcend the human condition. The use of the practical



side of sermons is aimed, together with theoretical part, to feed the soul of man. Doan calls this the 'milk of truth', from the Biblical text. The theoretical and the practical do not exclude one another. They should be in harmony, for all the theory must find its place in the practical. In other words, any explanation of the spiritual realm, must find an application in every-day life (Doan, 1909, p. 4).

## Religion and Church

Doan explains that religion and the Church should not be overlapped. He underlines that *religion* and the institution of *the Church* should not be overlapped. There should not be an overlap between religion and a specific denominational theory. According to Doan the 'eternal impulses of religion' are fear, faith, love and 'the like' (Doan, 1909, p. 5). These must not be confused with an institution of whatever sort. Modernists argue in favor of an immanent God, who reveals himself to man continuously, with no interruption, while the church argues that God transcends man's ability to understand him, thus 'God reveals himself only through means transcending reason, dramatically, in signs and wonders and it rests all religious authority in the hierarchy of the church, a constituted custodian and interpreter of the supernatural revelations' (Torrey, 1910, p. 26) These impulses are not characteristic only to Christians, but to all humanity from the beginning. They were not developed as humans created culture, but are at the very essence what human being is. These impulses were not used by the church/es to further and better the human condition and human existence, in the manifestation of, culture, for example. Doan resorts to the knowledge of any historian, according to which the church has been a stumbling block for civilization. First of all fear is not something to give up, because it has its precise place in relation to the spiritual. Man fears the unknown, and if the unknown reveals itself under any form, fear is not an equal of terror, but it takes the form of deep respect. According to Doan the church has managed too many times to block the religious impulses of fear, love, and faith, due to institutional interests. The marriage between church and state did lead to an obstruction of care for the average human being, to the benefit of the institution (Doan, 1909, p. 5). Therefore, the church/es should acknowledge man in one's spiritual aspect as well. The institution of the church should never be more important than the individual, or the body of believers that make up a certain denomination. If the church is to fulfill its role as a shaper of civilization and a careful attendant to the needs, both spiritual and physical, of mankind, it must submit to acknowledging the importance of the individual, as well as the congregation/s. The idea that the church, as an institution, through its leaders, is actively teaching the congregants/believers, is not new (Finlay, 1917, p. 149), but the level of authority it has over one's life varies and it should be revisited repeatedly.

The church, as an institution, has been going against civilization also by the wrong use of the dogmas. Doan argues that the church, in its useless conflict with the sciences and philosophy, lost the 'instrumentalities of civilization and enlightenment' (Doan, 1909, p. 5). Needless to say that according to Doan is thoroughly against the dogmas that drown or negate the living impulse of religion. Dogma itself does not appear to be the problem, but the institution of the church that has put dogma before man and one's primordial religious instincts. Also, Doan, makes a most sorrowful observation, namely that the church as an institution of dogma is dead (Doan, 1909, p. 6). The modern mind cannot and will not work with such an institution, due to the fact that modernity looks for truth beyond the visible realm, even beyond an administrator of the spiritual realm, such as the church. The modern man looks within and without to understand reality and the spiritual reality, but there cannot be any obstruction from such institutions as the church, for example. Any such institution must be in harmony with the transcendent character of the spiritual realm, which is transposed in the form of religion and religious feelings. Christ created spiritual life and the church is the natural result. However, man is left to decide how the church is organized and how it is to be administered (Evans, 1911, p. 432).

In spite of the good reputation of the genuine modern man, Doan does admit that not all modern men are alike. There is no single relation between all modern men and religion. Modern men differ amongst themselves and men, in general, are completely different. However, Doan reduces the argument to those whom he calls modern men. In spite of the fact that not all men are in a perfect single relation to the church, as Doan notes, there is a predominant way of interacting with religion. He notes three types of people with whom he interacted, which he calls indifferent, confused and modern (Doan, 1909, p. 7).

The Indifferent, the Confused, and the Modern Man

The indifferent mind, for Doan, is represented by people who renounced religion altogether. He is the kind of man who came to the conclusion that there is nothing outside physical reality. Even if one believes that there might be something/someone beyond the physical realm, religion and its kind is still considered useless. The worst characteristic of such a man is that he is an unconscious materialist, besides the lesser problem that he is a practical person. According to Doan the problem of the unconscious materialist is that he gave up the conscious principle of materialism, and became one by 'commonplace exercises of his daily rounds of affairs' (Doan, 1909, p. 7). Religion set against the values of materialism does not result in the church being superior by default, but it does offer parallel values that can be evaluated (Butler, 1922, p. 22). The lack of any aspiring and poetizing art, which would offer them an insight into the unseen realm of human thought, keeps them indifferent towards culture. Doan classifies them as miserable, but he believes that the reality of their inner life is contrary to the practical applications of their indifferent minds. He explains that these people who conceal their terrible longing to the 'Eternal' (Doan, 1909, p. 7). Their desire to be in a veridical and authentic relation with the spiritual, makes them act in such a way as to revolt against the simplistic and meaningless way of life, characteristic to such unconscious materialists. The joy for Doan is that these men are coming together to change the church from that which is, into something more lively (Doan, 1909, p. 8).

Perhaps one of the truly sad issues that Doan marks is that the simple men, who have no theological background are more serious and more capable to understand the spiritual, than the clergy or the pastors. This conclusion proves to Doan that an honest quest for the inner impulse is not connected intrinsically to one's academic instruction. Being serious in matters of religion offers the upper hand. Religion takes a great amount of time in considering the serious arguments that allowed it to stay alive for millennia. Religion is also about sincere, honest thought (Finlay, 1917, p. 154). A minister who tries in desperation to be overtly apologetic, ends in tampering the sacred offices of religion. Such an approach towards religion will make the average man avoid the church altogether, due to the theatricality of the service. In other words, it will seem fake, processed, and artificial. Bowing before the deity of such a church is simply unacceptable. For Doan preaching is fundamental for the correct description of the spiritual and it is the proper means to draw people to it. Doan describes a good sermon a

'honest preaching, simple and abandoned, with nothing concealed or withheld between preacher and people; where there has been no timidity nor sensational clap-trap, but a free, unafraid and unashamed giving of his whole, honest and solemn person in the preacher's weekly meditation before his people; where there has been no apology nor nervous self-defense but simple and straight-forward reflection upon the eternal instincts and passions of life' (Doan, 1909, p. 9).

For Doan, the battle is given in the field of honesty towards one neighbor. The oration from the pulpit should be as natural as a discussion between friends in an informal context, provided the preacher is non-theatrical in every-day life as well. Some tend to put on a mask of seriousness and stoic resilience with regards to normal dialogue when engaged in debates on the spiritual or religion. His idea of correct and honest preaching is not idealistic. He does not dream of such a way of preaching, as if it had never happened before. Doan gives the example of Brooks, Beecher, Hale and others, but these are 'giants of God' who do not confront the indifferent laity (Doan, 1909, p. 9). It is this laity that must find a voice and guidance in the church. The cry of Doan is against the foolishness with which the church treated the non-clerical masses. It is here that Doan presents the idea of the 'Larger life', with reference to an engulfed present life by the spiritual/religious life. Preacher have lost their power to move people, partly due to the fact that they are not confronted by the practical aspects of life, as in the case of the layman, who can work out the issues better and easier (Doan, 1909, p. 10). Preaching can be a disaster and the 'smart, flippant, jocular is surely the words (Jackson, n.d., p. 208). Doan makes the brilliant point that a clergyman should stay as such, and in his debates with any layman he should not believe that he can win them over by becoming a layman himself. Am grotesque misunderstanding on the part of the preacher is not to understand one's place in the realms of the spiritual and the physical. According to Doan each has a well established purpose in life. The preacher must not know practically the issues that face the layman, in order to win one over, but the preacher should understand him by 'touching somehow each week, simply and solemnly, the things the layman himself in all his spiritual silence, modesty and sensitiveness' (Doan, 1909, p. 11). This is a challenge for the ages: the man thoroughly standing between two worlds, comes to understand those from one world, not by becoming them, but by understanding them.

The main issue that comes into conflict with, for example, the contemporary protestant environment, is related to what Doan calls the confused mind. This confusion is to be read in a negative connotation, as if the confused are not moral or secularized, or faithless in God or towards the congregation. Instead they are confused in comparison with Doan's set of beliefs. Therefore he mentions first the simple country ministers. He describes them in warm images, as men of faith,

quiet and unobtrusive, fameless, but with a moral compass pointing accurately towards righteousness, where they lead their flock of believers. These men are connected intrinsically to the faith and teachings of their predecessors. They are men of valor, who have become gentler and more sensitive with regard to their fellow men. Doan's appreciation for such men stems from the fact that they argue their faith with a mystics conviction, but are also simple, untutored and unspoiled (Doan, 1909, p. 12). Their arguments and way of theological insight is borderline mystical. According to Doan, they are qualified to be rightfully in the direct line of apostolic succession. The fact that they are not spoiled by 'Christian Evidences' and 'Sacred Oratory' makes them think in lines of every day life needs (Doan, 1909, p. 12). The question could if the power of preaching is lost (McComb, 1910, p. 283), or whether it was kept safe by these honest, simple preacher. They look at the Bible, at the people in the pews and then they work their way to argue in such a simple and straight forward way, as to makes sense of the how and why God works in the world of humans. They do not have the skills of the highly educated, or the scientifically versed preacher. Instead they see the spiritual, the religious and the physical in the most sincere way.

These men have interacted with dogmas and they have certainly been subjected to their influence, but they were never able to understand them in their deepest significance. Hence they took what they understood. The lack of formal education prevented them to fully understand what doctrines contain. The people who listen to such a sincere preacher do not believe in God dogmatically, instead they look at the preacher, they know him, in time they come to trust him, and later they are willing to 'stake their own eternal lives' on his honor (Doan, 1909, p. 13). This is the case that Doan had made previously, when arguing that some preach truth as if it were fiction. Doan believes these preachers do this precise thing, but they are convinced that their fiction is truth, therefore that 'truth' is sacred and everlasting. Dogmatics, in this context, pose as impertinent elements that come against the inner conviction of man. The inner is of such strong build that they create their own doctrines, not too seldom, different from the original doctrines, which have the indestructible status of absolute truth. The problem that Doan remarks is that even if these people believe in God and their dogmas make sense for their religious experiences, they confuse the eternal values: 'belief in God, eternity, human destiny and the like' with their historic denomination (Doan, 1909, p. 13). In other words the values described in the previous phrase, according to Doan, are universally valid. They are believed by any man, on any continent, in any historical period, but the problem is that all paint the values in the colors of a certain religion or denomination or sect. By doing this, all these religious groups evaluate the rest of the world in the light of their personal/denomination absolute truth. If Doan argues that Christians do this for the eternal values that are experienced by all men, it would be safe to argue that all religious groups on in the world, in any historical period, did the same error, that all believed their view was the only correct one, thus ignoring the eternal religious values.

'Back to Christ' is a formula used by Doan to describe those preacher and honest intellectuals who tried to urge the believers to a dogmatic form of spirituality and religion, that aimed at seeing Christ as the sole owner and deliverer of truth, thus ignoring the eternal impulses of the spiritual realm. However, the problem is that these helpful intellectuals paid the 'price of intellectual confusion for the precious freight of practical goods conveyed to them within the wrappings of a former faith' (Doan, 1909, p. 14). The slogan 'back to Christ' is used in contemporary Evangelical circles, from pulpits, with the more or less precise argumentation according to which the foundation of true spirituality and the correct connection between God and the world is only through Jesus Christ, the only begotten Son of God, who was incarnate, died on the cross, rose three days later, and now sits at the right hand of God, being forever in the lives of every believer. Regardless of one's perspective on Christ, it is doubtless that the example set forth by Christ is of excellence in matters of morals (Torrey, 1910, p. 131). As Doan remarks the problem of this kind of speech is that it shifts almost instantly 'turns the corner from the essential to the unessential, from the spontaneous to the dogmatic, from the inner life to its external forms, from the eternal to the transient things of religion' (Doan, 1909, p. 14). For Doan dogmatized religion represents the fake and egotistic representation of the inner, original, true religious impulses that are within each human being. We, as a species, have these within us, but we cannot act upon them. For whatever reason, we would rather go after our formalized, fake and destructive dogmatic representation of the inner spiritual realm. The inner spiritual life is spontaneous, non-dogmatized and free from any unnecessary embellishment that reason can put forth. All external forms of the spiritual, which range from liturgy to church architecture, or to any other kind, are mere corruptions, which take away the attention from truth. Apparently man has truth within. This truth is not born within man, but man is connected to the eternal, by way of owns existence. Even if this inner cannot be fully comprehended, or fully understood, it can, however, be masked by doctrine and the external life. According to Doan, after two millennia, the original Christianity is to be found only in the early times, during the 'early patristic Christianity' (Doan, 1909, p. 15).

The development of early Christianity is documented as being of simple liturgy, honest attempts to understand God and the development of dogma had a different pace and purpose, than after it became legalized. Justo Gonzales argues that Christianity was much simpler, due to political pressure and the threat of persecution. This context forced Christians to think their faith in simple and honest terms, because they could not afford the luxury of debates on unnecessary issues. The simplicity and honest faith – with the threat of persecution one had to be certain of one's faith – were replaced by the freedom and privileges offered by the new status, and to this politics were added (McGrath, 2010, p. 43).

If in the beginning Doan was marking the fact that many of the modern people are, in fact, true seekers of the spiritual, but under the guise of unconscious materialism, he continues the description of his fellow modern men by arguing that they are not average, not at all. Their mind pattern is oriented towards a genuine seeking of the spiritual. However, these modern minds are few, for most of them belong to the afore mentioned category of the confused (Doan, 1909, p. 22). In order to make things clear, Doan defines the modern man as the

'rare and sincerely open mind, the man conscious of himself in relation to a full modern culture, unbound by historic forms and terms; his openness is natural and unaffected; with his whole person and without turning back he faces the prospect ahead; his is a spirit of iron constitution, radical to the very marrow, finding ravishing joy in trying to the heights and valleys of being the wings of his spirit, apt to reject as artificial and restrictive the familiar terms and dogmas of the historic church, eager to follow the pursuits of science and philosophy - in a word, unafraid, unashamed and *open minded*' (Doan, 1909, p. 22).

Such a complex definition requires a careful examination. The historical context of one's life can create various reactions towards the issues one faces. We have all been accustomed to hear the elder say 'back in my day the kids/people were better, much more respectful and much more polite', while the young might say 'I should have been born in another age, not in this one'. Unlike such examples, the genuine modern man acknowledges his historical existence in a certain age. There is no rejection of the age and its values, but a conscious assessment of one's environment. The modern man will not look back in history with envy, but with a critical apparatus that would allow him to see things as they were. This action offers the possibility of filtering the values of the past from the evils of each age. The present age, or the age in which the modern man lives, will only have to benefit from his honest input. Overlooking the value of history can prove to be more deceitful, than looking back into what has been said with a critical eye (Butler, 1922, p. 107). The values will be judged and evaluated in such a way that it will bring value to the present age, and mark the future of the generations to come. The modern man will fit and integrate fully in the historical context he lives in. There are no regrets concerning the past, but there is no full rejection of history either. The will of such a man is aimed at the pure truth. However, this truth is not that of the church, or the doctrinal one. It is a truth that he searches on his own, with his own methods. There is a desire and a joy to seek out the new, the unexplored. In this context, the modern man does not look at the church for guidance, but looks beyond the veil of tradition. Therefore, if there is truth in science and philosophy, the modern man will accept it, without hesitation. The main characteristic of the modern man is that he does not have any fear of the new and of exploring the various elements that make up life. Coupled to this, the modern man will explore even if it means going against the traditions of a culture, including the tradition of the church. The final emphasis is that the modern man has an *open mind*. He explores everything, to the best of his abilities and acts in accordance to his own inner conscience, built on the critical assessment of all aspects of life.

Doan continues the ode to the modern man by describing him as an innovator and an undaunted explorer. The cynics and the sceptics are close behind, trying to push him down and stop his efforts to find truth. In spite of all barriers the modern man is 'clean and pure in his mind; eager and sensitive in his soul; searching always for a positive and honorable experience of things eternal' (Doan, 1909, p. 23). This is an important aspect about the modern man, because even if he accepts the challenges and the novelty of science, he does not reject the spiritual. There is a connection that he makes between these apparently opposite realm of knowledge. He not only accepts both, but he goes with philosophy as well. He is not radical against any of these three domains and he does not accept only one of them. The modern man seems to be better than the ones who accept only one of these three domains and rejects without any problems the other two.

Perhaps one of the most important aspects of modern man's spirituality is that he is not afraid of meeting God, or 'That he may yet call God' (Doan, 1909, p. 23). The modern man is not anti-God, anti-divinity kind of human being. He does not dismiss this possible reality, unless he has come to such a conclusion after a series of trials. However, as Doan believes the modern man is open to meet God and even 'stand silent and conquered' (Doan, 1909, p. 23). He will not question the God he meets, but once this happens he will accept the reality of His presence with an open mind. He will fully understand

where he stands in relation to the divinity, to God, and he will understand that God means more than him, therefore he will no problem accepting the authority and power of this God. When such an encounter will take place, one might expect a rallying of the modern man to a certain religion or denomination. Doan argues against this. He believes that once modern man meets God, he will, by conviction and in all truth, not adhere to any historical religion. Even if he does accept any of them, he will never accept that denomination or religion as final. He will see God and the spiritual above and beyond any religion. The church divine authority will play a major role in understanding and accepting God as God with absolute authority (Finlay, 1917, p. 135).

### **Conclusion: Spontaneity of Spirit**

At this point, Doan returns to the spontaneity of spirit. This is the element that, if understood and interiorized, will prevent modern man to allow the institutional religion to corrupt it. Doan points out that all institutional religions are inextricably connected to history in a negative way, by being full of 'past forms, myths, untruths and dead weight' (Doan, 1909, p. 23). The real problem with institutional religions is that they are made up of misleading formulations, that are able and willing to stop and spontaneity of spirit. This is the real danger for the modern man: allowing oneself to be brought down by forms of religion that go against his own convictions. Because he has an iron will, all these will be rejected by conviction. He will look at the eternal realities of religion with a peaceful heart. The reality of such spheres of knowledge will bring an insight into the realms of the outer and the inner man, in such a that will bring benefit to one's neighbor (Jackson, n.d., p. 160).

The idyllic picture of modern man is concentrated in a statement, according to which 'the modern man by temperament face ahead with his whole person. He is a bad historian and critic, if you please; an unloyal child of a long line of culture that bred him "modern"' (Doan, 1909, p. 24). It does not mean that the modern man will dismiss history and its heritage, but in least he is not connected consciously to the heritage. He is created by the culture of ages past, but he feels no connection to them. However, he claims them unconsciously. He is the product of the development of the ages, he sees the world around as the final product of the ages.

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## Predictors of School Safety Awareness Among Malaysian Primary School Teachers

Ssekamanya, S.A.

Mastura Badzis

Khamsiah Ismail

Dayang Shuzaidah Bt Abduludin

International Islamic University Malaysia

### Abstract

*With rising incidents of school violence worldwide, educators and researchers are trying to understand and find ways to enhance the safety of children at school. The purpose of this study was to investigate the extent to which the demographic variables of gender, age, length of service, position, academic qualification, and school location predicted teachers' awareness about school safety practices in Malaysian primary schools. A stratified random sample of 380 teachers was selected in the central Malaysian states of Kuala Lumpur and Selangor. Multiple regression analysis revealed that none of the factors was a good predictor of awareness about school safety training, delivery methods of school safety information, and available school safety programs. Awareness about school safety activities was significantly predicted by school location (whether the school was located in a rural or urban area). While these results may reflect a general lack of awareness about school safety among primary school teachers in the selected locations, a national study needs to be conducted for the whole country.*

**Keywords:** School Safety Awareness, Predictors of School Safety, Multiple Regression analysis, Malaysian Primary Schools

### Introduction

The world has recently witnessed increasing incidences of school violence. In Malaysia, UNICEF Malaysia reported that 16% of Malaysian kids were out of school due to violence (UNICEF Malaysia, 2014). Violence in school includes bullying and others. Moreover, 8,015 arrests that were made in 2014, including 12 years-old children involved in criminal activities such as drug abuse, gambling and social problems. In 2013, 7,816 juvenile cases were recorded, mostly involving school students (Royal Malaysian Police Statistics, 2014).

Among the public, there is a growing perception that schools are not as safe as they were before (The Star, 2000). A review of the literature in Malaysia reveals a dearth of in-depth research on the topic of this study. Nevertheless, one study on "Gangsterism in day school" done by the Education Ministry indicates that 30% of secondary schools in Malaysia are threatened by gangsters. Out of 1641 schools, 459 have been classified as high-risk with Penang being the worst affected state (Simrit Kaur, 2000).

### *The Need for School Safety*

The idea of a positive and safe learning environment is necessary for students to learn (Reeves, Kanan & Plog, 2010). A well-functioning school is not only a school that promotes learning, but also attends to safety and teaches socially appropriate behaviour. Reeves, Kanan & Plog (2010) also listed safe school characteristics including balance between physical and psychological safety to create and maintain safe and positive environment.

Giving another concept on school safety, Mastura (2013) defined safety as "the behaviours and practices that protect children and adults from risk or injury" (p.11). She suggested safety of young children is of special concern because they have no sense of danger and the consequences of their action. Mastura (2013) also affirmed that school's environments or school's climate or have a direct impact on students' well-being. Similar concept on school's environment have effect on

students' well-being found in Simmons (1999) whom defined safety as a concern about physical or emotional security. It is a preference for social and physical settings that provide protection and minimize the chances of being attack or hurt.

As from the school's context, safety is perceived as a school environment where children are safe from all types of hazards and risk (UNESCO, 2012). Carbino (2010) set out a safe school is one, where teachers can teach and students can learn in a warm, encouraging, and nurturing environment without the threat and resulting fear of violence occurring at any moment. This is also to say that safe, caring, participatory and responsive school climate fosters greater attachment to school and provides the optimal foundation for social, emotional and academic learning (Osterman, 2000; Blum, McNeely & Rinehart, 2002).

Although there is not one list of factors that shape the quality and character of school's life, virtually all researchers agree that there are four major areas that clearly shape school climate: safety, relationships, teaching and learning, and the (external) environment. Over the last three decades, educators and researchers have recognized that complex sets of elements make up school climate. There is not one commonly accepted "list" of the essential dimensions that colour and shape school climate. A review of research, practitioner, and scholarly writings suggests that there are four major aspects of school life that colour and shape school climate including safety, teaching and learning, relationships and environmental-structural (Cohen, 2006; Freiberg, 1999).

A growing body of research has indicated that a positive school climate is a critical dimension linked to effective risk prevention and health promotion efforts as well as teaching and learning (Cohen, 2001; Juvonen, Le Kaganoff, Augustine & Constant, 2004; Najaka, Gottfredson & Wilson, 2002; Wang, Heartel & Walberg, 1993). Previous research also found a safe, caring, participatory and responsive school climate fosters greater attachment to school and provides the optimal foundation for social, emotional and academic learning (Blum, McNeely & Rinehart, 2002; Osterman, 2000).

The search for tools of psychological resistance and the conditions that reduce threats and mitigate the risk of safety inhibition is not only a social need in modern conditions but also the task of special studies. In the psychological context the search for tools and conditions for studying the perception, cognition and assessment of the educational environment for the development of students and teachers is progressive.

Teaching and learning cannot take place in an unsafe environment. The art of creating a peaceful school environment poses great challenges to school management. It is stipulated in the Bill of Right (Act No.108 of 1996), Section [24] that every person has the right to an environment that is not detrimental to his health or well-being. This right also applies to learners, and in principle protects them from being exposed to harmful environments, including the school. The educator, in addition to this duty to teach and educate, is also required to provide education, physical and mental safety to learners (Oosthuizen, et al, 1994).

Further, many researchers agree that physical and psychosocial environment is significantly correlated in which it gives impact on students' achievement and well-being, affect teaching (American Association of University Women & Lewis Harris Associates, 1993; American Association of University Women & Lewis Harris Associates, 2001; Center for Mental Health in Schools at UCLA, 2004; Prothrow-Stith & Quaday, 1995) and creates barriers to learning (Edmondson et.al, 2009).

### ***The Role of Teachers' Perceptions***

Teachers are on the frontlines when it comes to issues of school safety. They interact with the children on a day-to-day basis and they are the first to know of any acts of violence at school. Brand, Felner, Seitsinger, Burns, and Bolton, (2008) found in a large-scale study that teachers were not only acutely aware of what was going on in terms of school safety, but also that their perceptions positively correlated with students' perceptions, behaviors, and outcomes.

McElearney & Stead (2011) studied 50 participants including teachers, classroom assistants and allied health professional working in mainstream primary and special schools in the Ballymena District Council area. Focus group discussion was conducted to explore the views and experience of participants and valuable insight into the barriers and facilitative factors to teach "keeping safe" message in primary schools in Northern Ireland. Teachers reported varied states of readiness with the development and teaching of "keeping safe" message through preventive education in primary schools. Teachers and other school staff also have varied practices in how they currently taught "keeping safe" message. The special school sector



reported teaching more sensitive message for example appropriate and inappropriate touch. In contrary with teachers from integrated and Catholic Maintained schools, teaching are focus on accident, prevention, internet safety, bullying and stranger danger.

The study also found that teachers varied in their attitudes on expressing their role in safeguarding the welfare of children in schools. Minority of participants expressed reluctance for schools and teachers to take on the responsibility for teaching keeping safe message. However, all teachers, classroom assistants and allied health professionals working in special school acknowledged that they had a role to play in teaching keeping safe messages to children.

In addition to the findings, participants highlighted the opportunity presented by the revised curriculum to embed the teaching of keeping safe message within primary schools. They were clear that any approach to development in this area should include integration across all aspects of the school, the role of the teacher and the training, development and support needs of school staff in teaching keeping safe message (Stephenson, P., McElearney, A., & Stead, J. 2011).

### **The Present Study**

The previous studies discussed in the foregoing paragraphs, as well as other researchers, including Douglas, Warwick, Kemp, and Whitty, G. (1997); Maxwell (2000); Bradshaw, Sawyer, and O'Brennan (2007); Astor, and Meyer (1999); Stockdale, Saidou Hangaduambo, David Duys, Karl Larson, and Paul D. Sarvela (2002); Behre, Astor, and Meyer, (2001); Price and Everett (1997); and Cothran, and Ennis, (1997), have found teachers' perceptions to play a major role in their commitment to creating a positive school climate and in promoting safe school practices. What is not generally highlighted in these studies however, is the extent to which teachers' perceptions and actions could be influenced by important background variables. Drawing from teacher behavior research, we hypothesized that teachers' perceptions about school safety practices could be influenced by the key demographic variables of gender, age, length of service, position, academic qualification, and school location. As Malaysia is grappling with the increasing incidences of school safety breaches, we hoped that this could add important insights on future strategies for dealing with this problem.

### **Method**

This study was conducted using the survey method. A stratified random sample of 378 teachers was selected in the central Malaysian states of Kuala Lumpur and Selangor. A survey instrument was created based on the work of Steve Balen, John Dively, Ronald Ellis, Sanford Farkash, Marilyn Holt, John Hunt, Micheal Kotner, Caroll Phelps, Peter Renfroe, Joseph Saban, Lisa Stewart and Don Strom (1999). In this analysis, 26 items were utilised, divided into four dimensions as shown in Table 1. The reliability coefficients ranged between .35 and .886.

### **Results and Discussion**

#### ***Teachers' Perceptions of School Safety Practices***

In general, the sample had average perceptions about school safety practices in Malaysian schools. On a 5-point likert scale, the mean responses ranged between 2.3 (awareness of delivery methods) and 2.5 (awareness of training programs).

#### ***Predictors of Teachers' Perceptions about school Safety***

In order to test the hypothesis regarding the demographic predictors of teachers' awareness about school safety practices in Malaysian primary schools, the researchers used multiple regression analysis (MRA). Below is a summary of the results of the regression analysis.

*Awareness of Training Programs.* The regression equation was not significant ( $F(8,370) = 1.09, p > .05$ ) with an  $R^2$  of .023. None of the independent variables (gender, age, length of service, position, academic qualification, and school location) was a significant predictor of teachers' awareness of school safety training programs.

*Awareness of Delivery Methods.* The regression equation was not significant ( $F(8,370) = 1.57, p > .05$ ) with an  $R^2$  of .033. None of the independent variables (gender, age, length of service, position, academic qualification, and school location) was a significant predictor of teachers' awareness of school safety delivery methods.

*Awareness of Safety Programs.* The regression equation was not significant ( $F(8,370) = 1.57, p > .05$ ) with an  $R^2$  of .035. None of the independent variables (gender, age, length of service, position, academic qualification, and school location) was a significant predictor of teachers' awareness of school safety programs.

*Awareness of Safety Activities.* Standard Multiple regression was used to test the demographic predictors of Malaysian teachers' awareness of safety activities at their respective schools. Overall, the model significantly predicted teachers' awareness of safety activities,  $R^2 = .048, R^2_{adj} = .027, F(8,370) = 2.335, p < .05$ . This model accounts for about 5% of the variance in Social Adjustment (a small effect according to Cohen, 1988). Of the six independent variables only School Location significantly contributed to the model (Table 2).

While we would predict variables like gender to play a major role, it was quite surprising to find that none of them was actually significant. This shows that teachers' perceptions on most aspects of safety were quite similar. The only difference we found was regarding their awareness about school safety activities where location emerged as a significant predictor. Teachers from rural areas had slightly lower means for perceptions of school safety activities (mean=2.5) compared to their urban counterparts (mean=2.7). In general, however, the overall perceptions about school safety practices were low, indicating that more concrete steps need to be taken to reassure the teachers.

## Conclusion

What is presented here is a preliminary analysis of results from a large study. While these results indicate a low rating for perceptions of school safety practices among teachers, they are not conclusive. Further research needs to be conducted to fully understand the mechanism involved.

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## Tables

Table 1.

Dimensions and reliability of the instrument

Dimension	No. of items	Chronbach alpha
Awareness of Training Programs	7	.88
Awareness of Delivery Methods	3	.35
Awareness of Safety Programs	3	.72
Awareness of Safety Activities	3	.886

Table 2

Model coefficients for Awareness about School Safety Activities

	<i>B</i>	$\beta$	<i>t</i>	<i>p</i>
Gender	-.373	-.062	-1.181	.238
Age	-.282	-.089	-1.144	.254
Length of Service	-.025	-.008	-.105	.916
Position	-.044	-.009	-.158	.874
Acad. qualification	-.299	-.064	-.810	.418
School Location	1.075	.209	3.288	.001

## Personal Data Protection and the Empowerment of Civil Liberty, Justice and Security: Universal Value of Globalization

Mr.Sc. Ruzhdi Jashari, PhD Cand.

European University of Tirana

ruzhdi.jashari@gmail.com

ruzhdi.jashar@rks-gov.net

### Abstract

*Protection of personal data and the privacy, at the time of final approval of the New Regulation on the protection of personal data, for the subjects of personal data brings hope; however, it is to believe that "in a world with protected privacy." Despite the challenge of protection of personal data in the era of colossal development of communication technology, the Internet and the major inventions of smart portable mobile devices, some new legal provisions are put in the Regulation of the EC, EU and the Parliament, in the future strengthens the protection of personal data; Freedom, justice and security, as notions that are spread in our country Kosovo, are the constitutional and legal obligations to provide stability to the country. However, the institutional strengthening of the law in this regard, with compact action (interaction) between the competent authorities within the country, our region and the competent authorities of the segment of rights and freedoms, justice and security of the EU, the EC and the European Parliament will undoubtedly bring success in the overcoming of challenges, through which the personal protection of data is going through. Strengthening of the National Authorities of personal data protection and freedom of information, is, and remains, the main input of justice, freedoms and security, now as standard globalist values.*

**Keywords:** Protection of personal data, human rights, civil liberties and security

### Introduction

In the conception of thinking and in today's living, the circumstances have completely changed in every country of the globe. This is because the speed of the individual, speed of penetration of information and speed of movement of capital. These developments are much larger in quantity and quality, compared with the time before the computers are found in the seventies. Also "discovery of the airplane in 1903, the discovery of TV 1925, discovery of computers and the Internet from 1970 to 1980", taken from <http://old.zeri.info/artikulli/8836/disa-nga-zbulimet-me-te-medha-ne-bote> (December 24, 2015); are considered epochal discoveries to humanity. Those discoveries along with the phone discovery of 1860s, and mobile phones and internet in 2000s, taken from <https://sq.wikipedia.org/wiki/Telefoni> (December 24, 2015), has given a new opportunity to the humanity and new approaches of development

We freely conclude that; man of this century is under the complete digitized world and his behavior now resembles the world in which he lives. In everyday's life, in an effort to achieve high standards for the man of the (XXI) century, obviously, it is very interesting, so he can control the digitized technology in order to overcome the challenges of times which he lives in. This development for the individual, in terms of violation of privacy, has two sides: that of improving of the quality of life, in terms of reaching of a quickest way of profiting, and of capital development; and that of intervention on daily basis and violation of freedoms and rights of his private life.

But what does this mean? Is there a violation of human rights in this regard? Is it jeopardized the security of the individual and the collective one? Why is it important to protect citizens' personal data? Why are important rules and knowledge on the protection of personal data? In verse of many other questions, they are almost the most frequent questions that may arise in everyday life tonnes, to be overcome-d.

We will try in continuance of this work, somehow bring to the reader: new developments, challenges that must be overcome, in times already the new Rules for the Protection of Personal Data of EU is moving towards approval of its final and when in many countries on all continents have approved laws and new institutions that have begun the work of the management and supervision of the implementation of these laws.

Of course, from this view, at the end will come also the results, of an interest to all of us that can be satisfied by access of points of view other of various experts, but success will undoubtedly be our common goal of all of us the ruling of law, human rights and fundamental freedoms, protection of personal data and security in general. For the best times, we should work together in the field of data protection. Anyways, marking the International Privacy Day, 28<sup>th</sup> of January 2016, will mark the positive curves and the best day for the protection of personal data.

## Methods

We oriented work of this thesis are used methods: Empirical, Analytical and Inductive

## Challenges in the field of protection of personal data

Discoveries in the field of digital technology continue in unstoppable ways of filling of our markets. Functionalization of new computer equipments of different sizes to those of the pocket portable ones, with possible connection to the internet search of huge engine capacity, our world has become an integral part of all areas of work and of human life's. Therefore, the challenge for the protection of data is growing, so it requires our attention and preoccupation to set priority objectives in this area, at the international level. To understand how and how much we are endangered due to interference and possible misuse? In the following we give a brief overview of concerns in the data privacy and protection of personal data in various fields of life and work in different countries:

In an article posted on December 19, 2013, over 46 recommendations for changing the US surveillance practices of article "The White House publishes a report on interception", to bring release from Day newspaper; it is a clear harassment and preoccupation of the US, which says: "The Obama administration has said it is considering how to best use its ability to gather information in the national security interest of the United States, without unnecessarily encroaching on civil liberties and personal privacy." Taken from the: <http://www.gazetadita.al/shtepia-e-bardhe-publikon-raportin-mbi-pergjimet> (seen on 29.12.2015).

Meanwhile, the function of safety when we are all witnesses of the terrorist attacks in November 2015 in Paris, France, where the ISIS terrorists have killed 130 innocent civilians, protection of individual and collective and public property is and remains a main concern. But, namely personal data and their violation, was and is the main focus of the evildoers.

Working across in processing of their rights also legal rights, will narrow the possibility of misuse, by groups of individual hacking into personal information for terrorist purposes called as "Terrorist Cyber Crimes" ("Cyber terrorism").

In this regard for the first time we have seen the case, that by use of computer equipments the terrorist organizations were supported. So, in October 2015 has happened the arrest of Ardit Ferizi in Malaysia, a young man originally from Kosovo, due to abuse of cyber theft of personal data of US service members, most had that data transferred to a hacker in the Islamic State, where according to the Washington Post, as reported by Telegraph, this is the first time that US prosecutors have charged a suspected cyber terrorism in plains of hacker, taken from the <http://www.telegrafi.com/lajme/ardit-ferizi-personi-i-pare-qe-akuzohet-per-terrorizem-kibernetik-ne-shba-2-77775.html> (December 26, 2015)

Cyber attacks and various interventions in the official websites of banking systems have also become, almost, an everyday occurrence. Cyber attacks on the banking system are causing losses of hundreds of millions of euros. Improvement of digital bank services and their advance has made progress, where the services of hundreds - millions of clients are performed through mobile phones as so called the "online services". Therefore, this service at this time is greatly challenged and remains the target of cyber attacks, hackers and abusers of informational technology. Thus, according to the news, "Hurriyet Daily News" the newspaper Express, brings an information about the biweekly cyber attack, by a group of hackers which has culminated on December 24, 2015, causing serious problems in digital banking services of Turkey, resulting in the blocking of access to online banking services to some of the financial institutions with a large number of clients, taken

from *Follow @gazetaexpress* (December 26, 2015:18.00h). Digital banking services in Turkey reaches their transactions around 2 millions of Turkish lira, where 85 percent of them are made from mobile phone services.

According to the daily information and reports to the institutions of the rule of law, interference and infringements of privacy of banking system, we have in many different countries of the globe. In this regard do not stand any better neither countries within the EU and OECD.

Use of search engines in the so-called "the mine the data" is a global electronic market, where has globalized the world in this direction and there are no differences, on age, sex, social, nor such as education and science, racial, language or religion, regardless of geographic distance.

Above were superficially affected only two sectors, with specific examples, but the access to personal data is now possible, and done in different systems that are also very important as the health system, education, trade, manufacturing, media, public administration, political electoral systems, tourism, internet of things, marketing .... etc., to the use and receipt of personal data through the maritime traffic communications, terrestrial and aquatic (i.e. may be noted as a phenomenon of new use of drones for surveillance purposes other than study, research etc.).

By the way, forms of processing and types of personal data depend on the height of the possibility of jeopardizing their access to the outlawed in our records. But even to this day, it remains as a serious threat to the processing of personal data in social networks. In reference to the article "Russian Hackers steal half of data of the Internet users in the world", published on the official Deutsche Welle website in section, *Focus/ Science and Education*; It's states that: A group of hackers from Russia has stolen more than 1.2 billion records of various online profiles. According to the accounts, affected were half of Internet users in the world, taken out of [Http://www.dw.de/hakerat-rusë-vjedhin-të-dhënat-e-gjysmës-së-përdoruesve-të-internetit](http://www.dw.de/hakerat-rusë-vjedhin-të-dhënat-e-gjysmës-së-përdoruesve-të-internetit), faqe 1.(July 8, 2014, 18:00h).

As we see the man's life is put in danger, where through the computer virus can cause death of the patient, where his condition, or the condition after surgery is followed by the internet sites ". Or even by a computer virus, hackers can cause a car accident. This is evidenced by the researchers. Taken from the Deutsche Welle official site, [Http:// www.dw.de](http://www.dw.de), *Focus /Science and education* (July 8, 2014, page 3)

In processing of personal data, its collection, transfer, disposal and storing them; we know that we already have in continuous use automated technology, mobile technology (smart mobile equipment) servers / hardware device; combined with video surveillance equipment, laser remote control and search engines (Internet) and telecommunications; We understand that the challenge for the protection of personal data undoubtedly becomes one of the serious concerns in each country; ranging from our country (Kosovo), our region (the Balkans), the European continent and internationally.

### **Protection of Personal Data in Block of Justice, Freedom and Security**

Subject of personal data in terms of the realization of its rights, when considers that they are violated or misused by controllers (institutions, associations of various organs) of public or private sector, in all the states of the EU already the justice system has legal frameworks that guarantees legal protection and supervision of its rights to personal data. Above all, with the filed legislations in all countries, institutions that oversee the implementation of the legislations.

Now there is an evidence's almost in every country, there are administrative measures against violators of law institutions. Even the justice system (courts) in Kosovo, the lawful processing of personal data, in 2015, the first has pronounced the administrative measures to KEDS (Power Distribution System in Kosovo); *AMDP- State Agency for Protection of Personal Data*, taken from [http // www.amdp-rks.net](http://www.amdp-rks.net) (December 31 2015,15.30h). Administrative measures, the justice system (courts) in the year of 2015 have decided also towards the other controllers, to the mobile phone operators, to ascertain as violators of personal data, during an unauthorized marketing, with the distributing of SMS-s, during the election campaign of political parties (held in 2014).

Even the European Court of Justice in respect of the European Convention on Human Rights, particularly in Article (8) guarantees privacy rights of the individual and other legislation relevant to the legal framework of the European Union and the EC, and has issued a significant number of decisions and opinions in favor of the complainants.

Development of major cyber technology and information's, has set in motion the need to develop other rights as constituents of legal rules, such as: Establishment of legal rules during the Internet use, the right to be forgotten, the establishment of legal rules during use of portals to different legal rules to various other websites. Otherwise, the rule of law through the justice system for citizens meant a relaxation and increase confidence in state institutions, on the one hand, while on the other hand exercise the powers and duties received institutions and society human, in welfare of citizens including, personal dignity and its privacy.

In an effort to concretize the universal principles of safety, we find different approaches, different concepts and principles that directly affect the collective local security, regional, continental and the global one. Even poverty, contagious diseases, financial stability, extreme nationalists, assimilating actions and repressive dictatorship, efforts of movements of the ethnic groups for liberation in different regions of the world, efforts for domination of various powers are considered as key factors of security in a country which in a form of a coil brings to the regional instability with the impact of even global security violation.

The advancement of human rights and freedoms implies a very broad range in many areas of life and work, in all categories of society, regardless of nationality, age and social group; rights which are guaranteed from birth of the individual, such as: employment, education, children's rights, political organization, syndicalism, religion, property rights, health care, free movement, the right to know, to the rights, such as those for further information, the right to transparency, access to public documents, the protection of privacy, etc., which together give a value to the value system of democracy. These rights are in progress, every day, on the basis of technological development, to meet the obligations arising from the principal documents on the universal rights of human freedoms.

The expansion of the legal framework in this regard is a requirement of the time. Humanity globally goes with the secured steps towards the modern theory of a otherwise so called "Globalization". By the fact of the efforts of all nations for the unique platforms: the protection of privacy, the right to information, cyber security, the security of citizens, etc., these are the unifying aspirations to freely give us the right of a conclusion that; We are dealing with the development of the general welfare of citizens and are of unique "global" value of modern society in the era of the Internet.

Justice, security and human rights in Kosovo have a special connotation in regards to the fact that within the Kosovo Progress Report in 2012-2015, for visa liberalization, drafted by the European Commission, Protection of personal data has been placed in block of "Justice, Liberty and Security" of the required standards, to be met, and that institution for the protection of personal data has always shown responsibility and has reflected positively in the fulfillment of all recommendations in this area.

Justice, security and the rights and freedoms in the world today are universal values that give credibility, cultural progress, economic development, peace and stability, confidence in the institutions of justice and in general; are the values of the modern world in the New World Order, in terms of the development of the free global market.

At the international level, the main attribute of generating these legal values, obviously belongs to the West, respectively to the European institutions: the European Council, European Commission and European Parliament.

January 28<sup>th</sup> 1981, is the day of the approval of the 108 Convent, *EC- European Council, Strasbourg, (Convent 108:28 january 1981)*. This day of adoption of this Convention, originally was celebrated as a day of European privacy, but now has received the title of the International Day of privacy, which manifests marking of the first Convention in a global level, approved for the protection of personal data during the automatic processing of data.

Marking of this day now is remembered by the messages already in the institutions of international significance, which is not specifically linked with professional competence, but undoubtedly touches the actual signal to the global challenges for humans. At the World Economic Forum in Davos on 27 January 2012, the Vice-President of the European Commission; Viviane Reding and Secretary General of the European Council, Thorbjørn Jagland in their speech, among others had declared "Communication on the Internet should work hand to hand, with the protection of privacy on the Internet. The protection of personal data is a fundamental right. Technology of Information offers enormous economic and social potential, which will be fully realized if citizens trust that their personal data on the Internet are protected. "WEF - World Economic Forum, taken from



[http://europa.eu/rapid/press-release\\_MEMO-12-50\\_en.htm](http://europa.eu/rapid/press-release_MEMO-12-50_en.htm) Data Protection Day: safeguarding privacy rights, (January 22<sup>nd</sup>, 2016, 18:30h)

### Advancements in the field of protection of personal data in the EU

Compared with other countries in the overall international level, in terms of specific regulatory aspects, observation is freely standing; that Europe is a leader in the field of protection of personal data. In support of the Universal Declaration of Human Rights, initially in Europe will enter into force the European Convention of Human Rights and Fundamental Freedoms (1953), which for the signatory state members specifically requires, an acceptance of the obligations with the constitutional and legal frameworks, to clearly specify rights and freedoms, thus clearly guaranteeing the right to respect the private life, housing and privacy of correspondence during communication's (Article 8) ECHR (KEDLNJ) - European Convention of Human Rights and Freedoms, *approved in Rome, (November 4<sup>th</sup>, 1950)*.

While several decades later such obligations we will also see in the International Covenant on Civil and Political Rights of the United Nations (approved in 1966 entered into power in 1976), *Gruda, Z. (2013), THE INTERNATIONAL PUBLIC RIGHT, Pristine, p. 426*. Later such advancement where the human dignity and protection of his privacy will also be seen in the American Convention on Human Rights: "Pact of San José", - November 22<sup>nd</sup>, 1969, *Gruda, Z. (2001). International Protection of Human Rights, Documents II, University of Prishtina, Pristine, p.102-127*; Then, the Cairo Declaration on Human Rights in Islam, adopted in Cairo on August 5, 1990, *Gruda, Z. (2001) International Protection of Human Rights, Documents II, University of Prishtina, Pristine, p.138-144* etc. Besides the last year's initiative to African countries for the processing of a convention on the protection of privacy, in no other continent nor in the international level, has not occurred to have a specific Convention as the one of the Council of Europe, 1981, which is specifically in step with the great development of technological information, automation and telecommunications, gives a specific legally binding in the protection of personal data, during the automatic processing, while watching the convention to the publication: CPDP (KMDP) - *Commissioner for Personal Data Protection (2012)*

*LEGAL SUMMARY OF THE COMMISSIONER FOR PROTECTION OF PERSONAL DATA, Tirana, p.50*. This obligation for state members of the EU becomes an obligation, while to accede in this Convention are also the member countries from other continents (Africa, Latin America). European leadership goes on, so in terms of practical regulatory, the year of 1985, marks the radical curves in terms of transposition of the Convention 108, the legislation of EU member states on the occasion of the issuance of the European Directive 95/46 on the protection of personal data and privacy. *EC Directive of the EP and the Council of Europe, Strasbourg: (October 24, 1995)*.

The United States of America due to the protection of tax evasion, in the state of financial system respectively the banking system, have initiated and signed the bilateral agreements with several countries in Europe, the EU and abroad, to ensure acquisition of information regarding flows in accounts of its citizens. Such agreements made the subject of discussion for the authorities and the experts of personal data protection, where the issue will go to the ECJ (GJED).

According to the reports from Out-Law.com ECJ (GJED) has decided that "a framework which allowed companies to move personal data across the Atlantic, in a way that was in accordance with the laws of data protection to EU" under the "safe harbor" EU-USA, it was invalid ". Court raised concerns about the transfer of data from the EU, under the question of whether there are sufficient guarantees of privacy in this regard, taken from <http://www.out-law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/> (seen 29:12:2015; 22.00h)

While under Article 29 working groups, of Directive 95/46, had recommended that the issue of safe protection of personal data across the Atlantic for the European citizens should be in accordance with the framework of European legislations for the protection of personal data and by article "Protecting Authorities", German authorities of data protection, set the limits on possibilities to the companies to transfer data to US", brought (written by) from posts Out-Law.com authorities contracting Parties to the agreements to transfer personal data, respectively agreement "safe harbor" to be reviewed by the end of January 2016 in accordance with European law of protection of personal data, taken from <http://www.out-law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/>

[law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/](http://law.com/en/articles/2015/october/german-data-protection-authorities-limit-companies-options-for-us-data-transfers/) (seen 29:12:2015; 22.00 h)

Undoubtedly, these highlights in any ways are advancing on the path towards aims of protection of personal data, in lights of increased pressure from public opinion and the great pressure the same one in terms of technological development of telecommunication equipments and information. However, the current legal framework (Convention 108), supplemented by the additional protocol, year 2001, Directives 95/46 of 1995, the 2008 Framework Decision on the protection of personal data during transfer and cross-border flow of personal data, a large number of recommendations in various sectors issued by the European Commission and the Council, at this stage of developments requires rules and frames much more empowered to ensure the adequate protection in fulfillment of rights and freedoms, values that are proclaimed by the western democracies.

Therefore; in the above mentioned context, the new Rules of the European Union and the European Commission has collected the recommendations, received warnings during the organizing of numerous debating tables, discussions, organized in a time of four years, has already passed the voting procedures of the instances, before the decision-making bodies of the three institutions: The Committee of Civil Liberties, the Standing Committee and the Council with an absolute majority. "On December 15, the three European institutions agreed on a historic reform of the rules on data protection, creating a modern and harmonized framework for data protection across the EU", *EU-European Commission, taken from <http://ec.europa.eu/justice/newsroom/data-protection/news/> (20th January 2016, 22.20:h)*. So, 2016 will give final approval of the regulation, which undoubtedly will bring benefits in the interest of big controllers, in the interest of the business world and in particular will have more tight provisions of austerity in the interests of data protection and privacy of citizens, demands of rights and fundamental human freedoms.

### **Mechanisms operating in protection of personal data**

In relation to the developments and demands of the time, since 2012 in the bodies of the Council of Europe, European Parliament and EU is proceeded New Regulation of the European Union for the Protection of Personal Data. While in the European area, are operating large numbers of bodies and organizations, such as: Spring Conference of Protection of Personal Data, attended by authorities of protection of personal data of European Union and Council of Europe, usually gathering every two years and address various topics on PPD (MDHP) and privacy issues, decision making, recommendations, resolutions, tips etc., for the bodies of the Council of Europe and the EU.

Authorities of Francophone Conference, which brings together the mdhp (PPD) authorities of francophone countries even beyond the EU. Also issues recommendations, treating the aspects of the protection of personal data, treating aspects of professional and legal developments of mdhp (PPD) etc.

The GPEN- Networking authorities of protection of personal data, which aims to have a mutual approaches for solution of various problems, joint inspections to big controllers etc., It has an international character. This mechanism is lead by the British authority of Protection of Personal Data.

AMDHPEQL (PAPDCEE)-protection authorities of personal data of Central and Eastern Europe. This mechanism is lead by Polish mdhp (PPD) authority-that deals with topics in the field of personal data and privacy, makes recommendations, proposals, raises issues of concern for the authorities to gather and the same one, in terms of this does; recommendations for instances of the EC and the EU in their respective field.

In addition, on the basis of Convention 108 and Directive 95/46, specified are the mechanisms arising from these documents as are the 108 Consulting Committee and Working Group 29.As acting mechanisms specifically deal with the protection of personal data and privacy, and institutionally report through Secretary of the Council of Europe to the European Commission.

It is worth mentioning that every January (26 -january) in Brussels, the bodies of the Council of Europe in co-organization with Scientific Institutions, Universities and Academic Authorities, organize its specific annual scientific conference, *CPDP – Computers Privacy Data Protection, taken from <http://www.cpdpcferences.org/>, (January 20, 2016, 21.00h)*, Whereby in the scientific point of view, from different points of view, derived are works and the alternatives and provided are new knowledge's in this field, by different researchers.

Initiatives do not end, so in June 5, 2014 in Strasbourg is organized the Specific Conference, in support of these institutions of justice and human rights of the EU, European Commission, Group of Labor 29 and French authorities to PPD (MDHP), which brought together all PPD (MDHP) authorities of the European Union, with the only topic to find a common platform of an action to overcome the great challenge of breach of privacy by digital technology of big processors of personal data called "BIG DATA".

Violation of privacy is already an international and challenging problem in this regard every year, for decades has begun with the KNMDHP organization, which gathers authorities of mdhp (PPD) of member countries global. The conference addresses the topic of privacy, issues resolution, designs strategies, take`s recommendations, issue statements and decisions in the interest of protecting personal data in the mdhp (PPD) global. Mdhp (PPD) mechanisms of the European Commission as well as participating as an observer, by having a European experience in this field, and give their valuable contribution in the context of these conferences.

The State Agency for the Protection of Personal Data of the Republic of Kosovo, has successfully joined n these mechanisms and shall move to get work experience and to give its contribution in this regard, NAPDP (SAPPD) State Agency for the Protection of Personal Data, taken from [http:// www.Amdp - rks.org](http://www.Amdp - rks.org), (18 january 2016, 18.30:h

### **What needs to be done for the protection of personal data?**

As is mentioned above, towards successful protection and advanced personal data, must meet certain actions ranging from:

- Continuous increase of civic awareness and awarding of systematic knowledge unified with harmonized standards within the legal area of the European Union, the education system, building curricula specific to the education of the younger generation in all states of the European Union and wide.

- The unifying actions of the authorities to protect the personal data in the field of inspection, with the possibility of joint inspections of powerful controllers, and that their work headquarters and actions that have outside of countries, which have committed abuse of personal data. Moreover, in this case we are dealing with powerful companies of the Internet, where the radius of operation extends to many continents globally and invasion of privacy is possible at all levels of society, regardless of age and invades billions of people.

- In the spirit of the recommendations of the Resolution of the International Conference held in Amsterdam, the Netherlands in October 2015, which requires the reporting inclusion on the state of privacy in reporting its annual human rights by the Special Representative of the General Assembly of the United Nations; (KNKMDhP) ICCPPD- International Commissioners Conference on the Protection of Personal Data, Amsterdam, taken from [http // secure.edps.europa.eu /EDPSWEB/edps/site](http://secure.edps.europa.eu/EDPSWEB/edps/site), (janary 21, 2016,23.00 h), such a practice to be transferred to all ombudsmen, who in their reporting on human rights bring specific reports on the state of privacy and derive their recommendations regarding the raised issues.

- As soon as possible, all computer automated equipment related to the websites that process personal data, to install tools that evidence all traces of approaches and interventions in databases.

- Software equipment should be certified to safety standards in the field of protection of personal data.

- The sooner to occur the unification of the laws and structures of authorities on the European soil and wider, with the unified standards and mandates of acting.

There are many other aspects of recommendations, but accordingly to this study and basic elementary action needs, think that these action criteria, give its own effects in relation to the developmental requirements of society in our time with positive effects in terms of the future.

While to give oxygen to democracy and to advance in security, justice and universal human freedoms, today, everywhere must work in professional grow of supervisory authorities, that at the same time to manage and oversee *Freedom of Information and Protection of Personal Data*,

which at the same time is considered as a global challenge of this century. To determine the boundary, between of that where public interest ends, and where and when can access their privacy because the line is very thin in between these two rights.

**Abbreviations**

AMDHP/APPD- Authority for the Protection of Personal Data  
 AShMDHP/SAPPD- State Agency for the Protection of Personal Data,  
 AFDPA/AFPPD-The Francophone Authorities for Protection of Personal Data  
 AMDHPEQL/APPDCEE-Authority for the Protection of Personal Data of Central and Eastern Europe  
 BE/EC-European Community  
 BN /IC- The international community  
 "BIG DATA"- The so called big data  
 CE- European Commission  
 CPDP- Computer's Privacy Data Protection  
 EU- European Union  
 FBE/WEF- World's foremost Economic Forum  
 GIPEN- The International Network Group of Authorities for Protection of Personal Data  
 KEDLNJ/ECHRf- European Convention of Human Rights and Freedoms,  
 KNKMDhP/ICCDP- International Conference of Commissioners of Data Protection  
 KE/EC- European Council  
 MDHP/PPD-Protection of Personal Data  
 OKB/UNO-United Nations Organization  
 PE- European Parliament  
 PDP-Privacy Data Protection  
 SHBA/USA-United States of America  
 GJED /ECJ- The European Court of Justice  
 mdhp /PPD- protection of personal data  
 Imdh / LPPD- Law on protection of personal data

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**Convention**

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## Tourism Policy and Enabling Conditions; A Comparative Analysis Related to Mediterranean Destinations

**Ramazan GORAL**

Asst.Prof. Lecturer at Ali Akkanat Tourism Faculty

Selçuk University, Beyşehir/Konya TURKEY.

Phone +90 5448690991

trgoral@selcuk.edu.tr.

### Abstract

*On the study, competitive position of eight destinations on Mediterranean Basin (Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco) related to Tourism Policy and Enabling Conditions were analyzed as comparative in terms of both index wide and also sub-factors as Data of Travel and Tourism Competition Index (TTCI) which was published by World Economic Forum in 2015 was used. According to analysis' s findings, most competitive first three destinations are respectively Spain, Greece and Tunisia in terms of general index of Tourism Policy and Enabling Conditions. Destinations' competitive positions' order changes in terms of sub-factors. Five point likert scale was used to make meaningful country's competitive position by points that it got from criteria belonging to countries' sub-factors. Accordingly, the following points which countries got from criteria express competitive positions: 5= Very well, 4=Well, 3=Medium, 2=Bad, 1=Very bad. Moreover, when eight destinations on Mediterranean Basin are evaluated, there is a significant relation between Tourism Policy and Enabling Conditions and Tourism Income and Number of Tourist in terms of statistics.*

**Keywords:** Tourism Policy and Enabling Conditions, Prioritization of Travel, International Openness, Price Competition, Environmental Sustainability

### 1. Introduction

Number of company increased, number of employee people increased, income of exportation increased and sub-structure developed as relying on formation of new destination areas world wide on tourism sector and increase in investment amount which was made on tourism area. Thus tourism became an important impulse power on socio-economical development. In recent years, tourism sector has become one of economical sectors which grewed and developed quickly over world. Despite of occasional shocks, tourism sector has showed nearly nonstop development for years. Number of international tourist reached 1 billion 133 thousands in 2014. In the same year, international tourism incomes of destinations world wide reached 1.246 billion USA dollar. It is expected that number of international tourist is to reach 1.8 billion in 2030 (UNWTO, 2015).

Many tourism destinations world wide try to take a share from such a large industry. But tourism destinations face to interser competition today than one in past (Ozturk, Usakli, 2013,2). In recent years, that specific policies related to tourism sector are formed and facilitators are provided have become a factor which is evaluated in terms of competitive supremacy (World Economic Forum WEF, 2015). So it is first necessary work in the way to competitive supremacy that destinations strengths and weaknesses related to tourism policies and facilitators are determined as then they make strategie. From this viewpoint, a comparative competitive position analysis related to eight destinations on Mediterranean Basin (Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco) was made as data of Tourism Policy and Enabling Conditions from indexes of World Economic Forum (WEF)' s Travel and Tourism Competition Index (TTCI) was used on the study. Relevant destinations were chosen as the logic "competition group" which was revealed by Kozak and Rimmington was used (Kozak, Rimmington,1999). There are three goals of the study : a) to review relevant destinations' Tourism Policy and Enabling Conditions, b) to determine relevant destinations' strength and weaknesses of Tourism Policy and Enabling Conditions, c)

to review whether there a relation between destinations' international tourism incomes and number of tourist with points of Tourism Policy and Enabling Conditions (TPEC).

## 2. Literature

TPEC's Index is mostly related to evaluate specific policies and strategic appearance on tourism sector (Crotti, Misrahi, 2015). Provisions related to TPEC are evaluated by determiner sub-factors which were prepared as specific to the sector. Sub-factors of this factor are Prioritization of Tourism, International Openness, Price Competition, Environmental Sustainability (WEF,2015).

These sub-factors and their criteria were explained in terms of making a theoretical back ground on the study . Moreover, data related to criteria on various international reports were given on the section.

### 2.1.Prioritization of Tourism;

That governments prioritise tourism to what extent has important effect on a country's competition of tourism sector. In other saying, that government accept the sector as primary sector and can transfer fund and can coordinate necessary elements and sources to develop the sector increase competition power of the sector. Stability on government policies contributes positively to the sector 's capability to get private investment. Moreover, governments can take important roles on national marketing campaigns in order to attract tourist (Crotti, Misrahi, 2015, 7). Subjects such as *State's Travel and Tourism Expenses, Marketing and Branding Efforts Related to Attract Tourist, Availability of Monthly /Three-Month/Annual Travel and Tourism in Time, Country Brand Strategies etc.* are evaluated on these sub-factors (WEF,2015).

**State's view on tourism and scaling it.** How much prior the development of tourism sector is for a government in a country is evaluated by this criteria (WEF, 2015).

**Share which is separated from state's budget to tourism.** Amount (%) which is separated to tourism from state's total budget in a country is evaluated by this criteria (WEF,2015). According to data which was published by World Travel and Tourism Council (WTTC) in 2015, the budget that the state separated to tourism in countries and their ratio on total budget which were given on the study were showed at Table 1.

**Tablo.1.Government Individual Travel & Tourism Spending**

Unit	Country	2015	2010
% share	Turkey	0.100	0.100
	France	0.500	0.500
	Greece	7.900	8.000
	Italy	0.700	0.700
	Spain	1.400	1.400
	Egypt	6.800	6.700
	Morocco	3.600	3.500
US\$ bn	Turkey	0.090	0.070
	France	2.414	2.465
	Greece	0.030	0.050
	Italy	1.738	1.977
	Spain	1.961	2.477

	<b>Egypt</b>	0.311	0.204
	<b>Morocco</b>	0.090	0.070
	<b>Tunisia</b>	0.080	0.070

Source: (Knoema,2016)

As it is seen at Table 1, order of monetary (USA Dollar) that countries separated to tourism from their total budgets and weight (%) of budget which was separated to tourism from total budget differ from each other. Countries " " Ratio (%) of total state budget which was separated to tourism" was considered on TTCL report of WEF.

**Activity of Marketing and Branding Studies to Attract Tourist :** Marketing and branding campaigns activity which a country conducts to attract tourist is scales within the concept of this criteria (WEF,2015). That main elements are in effort to market only their own products on tourism sector is not sufficient for country's marketing and branding activity. Marketing and branding efforts should be main duty of each part involved in tourism sector. If tourist is wanted to be attracted to a destination, promotion of destination is completely required. Destination marketing , especially a country's marketing is a common problem especially. Marketing studies related to provide visit of tourists to a country are in responsible of government which governs the country in large scale. There is synergic potential while a country is marketed as both touristic destination and also business investment area. Coordination and collaboration of instruments that state has got them are important for revealing of this synergy (AALEP,2015).

**Extensivity of Data on Tourism :** Tourism data is evaluated by national information source which has got formal quality within the concept of this criteria (WEF,2015). Tourism data is an important source for tourism management, marketing and planning. Data is used as a helpful tool in the event that countries and tourism organisations foresee about tourism in long term and goals are made. Statistical data is very important on development of information related to tourism sector, following developments in sector, supporting management focused on result, determination of strategic terms on political decisions .

**Currency of Data on Tourism:** Currency of tourism data expresses the time between the end of reference term that data belongs to and the end of term that data is announced to public and is valid. Thus , currency changes as relying on length of this period. Data currency is closely related to existence of a calender related to publication of data. Sharers of public and private sector require to access statistical information related to tendencies and changes in regular and time in order to manage tourism economy actively in level of local, regional and national (UN,2008,81).

**Country's Brand Strategy:** Products may have got brands on geographical positions as they are. Thanks to branding, people are aware of certain geografies and so intended awareness are gotten. A destination can be defined as a name , symbol, logo , word or other terms which define destination and make it different. Destination brand bids unforgettable travel experience. At the same time, it services to remember travel experiences related to destination, pleased memories. Branding of destination has become very important in the event that certain destinations (city, region, country etc.) are positioned as their differencies are provided in terms of receivers and sharers today (Damnjanovic, Kravic and AbdulRazek, 2009).

## 2.2. International Openness

That a competitive tourism sector is made requires foreign spread in a certain scale and applications to facilitate travel. Restriction policies such as aggravated visa demands cam decrease touristic demand to country. Sub-factor International Openness involves terms such as bilateral air services contracts which would affect air transportation, regional trade contracts which would make possible to service tourism on world standards etc. (Crotti, Misrahi,2015, 7).

**Visa Requirements :** Visa policies involves in most important state arrangements which affect on international tourism. Developing policies and procedures related to facilitate travel procedures such as visa and passport are related closely to development of tourism. Those who travel see visa procedures as a formality which increases expense. If necessary visa expenses to travel to a destination is high, potential tourists may tend to alternative destinations which they meet less difficulties on visa procedures (UNWTO, 2016, 7).



**Bilateral Air Services Contracts** : More than half of international tourists reach to destinations that they choose , by airlines and more than 23 million tourists will attend in those who travel by airlines in each year in that period up to 2030 according to UNWTO. Thus , forming policies about air services and developing bilateral contracts, connections with other countries can seen as a tool related to more competitive tourism sector (Rifai, 2011,4).

**Valid Regional Trade Contracts** : Regional trade contracts are defined as mutual trade contracts between two or more parties. Free trade regions and customs unity contracts are involved in these contracts. Countries may make better conditions to access market and provide security as party to trade contracts that World Trade Organisation foresees for tourism service provider and investments.

### 3. Price Competition

Low expenses are factor to make attractive that tourists travel a country and also incite investment on the sector. Within the concept of price competition; Taxes which are taken from airplane tickets, Airport Prices, Comparative Hotel Accommodation Expenses, Parity of Purchasing Power, Other Expenses Records Which Affect on Travel Expenses are included (Crotti, Misrahi, 2015, 7). Price Competition is accepted as one of most important terms of competition power generally for a certain destination (Falzon,2012).

**Ticket Taxes and Airport Prices:** Tourism and aviation are two contract subjects to each other. In another saying, Taxes which are implemented on services of air transportation would affect negatively on tourism which is vital for many countries' economy. Many studies have showed that those who travel among all traveling persons consist most sensitive part to price. Thus, large decreases will occur in demand in the event that an expense increase occur in aviation services. For example, a price increase as 10% will cause a decrease as 15% supposedly on travels with touristic purpose. As a result, demand will be affected negatively in large scale. Even if income which is obtained from these taxes is assigned to tourism ' s promotion to foreign countries, these promotion campaigns will not be used for anything but for returning number of tourists who visit country previously but do not come due to aviation prices and ticket taxes , to a previous condition (ATA).

**Price of Hotel:** Expense of touristic travel to a tourist involves expenses such as transportation services' expense on arrival on destination and returning from it, accommodation, tour services, food and beverages, entertainment. These expenditure items are related closely to travel desicion. Relative expense increase on middle and long terms can cause losses of market share on a certain destination and contrastly, decrease in relative expenses can cause increase in market share also (Dwyer, Forsyth and Rao,2001,3). If hotel prices have important place among touristic expenditure items, it can be said that Hotel'de relative price levels would affect on taking decision for travel to a certain destination.

**Parity of Purchasing Power** : Parity of Purchasing Power (PPP) is an exchange ratio which makes equal purchasing power of different currency as it removes different price levels among countries. PPP is counted as ratio in sum of national money which requires that a certain good and service basket are bought. Expenses which are turned to different currency as using this ratio provide comparable data in real meaning among countries as expenses reflect differencies in good which is bought and service volume (TUIK, 2008,1). Relative change of certain destination ' s expenses to other destinations and changes in Parity of purchasing power are accepted as most important factors which have got effect on destination shares of total abroad travels (Dwyer, Forsyth and Rao,2001,3) .

**Price Level of Fuel:** Change in fuel prices ( in transportation, production expenses, economic process ) may damage tourism events due to expenditure effect. Researches conducted have showed that high fuel price has got negative effect on tourism. High fuel price may affect negatively on some parts (airline, tourist navigation etc.) more than others (Chatziantoniou et al,2013).

### 4. Environmental Sustainability

Importance of natural environment can not be ignored on attractiveness of touristic destinations. So policies and relevant factors which are developed for continuity of environmental sustainability will continue natural attraction of a country and also in the future, they are important on protection of attraction as touristic destination and obtaining competition advantage (Crotti, Misrahi,2015, 7). This sub-factor includes sub-itles such as Environment Legislation and Application, Sustainability of Developments Related to Travel and Tourism Sector , Certifying Environmental Contracts, Species under Treat (WEF,2015).

**Frequency of Environmental Arrangement and Application of Environment Legislation :** It causes productivity growth as environmental arrangements have got impulse on cleaner environment and novations . Moreover, early adaptation to eco-friendly technologies and early investments of countries would provide comparative advantages on industries which are sensitive to environment . Adapting strict environment legislation arrangements may guide about structural adaptation especially for developing countries (Ratnayake, 1998, 77-78).

**Sustainability of Tourism' s Development:** Sustainable Tourism may be stayed as ' tourism events which meets needs of visitors, people who are host , sector and environment and consider exactly tourism ' s economic, social and environmental effects today and in future'. (UNEP and UNWTO, 2005). Sustainability of Tourism Development is possible with the case that sustainable tourism development terms and management applications can be applied in all type of tourism and destinations as to involve mass tourism and various niche tourism segments. Terms of sustainability states tourism development in terms of environmental, economic and socio-culture and a balance should be made among these three sizes in order to guarantee sustainability of tourism in long term. Sustainable Tourism development requires a powerful leadership in order to establish a wide participation and agreement besides informed attendancy of all relevant sharers. Sustainable Tourism development is a process which requires to have continuity and to be followed constantly. It is a process which requires to be preventive and /or corrective precautions taken (UNEP and UNWTO,2005, 11-12).

**Particles Substance Concentration:** This criteria is also stated as Population Weighted Exposition to Environment Pollution (2.5PM) and it is defined as country population ' s exposition average to air-hung particles concentration. Within the concept of this criteria, particles substance concentration which its aerodynamic diameter is at least 2.5 microns which would cause heavy health problems as diffusing in deeps in respiratory tract should be considered ( World Bank). Harmful substances which occur during industrial and agricultural production and other economic events have revealed significant weather, water and soil pollutions. People who live in large cities and industrial areas where their enviroments are significantly destroyed want to take a rest in unsoiled beauties out of work and on holidays. So clean weather is an important natural tourism source (Anze,Yunting and Young, 2015, 75).

**Environment Contracts:** This criteria measures how many international environment contracts of total 27 contracts a country is member (WEF,2015).

**Water Stress:** Baseline water stress is available annual total renewable failure rate of annual total water use in industry, agriculture and for municipal water services. This rate is an important sign to evaluate risks related to water. Baseline water stress provides information about competition level among users ( industry, agriculture and municipalities ) and source decrease rates(Gassert,et al, 2013, 3).

**Species Under Threat:** This criteria uses the reference "The International Union for Conservation of Nature (IUCN), Red List of Threatened Species"and and is calculated at the rate of species which are under critical threat , under threat and unguarded to total mamals, birds and amphibians (WEF,2015).

**Refinement of Waste Water:** This criteria states waste water rates refined before re-oscillation into eco-system. Waste water refinement rate expresses civic waste gathering and refinement systems in large scale (WEF,2015).

### 3. Theoretical Frame

One of four main indexes which constitute TTCl is Tourism Policy and Enabling Conditions. This index has got 4 sub-factors as to be Prioritization of Tourism, International Openness, Price Competition, Environmental Sustainability. These factors are related to evaluate specific policies and strategic appearance mostly about tourism sector. TPEC Index and sub-factors which are considered on the study are showed at Figure-1 with information which is involved in literature.

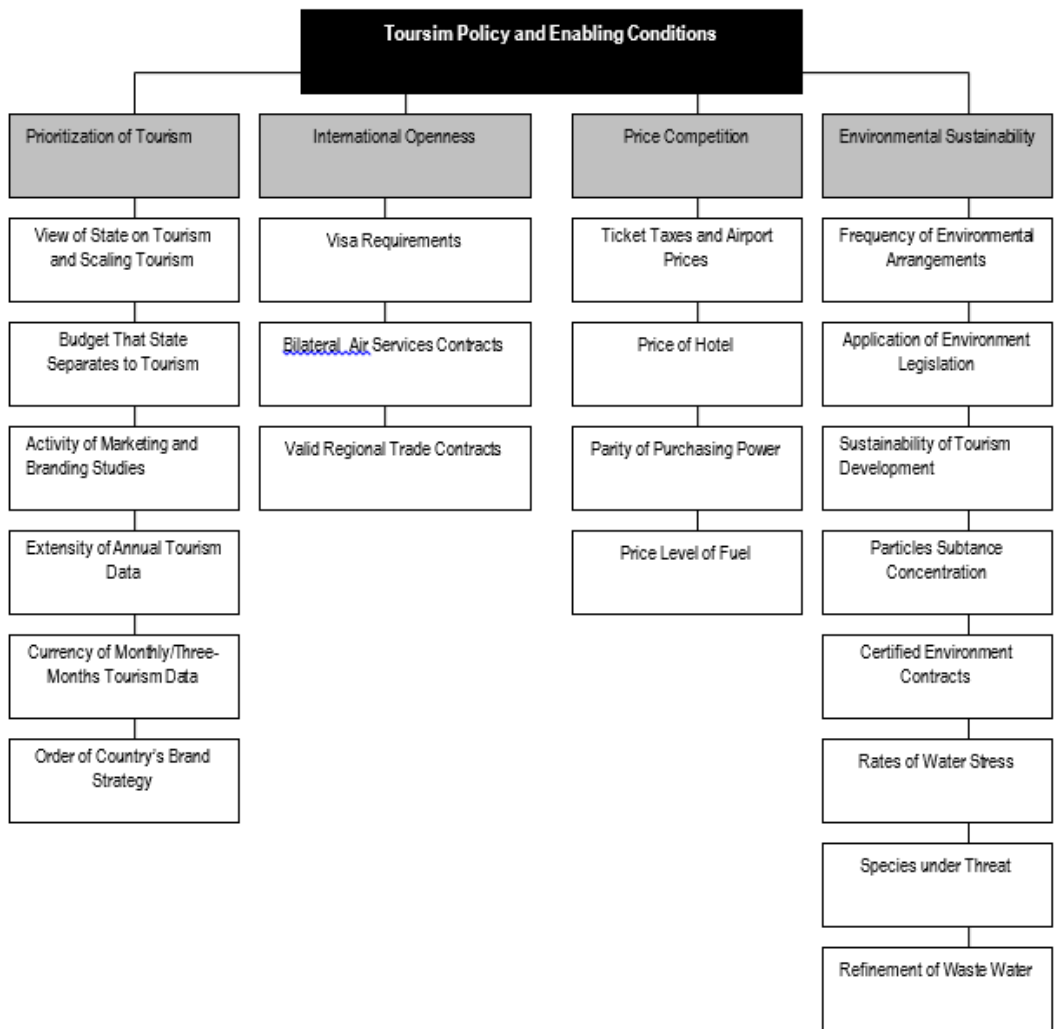


Figure.1. Index of Tourism Policy and Enabling Conditions (TPEC)

#### 4. Research Methodology

Data and information related to data gathering method from secondary source have been reached on this study. Information and data are based on the report of Travel and Tourism Competition Index which was published by World Economic Forum in 2015, in large scale. Furthermore, other national and international reports and publications have been utilized. It is a study that important industry and think tanks is involved in WEF's report and it involves deep analysis related to tourism 's future and countries ' competition. Information on the report is based on data related to 141 countries' tourism and travel sector and a survey study which was made to people who work as high level. Information and survey studies were evaluated with total 4 main groups, 14 sub-groups and total 90 scales belonging to these sub-groups (WEF,2015). On this study, competitive position of eight destinations on Mediterranean Basin ( Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco ) related to TPEC index was analyzed as comparative in terms of both index general and also sub-factors (

Prioritization of Tourism, International Openness , Price Competition, Environmental Sustainability ) as using WEF's Travel and Tourism Competition Index data.

Moreover, five point likert scale was used as to make country's competitive position as meaningful by points that countries got from criteria belonging to sub-factors. Accordingly, points that countries got from criteria were turned into five-items system. On the scale , 5 is for very well, 4 is for well, 3 is for medium, 2 is for bad and 1 is for very bad to state competitive positions.

On the study, it is also evaluated whether there is a relation between competitive positions and international tourism income of destinations on Mediterranean Basin and number of tourist within TPEC or not.

## 5. Findings

### 5.1. Comparison of Destinations ' Competitive Positions

As it is seen at Table 1, while Spain which is from Mediterranean Basin has got **Very Well** competitive position by general grading of Tourism Competitiveness Index, TPEC Index, other countries have got **Well** competitive position.

**Table.1. Index General of Tourism Policy and Enabling Conditions**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	4,66				
Greece	2		4,39			
Tunisia	3		4,28			
France	4		4,25			
Egypt	5		4,23			
Morocco	6		4,21			
Italy	7		4,14			
Turkey	8		3,98			

First one of sub-factors related to TPEC Index is **Prioritization of Tourism**. Comparative cases of destinations are at following in terms of these sub-factor;

As it is seen at Table 2, Morocco, Spain, Greece and Tunisia have got **Very Well** competitive position in terms of sub-factors in Prioritization of Tourism. Egypt has got **Medium** competitive position. Other destinations have also got **Well** competitive position.

**Table 2. Sub-factor Prioritization of Tourism**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
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Morocco	1	5				
Spain	2	4,92				
Greece	3	4,69				
Tunisia	4	4,69				
France	5		4,46			
Turkey	6		4,15			
Italy	7		3,85			
Egypt	8			3,38		

There are five criteria related to sub-factors of Prioritization of Tourism. Comparative cases of destinations are at the following in terms of these criteria;

As it is seen at Table 3 , Greece and Tunisia have got **Very Well** competitive position rather than other destinations for Part of Total State's Budget which is separated to tourism. Contrastly, Spain, Italy, France and Turkey have got **Bad** competitive position.

**Table 3. The Share of Total State's Budget Which Is Separated to Tourism (%)**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Greece	1	5				
Tunisia	2	4,68				
Egypt	3		4,37			
Morocco	4				2,34	
Spain	5					0,89
Italy	6					0,44
France	7					0,32
Turkey	8					0,06

Results of Evaluation for Activity of Marketing and Branding Campaigns That Countries Make to Attract Tourist are involved in Table 4. According to it, Spain, Morocco, France and Turkey have got **Very Well** competitive position rather than other destinations for marketing and branding efforts that they make to attract tourist.

**Table 4. Activity of Marketing and Branding Campaigns**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad

Spain	1	5				
Morocco	2	5				
France	3	4,72				
Turkey	4	4,53				
Greece	5		4,34			
Tunisia	6		4,15			
Italy	7			3,40		
Egypt	8			3,11		

At Table 5 , Values related to Extensity of Annual Tourism Data of destinations are involved by national information source which has got formal quality. According to it, Spain and Turkey have got **Very Well** competitive position in terms of extensity of annual tourism data.

**Table 5. Extensity of Annual Tourism Data**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
Turkey	2	4,66				
Fransa	3		4,14			
Italy	4		3,97			
Morocco	5		3,92			
Egypt	6		3,79			
Greece	7			3,10		
Tunisia	8			2,76		

At Table 6, Values of destinations belonging to the criteria Supplying Monthly /Three-Month Tourism Data in Time are involved by national source which has got formal quality. According to it, while Egypt has got **Well** position to supply data in time , other destinations are seen to be at **Very Well** position.

**Table 6. Supplying Data in Time**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Turkey	1	5				
Morocco	2	5				
Spain	3	4,87				

Tunisia	4	4,87				
France	5	4,74				
Italy	6	4,62				
Greece	7	4,62				
Egypt	8		4,49			

At Table 7 , National Tourism Organisation Strategies' Truth Level belonging to destinations is involved. According to it, Spain and France have got **Very Well** competitive position when they are compared with other destinations about strategies that national tourism organisation applies them.

**Table 7. Truth Level of National Tourism Organisation Strategies**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
France	2	4,95				
Italy	3		4,42			
Morocco	4		4,22			
Greece	5		3,72			
Egypt	6			3,17		
Turkey	7			3,02		
Tunisia	8				2,21	

Second sub-factor related to TPEC Index is **International Openness**. Comparative cases of destinations are at the following in terms of these sub-factors;

As it is seen at Table 8, Morocco , Tunisia and Egypt have got **Medium** competitive position, Turkey has got **Well** competitive position and other destinations have got **Very Well** competitive position in terms of sub-factors in International Openness.

**Table 8. International Openness**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Greece	2	4,85				
Italy	3	4,85				
Spain	4	4,66				

Turkey	5		3,96		
Morocco	6			3,04	
Tunisia	7			2,82	
Egypt	8			2,57	

There are three criteria related to sub-factors of International Openness. Comparative Cases of destinations are at the following in terms of these criteria;

At Table 9, Visa Requirements for Entry to Destination Country was evaluated. After the evaluation was made as 100= visa is required for all countries, 0= visa condition is not required for all countries (WEF,2015), it was turned into five point likert scale. According to it, Morocco and Turkey have got **Very Well** competitive position, other destinations can be said to have **Well** competitive position in terms of visa requirements.

**Table 9. Visa Requirements**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Turkey	2	4,67				
France	3		3,83			
Spain	4		3,83			
Greece	5		3,83			
Tunisia	6		3,83			
Italy	7		3,67			
Egypt	8		3,67			

At Table 10, destinations' Bilateral Air Services Contracts' Case is evaluated. According to it, France has got **Very Well** competitive position in terms of bilateral air services contracts.

**Table 10. Bilateral Air Services Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Italy	2		4,26			
Turkey	3		4,15			
Greece	4		4,12			
Tunisia	5		3,75			
Morocco	6		3,68			
Spain	7			3,05		
Egypt	8			2,57		

At Table 11, destinations are evaluated by "Regional Trade Contracts " that they make. According to it, Morocco, Egypt and Tunisia have got **Very Bad** competitive position , Turkey has got **Bad** competitive position and France, Spain, Italy and Greece can be said to have got **Very Well** competitive position in terms of regional trade contracts.



**Table 11. Regional Trade Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Spain	2	5				
Italy	3	5				
Greece	4	5				
Turkey	5				2,17	
Morocco	6					0,76
Egypt	7					0,65
Tunisia	8					0,65

Third of sub-factors related to TPEC Index is **Price Competition**. Comparative cases of destinations are at the following in terms of these sub-factors.

At Table 12, destinations' competitive positions were evaluated in terms of Price Competition. According to it, it can be said that most disadvantageous is France in terms of Price competition, most advantageous is Egypt and Tunisia, in terms of price competition.

**Table 12. Price Competition**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2	4,53				
Morocco	3		3,99			
Turkey	4		3,53			
Spain	5			3,41		
Greece	6			3,17		
Italy	7			2,82		
France	8				2,38	

There are four criteria related to sub-factors of price competition. Comparative cases of destinations are at the following in terms of these criteria;

At Table 13, values related to Ticket Taxes and Airport Prices for destinations are seen. According to it, it can be said that most disadvantageous destination is France in terms of ticket taxes and airport destination.

**Table 13. Ticket Taxes and Airport Price**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Turkey	1	5				
Egypt	2	4,72				
Tunisia	3	4,68				
Spain	4	4,65				
Morocco	5	4,57				
Greece	6	4,54				
Italy	7		4,23			

France	8			3,48		
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At Table 14, comparison of competitive position is involved in terms of Average Room Prices Which Is Calculated for First Class Brand Hotel related to destinations. According to it, while Egypt has got **Very Well** competitive position, it is seen that Italy and France have got **Bad** competitive position in terms of hotel room prices.

**Table 14. Prices for Hotel Rooms**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2		3,88			
Spain	3			3,21		
Morocco	4			3,18		
Turkey	5			2,93		
Greece	6			2,77		
Italy	7				2,07	
France	8				1,67	

At Table 15, destinations' competitive positions are evaluated by the criteria Dollar-denominated Purchasing Parity. According to it, it can be said that France has got **Very Bad** competitive position and Greece, Spain and Italy have got **Bad** competitive position in terms of conversion rate of formal exchange rate purchasing power parity (PPP). Other destinations have got **Well** and **Very Well** competitive positions.

**Table 15. Parity of Purchasing**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
Tunisia	2	4,55				
Morocco	3		4,09			
Turkey	4		3,64			
Greece	5				2,27	
Spain	6				1,82	
Italy	7				1,82	
France	8					1,36

At Table 16, evaluation of destinations' competitive positions for Price Level of Fuel is involved. According to it, Italy has got **Very Well** competitive position in terms of fuel prices. Turkey has got **Bad** competitive position. Contrastly, it can be said that Egypt and Tunisia have got **Very Well** competitive position.

**Table 16. Price Level of Fuel**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Tunisia	2	4,73				
Morocco	3		4,05			
Spain	4		4,05			
France	5		3,86			
Greece	6			2,76		
Turkey	7				1,69	
Italy	8					0,62

Fourth of sub-factors related to TPEC Index is **Environmental Sustainability**. Comparative cases of destinations are at the following in terms of these sub-factors;

At Table 17, competitive positions of destinations are evaluated in terms of Environmental Sustainability. According to it, it can be said that destinations have not got competitive supremacy difference which would be accepted as important in terms of environmental sustainability.

**Table 17. Environmental Sustainability**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Spain	2	4,93				
Italy	3	4,65				
Tunisia	4	4,52				
Greece	5		4,49			
Morocco	6		4,38			
Egypt	7		4,27			
Turkey	8		4,10			

7 criteria related to sub-factors of Environmental Sustainability were received for consideration. Comparative cases of destinations are at the following in terms of these criteria;

At Table 18, Strict Controls on Applications of Environment Arrangements of destinations are evaluated. According to it, France applies more strict control on environment arrangements applications rather than other destinations. Egypt shows **Bad** performance on this subject rather than other destinations.

**Table 18. Applications for Environment Arrangement**

	Ranking of Countries	Very Well	Well	Medium	Bad	VVery Bad
France	1	5				
Spain	2		4,42			
Italy	3		4,33			
Greece	4		3,85			
Turkey	5		3,85			
Tunisia	6		3,75			
Morocco	7		3,65			
Egypt	8				2,12	

At Table 19, evaluation results related to how governments' efforts are seen for Tourism Sustainability on destinations are involved. According to it, Government's efforts about sustainability of sector development are evaluated as **Very Well** in Morocco, France, Spain and Turkey.

**Table 19. Sustainability of Tourism Development**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
France	2	4,71				
Spain	3	4,71				
Turkey	4	4,61				
Greece	5		4,22			
Tunisia	6		4,22			
Egypt	7		3,53			
Italy	8			3,04		

At Table 20, evaluation of competitive position related to weather pollution on destinations is involved. According to it, while Morocco has got **Very Well** competitive position on evaluation related to weather pollution, Turkey, Italy and Egypt have got **Bad** competitive position.

**Table 20. Particles Substance Concentration**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Morocco	1	5				
Tunisia	2		3,80			
Spain	3			3,46		
France	4			3,31		
Greece	5			3,06		
Turkey	6				2,26	
Italy	7				2,20	
Egypt	8				2,09	

At Table 21, evaluation of competitive position is involved by Number of Environment Contracts That countries as subject to the study are Certified. According to it, Turkey has got worst competitive position among countries on Mediterranean Basin in terms of environment contracts that it signs.

**Table 21. Number of Certified Environment Contracts**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Spain	1	5				
France	2	4,80				
Greece	3	4,60				
Italy	4		4,40			
Morocco	5		4,40			
Egypt	6		4,20			
Tunisia	7		3,80			
Turkey	8			3,20		

At Table 22, destinations' competitive positions related to Baseline Water Stress are evaluated. Baseline water stress provides information about competition level among users of water ( industry, agriculture and municipalities ) and decrease rate related to water sources. According to it, Spain and Morocco have got **Bad** competitive position in terms of water sources. Egypt has got **Very Well** , other destinations have got **Well** competitive position.

**Table 22. Baseline Water Stress**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
Egypt	1	5				
France	2		4,40			
Turkey	3		4,05			
Greece	4		4,05			
Italy	5		3,93			
Tunisia	6		3,57			
Spain	7				2,14	
Morocco	8				1,55	

At Table 23, destinations' competitive positions are evaluated in terms of Species under Threat. This evaluation is made as rate of species which are under critical threat, under threat and unguarded to total mammals, birds and amphibians. According to it, France has got **Very Well** , Turkey has got **Bad** competitive position.

**Table 23. Species Under Threat**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very Bad
France	1	5				
Italy	2		4,22			
Tunisia	3		4,03			
Greece	4		3,77			
Egypt	5		3,70			
Spain	6			3,44		
Fas	7			3,31		
Turkey	8				2,40	

At Table 24, destinations' competitive positions are evaluated by waste water refinement criteria. According to it, when Spain , Italy, France and Greece are compared with other destinations subject to the study, they have got **Very Well** competitive performance about waste water refinement .

**Table 24. Refinement of Waste Water**

	Ranking of Countries	Very Well	Well	Medium	Bad	Very bad
Spain	1	5				
Italy	2	4,92				
France	3	4,52				
Greece	4	4,70				
Egypt	5			2,67		
Turkey	6			2,63		
Morocco	7				2,12	
Tunisia	8				1,50	

## 5.2. The Relation between Tourism Policy and Enabling Conditions Index and Number of Tourist, Income of Tourism

Destinations' 2014 year international tourism incomes and tourist numbers with TPEC Index values which are examined within the examination are seen at Table 26.

**Table 26. Counties' TPEC, Number of Tourist and Income of Tourism**

Countries	TPEC.	Number of Tourist (million)	Income of Tourism (thousand \$)
Egypt	4,23	9.174	6.047
Greece	4,39	17.920	16.139
Italy	4,14	47.704	43.912
Spain	4,66	60.661	62.565
France	4,25	84.726	56.686
Tunisia	4,28	6.269	2.190
Turkey	3,98	37.795	27.997
Morocco	4,21	10.046	6.850

Source: (WEF,2015)

Correlation analysis was made as to evaluate the relation between TPEC Index and Number of Tourist , Tourism Income. Correlation analysis is a statistical method which reveal direction, degree and importance of the relation among variances. Variances were obtained by proportional or interval scales and if it is suitable to normal distributors, Pearson correlation analysis is made. Variances were obtained by proportional or interval scales but if it does not suitable to normal distribution, Spearman correlation analysis is made. Results of normality test which was made were given at Table 27.

**Table 27. Normality Test Results**

	Kolmogorov-Smirnov <sup>a</sup>			Shapiro-Wilk	
	Statistic	df	Sig.	Statistic	Sig.
Number of Tourist and TPEC	,217	8	,200*	,896	,264
	,226	8	,200*	,927	,489
Income of Tourism and TPEC	,187	8	,200*	,890	,233
	,226	8	,200*	,927	,489

\*. This is a lower bound of the true significance  
a. Lilliefors Significance Correction

According to these results, TPEC with International Tourist Number and TPEC with International Tourism Income variances are suitable to normal distribution. In this case, Pearson correlation analysis can be applied.

**Table 28. The Relation between TPEC and Number of Tourist and Income of Tourism**

TPEC	Number of Tourist	Income of Tourism
r	,341	,169
Sig.	,409*	,689*

\*p>0,05

Analysis result related to whether a relation is or not among variances were given at Table 28. According to it, there is not a statistical relation between TPEC with International Tourist Number and TPEC with International Tourism Income.

## 6. Conclusion

On this study, competitive position of eight destinations on Mediterranean Basin ( Turkey, Greece, Italy, France, Spain, Egypt, Tunisia and Morocco ) was compared within 4 main criteria ( Prioritization of Tourism, International Openness, Price Competition and Environmental Sustainability ) as data of Tourism Policy and Enabling Conditions Index of World Economic Forum Travel and Tourism Competitiveness Index was used. Moreover, on the study, it was examined whether there is a relation between international tourism incomes and tourist number with TPEC.

Most competitive first three destinations are respectively Spain, Greece and Tunisia in terms of TPEC general evaluation. Moreover, competitive positions of destinations which were examined within the concept of the study differ in 4 sub-factors. Furthermore, when eight destinations on Mediterranean Basin are evaluated, there is not a relation between TPEC and Tourism Income and Tourist Number. Moreover, when total 141 countries' TPEC and Tourism Income and Tourist Number involved in WEF's 2015 report were analyzed, it is seen that there is a relation as meaningful in terms of statistical and in positive direction among variances.

This study is important as it defines Travel and Tourism Competitiveness Index and it shows how to analyze secondary data which are obtained from index and connected sub-indexes for active comparative analysis. Further researchers can make evaluations related to different destinations as following and developing method and evaluations which were used on the study.

Restriction which requires to be considered about the study is that reliability and validity of findings revealed on this study are based on reliability and validity of data on Travel and Tourism Competitiveness Index as World Economic Forum 's data was used on this study.

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## Roads and Railway Lines in Serbia after the Balkan Wars

Miloš Jagodić

Associate Professor

Faculty of Philosophy, Belgrade University

Belgrade, Serbia

[mjagodic@f.bg.ac.rs](mailto:mjagodic@f.bg.ac.rs)

### Abstract

*This paper deals with Kingdom of Serbia's plans on roads and railways construction in the regions annexed 1913, after the Balkan Wars. Plans are presented in detail, as well as achievements until 1915, when the country was occupied by enemy forces in the World War One. It is shown that plans for future roads and railways network were made according to the changed geopolitical conditions in the Balkan Peninsula, created as the consequence of the Balkan Wars 1912-1913. The paper draws mainly on unpublished archival sources of Serbian origin.*

**Keywords:** Balkan Wars 1912-1913, Serbia, Macedonia, Kosovo, roads, railways.

The victory in the Balkan Wars (1912-1913) against the Ottoman Empire and then Bulgaria caused enlargement of the Serbian territory for 39,309 km<sup>2</sup> (81.4 % of its pre-war area). The new territories were in administrative sense divided in twelve districts – five in the north of the Šar Mountains (Prijepolje, Raška, Zvečan, Priština and Prizren), and seven in the south (Tetovo, Skoplje, Kumanovo, Tikveš, Ohrid, Bitolj and Bregalnica). According to the census in 1913, on the whole newly acquired territory there were 1,481,614 inhabitants (approximately 51% of the population in the pre-war Serbia). The population in the new territories was heterogeneous in religious, ethnic and national aspect (Jagodić 2013, 103-152).

Integration of the territories annexed to Serbia after the Balkan wars presented a significant and vital task for the Serbian Government. One of its aspects referred to roads and railways construction. Country's prewar area was poorly connected with its recent acquisitions, only by one dirt road, suitable for year round carriage traffic, and one railway. Both were leading from the Morava into the Vardar valley, connecting Vranje and Skoplje via Kumanovo. On the other hand, delimitation between Balkans states, established in 1913, created new strategic environment that had to be taken into consideration. Therefore, creation of suitable land traffic network in the new regions was an imperative for military and economic reasons. Aim of this paper is to determine what Serbia had done and what were its plans on that matter during the short three years period, from the outbreak of Balkan wars in 1912 until the occupation of the country during the First World War in the autumn of 1915.

### Roads

Serbia's Constitution and legislation were not fully implemented in the new regions after the annexation for political and practical reasons. Some legal issues were regulated by Governmental decrees. Construction and maintenance of roads in the new regions was regulated by the Government's Decree on constructions, issued in September 1913 and amended in April 1914. Its provisions were slightly different from the "Law on public and land roads", which has been in effect in prewar Serbia since 1910. According to the Decree, all roads were divided into two categories: 1) national roads and 2) local roads. The former comprised roads of state, county, district and military importance, while the latter referred only to roads of community significance. Ministries or local (county, district or community) officials could require construction of a road. However, final decision was made by the Minister of Constructions. Ministry of Constructions and its county branches conducted technical preparations. "Larger artificial works", like cutting ways through the rocks, building bridges, diverting river flows etc, could be funded by the country's budget. All the other, "simple", works like digging, pebbling, transporting tools etc. were to be done by people's labor. Taxpayers were obliged to perform road constructing labor themselves, or to

provide an adequate replacement. This was the main difference between the Decree and the Law. According to the latter, people's labor could be ordered only in case of general mobilization or war; otherwise, road building was financed by national or county funds and executed by private contractors. However, since the money was scarce after the Balkan wars and necessity for roads was quite urgent, the Government has decided not to implement the mentioned provision of the Law in the new regions, but to resort to an unpopular measure, such as people's labor (Jagodić 2013, 58-61).

Serbia did not inherit many pebbled roads, suitable for year round carriage traffic, from the Ottoman Empire. Network of such roads, according to data collected by the Ministry of Constructions in exile in 1916, is presented in the following table.

Table 1: Pebbled carriage roads in the new regions of Serbia inherited from the Ottoman Empire.<sup>1</sup>

Pebbled carriage roads in the new regions of Serbia			
Road	Section	km	Usability
Skoplje-Kičevo	Skoplje-Tetovo	45	Good; for automobiles
	Tetovo-Gostivar	25	
	Gostivar-Kičevo	42	
	Aggregate	112	
Skoplje-Bulgarian border	Skoplje-Kumanovo	36	Good; for automobiles
	Kumanovo-Kriva Palanka	72	
	Kriva Palanka-Bulgarian Border	12	
	Aggregate	120	
Kumanovo-Tabanovci-Preševo-Bujanovac- Ristovac		54	Good; for automobiles
Veles-Bulgarian border	Veles-Štip	42	Good; for automobiles
	Štip-Kočane	54	
	Kočane-Carevo Selo	30	
	C. Selo-Bulgarian border	15	
	Aggregate	141	
Veles-Sveti Nikola		26	Good; for carriages
Strumica-Radovište		42	Good; for automobiles
Strumica-Pehčevo		66	Bad
Štip-Strumica	Štip-Negotin	48	Good; for automobiles
	Negotin-Strumica	72	
	Aggregate	120	
Veles-Bitolj	Veles-Prilep	66	Good; for automobiles
	Prilep-Bitolj	40	

<sup>1</sup> Stated distances are approximate. AS, MG, F 5, 1914-1916, *Narodni putevi u novim oblastima prema izveštaju inženjera G. L. Zisića (Public roads in the new regions according to the engineer's G. L. Zisić's report)*, 11/24. 4. 1916, Nica (Nice).

	Aggregate	106	
Prilep-Kavadar-Negotin		61	Very good; for automobiles
Bitolj-Kičevo	Bitolj-Žvan	40	Verz good; for automobiles
	Žvan-Kičevo	42	
	Aggregate	82	
Prilep-Brod-Kičevo		84	Good; for carriages
Bitolj-Greek border (towards Florin)		14	Excellent; for automobiles
Bitolj-Struga	Bitolj-Resen	35	Verz good; for automobiles
	Resen-Ohrid	39	
	Ohrid-Struga	14	
	Aggregate	88	
Struga-Debar (partially through Albania)		54	Good; for carriages
Bitolj-Novaci		12	Good; for carriages
Prilep-Kruševo		30	Good; for carriages
Resen-Stenje (Greek border)		30	Good; for carriages
<b>Total south of the Šar Mountain</b>		<b>1242</b>	
Prizren-Uroševac		56	Very good; for automobiles
Lipljan-Priština-Podujevo-Merdare		63	Good
Mitrovica-Prijepolje	Mitrovica-Novi Pazar	45	
	Novi Pazar-Sjenica	48	
	Sjenica-Prijepolje	33	
	Aggregate	126	
<b>Total north of the Šar Mountain</b>		<b>245</b>	
<b>Sum</b>		<b>1487</b>	

The existing roads were more west-east oriented, like the Ottoman Empire, than north - south, like Serbia. County and district centers were connected by the road network up to a certain point. Pebbled carriage roads had exits to the main Mitrovica-Thessaloniki railway in cities Mitrovica, Uroševac, Kumanovo, Skoplje, Veles and Negotin. The road network was the densest in the Bitolj County while it was quite sparse in the Counties north of the Šar Mountain.

The Ottoman Government signed a contract with the French consortium "Société Générale d'Enterprises dans l'Empire Ottoman" in 1910, referring to carriage roads construction in the whole Empire. Until the outbreak of the Balkan wars, the consortium has completed these sections on the territory ceded to Serbia: Bitolj-Resen-Ohrid-Struga-Debar; Resen-Stenje (on the Prespa lake's bank), leading to Korča; Bitolj-Kenali, leading to Florin and Bitolj-Prilep. All of them were, in fact, parts

of the planned Drač-Thessaloniki road with accompanying tangential sections.<sup>1</sup> The Ottomans constructed the other roads, stated in the *Table 1*, themselves.<sup>2</sup>

Maintenance, renovation and construction of roads in the new regions have commenced immediately after battles of 1912. The works have been organized by military and civil officials and conducted by engineer corps units and local inhabitants. Priority was given to roads of military and strategic importance, in accordance with the existing war conditions. The following new roads have been cut through, built and put in use until the end of 1913: Mitrovica – Raška, Novi Pazar – Raška, Sjenica – Javor, Kokin Brod – Nova Varoš, Gnjilane – Bujanovac, Gnjilane – Preševo, Preševo – Vranje, Prizren – Vranište, Kumanovo – Sveti Nikola, Kumanovo – Kratovo and Skoplje – Veles, along the Vardar's right bank. Thus, connections have been established between the prewar Serbian territory and the new regions, mainly in Prijepolje and Raška counties, as well as between certain county and district centers. Construction of some roads has only begun during the Balkan wars, among which the section from Debar to Mavrovi Hanovi and Gostivar, along the river Radika valley, has been considered as particularly significant; it was, in fact, the missing link between Bitolj – Debar and Skoplje – Gostivar roads. Construction of the new section Debar – Lukovo – Struga, on the right bank of the Crni Drim, was initiated by the end of 1913, for the existing one, on the opposite side of the river, remained in Albania.<sup>3</sup>

Road building labor has doubtlessly been hard and unpleasant obligation for the local population. In the Mitrovica district, for instance, where whole capable adult male population has been building the road towards Raška, the labor had to be aborted in the summer of 1913 so people could harvest their crops. Both Christians and Muslims have been equally engaged in roads constructing labor. However, the Muslim workers had been temporarily released from labor duty on the Mavrovi Hanovi – Debar road, during the first three days of Kurban Bairam holiday in November 1913. Still, the newly built roads were useful primarily to the local population, who was quite aware of that fact (Тодоровски 1979, 94-95, 105, 120-122, 165-166).<sup>4</sup>

There were other roads in the new regions of Serbia, besides the previously mentioned pebbled ones. However, they were not suitable for carriage traffic. For instance, sources claim that the road Peć-Djakovica-Prizren had existed only by name, while Podrimlje and Metohija districts did not have any road connection with their county center, Prizren, whatsoever. The road from Struga to Debar along the right bank of the Crni Drim was nothing more than a mere horse track. Average horseback ride from Ohrid to Debar lasted for two days in spring of 1914.<sup>5</sup> Therefore, people and goods were transported more by caravans, on donkeys and horses, than by ox carts or carriages (Тодоровски 1979, 89, 94, 120-122, 130-131, 165-166, 226-227, 311-313, 391-392).<sup>6</sup> According to a census carried out by the army at the end of 1913, there were 26969 ox carts and carriages and only 452 horse carriages in the new regions.<sup>7</sup> Therefore, transportation infrastructure was unsuitable for economic development and it obviously required improvements. Minister of economy Velizar Janković correctly emphasized in December 1913 that any economic policy in the new regions should start with broadening of the road network.<sup>8</sup>

Automobiles traffic was virtually nonexistent in the new regions. There were only few privately owned cars in Bitolj in June 1913 (Тодоровски 1979, 226-227).<sup>9</sup> Still, private entrepreneurs have regarded the automobile transport as a potential lucrative investment opportunity. A stock company, named "Serbian transport society", was established in Skoplje in February 1914, with founding capital of 250 000 dinars. Its aim was to introduce automobile traffic between main cities in the new regions, wherever possible. Čeda Jovanović, a merchant from Skoplje conducted the subscription of shares.<sup>10</sup>

1 AS, S/F, microfilm 62, N. S. Serbie, vol. 19, 1911-1919, Société générale d'Enterprises dans l' Empire Ottoman à Ministère des Affaires étrangères Française, 8. 11. 1913, Paris; Société générale d'Enterprises dans l' Empire Ottoman à Ministère d'Economie Serbe, 15. 10. 1913. with road map attached.

2 Ibid, Empire Ottoman, Ministère du Commerce et des Travaux publics, *Routes d'État*, Constantinople 1913.

3 AS, MID-PO, 1913, microfilm 410, R/6-8, Minister of Interior to Minister of Foreign Affairs, official, 18. 11/1. 12. 1913.

4 VA, P 2, K 19, F 14, № 1; K 22, F 36, № 1; F 44, № 2; K 52, F 20, № 2; K 59, F 2, № 23, 38; K 81, F 40, № 1, 2, 3; F 46, № 12; P 6, K 614, F 3, № 30/9; AS, MUD-P, 1913, F 15 R 41; 1914, F 4 R 97.

5 AS, MUD-P, 1913, F 15 R 41; MNP-P, 1915, M. Petrović to Minister of Economy, e№. 130, 14/27. 4. 1914; MID-SPA, 1914, 819.

6 AS, MUD-P, 1913, F 15 R 41.

7 VA, P 3, K 73, F 2, № 61.

8 Politika, 20. 11/3. 12. 1913.

9 AS, MUD-P, 1913, F 15 R 41.

10 Politika, 5/18. 2. 1914.

Another similar company, "Society for automobile transport", was founded in Bitolj two months later. The company's goal was to organize transport lines from Bitolj to Veles, Kičevo and Struga on a regular basis. Its representatives have addressed to the British and French Consulates in Bitolj, enquiring about purchase of two cars and ten lorries in the respective countries. They have expected a vehicle manufacturer to send drivers, mechanics and sufficient garage equipment. The transport should have begun in August 1914.<sup>1</sup> These examples clearly show that the private entrepreneurs have gained enough faith in their new country by the early 1914, although their plans have not been effectuated because of the outbreak of the First World War. They must have been confident that Government would secure much needed law and order and take appropriate steps to improve and broaden the road network. Had they have a different impression, the entrepreneurs would not have been willing to invest.

Since the planning of a road network was an issue of high military and strategic significance, Serbian General Staff created a comprehensive proposal for construction of new roads in March 1914, at the request of the Minister of Defense. The study encompassed the road network in the whole country and categorized certain sections according to preference. The General Staff suggested the construction of sections in the new regions in the following order: 1) Skoplje – along the Treska river – Brod – Kruševo – Bitolj; 2) Mavrovi Hanovi – Debar, as the extension of the Skoplje – Tetovo – Gostivar – Mavrovi Hanovi road; 3) Kičevo – Slivovo – Novo Selo – Ohrid, thus connecting Gostivar and Ohrid via Kičevo; 4) Skoplje – Veles – Djevdjelija, along the Vardar's right bank, parallel with the existing railroad track; 5) Štip – Radovište; 6) Skoplje – Uroševac – Priština – Mitrovica (part of the road between Skoplje and Uroševac through the Kačanik gorge was specially emphasized); 7) Kičevo – Dolenci – Bitolj; 8) Mitrovica – Rudnik – Peć; 9) Sjenica – Bijelo Polje; 10) Gnjilane – Uroševac; 11) Prizren – Djakovica – Peć.<sup>2</sup> Obviously, the proposed sections were mainly of north – south orientation. Most of them should have been placed in the southwest of the country. This choice was predictable since the alternative communications for the movement of troops should have been secured, in case that the main traffic artery, the Vardar railway was cut. The General Staff's reasoning was based on the presumption of a Bulgarian attack. In fact, the komitas gangs, infiltrated from Bulgaria, have been trying to sabotage the railway since late 1913. Besides that, Skoplje and Bitolj should have been connected by the shortest route, along the Treska valley, through Poreče area and via Kruševo. Thus, the fast transfer of troops through the middle of western Povardarje area would have become possible.

As previously mentioned, the state should fund "larger artificial works" in road building. Serbia's 1914 state budget provided 1, 2 million dinars for "constructions on land and water" in the new regions, including roads (Ministarstvo finansija 1914, 180). According to the already cited report made by the Ministry of Constructions in 1916, building of the sections presented in the following table has commenced until the autumn of 1915.

Table 2: Pebbled carriage roads in construction.<sup>3</sup>

Road	km	Usability	Notice
Mitrovica-Peć	54	Not for automobiles	Assigned to private contractors
Gostivar-Mavrovi-Hanovi-Debar	65	Not for automobiles	Assigned to private contractors
Kičevo-Jama-Debar	58	For automobiles	Assigned to private contractors
Kičevo-Klasnovac-Ohrid	70	Not for automobiles	Construction has just begun
Aggregate	247		

From May to December 1914, 60 000 dinars were spent on financing works on the Mavrovi Hanovi – Debar road. Sources also mention that in November 1914 10 000 dinars were approved for the construction of the Štip – Radovište road. A contractor was supposed to be engaged by direct settlement, rather than by public tender, for the project was urgent.

1 S/GB, microfilm 186, FO 368/1115, Greg to Krekenthorp, 23. 3. 1914, Monastir; S/F 62, N. S. Serbie, vol. 19, 1911-1919, viceconsul dans Monastir à Ministère des Affaires étrangères №. 12, 6. 6. 1914; Politika, 14/27. 4. 1914.

2 VA, P 3, K 1, F 1a, № 1, 25. 2/10. 3. 1914. and 26. 2/11. 3. 1914.

3 Stated distances are approximate. AS, MG, F 5, 1914-1916, *Narodni putevi u novim oblastima prema izveštaju inženjera G. L. Zisića (Public roads in the new regions according to the engineer's G. L. Zisić's report)*, 11/24. 4. 1916, Nica (Nice).

However, available sources do not reveal what, if anything, has been done on that matter.<sup>1</sup> Jovan Marković, a construction entrepreneur from Skoplje has completed the strengthening of bridges on the Skoplje – Veles road just before the evacuation from Skoplje in the autumn of 1915.<sup>2</sup>

Construction of some local roads, mainly in the Prizren, Zvečan and Kosovo counties, which has been considered during 1914, could not have been achieved for the lack of resources and available engineers. These roads were the following: Suva Reka – Orahovac – Velika Kruša; Prizren – Tetovo; Priština – through Drenica area – Kijevo; Lipljan – Štimlje; Priština – Gnjilane and Priština – Papaštica.<sup>3</sup>

Since July 1915, construction efforts have been primarily focused on the section leading from Čafa San (a place on the south border between Serbia and Albania), via Elbasan and Tirana to Drač. It should have been an extension of the Bitolj – Struga road. The Serbian High Command expected Bulgaria to enter the war at that time. Thus, the prospect of cutting the Vardar railway seemed imminent. Therefore, the High Command considered the establishment of secure connection between southern parts of the country and the Adriatic coast as necessary. Works have begun immediately, as a joint Serbian and Albanian enterprise. However, providing and keeping sufficient labor force have proved to be difficult. Therefore, on September 30<sup>th</sup> 1915 the Serbian Government decided to use 250 000 dinars of the budget funds for financing the section from Čafa San to Elbasan; the amount included money for workers salaries. The Albanian side should have completed the rest of the road. Of course, the project has remained unfinished because the Serbian army was soon forced to retreat and eventually leave the Serbian soil (Janković, Hrabak 1976, 141).<sup>4</sup>

## Railways

There were three railway lines in the new regions of Serbia. The main was the Mitrovica – Thessaloniki line, i.e. its section from Mitrovica to Djevdjelija (286 km). It extended across Kosovo (through cities Vučitrn, Priština, Lipljan and Uroševac), through the Kačanik gorge, via Skoplje and along the Vardar's right bank to the Greek border; only 14 km long part of the railway was placed on the opposite side of the river in Serbia, south of Veles, between Demir Kapija and a village called Davidovo. Other two lines were: 1) Zibevče (old Serbian – Turkish border) – Skoplje (93 km), which was passing through Bujanovac, Preševo and Kumanovo and 2) Bitolj – Kenali, i.e. Greek border (a short part of the Bitolj – Thessaloniki railway). The first line (Mitrovica – Thessaloniki) began to operate in 1874, second (Zibevče – Skoplje) in 1888 and the third (Bitolj – Thessaloniki) in 1894 (Mitrova 2011, 555-556, 559; Šematizam 1914).

The Mitrovica – Thessaloniki and Zibevče – Skoplje railways were owned by the Eastern Railways Company, with predominantly Austrian and French capital involved. The Company has had a concession for their exploitation, valid until 1958. Serbian High Command has been in control of all railways in the new regions during the Balkan wars. After demobilization and annexation of the new territories, the railways were put under temporary jurisdiction of the Serbian State Railways Directorate. In other words, they were kept in full Serbian control. Such decision was motivated by strong national, i.e. military and economic, interests. Since the railways represented the only Serbian commercial, although indirect, outlet to the sea and a connection with its ally, Greece, the Government was not prepared to abandon control over them. On the other hand, The Eastern Railways Company has begun to demand the return of the railways since the autumn of 1913. Thus, a legal and financial dispute has emerged and soon gained a diplomatic dimension as well, since Austria – Hungary has supported the Company's claim. Other Great Powers got involved in the bilateral negotiations between Serbia and Austria – Hungary over the railways in the beginning of 1914, so the issue became internationalized. Compromises were made by both sides, and a solution was reached. Austria – Hungary has agreed that, under certain conditions Serbia could purchase the railways from the Company. Serbian Government has estimated their value somewhere between 26, 5 and 31 million dinars, based on a calculation made by the State Railways Directorate's experts. The negotiations about the exact price and the manner of payment have proceeded during the spring of 1914, but they were aborted immediately after the assassination of Archduke Franz Ferdinand and his wife in Sarajevo. The railways were eventually bought by the

1 AS, GKo, 1914, F 40 R 52; F 41 R 14.

2 AC, MG, F 6, 1916, J. P. Marković to Minister of constructions 4/17. 4. 1916, Rim (Rome).

3 VA, P 2, K 77, F 1, Operativni delovodni protokol Kosovske divizijske oblasti (Operation's Protocol of Kosovo division) 17/30. 9. 1913. - 3/16. 6. 1914, № 195, 4/17. 2. 1914; № 252, 25. 2/10. 3. 1914; № 275, 4/17. 3. 1914; № 384, 26. 3/8. 4. 1914.

4 VA, P 7, K 59, F 6, № 21/27, № 21/28; AS, MID-SPA, 1915, 1892, 1915, 1930, 1935.

Kingdom of Serbs, Croats and Slovenes from the Eastern Railways Company in 1923 (Ćorović 1990, 551-558; Aleksić-Pejković 1965, 737-803).<sup>1</sup>

Since the prewar and new Serbian territories were connected by just one railway (Belgrade – Niš – Vranje – Kumanovo – Skoplje – Djevdjelija), construction of more lines was necessary. "Law on construction of new railways" was passed on May 8<sup>th</sup> 1913. According to the law, construction of the normal track railways Niš – Prokuplje – Merdare, Kragujevac – Kraljevo – Raška and Kruševac – Jankova Klisura – to the point of connection with the Niš – Merdare line should begin. These lines have been planned before the Balkan wars, and they were all leading to certain points along the prewar border between Serbia and the Ottoman Empire. The enterprise was assigned to the company, named "French – Serbian Society for Industrial and Public Works". The Law also authorized the Government to conduct studies for the normal track railways Raška – Mitrovica, Raška – Uvac (Bosnian border), Merdare – Priština and for the narrow track line Požega – Ivanjica – Sjenica. Thus, more railway connections between the prewar Serbian territory and the new regions should have been created (Milenković 1936, 250-262).

Before it has considered the road network, Serbian General Staff had defined desirable railway policy from the military and strategic perspective in November and December 1913, at the request of the Defense Minister. The General Staff made a thorough proposal about construction and the construction's dynamic of new railways. It was aimed at covering the whole country with railways network, which would allow fast and efficient transfer of troops from one potential borderline front to another. The Defense Minister initially requested the General Staff to propose the most suitable railway route between Skoplje and Bitolj. The latter concluded that it would have been unsafe to rely on the existing Skoplje – Djevdjelija railway, which could have been connected with Bitolj by construction of a line from Veles, via Prilep to Bitolj. In the General Staff's opinion, the Skoplje – Djevdjelija line was too close to the eastern border and thus overexposed to a possible attack or sabotage. It held that a new normal track railway, centrally positioned in the country, should be built instead and suggested the following route: Kruševac – Tulari – Merdare – Priština – Skoplje – Tetovo – Gostivar – Kičevo – Brod – Prilep – Bitolj. This line was given priority in the future construction. How detrimental was the absence of a railway for the southwest parts of Serbia can be clearly illustrated by the following example. A prominent commander of the comitadjis' units (*vojvoda*), Vasilije Trbić, who lived in the Brailovo village near Prilep, paid in 1914 more for transport of a mechanical thresher by an ox cart from Veles to Prilep, than from Bohemia, where he had purchased it, to Veles by railway (Trbić 1996, 41). Besides the former, the General Staff proposed construction of several others normal track railways in the new regions. They were sequenced according to priority in four categories as follows: 1) Mitrovica – Raška – Novi Pazar – Sjenica; Prilep – Pletvar – Gradsko – Štip – Kočani; 2) Prizren – Lipjan; Priština along the Drenica river – Lapušnik – the Montenegrin border at Dolac village or alternatively Mitrovica – Ribarić – Rožaj; Uroševac – Gnjilane – through the Končulj gorge – Bujanovac; Kumanovo – Kriva Palanka; 3) Bitolj – Resen – Ohrid – Struga; Požega – Ivanjica – Sjenica; Priština – Teneždol – along the Brvenica, Tularska and Medvedjska rivers – Lebane – Leskovac – Vlasotince – Babušnica – Piroć; 4) Sjenica – Prijepolje – along the Lim or Uvac river – village Uvac on the border with Bosnia; Gostivar – Debar and Kočani – Carevo Selo.<sup>2</sup>

Marking out the Merdare – Priština and Raška – Mitrovica routes and the Raška – Novi Pazar – Sjenica – Prijepolje – Uvac route was assigned to the "French – Serbian Society for Industrial and Public Works" in November 1913 and April 1914, respectively. The company commenced construction of the Niš – Prokuplje – Kuršumlija – Merdare railway in April 1914 with a modest ceremony. The line should have been extended to Priština afterwards (Milenković 1936, 180-181).<sup>3</sup> In the next month, the Government allocated the general marking out of the Priština – Prizren and Bitolj – Ohrid routes to "Lentz" company from Berlin and the Prilep – Kavadar – Gradsko – Štip – Kočani route to a certain financial group from London. The overwhelming dependence on the French capital in the railway construction enterprises was clearly undesired (Milenković 1936, 181).<sup>4</sup>

1 AS, MID-PO, 1913, microfilm 409, R/6-8, Minister of Constructions to Prime Minister № 26699/13, 3/16. 9. 1913; The Eastern Railways Company to Minister of Constructions, 31. 8/13. 9. 1913, Vienna; acting Minister of Foreign Affairs to envoy to Paris, 3/16. 9. 1913; Army Ministry to Minister of Foreign Affairs is № 1383, 4/17. 9. 1913; envoy to Paris to acting Minister of Foreign Affairs № 462, 7/20. 9. 1913; Minister of Foreign Affairs to Austria-Hungary's envoy to Belgrade, 4/17. 12. 1913; microfilm 410, R/6-8, Minister of Constructions to Minister of Foreign Affairs, 2/15. 10. 1913; MG, F 14, Minister of Constructions to Minister of Finances, confidential, 20. 2/5. 3. 1914.

2 VA, P 3, K 1, F 1a, № 1, 20. 10/2. 11. 1913; 21. 10/3. 11. 1913; 24. 11/7. 12. 1913.

3 Politika 4/17. 11. 1913; 12/25. 1. 1914; 21. 1/3. 2. 1914; 13/26. 4. 1914; AS, MUD-P, 1914, Ф 8 P 101.

4 Politika 18. 4/1. 5. 1914; 29. 4/12. 5. 1914; AS, S/GB microfilm 186, FO 368/1115, Krekenthorp to Grey, confidential № 5, 6. 3. 1914, Belgrade.

Planning of railways' construction in the new regions was not entirely abandoned when the World War One broke out. On December 3<sup>rd</sup> 1914, while the battle of Kolubara has been fought, Prime Minister Nikola Pašić sent a proposal of the "Law on new railways construction" to members of the State Council (*Državni Savet*) for urgent discussion. It was based on the previously mentioned General Staff's plan. The bill authorized the Government to commence construction of the following railways: 1) Merdari – Priština; 2) Raška – Mitrovica; 3) Skopje – Tetovo – Gostivar – Kičevo – Brod – Prilep – Bitolj or alternatively Skopje – through the Treska river valley – Brod – Prilep – Bitolj and Skopje – Tetovo – Gostivar; 4) Priština – Štimlje – Prizren. The total amount provided for these railways was 103, 8 million dinars. According to the bill, construction the Raška – Novi Pazar – Sjenica – Prijepolje – Uvac and Prilep – Kavadar – Gradsko – Štip railways could have begun after the previously mentioned ones; the expense was estimated at 64, 8 million dinars.<sup>1</sup> The bill has not been passed in Parliament until the occupation of Serbia in 1915, for reasons which cannot be determined. Just before the evacuation, the Government decided on September 17<sup>th</sup> 1915 that, after the completion of works on the Niš – Knjaževac railway, available labor force (i.e. prisoners of war) should be transferred and used for construction of the Skopje – Gostivar and Užice – Vardište railway lines (Janković, Hrabak 1976, 131; Milenković 1936, 183-186).

During the occupation, the enemy has built, for its own military purposes, narrow track railways Skopje – Gostivar – Kičevo – Ohrid and Gradsko – Prilep – Bitolj. The former was repaired after the war and extended via Struga to Moronište, a village on the Crni Drim's right bank; the latter was initially also repaired, but it was later replaced with a normal track railway. During the interwar period, some of the railways planned after the Balkan wars have been constructed (Milenković 1936, 295-296, 320-328, 364-366, 369-374, 417, 419).

The Serbian State Railways possessed 129 locomotives and around 3500 wagons in 1911. Since the number of wagons was insufficient to meet demand within the country, Serbia had to hire large quantity of wagons, mostly from Hungary. Number of locomotives and wagons has decreased during the Balkan wars, for some were heavily damaged and thus became unusable. Therefore, an increase of trains was obviously necessary for the enlarged Serbia. However, the state budget for 1914 did not provide any assets for purchasing new locomotives or wagons (Ministarstvo narodne privrede 1914, 41-42; Ministarstvo finansija 1914, 181-213).

The Serbian State Railways Directorate reduced railway fees for passengers in 1914, on the request made by the Ministry of Economy. This measure was expected to endorse and facilitate trade between the old and the new Serbian territories (Šematizam 1914, 267-268).<sup>2</sup> Railway tariffs, as well as passenger's ticket fees for certain routes, effective in 1913 and 1914, are presented in the following table.

Table 3: Railway tariffs and one way ticket fees in 1913 and 1914 (Šematizam 1914, 267-268 and appendix).

Train	Passenger's ticket fee per person and per km in dinars						Dinars per 10 kg of luggage per 1 km
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	0.135	0.11	0.09	0.08	0.06	0.05	0.003
Local	0.09	0.09	0.06	0.06	0.04	0.04	
Train	Passenger's ticket fee for the Belgrade - Djevdjelija route (629 km)						Dinars per 10 kg of luggage
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	84.915	69.19	56.61	50.32	37.74	31.45	1.887
Local	56.61	56.61	37.74	37.74	25.16	25.16	

1 AS, MID-PMS, 1914, Prime Minister to State Council 20. 11/3. 12. 1914.

2 AS, MNP-T, 1913, varia, Minister of Economy to Minister of Constructions, t№ 7495, 29. 11/12. 12. 1913.



Train	Passenger's ticket fee for the Mitrovica - Djevdjelija route (286 km)						Dinars per 10 kg of luggage
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	38.61	31.46	25.74	22.88	17.16	14.3	0.858
Local	25.74	25.74	17.16	17.16	11.44	11.44	
Train	Passenger's ticket fee for the Belgrade - Skoplje route (463 km)						Dinars per 10 kg of luggage
	First class		Second class		Third class		
	1913	1914	1913	1914	1913	1914	
Express	62.505	50.93	41.67	37.04	27.78	23.15	1.389
Local	41.67	41.67	27.78	27.78	18.52	18.52	

The railway journeys were quite expensive. An express train's luxurious first class journey from Belgrade to Djevdjelija cost as much as a better cow; the same ride, taken in a third class, was equally priced as two or three sheep (Ministarstvo narodne privrede 1914, 307). Therefore, a discount was introduced for seasonal workers who travelled around the country. They could get tickets at the rate of 0, 02 dinars per person and per kilometer under certain conditions. The workers had to travel from and to the same station, and in a group of at least ten persons; they also had to present certificates of Serbian citizenship to a railway official. This tariff was twice lower than the third class tariff. However, the workers were allowed to travel in freight cars only (Šematizam 1914, 267-268 and appendix).

Serbian Government was well aware after the Treaty of Bucharest that the annexed territories could not be fully integrated with the rest of the country without the appropriate land communication lines. Inherited roads and railways were insufficient and suitable for the Ottoman, not Serbian, needs. Some counties of the new regions hardly had any decent roads whatsoever. Therefore, the General Staff made elaborate plans on the construction of roads and railways by the end of 1913. They were based primarily on military and strategic interests. However, due to the unfavorable circumstances, little has actually been achieved. Only few new roads and none of the conceived railways have been constructed between 1912 and 1915. The plans remained postponed until the end of the First World War.

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## The Development of Small and Medium Enterprises - Their Impact on the Growth of Employment in Kosovo

Prof.Ass.Dr. Hysni Terziu

Prof.Ass. Dr. Isuf Lushi

University of Prizren "UKSHIN HOTI", Prizren, Kosovo

### Abstract

*The development of small and medium enterprises (SME) at a satisfied level can be achieved only through the application of knowledge and best practices that are developed at private sector, considering as their main derivation - the creation of new work places. The purpose of this paper is that even in our theory and practice to be provided modern concepts regarding the management of small and medium enterprises and regarding the business decision making. Small and medium enterprises can be considered as engines for the creation of new working places, in other words, can be considered as incubators for innovation and entrepreneurship. But in many poor countries, small and medium enterprises are not considered as the main players in the local ecosystem, which makes many of them operating outside the formal legal system and which phenomena results in the increase of informality and in the decrease of productivity. In addition, the condition becomes harder as they lack the funding and the long-term capital which on the other hand are the basis for the creation and function of companies. The development of SMEs is considered as the basic generator of economic growth. This development should be based on the advantages which should be further developed and on the obstacles and weaknesses, which, through strategies and means of economic policy, must be overcome and revitalized. Based on our studies, in the overall context of this work can be conducted the structuring of SMEs and the process of making business decisions in Kosovo. The focus of the analysis in this paper is the creation of friendly conditions for the development of small and medium enterprises towards employment policies and structural reforms, institutional market economy, generating of new work places. The necessity of these actions lays on the fact that in Kosovo exists a very large army of unemployed youth. The world today is undergoing through a global financial crisis which had started in the United States in 2008 and which has spread all around the globe. It can be said that this global financial crisis has been the longest that this world has recognized. For this reason, to the government of any country is added one more task, which is even more difficult, that through its policies to do the impossible in order to overcome this crisis and to send the respective country towards economic development, more specifically towards the development of the small and medium enterprise which in turn will have an impact on the decrease of unemployment. In addition, the purpose of this study would be to identify the current situation of small and medium enterprises, their structuring and their components in Kosovo.*

**Keywords:** Small and medium enterprises, Kosovo, development, employment, economy, wealth-fare, strategy, policy, government

### 1. Introduction

The fall of the economic socialist system in the beginning of the 90's, opened the road for the development of the private sector through several forms such as the privatization of socially-owned enterprises, the growth and expansion of small businesses -mainly family businesses and the establishment of new private enterprises. The establishment and the growth of new private enterprises in the transition countries were characterized with difficulties and with many challenges. In the early 1990s there were conducted many theoretical and empirical researches in order to show the low efficiency found in the planning system of these enterprises into the system of the socialist countries. The lack or the limitation of private enterprise, the abandonment of the centralised system and the adaptation of the market economy system, the abandonment of the free private initiative, confirmed that the expectations for significant improvement of the economic performance at both the macro and the micro level for these countries were desperate (Roland, 2000)<sup>1</sup>. If the state as entrepreneur was not better than the private one, then their new role for creating conditions for private entrepreneurship becomes crucial. Furthermore, from the initial euphoria for the arrival of the market economy system and of the economic freedom, was caused a sudden crisis that very few people had thought about. It became clear that the freedom to deal with entrepreneurship in the conditions when the state restrictions were removed does not mean that the state and the

<sup>1</sup> Roland, G., *Transition and Economics: Politics, Markets, and Firms*, Cambridge, MA: MIT Press, 2000

representative institutions should not be active as regulators. If that happens than the situation of entrepreneur chaos can last.

The systematic changes that happened in the transition economies provided opportunities for the development of enterprises. As a result of the removal of legal barriers for the private enterprise in these transition economies, then different entrepreneurs started the transformation process in different phases and ways. It is understood that in the beginning of the process, these entrepreneurs has small and medium businesses that were very little oriented toward growth. In the beginning, these entrepreneurs were oriented more towards trade and the service sectors. Later, during the other phases of the transition, they were transformed from small sellers to that kind of sellers that were oriented totally to long-term engagement to economic activities. The difference between these two kinds of entrepreneurs is very important for policy proposals that deal with the promotions and the growth of Small and Medium Enterprises (now one referred as SMEs) during different phases of transition. So in this case, should be pronounced and recognized the role of governmental institutions on the promotion of enterprises and especially of the key sectors which are essential for the development of the country.

The road of Kosovo towards progress and development for a possible integration into European Union is very complicated and challenging especially after the damages that happened during the civil war in 1999. The high inflow of assistance provided from different international organizations for general development after the war has started to decrease now, leaving to Kosovo the challenge for the stabilization and the empowerment of its economy and the increase of capacities of the population and of work force, connected to economic development and fair allocation.

It should be also accepted that the war has caused the "brain-drain" at considerable level and has also decreased the effect of the educational system in Kosovo. Today, businesses in this country need a sophisticated work force, characterized with high technical and managerial skills, but this issue is not taken seriously at institutional level. In addition, the private enterprises in Kosovo do not implement the most advanced managerial practices or the best practices for marketing strategies, promotional strategies or those for informative systems. Most of the entrepreneurs and managers develop their business objectives and concepts without preparing in advance a plan or a strategy. Feasibility studies are very rare.

Taking into consideration the changes in economic and political system that happened during the period after the war in Kosovo, this article is expected to affect the decision-makers on the development of policies that would improve the business environment and doing business in Kosovo.

## **2. The current economic situation in Kosovo and in the region**

Uncertainties from the previous years continued to be present in the global economy also during the years of 2014 and 2015. These uncertainties are pronounced mostly in the economies of the Eurozone which grew in 2014 but at a lower pace compared to the previous year. The contributors of the economic growth in the Eurozone were mainly the exports, while the problems of public finances continue to be the main source of uncertainty in some economies of Eurozone. The economic growth in the Southeast Europe (SEE), among which is included also Kosovo, recorded an increase of 6.0% in 2014. The sectors that contributed to this growth were the sectors of energy (energy production), trade, financial sector, and the agriculture sector.

Regarding the countries of the Eastern Europe, they also have gone through the economic crisis like the Eurozone countries, due to the high level of economic integration that these two regions have. During the period of the crisis, except Albania which recorded a positive economic growth of 3.3%, all the other economies of the Southeast Europe have recorded lower growth, but it is important that it was not negative, e.g. Croatia recorded the highest growth of 5.8% while FYR of Macedonia recorded the lowest growth of 0.8 %. But 2010 was not characterized with positive growth. Croatia, Romania and Montenegro had negative growth of GDP (IMF, 2010). Despite the fluctuations of economic growth in the region, Kosovo was characterized with positive but very low GDP growth. The current level of GDP in Kosovo is €4.2 billion, which is twice less than Albania and three times less than Bosnia and Herzegovina, making it one of the poorest countries in the region (IMF, 2010).

Despite the fragile situation in the external sector, Kosovo's economy in 2014 continued to expand, recording a rate of real growth of about 4%. The main carrier of the country's economic growth was the private sector, through the increase of

consumption and investments. In this regarded also the investments in public sector had an important positive impact on the growth of the economy.

On the other hand, the rise of the prices at global level was reflected also in the economy of Kosovo, where the average inflation rate for 2014 was 7.3%. The main causes of the increase of overall prices were the rise of prices for food products and oil, which are also the main products that are imported in our country. Kosovo's economy continues to be characterized by a high level of current account deficit, which is mainly caused by the trade deficit. The relatively low level of exports and the high level of imports caused that the trade deficit to reach a value of around €2.2 billion in 2014. Unlike the trade in goods which is highly negative, the trade for services is characterized by a positive balance which is preventing the further deepening of the deficit. Significant contribution to the narrowing of the current account deficit, continue to play the transfers from abroad, especially remittances. Lastly, within the capital and financial account, as the main category continues to be the Foreign Direct Investments (FDIs), which in 2011 recorded a growth of 14.4%.

### 3. The main economic indicators and the growth of private sector

The evidences show that the Government's decision of 2008 to increase the level of public investments for more than 120% was the main driver of economic growth. Furthermore, this reallocation of resources towards the public investment has been a stimulus for the economy to record an increase of over 4% in 2009, a period when most of the other countries in the region were facing economic decline. Due to the relatively low level of integration into the global economy and due to weak fiscal policy, the Kosovo's economy has been significantly protected from the Global Financial Crisis of 2008.

Based on the reports of the World Bank<sup>1</sup>, during the recent years, a large part of the economic progress has been from the donor aids and remittances, which cannot be the basis for sustainable economic strategy. Poverty continues to remain a problem in Kosovo. Based on the reports of UNDP<sup>2</sup>, the unemployment rate in Kosovo is about 43%, 34% of people live in poverty with less than 1.41 Euros per day, while 18% of the people live in extreme poverty with less than 0.94 Euros per day.

The number of new entrants in the labour market is very high compared to neighbouring countries, because Kosovo has more than 70% of the population under the age of 35. It is estimated that the number of young people who enter every year in the labour market is that big that required at least a real economic growth of 7.0%, in order to be able to absorb all these new entrants and to contribute on the reduction of unemployment<sup>3</sup>. According to the Progress Report of European Commission<sup>4</sup> for Kosovo in 2014, is indicated that despite the economic growth that Kosovo is having, it is not creating enough jobs to absorb the new entrants and to reduce the pressure on the labour market. Since a large number of new jobs places can be created by SMEs, through the establishment of new SMEs and the growth of the existing ones, then the successful implementation of the SME Strategy will be the main contributor for the economic growth in Kosovo.

**Table 1:** The main macroeconomic indicators planned for the period 2008-2014<sup>5</sup>

Decryption	2008	2009	2010	2011	2012	2013	2014
Consumption in mil. euro	3.912.8	4.218.2	4.325.0	4.652.1	5.104.3	5.437.9	5.742.9
Investments in mil. euro	1.123.7	1.340.3	1.405.0	1.565.0	1.422.3	1.460.2	1.397.9
Neto Exports in mil. euro	1.420.4	1.536.1	1.525.8	1.622.4	1.576.7	1.665.2	1.748.8
GDP in mil. Euro	3905	3912	4289	4639	4978	5214	5501
Real Growth of GDP, in %	6.9	2.9	4.0	5.3	5.1	5.4	6.0
GDP per capita, in mil. Euro	1847	1848	1966	2127	2249	2321	2412
Inflation, in %	9.2	-2.4	3.5	5.3	2.1	1.5	1.4

1 World Bank, *Country Partnership Strategy for the Republic of Kosovo for the period fy12-fy15*, May 2012

2 UNDP, *Kosovo Human Development Report 2014*

3 Ministry of Trade and Industry, *Strategy for development of privat sector in Kosovo*, February 2013

4 European Commission, *Progress Report 2014 for Kosovo*, October 2014

5 Ministry of Economy and Finance, Department of Economic Policy and Public Finance International Cooperation, Macroeconomics Unit, *Kosovo Economic Bulletin January - June 2015*, Prishtine

#### 4. The strategy for SME development in Kosovo

Starting from 2005, the Government of Kosovo has adopted a considerable number of strategies. Among the most important strategies can be mentioned: the Strategy for Employment, the Strategy for Energy, the Strategy for the Development of Higher Education, the Government Programme, the Action Plan for the Prevention of Informal Economy in Kosovo, among others. The Strategy for the Development of the Private Sector was prepared in 2008, but is not approved by the Government of Kosovo.

The development of SMEs is mentioned in the Strategy for the Development of the Private Sector<sup>1</sup> as one of its components, but it is not associated with any Implementation Plan. For the preparation of the Strategy for SMEs, were consulted all the other relevant strategies. However, all the other strategies adopted so far are associated with Implementation Plans. The possibility for successful implementation of the strategy is a function of the connections between the activities described in the Implementation Plan and relevant objectives.

The strategy for SME development in Kosovo is based on the European Act for Small Businesses. This Act is a key policy document for the development of SMEs in Europe. Kosovo respects the guidelines and rules of the EU since 2002, when it was also created the Department for the Development of the Private Sector. Since the establishment of the Agency for SME Support in 2006, Kosovo has been officially included in the European Charter for SMEs that rely on the same document of 2000. The success of the European Charter for SMEs is reflected in the European Act for Small Businesses, which has put the SMEs' policy at the centre of economic and administrative decision making. It is also considered a success for the EU in general and for the SMEs in Europe in particular. In fact, this strategy is an important tool for the implementation of the Act for Small Business and for leading the process for the reform of the Kosovo's economy and for the establishment of SMEs at the centre of economic and administrative decision-making here. SMEs are and will be the engine for economic development that will provide new working places, economic growth and economic prosperity but only under a suitable economic framework.

According to the data from Kosovo Business Registration Agency (KBRA)<sup>2</sup> - the number of SMEs registered until December 31, 2011 was 103,755. All these SMEs employ 216,799 workers or 79.59% of total employees in the private sector or 62.24% of total employment in Kosovo.

The size of SMEs in Kosovo is defined by the Law no. 2005/02-L5<sup>3</sup> and by the Law no. 03/L-031 for the support of Small and Medium Enterprises. The number of employees is the sole criteria for the classification of enterprises by size in Kosovo. This presents the difference with the EU countries where in addition to the number of employees is taken into consideration also the annual turnover. The following table provides the spectrum of registered enterprises in Kosovo on the basis of the number of employees.

**Table 14:** Registered Enterprises in Kosovo based on the Numbers of Employees – 2011

Classification according to size	According to the number of Employees	According to the number of Enterprises	% in Total
Micro	1 – 9	102,070	98.37
Small	10 – 49	1,406	1.35
Medium	50 – 249	221	0.22
Big	250 and more	58	0.06
Total		103,755	100.00

1 Ministry of Trade and Industry, *Strategy for development of privat sector in Kosovo*, February 2013

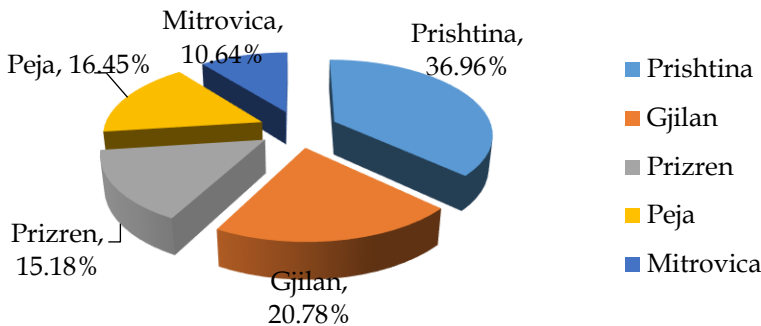
2 Ministry of Trade and Industry, Agency for the registration of small and medium enterprises in Kosovo, *Annual Report 2015*

3 Republic of Kosovo Assembly, *2005/02-L5: Law on Support to Small and Medium Enterprise*, March 2005

4 Ministry of Trade and Industry, Agency for the registration of small and medium enterprises in Kosovo, *Annual Report 2015*

If we provide an overview of the registered enterprises according to the region, is noted that the region of Prishtina has about 36.96% of the registered businesses at the national level, follow by the region of Gjilan with 20.78%, Prizren with 15.18%, Peja with 16.45% and finally Mitrovica with 10.64%.

**Figure 11:** Enterprises registered in Kosovo according to Region, in %



The data provided by Kosovo Business Registration Agency (KBRA) and presented by the following table, provide information related to the structure of ownership of registered enterprises in Kosovo. Individual Businesses clearly dominate the ownership structure with 90%. The rest of the companies are general partnership (3.2%), limited liability companies (5.8%), foreign-owned enterprise (0.46 %) and joint stock companies (0.35%).

Certainly the type of the ownership presented below shows the shortcomings of SMEs in Kosovo, because it shows the reluctance of SME owners to bring together financial and human capital in the most advanced forms of business.

**Table 3<sup>2</sup>:** SMEs according to structure of Ownership in Kosovo

No.	Structure of Ownership	Number of Enterprises	% in Total
1.	Individual Businesses	93,129	90.00
2.	General Partnership	3,383	3.20
3.	Limited Partnership	90	0.08
4.	Limited Liability company	6,170	5.80
5.	Joint-Stock Companies	368	0.35
6.	Foreign owned enterprises	486	0.46
7.	Social Enterprises	16	0.01
8.	Public Enterprises	12	0.01
9.	Agricultural Cooperative	68	0.06
10.	Other - under the jurisdiction of Kosovo Privatization Agency	33	0.03
Total		103,755	100.00

On the other hand, the registration of businesses according to time periods, 1999-2005 and 2005-2014, shows a significantly positive change in the structure of business registration in the second period. This positive change is as a result of the awareness of businesses for the most advanced forms of capital merger and of tools in favour of general partnerships, joint ventures and particularly of limited liability companies which marked a significant increase in this period.

1 Ministry of Trade and Industry, Agency for the registration of small and medium enterprises in Kosovo, *Annual Report 2015*

2 Ministry of Trade and Industry, Agency for the registration of small and medium enterprises in Kosovo, *Annual Report 2015*

In the period 2008-2014 were closed 4,177 businesses, namely 8.54% of total number of registered businesses in this period. Regarding the businesses that failed or got de-registered, we must emphasize that this data should be taken with great reserve because under the current law, if a business wants to change the form of ownership it must firstly be de-registered and then to be registered again in the new form of ownership.

In addition, the informal economy prevents the fair competition and increases the relative costs of enterprises that operate in the formal sector. The informal labour contracts and the systematic evasion of social security, contributes to the weaken of labour protections and decreases their social gains. They also have a negative impact on the fiscal budget and on the entire social infrastructure due to the decrease of revenues and a subsequent reduction of proper public services.

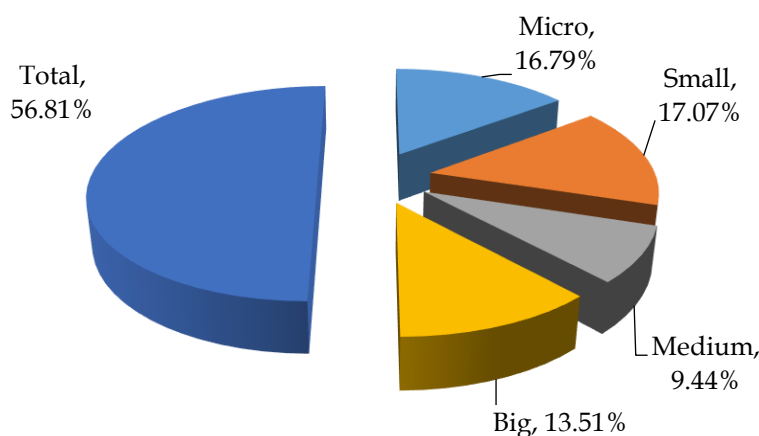
According to the "Government Programme for the Prevention of the Informal Economy in Kosovo for 2013-2014"<sup>1</sup>, the estimated size of the informal economy ranges from 39% to 50% of GDP.

**Table 4<sup>2</sup>:** Annual Turnover according to the Size of Enterprises and of GDP, 2014

Size of Enterprises	Number of Enterprises	Turnover (€)	Participation in GDP (%)
Micro	14,968	656,885,164.33	16.79
Small	1210	667,585,914.82	17.07
Medium	185	369,455,655.16	9.44
Big	58	528,558,359.84	13.51
Total	16,421	2,222,485,094.15	56.81

Based on the data from the Tax Administration of Kosovo (TAK)<sup>3</sup>, presented in the table above, the total SME turnover in 2014 was €16.4 million or 43.3% of GDP. Total turnover of all businesses, including big businesses, was €2.2 million or 56.81% of GDP.

**Figure 2<sup>4</sup>:** The participation of SMEs in GDP, in %



<sup>1</sup> Office of Prime Minister Kosovo, *Action Plan of the Economic Vision of Kosovo 2011-2014*, July 2011

<sup>2</sup> Tax Administration of Kosovo, *Report 2014*

<sup>3</sup> Tax Administration of Kosovo, *Report 2014*

<sup>4</sup> Tax Administration of Kosovo, *Report 2014*



In the European Commission's Progress Report for Kosovo 2010<sup>1</sup>, were identified three main barriers with which were faced the businesses in Kosovo. The first barrier is related to the unreliable and unstable supply with electricity and water which are particularly serious for the SMEs that deal with production. Also, the other main barriers for the rapid development of SMEs are considered the limited access to financial resources. The third barrier is the insufficient rule of law, which affects also all the citizens of Kosovo.

However since 2008, there were also a number of important achievements which have resulted in the improvement of business environment for SMEs in Kosovo. In the past years (since February, 2008 when Kosovo declared its independence) were conducted tax reform and was reorganized the process of VAT collection through fiscal arcs, despite oppositions that came from some business associations. These were important developments in terms of reducing the level of informality in the SME sector and the improvement of relations between the business community and the state. The tax revenues have significantly increased due to the lower of tax rate from 20% to 10%, and also due to the improvement of law enforcement, expansion of the tax base and due to the better reorganization of tax collection process<sup>2</sup>.

Significant improvements have been made also in legal and administrative matters and SMEs can now register through the Centre "One Stop Shop" in the respective municipalities. These were established with the support of the World Bank and the European Commission. The Kosovo Business Registration Agency (KBRA) makes online business registration, application for fiscal number, the VAT and import-export permits for small businesses.

#### 4.1. The strategic goals of the development of SMEs

Kosovo for the first time, since its involvement in the report of the World Bank "Doing Business"<sup>3</sup>, marked the greatest progress in the ranking of this list. Compared to last year, when Kosovo was positioned in the 117th place, this year our country is listed as the 98th country on the ease of doing business among 185 countries in total. So, Kosovo has been improved for 19 places in business indicators report, which was released in late 2012 by the World Bank.

The assessment of this report is based on 11 indicators, namely, starting a business, obtaining construction permit, supply with electricity, registering of the property, getting loans, protecting investors, paying taxes, trade across borders, enforcement of contracts, resolving insolvency and the employment of workers.

Kosovo has made progress in the first point which is "starting the business" by eliminating initial capital requirement and the payments for business registration. The protection of investors is strengthened and the process for business registration has been accelerated and simplified, suggested the report "Doing Business"<sup>4</sup>.

According to the World Bank, the protection of investors has improved by 74 positions, resulting in the largest increase, compared with other indicators in this report. However, progress has been made also in the index on the ease of opening a new business, where we shifted from position 168 (in 2011) to the position 126 (2012). Also the indicator for the trade across borders has been improved by 7 positions.

#### 4.2. Exports and SME plans for growth and development

In the new fiscal package for 2014, it was foreseen that for SMEs that deal with export – import to reduce for them the customs procedures and the required documents. So the number of documents required by Customs of Kosovo now is only 3 documents instead of 9 documents as they were before. At the same time, the new law opens the way for the creation of the Division for the Complaints for Customs, Tax Administration of Kosovo and property tax. The purpose of the formation of this division was to reduce the time needed to resolve the complaints of businesses (Ministry of Finance, 2011).

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1 European Commission, *Progress Report 2010 for Kosovo*

2 European Commission, *Progress Report 2010 for Kosovo*

3 World Bank, *Doing Business 2015: Going Beyond Efficiency*, 2015, Washington

4 World Bank, *Doing Business 2015: Going Beyond Efficiency*, 2015, Washington

The data for the trade balance provided by the Central Bank of Kosovo (CBK)<sup>1</sup> show that Kosovo continues to have a very negative balance. The following data show imports and exports during the recent years and their tendency. Kosovo's trade exchange in 2011 reached a value of €2.7 billion, an indicator that is higher compared to 2010 for 14.7%. Regarding imports, they amounted to over €2.4 billion, 15.9% higher compared to 2010. The exported goods have reached the value of €313 million, or an increase of 6.5%. For this period, the coverage of imports by exports was 12.6%. Trade with the European Union and with the countries of the region (CEFTA), make up the majority of Kosovo's foreign trade, 72.7% of total trade.

**Table 5<sup>2</sup>:** Kosovo's trade balance (in millions of euro)

Selected Indicators	2008	2009	2010	2011	2012	2013	2014
Real GDP Growth (%)	4.5	3.6	3.3	4.4	2.8	3.4	1.2
GDP (mln EUR)	3.710.7	4.077.0	4.136.5	4.486.0	4.949.9	5.232.9	5.392.0
Inflation (annual average)	9.4	- 2.4	3.5	7.3	2.5	3.6	3.4
Loans (mln EUR)	1.183.4	1.289	1.458.7	1.698.1	1.763.4	1.805.8	1.882.4
Deposits (mln EUR)	1.444.1	1.744.8	1.936.9	2.104.0	2.279.0	2.449.0	2.537.5
Exports of goods and services	547.1	683.8	781.5	907.0	948.4	944.7	1.081.9
Import of goods and services	1.967.5	2.219.9	2.307.3	2.529.4	2.225.1	2.609.9	2.830.7

According to the research, the number of exporting enterprises in Kosovo remains the same as in 2013. Only 5.17% of the enterprises export goods and services, while the vast majority of SMEs, approximately 94.61%, were unable to penetrate into the foreign markets. While in terms of certificated for quality standards, only 11.37% said that they possess it and 1.9% is in the process of obtaining this certificate (see Table 6).

**Table 6<sup>3</sup>:** Exporting SMEs and possession of quality standards

Are you an Exporting Enterprise	%	Does your SME has the quality standards or accreditation ISO; ISO 9001; ISO HASAP	%
YES	5.17	YES	11.37
NO	94.61	NO	86.73
Other	0.22	In the process of standardisation	1.90
Total	100.00	Total	100.00

Enterprises face various obstacles during their exporting and importing activities. The obstacles and problems are reflected in the following table considering the data from the 2014 research.

1 Central Bank of Kosovo, *Annual Report 2014*, June 2014

2 Ministry of Economy and Finance, Department of Economic Policy and Public Finance International Cooperation, Macroeconomics Unit, *Kosovo Economic Bulletin January - June 2015*, Prishtine

3 Business Support Centre Kosovo, *SME Survey 2010 and 2011*, Prishtine

**Table 7<sup>1</sup>:** The main obstacles to export according to the answers, expressed in%

Main Obstacles	%
1. Lack of personal documentation (e.g. Visa)	10.3
2. Delays at the border	9.9
3. Lack of information on market	9.4
4. Lack of infrastructure	9.4
5. Political Risk	9.4
6. Inadequate Legislation	8.9
7. Certificate on the Origin of the good	8.9
8. Inefficient Functions of Banks	8.9
9. Respect of the Contacts	8.5
10. Implementation of reciprocity	8.5
11. Certificate on quality	8.0
Total	100.0

If we refer to the indicators of total import and export of Kosovo, it is shown that the EU has an important place in the country's trade balance. Thus, according to the destination (group of countries), in 2014, the trade turnover with the EU accounts for 38.5% of total trade or around € 1.07 billion. This figure is 12.9% higher compared to 2013. The value of import is over € 940 million or 37.9 % of total import value, marking an increase of 14.5% compared with the same period of 2013. Within the EU countries, we have a predominance of imports from these countries:

- ✓ Germany - over € 292 million or 11.8% of total imports in Kosovo and 31% of total EU imports.
- ✓ Italy - about € 157 million or 6.3% of total imports,
- ✓ Greece - € 103 million or 4.2% of total imports,
- ✓ Slovenia - € 71 million or 2.9% of total imports,
- ✓ Bulgaria - € 50 million or 2% of total imports, etc.

But in terms of volume of exports by destination, in 2014 most of the exports of Kosovo have been oriented towards EU countries, amounting to € 135 million or 43.2% of total exports. The three most important countries mentioned below (Italy, Germany and Slovenia), cover 84% of total EU exports. Ranking of countries is as follows:

- ✓ Italy is regarded as the most attractive country for exports, and covers 62% of Kosovo's exports to the EU and 26.7% of total exports,
- ✓ Germany ranks as the second covering 17% of total EU exports and 7.5% of total exports,
- ✓ Slovenia ranks the third with 4.4% of total EU exports and 1.9% of total exports.

It should be pointed out that in 2014 there is a significant drop in the volume of exports towards Belgium for 55.6% and Bulgaria for 87.8%, countries that have previously covered a relatively large part of the value of exports towards EU countries.

### 4.3. The structure of Exports and Imports

Regarding the structure of exports, it still remains the same. It is mainly realized in the form of raw materials and unfinished products. Exports are dominated by base metals and are as follows:

- the mineral products in 2014 covered 73% of total exports (iron and steel, copper and copper articles)
- machinery and mechanical equipments occupy 4.8% of total exports,

<sup>1</sup> Business Support Centre Kosovo, *Entrepreneurship and Small Business Development in Kosovo in 2013: Research report*, 2013, Prishtine

- prepared foods and beverages (alcoholic) represent 4.1% of exports to Kosovo
- plant products occupy 4% of total exports,
- plastics, rubber and related items cover 4% of total exports,
- Textiles account for 3.5% of total exports.

The structure of imports remained similar to last year, being dominated by these categories:

- Group of mining products, prepared foods, beverages and tobacco as well as the category of machinery and equipment totalling to a value of € 1.1 billion or 44.7% of total imports.
- Group of food products, which consists mainly of agricultural products - livestock and food industry, occupy 22.6% of total imports in Kosovo reaching to a value of € 560 million. This group of food products is dominated by beverages, alcohol and vinegar, tobacco and manufactured tobacco substitutes, meat and meat-based products, cereals, sugar and sweets, dairy products, etc.

## 5. Conclusions and Recommendations

The conclusions that derived from the conducted analysis are as follows:

- From the structure of ownership point of view, most of the businesses are organized as individual businesses (89.4%). Only 8.3% of the companies in the sample are organized as business partnerships and 1.8 % as shareholders. These new data confirm that the business partnerships are not a common practice among SMEs in Kosovo.
- There exist large differences in terms of business ownership by gender. The research results show that only 6% of businesses are owned by woman. This suggests a low level of women as entrepreneurs.
- In terms of partnership in business, approximately 66 % of entrepreneurs said they have family relationships, 15% have a professional relationship, and 15 % were joint financing. These statistics are a concern for the development of the SME sector.
- Nearly 48% of companies stated that their turnover decreased in 2015. From the total SMEs, 22% think that they did not have changes in turnover while 30% marked increase in turnover compared with 2014. The survey results show an increase in total assets in 2015 compared to 2014. This increase is followed by fixed assets and working capital investment in land.
- The research results show an increase in investments by 28%, in 2015 compared to 2014. About 61% of investments were financed from domestic sources, suggesting the importance of inner financial resources for the growth of the SME sector in Kosovo and a lower role of the banks to support the financial needs of SMEs.
- According to the managerial level (general manager and department manager) about 47.36% of employees in SMEs have high school and the rest or 45.34% are with vocational school or general school.
- According to the findings of 2015, the most important strategy for business in Kosovo is the improvement of the quality of products and services (47.7%), followed by the strategy for the reduction of cost (19.5%), strategy for marketing and promotional activities (14.8%), strategy for the advancement of technology and equipment (10.9%), and strategy for increasing the skills of employees for better performance (7.0%).

## Recommendations

According to the analysis made in this study, it appears that for the support of SMEs in the development of entrepreneurial activities or strategic management activities are provided the following steps:

- The first step is to encourage as many SMEs to enter the formal sector. With the introduction of the regulatory procedures for businesses, a greater number of SMEs will be encouraged to enter the formal economy. This should provide to SMEs greater opportunities to access the credit and financial opportunities and greater possibilities to solve the commercial problems, while on the other hand to contribute on the overall development of the market economy and on the creation of sustainable jobs in the SME sector.
- The second step is to improve the facilitation of business closure or to change the registration forms by ownership. It is extremely important to take initiatives in this area to ensure that the honest entrepreneurs can start off their businesses after they failed in a particular area, or has changed the form of ownership towards more advanced forms of business development.
- The third step is to organize a campaign to empower the role of women in the establishment and development of sustainable enterprises.
- The fourth step that is accepted is that companies should provide training and education to employees in order to empower them and to engage them in changes.
- The fifth step is the development of the vision and business mission (short and long term strategic objectives, alternatives and flexible strategies from environmental change, etc.) from the senior management team.
- The sixth step also recommends to the firms that they must effectively use new technology (manufacturing and information technologies), to engage in available strategies (by using global markets and cooperative strategies), to develop a flexible structure (e.g. horizontal) and to develop a culture that emphasizes organizational learning.
- The seventh step suggests the use of innovative approaches to address changes in the enterprise. The management should assess the impact of change on employees and on their company. This step forces managers to establish criteria for predicting the success of the changes before the implementation begins.

## 6. Summary

Kosovo is now going through a late period of transition challenge, where the development of the new private sector plays and will continue to play a crucial role in the recovery and development of the economy. This can be illustrated by the fact that majority of private initiatives, such as family businesses, have experienced a rapid expansion in the years of transition, especially in the trade sector. This was not as the result of favourable conditions and of appropriate environment, but due to the acts of Kosovo entrepreneurs in the sector in which with smaller investments can realize profits, and because of rapid turnover of capital.

Economic policies in Kosovo as presented in Governmental Development documents, determine the need for the development of safe and unimpeded private sector, but nevertheless, the sector of small and medium enterprises (SMEs) still has not won the needed affirmation and support which is very common for the developed countries and for some countries in transition.

The sector of SMEs is of great importance because it is a flexible sector and capable to create new jobs. Also this sector is quite profitable in domestic revenues, beneficial for Kosovo's budget, GDP etc. They are advantages because operating with local assets; both the material and human assets. During the exercise of their activities in Kosovo they have their own advantages for using a cheap labour force, etc.

Due to the unfavourable environment for business that dominated in the past, due to the lack of cultural and creative entrepreneurship and due to the lack of investment in Research and Development, Kosovo lacks innovative firms with rapid growth, which are key contributors to creating of jobs in developed economies.

Kosovo has a great potential for the development and progress. It has a central location in the region. It is located among a potential market in Europe with 100 million people. It is rich in natural resources and is characterized with a very young workforce motivated by a strong entrepreneurial spirit. It has a powerful Diaspora that continues to keep Kosovo alive through remittances for decades. All these resources only need to be used in a wise and at accelerated pace. It is true that being in step with regional and global players will not be an easy path for Kosovo businesses.

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## **Comparative Perception Among Minority Communities on the Knowledge of UN Convention of the Rights of Child, Institutional Responsibilities and Child Participation in Decision Making Processes**

**Nehare Zeqiraj**

International Relation Specialist

### **Executive summary**

The survey document is mandated to address two issues in Republic of Kosova as following:

- I. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection in 5 Kosovo regions: Peja Gjakova, Ferizaj, Prizren and Fushe Kosovo
- II. Evaluation of the communities knowledge on existing services in case of violations of the children rights in 5 Kosovo regions: Peja Gjakova, Ferizaj, Prizren and Fushe Kosovo

Specifically we attempt to answer the following questions by the Roma, Ashkali and Egyptians Children, parents and team leaders from the communities:

#### **Questionnaire for the children of RAE communities is as following:**

1. What rights do you think people should have?
2. What rights do you think Children should have?
3. What rights are most important for you?
4. What rights do you think you do not get?
5. Which people do not respect your rights? Can you give me an example?
6. Have you been told what your rights are and told them to you?
7. Have you told someone if your rights have not been respected? Whom did you tell in that situation? Which person you told? Whom would you tell in the future?
8. What more information would you like to know about your rights are?
9. What people do you know of that can help you in case your rights are violated?
10. What worries or issues do you have today?
11. What do you think should be done about this?
12. If you or your friends are/is abused / beaten, what would you do?
13. Is there anything else you would like to say?

#### **Questionnaire for the Team Leaders of RAE communities are as following:**

1. What do you understand with human rights?
2. What do you understand with children rights?
3. What is the basic human rights (how do you understand them) ?
4. What do you think your responsibility is in the community?
5. Do you think that your rights are violated and by whom? (Please give an example when do you think your right is violated and by whom)?
6. Do you think as a Team Leader in the community has violated the right of you citizens (if yes please give an example)?
7. Have you ever heard about the rights of the Roma, Ashkali and Egyptians Communities? If yes, what legal documents you know that protects the rights of community and human rights in general?
8. Do you know what are your rights and responsibilities towards citizens? (Please list them with examples)?

9. If your right is ever violated from the community or the institutions do you know where you should ask for the support?
10. What are your rights in decision-making aspect in your community?
11. Did ever happened that your rights are violated, in health, education, court, social welfare issues etc, (Please give an example)?
12. Do you know the institutions that protect human rights?
13. Did you ever heard about the UN Convention for the Rights of the Child?
14. If yes, do you know what it is?
15. If yes, do you know what the rights of child are? Can you list them some of the rights)?
16. What are your responsibilities as \_\_\_\_\_?
17. Do you think that protection of the rights of the child at your community is at the satisfactory level?
18. What can be done do get improved/ change the situation?
19. Do the children know how to contact you in case they need your help?
20. What methods you apply when you work with children?
21. Do you have anything else that you might like to add?

**Questionnaire for the parents of RAE communities are as following:**

1. What do you understand with human rights?
2. What do you understand with children rights?
3. What is the basic human rights (how do you understand them) ?
4. Do you think that your rights are violated and by whom? (Please give an example when do you think your right is violated and by whom)?
5. Do you think as a parent in the community has violated the right of you citizens (if yes please give an example)?
6. Have you ever heard about the rights of the Roma, Ashkali and Egyptians Communities? If yes, what legal documents you know that protects the rights of community and human rights in general?
7. Do you know what are the rights and responsibilities of your child? (List them with examples)
8. If your right is ever violated from any institutions, do you know where you should ask for the support?
9. What are your rights in decision-making aspect and what are the rights of your child in decision making?
10. Did ever happened that your rights are violated, in health, education, court, social welfare issues etc, (Please give an example)?
11. Do you know the institutions that protect human rights?
12. Do you think that children should have their rights?
13. Did you ever hear about the UN Convention for the Rights of the Child
14. If yes, do you know what it is?
15. If yes, do you know what the rights of child are? Can you list them some of the rights)?
16. What are your responsibilities towards your child?
17. Do you think that you are doing your best for your child?
18. What do you think is the most successful to discipline your child?
19. Do you know why your child is worried now?
20. Do you know what their wishes are?
21. If your child is abused/ beaten from an adult, how would you act?
22. Do you think that education is important? Why?
23. Do you have anything else you would like to say?

**Our methodology included the following:**

- a. Analysis of written resources: Laws and regulations, communications, published articles, policy papers from official and unofficial sources.



b. Interviews with children, parents and team leaders from the RAE communities in 5 Kosovo regions: Peja, Gjakova, Ferizaj, Prizren and Fushe Kosovo

The first chapter of the this report discusses the political and legal context of the RAE communities in Kosovo, engagement of the international and national organizations central and local government of Kosova in the implementation of legal policies that protects and promotes the Roma, Ashkali and Egyptian communities , their education and social inclusion.

Second chapter contains evaluation of the three target groups of children, parents and team leaders of Roma, Ashkali and Egyptians communities parents and leaders and children with specific focus on the knowledge of the UN Convention for the Rights of the child, knowledge of the children on basic human rights, institutions that protect their rights and service delivery including child participation and decision making, whilst from the children is asked to know the mindset and knowledge on their rights, their practical approach to the institutions in charge . Also it is required by the team leaders and the youth to see their engagement in the community, their support towards community and the children rights protection from the ground.

## Introduction

*Whatever you aspire, whatever you may do –*

*First feed the face and then talk right and wrong.*

*For even saintly folk may act like sinners*

*Unless they've had their customary dinners.*

**Berthold Brecht, Die Dreigroschenoper**



Fig 1. Kosovo map<sup>1</sup>

<sup>1</sup> Map of Kosovo <https://www.cia.gov/library/publications/the-world-factbook/graphics/maps/kv-map.gif>

## I Chapter

The context of the minority rights and the engagement of government of Kosovo to implement the human rights legal framework and policies for the communities are considered quite necessary, and responsibilities of the local government are one of the key factors towards its implementation on the ground. Whilst the need for social integration of RAE communities was a political requirement of the EU to create the needed legal documents in power and designed in order to support proper implementation of the National and International legal policies and strategies for RAE inclusion in Kosovo, to be able to start the process of EU accession.

European Union, apart from dealing with economic issues, trade and prosperity it is also dealing with human rights in general. The concept of the human rights entered in the tractate of the establishment of EU. Therefore, human rights were elaborated in the tractate of the convention on the human rights and the basic rights which entered in to force in 1953.

In the all mentioned human rights forms, the most risked community in Kosovo society are (RAE) communities' 35,000-40,000 members of Roma, Ashkali and Egyptians. Historical injustice deeply were applied while the damages of the infrastructure resulted from the war conflict 1999, created uncertain support for the communities, in health and social life. From the statistics of the year 2004 it showed that RAE communities of age 15-24 years old about 75 % of men and 90% of woman were unemployed. Illiteracy was evaluated to be at 16%. And one in 2 children lived with only 2 euros per day. EU Commission and Foundation for the Open Society has implemented a project on the integration of RAE communities in education, social and cultural society.<sup>1</sup>

### Political and legal context

The Strategy for the Integration of RAE Roma Ashkali and Egyptians Communities, 2009-2015, was approved by the government of Kosova in December 24, 2008. The Kosovo Action Plan<sup>2</sup> for the implementation of the Strategy was presented in March 2010. In the introduction the Strategy is considered by the government as important instrument to achieve the fundamental goals, central to the realization of minority rights- participation, inclusion and fulfilling obligation.

In the context of the legal and policy developments for RAE communities, the Constitution of Kosovo was drafted, including specific measures of the Ahtisaari package. In addition to incorporating the international human rights documents within the Constitution, the Government of Kosova is pledged to use the affirmative measures in order to quickly improve the situation of the three communities. From the position of the European Union, implementation of the Strategy is the key element of the EU criteria for Kosovo to be able to start the process of EU accession. The REA Strategy was seen as important document for the implementation of the community rights in all related fields, education, child protection, cultural and social inclusion, as a feedback from the ministries in line with mandatory obligations to improve the social inclusion of the RAE communities.

### Responsibilities

As the government of Kosova has taken on the overall responsibility to integrate Roma, Ashkali and Egyptian communities it follows that specific agencies of the government would be tasked with seeing to the realization of this objective. In fact there are a number of agencies tasked<sup>3</sup>. The specifics are divided between the ministries and municipalities. At the central level the responsibilities are divided between the local levels that directly are mandatory to work in line with the central level under responsibility of the Prime Minister's office, Office for Good Governance, Equal Opportunities, Human Rights and Gender Issues OGG, leading the Strategy technical Working group with the role to coordinate, share information's, formulate and prioritize the policies. Including in these goals are harmonizing government and donor investments, solving budget issues and preparing the biannual report on strategy implementation. This group includes senior civil servants and several agencies as European Commission liaison office, KFOS. From the local level- municipality level there are human rights units responsible to work with communities in the ground and try to solve the concerns of the communities from

1 Assistance of the EU for Kosovo, ( Assistance to the people in need)-[www.delprn.ec.europa.eu](http://www.delprn.ec.europa.eu)

2 [http:// www.aktion302.de/fileadmin/aktion302/kosovo-integration-RAE-2009-2015.pdf](http://www.aktion302.de/fileadmin/aktion302/kosovo-integration-RAE-2009-2015.pdf)

3 [http://www.ecmi-map.com/map/index.php?option=com\\_content&view=category&layout=blog&did=35&itemid=62@lang=en](http://www.ecmi-map.com/map/index.php?option=com_content&view=category&layout=blog&did=35&itemid=62@lang=en)

bottom level, in cooperation with Office for communities at the municipality level and other municipality level departments as education, health and social department.

In the year 2010 EU has given the effort and proper support to ensure the education for all children of the communities in Kosovo and from the survey only 20% of the RAE communities do not have a single year of education. Only 4% finished obligatory elementary school of 9 nine years of schooling and 33% of RAE woman do not attend schooling at all.<sup>1</sup>

Even the Ministries from government of Kosova are committed to protect and promote the rights of the RAE communities, however obstacles and the concerns are presented among the children of the communities as the rights and the obligations by the government institutions itself are not applied to the community children. The institutions itself and Human Rights Units existing at the level of the municipalities and the main central level ones at the central level of ministries are obligated to monitor the communities in the regions and perform their obligations through the informative sessions either collaborate with the community Units at the municipality level and close collaboration should be applied also with the parents of the children from RAE communities and youth and the community leaders in general.

Finally, the Article 42 of the UN Convention for the Rights of the Child states that every individual should know for his rights according to this Convention, child or adult and the government should inform people about this Convention, whilst the articles 43-54 of the Convention state that governments and international institutions are obliged to work closely in order to implement the rights of the child.

### Key community issues

- I. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection
- II. Evaluation of the communities knowledge on existing services in case of violation of the children rights

## II Chapter

### Evaluation of the questionnaire of Children communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.

During the Survey with RAE- Roma, Ashkali and Egyptian children, it resulted that Convention for Children Rights is not known by the children from communities except some articles that will be described below. The survey shows that Convention for Rights of the Child is not implemented in terms of the knowledge, rising awareness, children participation and information's, by the institutional responsibility that protects and promotes their rights.

With the children from RAE communities of the age 8-14 the survey has been done starting with questions on the children rights, their importance in general asking from the children to describe through examples, what are the rights they don't have, whilst we got an answer from the child respondents that in 89% of the answers they consider that the rights of the child are only „*learning process and playing*“, whilst from 11% of the child respondents answers are that they „*do not know what are their rights*“. In the questions for what do they think about the rights they do not have, in 78% the child respondents answered that, their economy's situation as food, clothing, housing, etc. is something that they do not have whilst 22% of them don't know. In the question about the people whom they think they did violate their rights, in 53% of the child respondents answered that, „*parents, friends or the others from the community did violate their rights*“, whilst 10% responded that, „*this did not happened to them that the rights are violated*“ and 37% among them say „*they don't know who has violated their rights*“. In the question who informed children about their rights and what are their rights, the response was that 90% of the children are informed about their rights from their teachers, whilst 8% among them are informed from their parents, whilst 2% of them have been informed from the „*others in the community, as leaders, neighborhoods etc.*“ regarding the question about what are the children rights and can they list them any, 89 % among them answered that „*the child rights are schooling and play*“ and 11% of them „*they don't know at all*“. In the question whom they told in case they rights are violated 74% of the respondents answered that they told to their „*friends, and parents*“, 3% they say their „*teachers, directors*“ and 23% of them they „*don't know*“. In the question what they want to know about their rights, in 82 %

<sup>1</sup> Assistance of the EU for Kosovo, ( Assistance to the people in need)-www.delprn.ec.europa.eu

the answer was “to have good and improved economic life, including food, house, toys etc.”, whilst 16% they did not answered to this question and 2% among them wanted “to know more about their rights”. In the question about what people do they know to tell them in case their rights are violated, 89% of them they tell to their “parents”, 3% to their “friends” and 8% they “don’t know”. In the question that what are the issues that occupy the children at the day they were interviewed, they answered in 96% they “want to play with their friends and other relatives” but they don’t explain anything more whilst, 3% of them they don’t know and 1% among children declare that their “rights are violated”. In the question if they have been abused or beaten ever or any of their friends is, how they will act, the response among the child respondents was that in 78% they “tried to stop the friends from the conflict”, whilst 20% answered they “were not beaten or been in the conflict ever” and 2% among them they say that they “have invited the parents to solve the conflict”. In the final question regarding their any wish they want to add at the end of questionnaires’ they expressed their wishes as they wanted to have economic life improvements as: proper food, house, toys, dress and creative centers for children.

Questions for the children	Answers with %
<b>What are the rights they don't have?</b>	89% learning process and playing 11% do not know what are their rights
<b>What do you think about the rights you don't have?</b>	78% economy's situation as food, clothing, housing 22% they don't know
<b>Whom they think they did violated their rights?</b>	53% parents, friends or the others from the community did violated their rights 10% this did not happened to them that the rights are violated 37% they don't know who has violated their rights
<b>who informed children about their rights and what are their rights</b>	90% teachers 8% parents 2% others in the community, as leaders, neighborhoods etc
<b>what are the children rights and can they list them any</b>	89% the child rights are schooling and play 11% they don't know at all
<b>whom they told in case they rights are violated</b>	74% friends, and parents 3% their teachers, directors 23% don't know
<b>what they want to know about their rights</b>	82% to have good and improved economic life, including food, house, toys 16% not answered 2% wants to know more about their rights
<b>what people do they know to tell them in case their rights are violated</b>	89% parents 3% friends 8% don't know
<b>what are the issues that occupy the children at the day they were interviewed</b>	96% want to play with their friends and other relatives 3% don't know 1% declare that their rights are violated
<b>if they have been abused or beaten ever or any of their friends is, how they will act</b>	78% tried to stop the friends from the conflict 20% were not beaten or been in the conflict ever 2% have invited the parents to solve the conflict
<b>any wish they want to add at the end of questionnaires</b>	they expressed their wishes as they wanted to have economic life improvements as: proper food, house, toys, dress and creative centers for children

Table 1. Questions for the children and answers in %

## Final conclusions

From the evaluation perspective of the child questionnaire from Roma, Ashkali and Egyptian communities, we come up to the conclusions that Children Rights in the communities of Roma, Ashkali and Egyptians are not known in accordance to the UN Convention of the Rights of the Child. Children from these communities represent the issues as the important one, the needs for the improvement of the social economy, the proper food, housing and clothing, including the needs for play and toys.

After the rights for playing, children's focus was in the importance of education process as a very important one for their development. Requesting adequate services for their development was one the major approach of the RAE children. During the presentation of their knowledge usually children presented the human rights incorrectly and mostly mixing up with responsibilities. So they were not clear what a right is and what responsibility is, so mostly these were not clearly defined concepts in their minds. During the evaluation among the RAE children is noticed that children are not aware about the institutions at the local municipality level, considering all the time that parents are the ones who should know in terms of following and protecting their rights.

According to the UN Convention for the Rights of the Child, by the children respondents from the communities, the article 27 of the Convention is known. This article states the rights for creating sufficient living conditions for the satisfactory child development. Children from the communities have knowledge for the article 28 and 29 of the Convention as well, speaking for the education and their development through education, whilst the Convention states that the rights to education tries to develop the child identity and his capabilities as much as possible and to encourage children in respecting the rights and values of the other people. Children mention in the questionnaire that education is most important and everything related to the performance and questions brings up that the education is very important for them and their development. Children from the mostly known article of the convention have practically talked about the article 31 of the UN Convention for the Rights of Child. They mostly like playing and having creative centers in the communities and having desirable toys they always liked. This is relevant to the article 31 as it states that children have the right for fun, play and creative activities and free time. Apart from three articles mentioned above which are known by the children from the communities, other articles from 1-42 are completely unknown to children and they are not aware of them.

Children are also not aware about the responsibilities of government and international organizations that are bounded to closely work, in order to offer those rights to the children as is stated in the UN Convention for the Rights of the Child. Children are not aware about any central governmental level and responsibilities or local municipality level, whilst they have never had chance to meet people in charge to human rights protection and promotion, except in some cases at the Office for communities at the municipality level and international organization that closely works with communities.

In conclusion, children need to get educated accordingly and become familiar with all articles of the UN Convention on the Rights of the Child. This is a mandatory obligation for international organizations in collaboration with central and local levels of government to offer these children, proper education, knowledge on human rights and responsibilities through systematic and interactive education from pre-primary education and elementary schooling. The human rights education should be offered through pedagogical context in consultation with the authors who designed the materials for pre-primary and elementary education to include articles of the UN Convention for the Rights of the Child. It would be excellent approach to apply mandatory subject in children rights education in schools through the subject of choice. Materials for children rights education should be evaluated by experts and are suitable for the age of the children that they're dedicated to. Children should also be taught and get familiarized about the institutions that protect their rights in case of their endangerment, give children access and include child participation accordingly.

### **Evaluation of the questionnaire of parents in the communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.**

Parents of the children in the Roma, Ashkali and Egyptian (RAE) communities have been surveyed through the questionnaire that target's two above mentioned objectives of the survey. Due to evaluation parents are questioned about their knowledge on human rights and the answer among questioned parents in 92% responded that are "*economic conditions as stated and mentioned food, clothing, home and employment*" whilst in 6% they respond that the human rights are "*education and schooling*" and in 2% they think that "*life without violence and problems*" is basic rights of all human beings. Among parent respondents on the question that what are the rights of the child 98% responded that the children rights are: "*education*" and 2% responded that the rights of the child are "*life without problems and violence*". In the question regarding that "*what are the basic human rights*" the answer was in 92% saying that it is "*food, clothing and housing (good economic conditions)*" whilst in 8% they responded that are "*schooling and education*". In the question made to the parents regarding that, if ever they rights are being violated and if yes by whom, mostly the general answer was from schools, teachers, people from the working place, from their family relatives, husbands, mother in law, neighbor's etc. From this perspective we see that as children also the parents are occupied with economic rights and the above mentioned articles

as stated for the children evaluation. Mostly are occupied with living conditions of life asking for improvement and considering that all of the rights are included in the above mentioned. In the question to the parents have they ever violated the rights of their child? 96% of parents responded that they *"did not violate the rights of their child"*, whilst 3% considered that *"maybe they violated the rights of their child in the occasions were the economic living conditions were poor"*. In the 1% of respondents of the parents responded that they *"don't know"* if they have ever violated the rights of their child. We do understand that from this point of survey there is a trust in the parent's conscience that mostly they did not violate the right of their child, but being not aware about the other articles of the UN Convention for the Rights of the Child, we cannot consider this tolerance as a truth, when from the parents response we see a poor knowledge for the rights of child. When in the other question about the knowledge for minority rights and the documents in power that protects the rights of minorities, from the parent respondents in 99% of cases they *"never heard"*, whilst 1% *"heard about it, but they have no idea about the documents in power that protects minority rights"*. In the question for parents what are the rights of the child responsibilities the answer were listed as following: 98% of parents think that *"the rights of the child is schooling and they have no ideas about responsibilities"*, whilst in 2% think that *"education is responsibility"*. Here we have a mixing of roles of rights and responsibilities; these two concepts should be divided and elaborated. This can be done through methodology of teaching human rights through the manual for parents and the clear picture can be framed in the way that it will later help parents in conceptualizing the rights and responsibilities and will be able to follow the changes of the attitudes of their child as well. In the question *"where would parents search for support if their rights are violated by any institution"*, the answer was 77% they *"will seek support from the police"*, 14% they *"don't know"*, 5% *"will seek for help from municipality"* and 4% that *"it never happened that any institution violated their right"*. In the question that what are the rights in the decision making aspect, the answer from the parent respondent's was that 87% *is the husband who decides* and 13% *is the whole family were the children have their participatory approach in decision making*. This is a psychosocial question, the rights and responsibilities are not clear to the parents and their role is how they are used for the joint collaboration and participatory approach in the family. But, this does not give precise picture as there is no explanation or listed points either, the knowledge for human rights by the parents in general is limited. In the question were parents are asked for any violation ever happened by the any institution as health, court, education or social welfare (questions supposed to be listed in the row) but the answer was that 97% *never happened*, 2% *has happened in education by the teachers, directors*, and 1% *from the court, social beneficiary application*. In the question about the knowledge for the institutions that protect human rights, the answers were listed as following; 70 % they *don't know* about the institutions, 12 % think that *is police*, 6% think *the office for communities in the municipality* and 2% think that *is ombudsman*. In the question for the parents what do they think, *are they doing the rights and the best thing for their child*, the answer was that 78% think that they *can't do the best for their child because of the poor economic conditions*, whilst 6% they declare, *that they do the best for their children but the economic situation made them dependent in realizing the wishes of their children*. But 16 % among them they *are not aware if they doing the best thing for their children*. In the question for the children in what do they think is the best to discipline their child 98% think that *schooling and education is the best*, whilst 2% think that *communication and conversation with children help them to become more disciplined*. In the questions for the parents in what do they think what for instance their children are worried about, the answer from parent respondents was that 97% think that their *children worried about the proper food, clothing, home (economic situation in general)*, 2% worried about the *nondiscrimination in schools, mentioning still stereotypes and pre judgments* etc and 1% to *avoid problems between their parents*. In the question if the child is beaten or abused from the adult the situation would be solved by the parents through communication between them and abuser in 98% and *if the relations are not established will try to find help with the police* and 2% will be trying to *find support in the office for communities at the municipality level*. In the final questioned opinion by the parents why they think the school is important the answer was that *the school is the only thing that can develop and oversee the brilliant future for their child*. And finally parents added that *improvement of economic situation is one of the important things to change those living conditions and lifestyle in the communities*.

Questions for the parents	Answers in %
<b>Knowledge on human rights?</b>	92% responded that are economic conditions as stated and mentioned food, clothing, home and employment 6% education and schooling 2% life without violence and problems
<b>What are the rights of the child?</b>	98% education 2% life without problems and violence
<b>What are the basic human rights?</b>	92% food, clothing and housing (good economic conditions)

	8% schooling and education
<b>Have they ever have violated the rights of their child?</b>	96% did not violate the rights of their child 3% maybe they violated the rights of their child in the occasions were the economic living conditions were poor 1% do not know
<b>Knowledge for minority rights and the documents in power that protects the rights of minorities</b>	99% never heard 1% heard about it, but they have no idea about the documents in power that protects minority rights
<b>What are the rights of the child responsibilities</b>	98% think that the rights of the child is schooling and they have no ideas about responsibilities 2% education is responsibility
<b>Where the parents would search for the support if they rights is violated by any institution</b>	77% will seek support from the police 14% don't know 5% will seek for help from municipality 4% it never happened that any institution violated their right
<b>what are the rights in the decision making aspect</b>	87% it's the husband who decides 13% whole family were the children have their participatory approach in decision making
<b>any violation aver happened by the any institution as health, court, education or social welfare</b>	97% never happened 2% has happened in education by the teachers, directors 1% from the court, social beneficiary application
<b>knowledge for the institutions that protect human rights</b>	70% don't know about the institutions 12% it's the police 6% the office for communities in the municipality 2% ombudsman
<b>are they doing the rights and the best thing for their child</b>	78% can't do the best for their child because of the poor economic conditions 6% that they do the best for their children but the economic situation made them dependent in realizing the wishes of their children 16% are not aware if they doing the best thing for their children
<b>what do they think is the best to discipline their child</b>	98% schooling and education is the best 2% communication and conversation with children help them to become more disciplined
<b>what for instance their children are worried about</b>	97% children worried about the proper food, clothing, home (economic situation in general) 2% nondiscrimination in schools, mentioning still stereotypes and pre judgments 1% avoid problems between their parents
<b>if the child is beaten or abused from the adult the situation would be solved by the parents through communication between them and abuser</b>	98% if the relations are not established will try to find help with the police 2% find support in the office for communities at the municipality level
<b>why they think the school is important the answer</b>	the school is the only thing that can develop and oversee the brilliant future for their child improvement of economic situation is one of the important things to change those living conditions and lifestyle in the communities

Table 2. Question for the parents and their answers in %

### Evaluation of the questionnaire of Team leaders in the communities regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights.

In the evaluation of the questionnaire by the Team leaders in the communities, we brought opinions of the team leaders knowledge on UN Convention for the Rights of the Child, their collaboration with institution, child engagement and participation in decision making processes as well as their access to communities', exploratory ideas for the networking skills and mediation and other cross activities that could be applied by the Team leader work support in the communities.

In the questions made to the Team leaders about what are human and children rights in general and what are the rights of the child the answer is in 86% answered that it's *the democratic element of the equal opportunity of all human beings*, whilst 14% responded that human and children rights are *the freedom of thought, freedom of movement, freedom of expression, gender equality, right to religion*, etc. In the question to the Team leader for what are their responsibilities toward Roma, Ashkali and Egyptian (RAE) communities all of them in 100% of the respondents responded *it's their responsibility in promoting the rights of community is respecting equal opportunities in the community, and the promotion and protection of the right of community through the human rights legislation in power*. In the question if the Team leader right is violated ever and by whom, the response was mostly that *now while there are documents and legislation on human and minority rights in power the discrimination facts are less and less, but till the legislation was not well established especially before and after the war of 1999 have had discrimination in the community*. In the question if ever happened that team leaders have ever violated the right of citizen's, the response was that by the matter of awareness, they never violated the rights of their citizen's and among all respondents responded equally in 100% saying that they *did not violated the right of their citizen's*. In the questions asking Team leader about their knowledge of the human rights policies for the rights of minorities they declared that they *heard about RAE Strategy and Action Plan 2009-2015*. They heard about the Constitution of Kosovo and Ahtisari package that protects rights of minorities. In the question if the rights of the people from communities are violated, do the Team leaders know where they can direct the issue to support the communities in terms of minority rights, the answer is that they all know to *direct issue to the community office at the municipality level, if issues are not solved they continue with other institutions as police, courts, ombudsperson*. Whilst in the questions if it happened if the right is violated in health, education, court, social wellbeing and the answer among Team Leaders is that it usually did not happen but if it happens in some occasions such as the rights of children on education, the rights of minorities in the court or social beneficiary income, the Team leaders supported the communities when ever asked. When the Team leaders are asked about their knowledge on the UN Convention for the Rights of the Child the response was that in 100 % *they heard about this convention but they are not aware about the knowledge of the articles for the rights of the child* either about any specific information regarding this convention except mentioning that this Convention protects all the rights of the child without precision in specifics and also consider that they were not been yet familiar about what the convention document contains. About their rights as Leader in the community they declared in 100% of respondent's that *their role in the community is to protect the rights of the child rights of communities in general and toward education, equal opportunities for all, better life, social integration of communities*. Regarding the question are they satisfied about the protection of the rights of the child in the community the answer was that *partially are satisfied but it can be better*, but they did not specified the obstacles and gaps. In the question for the Team leader about the knowledge of the children for their role in the community and do they call them for support in any asked situation, the answer was that, *they all know about them and about they supportive role in the community*. About the question in what methodology of action they apply to support children the answer among all leaders was that *it depends on the situation or the problem they have but always bearing in mind that with children we apply pedagogical methodology from the level they belong* but not being able to specify what are the methods they apply while working with children. The finally what the leaders would add for the end of the survey they committed themselves as moral obligation to support, promote and improve the community rights.

Questions for the Team leaders	Answers in %
<b>what are human and children rights in general and what are the rights of the child</b>	86% democratic element of the equal opportunity of all human beings 14% the freedom of thought, freedom of movement, freedom of expression, gender equality, right to religion
<b>what are their responsibilities toward Roma, Ashkali and Egyptian (RAE) communities</b>	100% it's their responsibility in promoting the rights of community is respecting equal opportunities in the community, and the promotion and protection of the right of community through the human rights legislation in power
<b>question if the Team leader right is violated ever and by whom</b>	now while there are documents and legislation on human and minority rights in power the discrimination facts are less and less, but till the legislation was not well established especially before and after the war of 1999 have had discrimination in the community
<b>if ever happened that team leaders have ever violated the right of citizen's</b>	100% did not violated the right of their citizen's



<b>knowledge of the human rights policies for the rights of minorities</b>	heard about RAE Strategy and Action Plan 2009-2015, heard about the Constitution of Kosova and Ahtisari package that protects rights of minorities
<b>if the rights of the people from communities are violated, do the Team leaders know where they can direct the issue to support the communities in terms of minority rights</b>	direct issue to the community office at the municipality level, if issues are not solved they continue with other institutions as police, courts, ombudsperson
<b>if the right is violated in health, education, court, social wellbeing</b>	it usually did not happen
<b>knowledge on the UN Convention for the Rights of the Child</b>	100 % they heard about this convention but they are not aware about the knowledge of the articles for the rights of the child
<b>Rights as Leader in the community</b>	100% their role in the community is to protect the rights of the child rights of communities in general and toward education, equal opportunities for all, better life, social integration of communities
<b>satisfied about the protection of the rights of the child in the community</b>	partially are satisfied but it can be better
<b>knowledge of the children for their role in the community and do they call them for support in any asked situation</b>	they all know about them and about they supportive role in the community
<b>what methodology of action they apply to support children</b>	it depends on the situation or the problem they have but always bearing in mind that with children we apply pedagogical methodology from the level they belong
<b>what the leaders would add for the end of the survey</b>	

Table 3. Question for the Team leaders and their answers in %

### Final conclusions

From the point of the survey for the Team leaders and their role in the community, we came to the conclusion that leaders are willing to support the community in any given occasion, mostly whenever asked. We cannot say that the self-conscience is not built, but the responsibilities toward children and communities in general should be brought and expanded in all related fields, starting from education, child protection, decision making processes and child participation. The limited knowledge for the UN convention for the Rights of the Child is an obstacle knowing that they heard about them but they don't know the articles and responsibilities of the children. Increasing the limited knowledge about the collaboration with networking activities, with human rights units at the municipality level, unit for communities and directorates for all related fields at the municipalities and government is needed and these are mandatory mechanisms established to integrate and protect the rights of communities.

Besides, the chain of links between children, parents and team leaders and youth it is the education process that needs to be explored and rights through education can be promoted smoothly.

**Comparative perception among children, parents and team leaders in the Roma, Ashkali and Egyptian communities for the knowledge about the UN Convention of the rights of child and, knowledge on the institutional responsibilities and cooperation between the communities and child participation in decision making processes.**

### Key community issues overall evaluation

- III. Knowledge, Attitude and Practices of children and communities in relation to children rights and child protection
- IV. Evaluation of the communities' knowledge on existing services in case of violations of the children rights

**Comparative evaluation of the children, parents and team leaders in the communities referring to the Chapter I and II key issues: - Their knowledge about the UN convention for the rights of the child and its articles.**

- Their knowledge about an institution and services that protects and promotes community rights.

### Knowledge about the UN Convention of Rights of the Child and its articles



Fig 2. Knowledge about the UN convention for the rights of the child and its articles

In detail the figure above shows that all participants: children, parents and community have the same knowledge about the UN convention on the Rights of the Child and its articles and that knowledge is just hearing about it. They lack the knowledge of its articles, duties and responsibilities at the same level. They have no knowledge about the responsibilities that the international organizations and government have to protect their rights.

### When children rights are violated who do they turn to

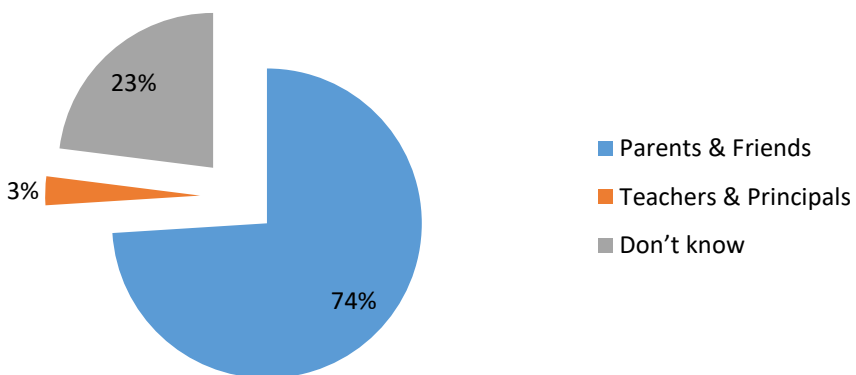


Fig 3. When children rights are violated they turn to ?

**When parents rights are violated they turn to**

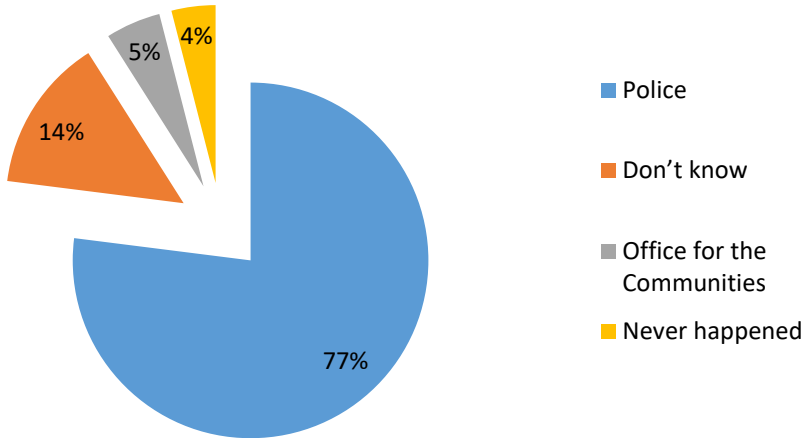


Fig 4. When parents rights are violated they turn to ?

**When Team leader detect violations of community rights they turn to ?**

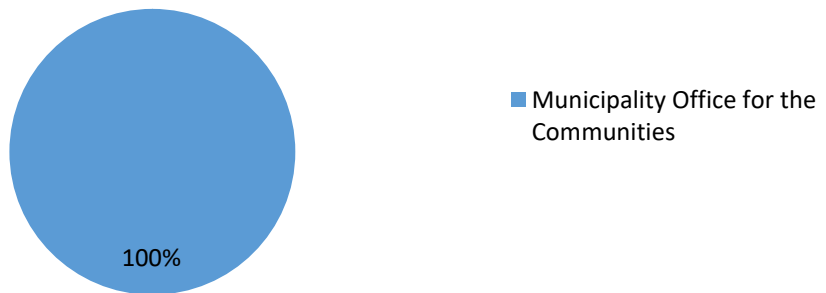


Fig 5. When Team leaders detect violations of community rights they turn to ?

Children's knowledge about the institution that protects and promotes the human, children and minority rights.

## Children's knowledge about the institution that protects their rights



Fig 6. Children's knowledge about the institution that protects their rights

Children believe that only their parents know about their rights, and parents only know the Office for the Communities at the municipal level.

### Final recommendations

The survey of the three targeted groups, the RAE children, parents and Team Leaders from the communities, brought a clear picture regarding the knowledge and attitude on children rights, child participation and their knowledge on existing services in case of violations of the children rights. During the survey all perspectives on the UN Convention of Children rights, are being evaluated in the quantitative manner bringing out there analyses on how children make a perception of parents and Team leaders in the communities. From the tables we could measure the exact approach of all three targeted groups in daily life. We could see their attitudes, their participation in decision-making and also their knowledge about the institutions that protect and promote children rights. From the evaluation we brought out the final conclusions that are required, measured that should be applied in order to change the way of thinking for all three targeted groups in terms of children rights and minority rights.

The gaps and obstacles presented in the survey brought in the clear picture of the situation and presented needs for the change will empower communities to work closely with institutions and respect the rights of the child in participation and decision-making processes. The UN convention for the Rights of the Child and its articles should be taught to all involved targeted groups, children, parents and team leaders and their engagement will bring positive climate in the minority integration in general. A number of recommendations has been requested in order to make positive changes in communities in above mentioned regions. The actions and activities will reach direct impact on changes and this will be easy measured by the end of activities that will be delivered by the national institutions, local ngo's and International organization's through different projects.

1. Provide basic trainings for the RAE children community on children rights and responsibilities through the materials designed for the children rights, while the articles of the UN Convention for the rights of the child are treated and developed through at the level of child's age. What is important in this context is that the books should be designed on behalf of the course- subject of choice that is free to be chosen from the regular schooling and this depends on the will of children and teachers. But considering the need for education on children rights and responsibilities the materials and the course can be recommended as well as a general course in accordance to the plan-programs and strategies for pre and primary education developed by the Ministry of Education.

2. Engage a professional teacher expert on children rights and responsibilities for the ages 6-12 who will lecture to the children in the communities after school sessions in the community centers in regular basis. The authors of the books should be teachers also, who can provide training courses for children and parents of RAE communities.
3. Deliver basic trainings for the teachers and parents of the REA community on the human rights community rights in general and children rights and responsibilities in specific.
4. Design of 2 manuals, one for the teachers and one for the parents on the legislation package that protects the rights of the RAE communities. Considering the importance of the child education on children rights perspective, the knowledge on the rights and responsibilities cannot be taught only by teachers in the pedagogical way through the lecturing process but the whole education should be delivered also at home in order to create the sustained change in children's attitude towards knowing the rights and their responsibilities. Whilst, the manual for teachers is quite different as the professional capacities in delivering the human rights course needs considerable professional and pedagogical preparation in advance of the subject as currently we do not correspond with a such materials as they exist in other European countries. Since the books for education of children rights and responsibilities are in place and applicable only in some schools and preschool education in different regions of Kosova, applying it in the entire school system would be highly beneficial because it is a subject of choice in regular schools. The manuals can be designed by the same experts who already have applied for children rights education and responsibilities in line with the UN Convention for the Rights of the Child in these book materials. Considering that manual for teachers for teaching process is quite different from the one for the children, two manuals with different methodical approach should be designed in order to reach the overall goal for the community in awareness rising for the children rights and responsibilities. The one for lecturing process is quite different from the one for the parents.
5. Rising awareness activities with children from REA community through games, different artistic activities, etc, on the children rights and responsibilities.
6. Provide rising awareness campaigns about the legislation that protects RAE communities.
7. After the designed manuals, a voice recorded manuals should be provided on community rights on the legislation package that protects the rights of the RAE community to the parents of REA community that are illiterate in order to deliver the information among all RAE communities.
8. Basic trainings for the community leaders on human rights and the minority rights in specific. The importance of delivering those trainings are to empower the community leaders and the youth working closely with community, protecting their rights and being more closer to community in the support to their concerns on human rights violations. The importance of their closer collaboration and support to the community in any accrued situation is quite important as the lessons learned practices will be a greater support for the community at the advisory purpose. Knowledge on the human rights policies and minority rights in specific will increase the awareness for the community as well. Mediation activities are also of great importance between the community leaders, youth and the institutions and will establish closer networking for example with human rights units that are operational at the municipality level.
9. Cross line activities for the RAE children on the hygienic and sanitary principles and reproductive health care and health aid that can be delivered through the games on children rights and responsibilities.
10. Provide networking sessions between the human rights units at the municipality departments, community units at the local level and REA community NGO level with the course on the human rights in general and in specific about the rights for the communities.
11. Trainings for the task forces on human rights monitoring tools in support to REA communities.

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## Adult Autism - Global Challenge of the Future

Elona Mano, PhD. Cand.

European University of Tirana, Albania

[kristinamano@yahoo.com](mailto:kristinamano@yahoo.com)

### Abstract

*There is an increase awareness of Autism Spectrum Disorder recently. The truth is that tens of thousands face an autism diagnosis each year. Even though the integration of autistic children is the focus of many studies in the last decades, the problem remains unsolved. What happens with autistic children as adults? In addition, one of the biggest challenges in providing services to people with an autism spectrum disorder is that the needs change from person to person. This study is focused on parent's point of view. During the interviews the participants raised some important issues. To have their children in the same classes with non-disabled children, was the first won battle of parents of autistic children, but integrating autistic individuals as adults in society seems to be just the cover of a big dilemma for parents of autistic children. Autistic child as adult is a real challenge for society worldwide.*

**Keyword:** autism, society, child, adult, law

### I. Introduction

Today in USA 1 in 91 new born is diagnosed with autism spectrum disorder (Kurti, V.2013). Even though the main source of the latest statistics is USA, autism is a global phenomenon. Recently a worldwide study was conducted. Based on the evidence reviewed, the median of prevalence estimates of autism spectrum disorders was 62/10 000. While existing estimates were variable, the evidence reviewed did not support differences in PDD (Pervasive Development Disorder) prevalence by geographic region nor of a strong impact of ethnic/cultural or socioeconomic factors (Elsabbagh, M. et al.2012).

Autism is a debated issue. 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. Jenny McCarthy, a mother of an ex-autistic child confesses this relation, but she still is not against vaccination. She is for vaccination, but before vaccination every child is better to do some analysis in order to decide when the child should be vaccinated. Still Kanner's idea of "fridge mothers" remains a good point to raise hypothesis. Microanalysis studies have shown a close cooperation between infant and mother during first four months of age. Mother's face expressions indicated children's reactions (Vasta, R & Haith, M. M & Miller, A.S.2007). 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. One of the most successful therapies used today is Applied Behaviour Analysis. Eventhough it is recommended to be used with all sub-categories of autistic children, the results are not always the same (Kurti, V. 2013). The therapies are the best solutions for children with autism spectrum disorder, but the tremendous truth, for parents, is that there is no cure for autism.

### II. Different parents, the same problem

Globally speaking, the majority parents of autistic children seem to be alone, because there are some real obstacles that make them powerless. First of all, there are parents that are not aware of their children's rights. Two of the world laws on people rights are: Universal Declaration of Human Rights and Convention on the Rights of the child. Article 26 of the Universal Declaration of Human Rights guarantees "the right to education...directed to the full development of the human personality and promot(ing) understanding, tolerance and friendship." OKB 1948

Convention on the Rights of the Child 1989 includes:

*"Recognizing the special needs of a disabled child .....to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development."* Article 23

States Parties agree that the education of the child shall be directed to: *"The development of the child's personality, talents and mental and physical abilities to their fullest potential."* Article 29 OKB 1989,

One of the most important battles for parents of autistic children has been integration of their children. The first schools for disabled children were like islands. The children were isolated and they were not learning to get along with non-disabled students. One of the real winning cases for parents concerning their children integration was the Salamanca Statement. The Salamanca Statement of 1994 held in Spain adopted a new Framework for Action, the guiding principle of which was that ordinary schools should accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions. They agreed a dynamic new Statement on the education of all disabled children, which called for inclusion to be the norm. Salamanka statement

*"...regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system"*.

The Salamanca Statement was the first global instrument explicitly calling for the inclusion of children with disabilities in regular education. Another instrument in December 2006 was the United Nations General Assembly that adopted the CRPD, ( Convention on the Rights of Persons with Disabilities), which secures the right to an inclusive education in international law. The CRPD does not simply recognize the right to inclusive education as an entitlement, but presents a framework of goals for inclusive education systems. It establishes obligations for governments and international agencies to provide the supports and conditions required to make quality inclusive education successful for all children and youth with disabilities. UNESCO (The United Nations Educational, Scientific and Cultural Organization) describes inclusive education as a process of addressing and responding to the diversity of needs of all learners through inclusive practices in learning, cultures and communities and reducing exclusion within and from education. It involves changes and modifications in content, approaches structures and strategies, with a common vision which covers all children of the appropriate age and a conviction that it is the responsibility of the regular system to educate all children (UNESCO, 2006). The disabled children now attend school in the same classrooms with non disabled children. But still there is a lot to do. To include an autistic child in a regular classroom means to improve the infrastructure needed in the classroom. This unresolved problem seems be the next battle of the parents of autistic children.

Secondly, parents are stigmatized about their child's disability. Especially in undeveloped countries, people suffer from prejudices. In addition, Autistic individuals are at extreme risk for bullying and abuse throughout their lives. A 2002 study from Comprehensive Issues in Pediatric Nursing found that 94 percent of students with Asperger Syndrome, are bullied. Bullying can occur in schools, institutions or communities, even at home (Bulling and ASD).

Eventhough not all the parents are aware of their children` rights, on the other side, there are parents that have written books about autism. These parents are not afraid to talk freely about their children disorder. They try to explain what autism is, by using their experience. Tupe, E. (2009) as a father of an autistic child, prays to suffer for his child just to have his child "normal": *"make me suffer, give me all the terrible diseases of the world- aids, lebbra, alzheimer, cancer, schizophrenia...just and only just Gesi be normal, are you listening, N-O-R-M-A-L!"*.

All parents dream is to have a normal child and they know that therapy is the only way to fulfill this dream. Most of them at the beginning meet a specialist to understand the opportunities their child could have if they follow the therapy. A mother of an autistic child Lala, B (2014) is aware of her child disability limits, but she never withdraws from the difficult road of "recovery": *"In the afternoon I took him 3 times a week in development and psychomotor therapy"* (Lala, B. 2014).

The attitude of parents towards autism depends on their culture, tradition, experience and economic status, but the same, main unsolved issue remains ' the future '.



## Autistic individual as adult

It seems that the focus of all studies is autistic individual as a child. This is a good point because the earlier the child get an accurate diagnose, the sooner his condition can be better. There are a lot of therapies that children can follow. Early Intervention Program is one of the most successful services used with children with Pervasive Developmental Delay in USA. If this program would be used in 1993 the number of autistic children would be smaller today (Kurti, V.2013). Specialists of the field that work with these children have seen a difference between children that are treated early with therapies and the other children that have never had therapies (Saqellari, S. 2011).

But let us think about those individuals that are over 18 years old. The picture is blurred and little is known about them. There is a gap between the information that comes from autistic children and autistic adults. One of the problems that parents of autistic children face every day is the future of their children. Autistic children cannot live independently and productively in the community and cannot live with the same freedom of choice as a non-disabled person. Sometimes they are violent, self-abusive and in many cases they do not behave properly.

Even though the Article 25 of human rights guarantees that: *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security .....in circumstances beyond his control."* for autistic individuals there are not many services to help them as adults. In USA the number of children expected to need extensive adult services by 2023, will be more than 380.000 people. The cost of care for these people will be tremendous. Another problem is the services. Not everyone can take care of an autistic as adult. The caregiver should have the right qualities to take care of these disabled people and above all, the caregiver should be empathic. A mother of an adult autistic person gives us some clues: *"When I look at my pudgy 22-year-old son, Randy...I wonder who will love or at least protect him when he ends up in a group home run by an underpaid, overworked staff"*. She admits that taking care of an autistic person is a real challenge and services in USA are dangerously strained: *"Along with housing, day programs, transportation to those programs or jobs, and higher-than-average medical costs, adults with autism require steady supervision and support. Later she concludes: "This country urgently needs to focus on adult autism" (Davis, H.L.2009)*

As the problem grows beyond USA, we have to consider thousand of parents worldwide that are distressed about their children future. In Albania 20 years ago the notion "autism" was unknown ( Saqellari, S. 2011). Today people are aware of this disorder but still there are no public services for autistic adults. There are some centers that use therapies and give support for autistic children with a modest staff of specialists on the field. There are no statistics about the number of autistic children and adults. Adult autistic families suffer in silence and pray for something to be done.

## Method

The sample for the current study includes mothers, 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 in Albania.

There were five interviews conducted with mothers of autistic children. Their children spend the most of the time at home. Economic conditions and social services were the main topic they were worried about, but above all, these mothers were desperate about the future of their children. The interviews were conducted in different days. 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. Later the transcripts was printed on different colored paper to identify the groups. Then it was

arranged the working transcript in a reasonable order, i.e. categories of participants: age, female. 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. Because the author had several mothers, lines were drawn to divide the paper into sections and then comments within these sections. Later responses to the same question from all mothers responses were read. 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 analyst 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 analyst was 'big ideas'. Krueger (1994) suggests taking a break for a few days at this stage in order to refocus on the big picture.

During the interviews, mothers of autistic children expressed concern about their child life as adult: "*I pray every day for my son. Some time I just want to die....but I have to live for my child. Who is going to help him? I don't want to imagine it....*"  
Mother one

*"I don't know, I don't have time to think about it. May be my other son will take care of his brother."* Mother two

Some parents believe science can do miracles about disabilities.

*"I hope there will be a solution for my daughter. .... You know science will do something."*

There were even drastic decisions like: *"...if I am going to die, he will come with me.... I love him too much to leave him alone."*

### III. Conclusion

This study aimed to understand the parent's point of view concerning their autistic children future. If we try to make a portrait of the situation concerning the autistic as adult, there would be a lot of feelings. The pessimistic one is what we cannot change. Having an autistic child is a burden not a parent can hold, especially when the diagnosis is low functioning autism. Autistic individuals are people that see the reality in a different way. It is our duty to understand, support and try to do our best about their future. At least we should explain our non-autistic children the situation. Eventhough the science is focusing on autistic children, about the factors that cause autism, or their school integration, the main issue remains autistic future. Autistic adults, belonging low functional autistic group, are in real threat. Parents of autistic children around the world seem to be suspicious about society and services. On the other hand, they cannot change the laws of nature and some day their children have to be alone. In this situation they just live for today and pray for the future.

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## Issues of Legal Organization of the Patient-Health Care Professional Relationship

**Dr.iur. Inga Kudeikina**

**Mg.iur. Karina Palkova**

Riga Stradins University

[karina.palkova@inbox.lv](mailto:karina.palkova@inbox.lv)

### Abstract

*Nowadays increasing attention is paid to the issues of legal organization of the patient-health care professional relationship. One of the issues in this field is the institution of the rights and obligations of the patients and the medical practitioners. Cases when the doctor restricts the rights of the patient while fulfilling his duties or vice versa are rare. Interaction of the scope of rights and obligations of the patients and medical practitioners causes complicated situation. The author believes that solution to such situation is to be found in the human rights standards. The article discusses the issue regarding the grounds, on which the legal relationship of the patient and the health care professional are created, and how they are organized. The issues of the patient-health care professional relationship are viewed from the perspective of the human rights. Rights to life and health form the fundamental principle of the human rights, which is integrated in the national and international legal acts. The aim of the article is to provide insight to the role played by fundamental principle of the human rights, principles in the relationship of the patients and medical practitioners. Analyses show that human rights in relations between patients and health care professionals are absolute.*

**Keywords:** patient rights, health care professionals' rights, human rights

### 1. Introduction

The issue of legal relationship between the patients and the medical practitioners becomes increasingly more important in Latvia. As the framework of the patient rights develops, new precedents in the patient-health care professional relationship are found in practice. The activities of both patients and medical practitioners are based on series of regulatory enactments, regulating the mutual legal relationship. Legal acts of national, European Union and international level serve as grounds for creation of the aforementioned legal relationship. Taking into account the rather complex scope of rights and obligations specified in the legal acts, this results in a contradicting notion of the enforcement of the rights and the limits of the discretion of the patient and the medical practitioner. In order to examine the essence of the issue, this thesis will review, what kind of relationship is being established between the patient and the health care professionals as a result of implementing the scope of rights and obligations stipulated in the regulatory enactments.

### 2. Determining and restricting the scope of rights and obligations of the patient

Upon adoption of the Law On the Rights of Patients in 2009 and the new practice of organization of cross-border health care, namely, by introducing the Directive (2011/24/ES) „On the application of patients' rights in cross-border healthcare” in Latvia in October 2013, significant changes have taken place in the field of medical law in Latvia. Eventually the changes encouraged development of the tendency of patient autonomy and weakening of the legal institution of the health care professional.

The most important special legal act of national level, which regulates the scope of the rights and obligations of the patients, is the Law On the Rights of Patients. The purpose of the law is to promote favourable relationships between a patient and the provider of health care services, facilitating active participation of the patient in his or her health care, as well as to

provide him or her with an opportunity to implement and protect his or her rights and interests.<sup>1</sup> The Law On the Rights of Patients includes such rights of the patient as rights to information, rights to refuse treatment or consent to treatment.<sup>2</sup>

The patient autonomy, the rights and obligations of the patient have been clearly defined and the purpose of promoting favourable relationships between the patient and the health care professional has been stated upon the Law On the Rights of Patients entering in force. On the one hand, the scope of the rights and obligations granted to the patient is narrow; on the other hand, the exclusive rights of the patient to freedom of treatment process can be restricted on the grounds of the current scope as well.

The Law On the Rights of Patients mentions the following obligations of the patient:

1. to take care of his or her health, if the health condition allows;
2. to become actively involved in medical treatment and to provide the attending physician the knowledge, which is necessary for ensuring medical treatment;
3. follow the internal rules of procedure of a medical treatment institution and the instructions of the medical practitioner;
4. to pay for the received health care services;
5. to respect the rights of other patients;
6. to present a personal identification document upon the request of the health care professional.<sup>3</sup>

It is important to note that the patient may directly infringe the rights of the health care professional upon enforcement of his/her rights and fulfilling or not fulfilling the duties.

Upon enforcement of the exclusive rights to refuse the treatment, the patient ignores the duties imposed by the law and simultaneously turns on the mechanism, activity of which is based on life and health. In such case the health care professional only has the duty to inform the patient of the potential consequences. On the condition that the decision of the patient remains the same after the health care professional has explained the situation, nevertheless the health care professional has the duty to encourage the patient to attend another doctor. Therefore the national regulatory enactments provide the patient with the rights to freely dispose of their health and life. However, these rights are restricted as well (Šulce – Rēvele, Līkanse 2013).

If the patient is unable to make the relevant decision on grounds of the health condition or age, the rights to act on behalf of the patient are transferred to the relatives of the patient. So in this case the exclusive rights of the patient to decide upon his or her health and life are transferred to third parties.

It follows from above that the patient has a rather vast array of rights and imposed obligations, which on the one hand gives the patient certain discretion, while on the other hand restricts his or her private rights such as rights to life, health, etc. The patient may refuse the treatment given a series of conditions, which will not always depend on the will of the patient.

### **3. Discretion of the health care professionals within the framework of professional activity**

Regardless of the scope of rights and obligations granted to the patient, to a great extent making decisions regarding treatment depends on the health care professional as well. Contrary to the regulation of the rights and obligations of the patient, which is mostly determined by one legal act, the work of the health care professional is regulated by several regulatory enactments of the sector, that is, each profession of health care professionals has its own regulatory framework. At the same time it should be noted that the scope of obligations of the health care professionals in accordance with the specifics of the activities is included in the regulatory enactments regulating the procedure of providing health care services (Slokenberga, Gusarova, Lieljuksis, Mucins, Stanislavska, Saberte, Slisere, Taurina, 2015). Nevertheless the basic rights

1 Article 2 of the Law On the Rights of Patients No 205, date 17.12.2009, as amended

2 Article 6 of the Law On the Rights of Patients, No 205, date 17.12.2009, as amended

3 Article 15 of the Law On the Rights of Patients, No 205, date 12.12.2009, as amended

and obligations of the health care professionals are regulated by the national level regulatory enactment – the Medical Treatment Law.

Section 41 of the Medical Treatment Law stipulates the obligation of the doctor to provide information on the diagnosis of the illness in language that is understood by the patient. But before treatment consent of the patient to treatment has to be obtained. The doctor has the obligation to explain and inform the patient regarding potential consequences and complications of the disease. The doctor has to inform the patient regarding the potential side-effects of the prescribed medications or treatment methods.

In regard to the basic obligations in the work of health care professionals the independence of the doctor mentioned in the Medical Treatment Law has to be noted as well. Section 38 of the law stipulates that a doctor shall be independent in his or her professional activities. All doctors have the right to provide an opinion on the state of health and treatment of a patient.<sup>1</sup> Therefore it shall be noted that, when speaking of the institution of the obligations of the health care professional, attention should be paid to the scope of restricting of the independence. It is important to find out what the independence of the doctor means, what are the limits of activity of a health care professional.

Considering the studies conducted at national level, independence of the health care professional means a scientifically substantiated professional activity in accordance with the code of conduct and choice of treatment for the benefit of the patient's health regardless of the economic or other interests of other persons or the doctor himself.<sup>2</sup> However, on the other hand, there are the rights of the patient, which may contradict the scope of independence of the doctor. Such rights of the patient as rights to life and freedom should be noted here among others as well. The above shows that although independence of health care professional is integrated in the regulatory enactments of national level, its scope is limited and does not really give the person rights to a fully and indisputably independent activity. The burden of restrictions imposed on activities of health care professional "forces" the person to act in accordance with certain standards or an artificially created frame.

It is important that the mutual legal relationship of the patient and the health care professional is regulated by the public law, which essentially means determining of obligations with the purpose of balancing the interests of the individual and the society. Namely, this ensures protection of the individual against unjustified state intervention in his freedoms and guaranteeing equal rights of the individual.

On the other hand the legal relationship of the patient and the health care professional is based on the private interests of the parties. For example, the rights of the patient to confidentiality, qualitative treatment or careless treatment by health care professional, or the rights of the health care professional to independent actions during treatment process, obtaining of patient data, etc.

In the field of activity of private law the patient independently decides whether he wishes to use his rights, which, for instance, have been granted to the patient by the Law On the Rights of Patients. The aforementioned allows the persons to freely form legal relationship through mutual agreement at their discretion. The private law regulates the relationship on the grounds of equality, and mutual agreement is the most characteristic for of these rights. The main principles of the private law are independence and autonomy of the person, inviolability of private property and freedom of contract.

Therefore ideally the patient and the health care professional should reach an agreement during the treatment process, based on the rights and obligations of each party stipulated in the national regulatory enactments (Rosner, Berger, Kark, Bennet, 2000).

Besides, the discretion of each party stipulated in the national regulatory enactments should not restrict the activities of the other party.

But the outcome of the cooperation between the patient and the health care professional could result in a phenomenon. The health care professional has a discretion stipulated by the law, but he or she may act independently only so long as the exclusive and autonomous rights of the patient are not infringed.

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1 Article 38 of the Medical Treatment Law, No 167/168, date 12.06.1997, as amended

2 Vilka I., (2013) Professional activities' of healthcare providers.[Online] Available: <http://www.juristavards.lv/doc/260686-rsta-profesionala-briviba/> (January, 2016)

Thus the national regulatory enactments are not able to ensure regulation of the relationship of the patient and the health care professional. The issue of implementing of the legal relationship of the patient and the health care professional and determining the scope of activity of the parties should be addressed from the perspective of the human rights.

If we examine the content of the rights and obligations of the patients and the health care professionals specified in the national regulatory enactments, it shows that these are based on the principles of the basic human rights and freedoms, integrated in the European Union and international legal acts.

#### **4. Human rights aspect in patient-health care professional relationship**

The tendency shows, that relationship between patients and health care professionals more often are viewed from human rights perspective. It is noted that this approach helps to better understand the scope of patients and health care professionals' rights and obligations, how far they can apply particular rights. (Exster, 2002). Rights and duties of the parties at national level restrict each other. Human rights explain relations between patients and health care professionals from another perspective. New perspective gives new opportunity to solve the problem between two parties. At the same time it gives more freedom in relations between them. Human rights in patients and health care professional's relationship gives chance to expand the border of their activity (Gostin, 1997).

The main principles of human rights that can be applied to patients and health care professional relationships include high standards of health. This standard shows both positive and negative guarantees in health system.

Main principles of human rights in patients and health care professionals' rights are founded in international and regional human rights norms and agreements. For instance, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and other regulations.<sup>1</sup>

Another source, which shows human rights and health interaction, is the Convention for the Protection of Human Rights and Dignity of the Europe's Convention for the Application of Biology and Medicine. The Convention shows that rights to private life, the rights to information, non-discrimination rights are protected. It should be noted that the European Social Charter<sup>2</sup> Article 11, shows the rights to the protection of health.

All these principles are protected by the national law. Because of implementation problems some transformation of general principles content is observed at national level. Latvian human rights and patients and health care professionals' relationships are mostly viewed from the civil rights perspective or social perspective. This approach is not effective way of problem solving because of the narrow approach (Hall, Bobinski, Orentlicher, 2005).

At the same time, the concept of human rights in patient care recognizes health care providers as important actors, whose rights must be respected both as a matter of principle and for the benefit of the patient. The relationship between patient and health care professionals' rights is critical. No doubt that health care professionals are unable to provide high-quality care unless their rights are respected and they can work under decent conditions with professional independence (Hervey, McHale, 2015). At the same time patients' rights focusing on exclusivity and their rights are central.

If national level regulations will be applied in relations between these two parties, situation is possible where the rights and duties of two parties can meet. In that case the rights and duties of one party will always restrict other parties' rights and duties which are mentioned in the national level regulations. But if relations will be viewed from the human rights perspective, exclusive right to life will be as general principle (Abraham, Lewis, 2000).

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<sup>1</sup> Cohen, Ezer (2013), Human rights in patient care: A theoretical and practical framework. [Online] Available: <http://www.ncbi.nlm.nih.gov/pubmed/24421170> (January 15, 2016)

<sup>2</sup> Article 11 of the European Social Charter

## 5. Conclusion

- Patients and health care professional enjoy the same human rights (rights of life, rights to information etc.).
- The patients and health care professionals' rights and duties which are mentioned in national level are too narrow and restrict social and professional activities of both parties.
- Human rights in relations between patients and health care professionals are absolute.

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## Physical Activity of Young Persons and Importance of Involvement of Parents to Increase Their Performance

Rovena Elmazi

Sport University of Tirana, Faculty of Physical Activity and Recreation, Department of Organization & Management

[rd.elmazi@gmail.com](mailto:rd.elmazi@gmail.com)

Migena Plasa

Institute of Sport Research, Sport University of Tirana

### Abstract

*Game and physical activity are the main tools for children to learn because they learn quickly through personal experience and multi-sensor teaching methods which encourage their natural sense of curiosity. Game, in all its forms, presents numerous possibilities for interaction of children with persons and objects in real and imaginary situations. Small children must have a committed specialist to interact even with the parents. In this way children will try hard to improve what they know better by helping and inspiring them as a way promoting interest and will to continue learning. Scholars consider quite positive the involvement of parents in the learning process because parents are constantly informed of the situation and progress of their children. This applies even to the classes of physical education and training sessions in all sports disciplines where teacher-parent cooperation would strongly affect the improvement of their children performance. By knowing better the specifics of sports activities and its role in their psycho-motor development, there have to be used all the possibilities to encourage children to be involved in sports activities and there have to be found all the possibilities to increase their performance. From over experience as teacher of physical education, trainer of young ages and professional basketballer I have learned that involvement of parents and cooperation with them is extremely useful and this is the reason why I have elaborated further on this topic. An ideal environment for the children is a teaching environment of work flow, high quality and careful programme planning.*

**Keywords:** teacher, parent, cooperation, physical activity, motor development

### Introduction

There are various perceptions of scholars concerning parents' involvement in the teaching process. Scholars group parents' involvement into two categories: home-based involvement and school-based involvement. Sheldon (2003) defines home-based involvement as a parent-child interaction in relation to school or other learning activities and he introduces the concept of direct investment of parent's sources in the education of children. School-based involvement concerns the possibilities of involvement and regular communication with the. According to Leving, parents' involvement must be encouraged because positive messages which are important for the education of children, will be send to the latter. It is important for parents to be frequently informed of the performance of their children even through their conversation with the children. In this way children are encouraged to make utmost efforts knowing that they will be supported and their self-confidence will be improved. In the long run, the situation of child, the parent-child relations will be improved and a positive attitude of parents in relation to the teacher, trainer, team and its managers will be developed.

In 1996, Griffit undertook a study in the school premises to see the involvement and satisfaction of parents. School climate is closely linked to the parents' satisfaction resulting from their being informed. Griffit found that parents were mostly involved in educational activities rather than second-hand activities of our academic system. The same finding applies to our country. This wrong approach must be changed because physical activity is extremely important in the psycho-motor development of children and parents' involvement is as important in the attainment of the objectives

### Aim and object of the study

The aim of this study is to promote parents' involvement during training of their children in various sports activities and improve quality of training of children considering the parent as the success key for the young age who are on the focus of this study. Parents must be encouraged to attend and join several activities performed by their child in order to reproduce them in other premises- repeating all the movements and having some joyful moments with their children.

The object of this study is: assessment of involvement of parents in the school system and during physical activity outside the school system in Tirana.

### Methodology

The study is based on two standard questionnaires, one addressed to parents and one addressed to the teachers of physical education and trainers in Tirana based on Likert scale. The questionnaire consists of several questions of Likert scale which define five possible answers: strongly disagree /disagree /undecided/agree/strongly agree. The study will be focused on parents of children aged 6-10 years and also specialists working with this age group because they are the age groups on which the study is based.

### Result

Results obtained from the questionnaire addressed to teachers and trainers are as follows:

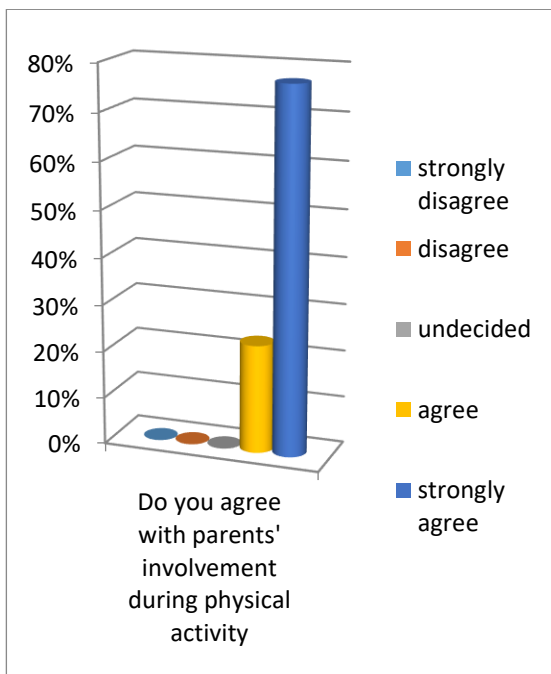


Figure 1.

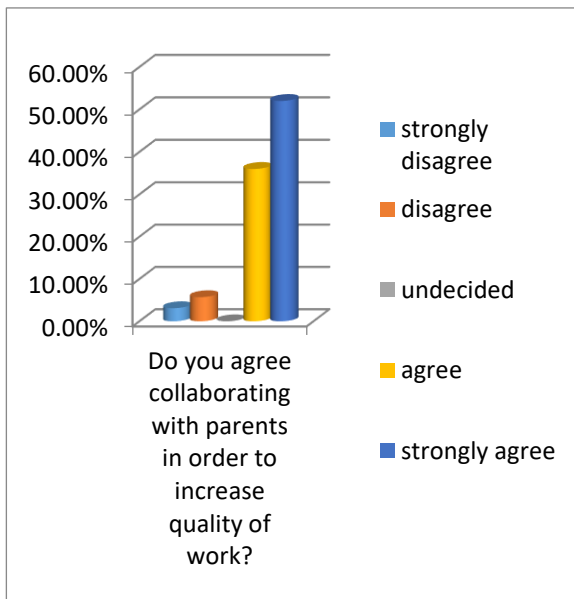


Figure 2.

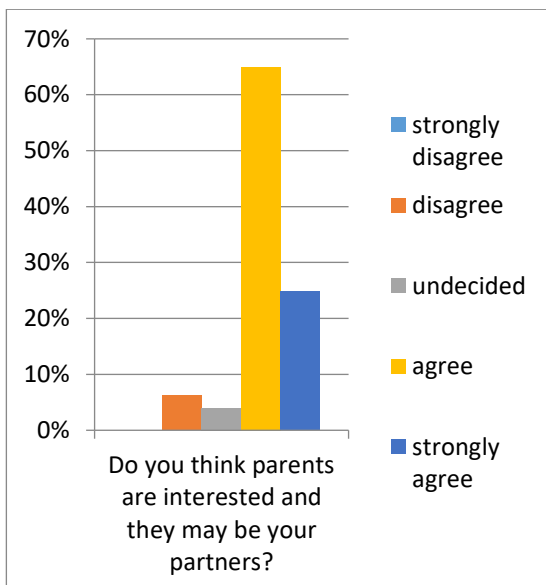


Figure 3

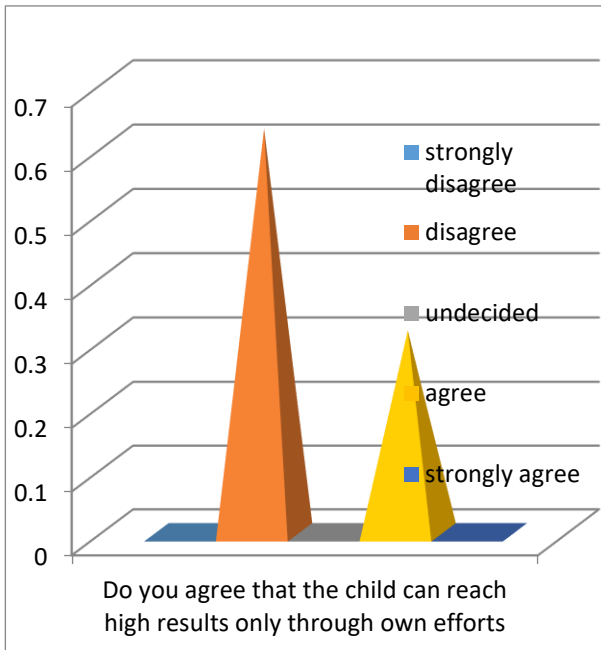


Figure 4

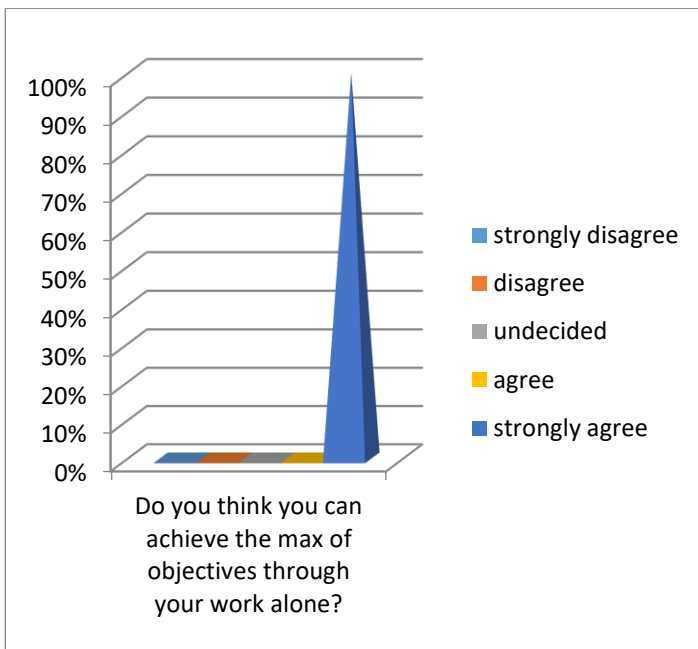


Figure 5

It is quite obvious that 77% of teachers and trainers consider important the involvement of parents during physical activity and the results show that the parent-child-specialist partnership triangle is as important as it is in other subjects (Figure 1). On the other hand, even though only 52% of them strongly agree to collaborate with parents, 36% agree; there are 8.8% of them who disagree (Figure 2). While the respondents emphasize that parents are interested in the performance of their children and obtaining high results (Figure 3).

The question – Do you think that you can achieve the max of objectives through your work alone- gets 100% the answer – agree (Figure 5) and this contradicts the result of the question – Do you think that the child can reach high results only through own efforts? – over which 5.4 % strongly disagree, 63 % disagree and 31.6 % agree.

The teachers and trainers are aware of the importance of involvement of parents because the presence of parents of small age groups is important and encouraging results, but we see that the teachers find it difficult to collaborate with parents and involve them with suggestions and consultation based on the result of answers to the survey – 100% admit that the maximum results may be achieved through their work and 68.4% admit that the child may reach maximum results only through own efforts.

Results of the questionnaire addressed to parents are as follows:

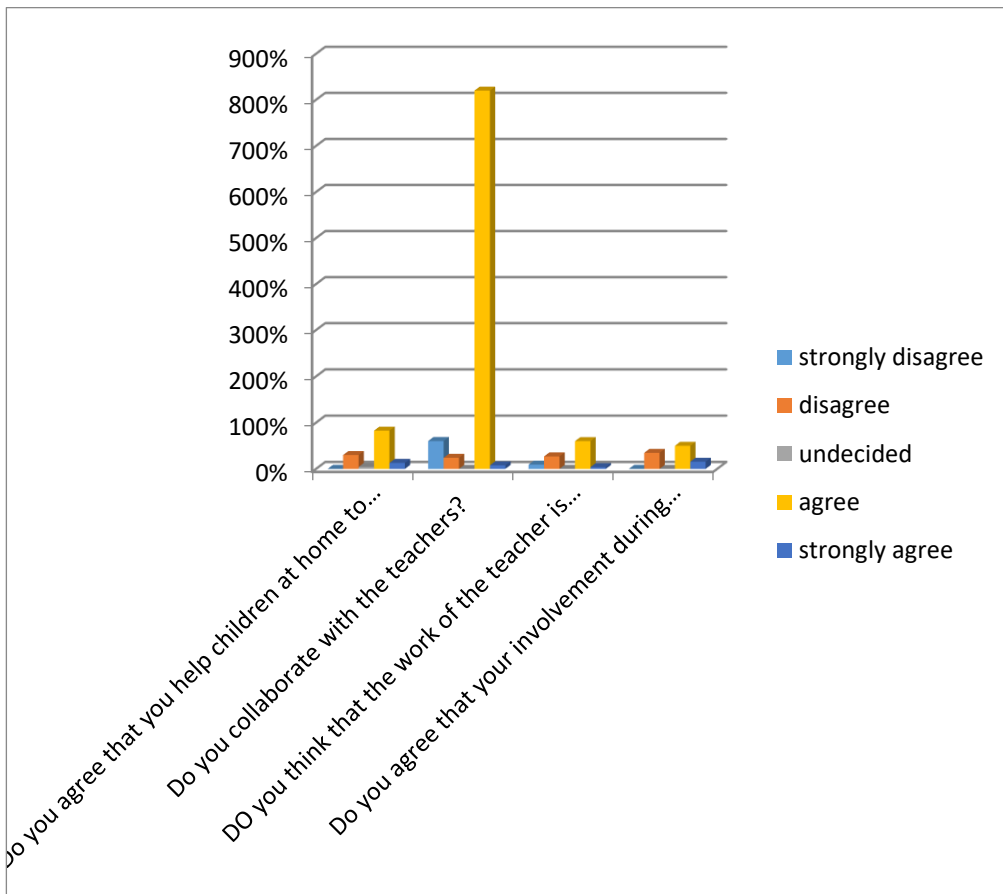


Figure 6

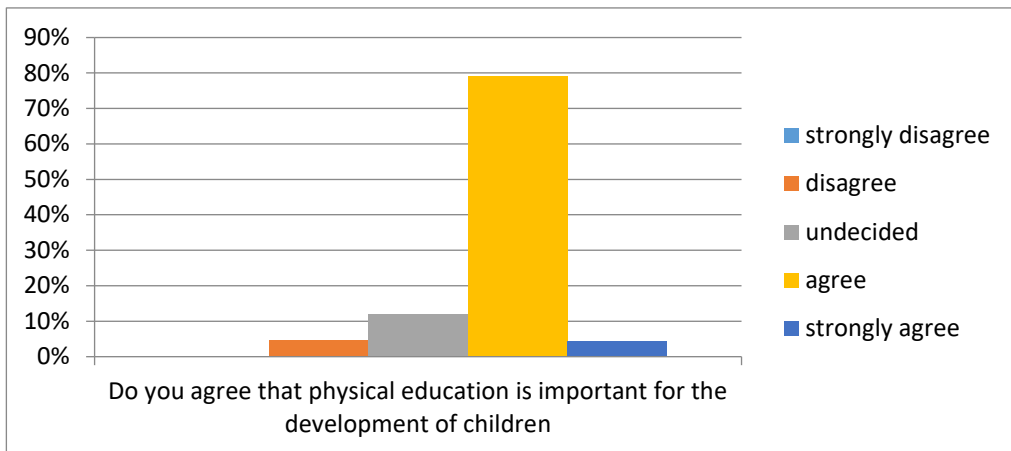


Figure 7

The result shows that parent help children at home and this has an influence in improving their emotional status as a very important element for the development of sports activities. On the other hand, they see collaboration with the parents as very important aspect. There is overall agreement that with the efforts of the trainer/teacher alone, children may not obtain highest results. Most of the respondents consider and accept that physical activity is very important for the psycho-motor development.

## Discussion

Building and developing school-family partnership is one of the current topics of discussion and professional approach of heads of educational, sports establishments, teachers, sports specialists and scientific researcher of this field. This is not only because of the interest of these institutions in improving quality of their service, but also on the fact that the family has a considerable potential and role in the effectiveness of education of children.

The study is focused specifically on this field and the service of responsible structures (school, trainers, teachers etc) and it aims at making not only an analysis of quality of development of this relationship, but also providing an approach concerning this aspect by making it part of the methodology that may be applied in schools and during physical activity outside the institution in order to increase performance of children in the primary cycle of education.

The study analyses several aspects and characteristics which are observed in the experience of our schools and trainers of various sports teams in their cooperation with parents. In this context, the characteristics, barriers and difficulties encountered by the parents in relation to the teachers of physical education who fail to ensure their effective involvement in the education process of their children has been analyzed and presented. The study considering the experience gained and especially the common interest of institutions and parents in the sustainable development of quality in the classes of physical education, introduces and develops the thesis that involvement of and partnership with parents must gain a new dimension, that of commitment of parents in the process of education, specifically learning process. It cannot go without saying that children see their parents as heroes and the latter will be of great help in increasing quality of physical education so as to control and adjust their emotional situation which is an important aspect for their physical activity. Such emotional situation affects to a considerable extent all their actions and behavior. The poor physical condition and frequent tiredness lead to lack of mood of the child and consequently they get angry and bored. As a result they might even abandon classes at school, lack willingness to move and attend various sports with the justification that they are tired, they have headache, their feet hurts etc. This condition will make them even more passive and this will lead to negative consequences on their body. In such cases, intervention of parents with injection of optimism will improve self-confidence which on its turn will be transformed into strength and work by the children. Learning and various sports movement is not tiring if the child has the

will, interest and motivation. However, interests and will to exercise and learn may be encouraged and stimulated through the parent's example.

Personality is mainly defined by features which do not concern the level of knowledge; instead they are closely linked to fundamental positions and goals of a person. Education does not concern with the mind only; it concerns with the heart and spirit. Life skills are qualities that are developed from various daily life phenomena.

## Conclusion

Teachers and trainers consider important the involvement of parents in this process as they consider it useful in obtaining the intended results based on the specifics of each child. Parents' involvement must be considered an important method to achieve results in efforts of children and teacher's work with the children because involvement of parents has a positive impact on the moral situation of children, building self-confidence and overcoming communication skills with peers and teachers, easily overcoming any embarrassing situation caused because of limited physical capacities etc. To conclude, the role of parents of young age groups is very important because the parent is the best example to be followed by them.

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## Classroom Management

Elida Kurti, PhD Cand.

Academical Editor at UET PRESS

European University of Tirana

Faculty of Education and Social Sciences

elida8010@hotmail.com

Tel. 0685913506

### Abstract

*This paper aims to reflect an effort to identify the problems associated with the educational learning process, as well as its function to express some inherent considerations to the most effective forms of the classroom management. Mentioned in this discussion are ways of management for various categories of students, not only from an intellectual level, but also by their behavior. Also, in the elaboration of this theme I was considering that in addition to other development directions of the country, an important place is occupied by the education of the younger generation in our school environments and especially in adopting the methods of teaching and learning management with a view to enable this generation to be competitive in the European labor market. This, of course, can be achieved by giving this generation the best values of behavior, cultural level, professional level and ethics one of an European family which we belong to, not just geographically. On such foundations, we have tried to develop this study, always improving the reality of the prolonged transition in the field of children's education. Likewise, we have considered the factors that have left their mark on the structure, cultural level and general education level of children, such as high demographic turnover associated with migration from rural and urban areas, in the capacity of our educational institutions to cope with new situations etc. In the conclusions of this study is shown that there is required a substantial reform even in the pro-university educational system to ensure a significant improvement in the behavior of children, relations between them and the sound quality of their preparation. Used literature for this purpose has not been lacking, due to the fact that such problems are usually treated by different scholars. Likewise, we found it appropriate to use the ideas and issues discussed by the foreign literature that deals directly with classroom management problems. All the following treatise is intended to reflect the way of an effective classroom management.*

**Keywords:** Classroom, Management

### 1. Introduction

Supporting the theory of learning or didactic, there are included the management aspects, which are vital to the development of the learning process. This was the reason that actually prompted me to optimize the treatment of the subject, trying to do an anthology selection of topics as well as the most important points, which relate to the current practice in our schools. This theoretical treatment includes basic criteria related to classroom management which should be possessed and applied by each teacher in the nowadays schools. Study deals with the running of the class, the formation of groups, the beginning and completion of the lesson, class' ecology, the class' climate, student's motivation, characteristics of teachers, their communication with the students, maintaining discipline in the classroom and other treatises that can be derived during the elaboration of this paper. Classroom management is a very broad topic and interesting to be studied. Management is the way how the class is organized and how it affects in the entire class' climate and student's behavior. The purpose of this paper is to understand what does an effective class management means and to identify which are the techniques that make it an effective organization of the class. The word "management" means leading, direction, organization, in this context, as part of the learning process. Theoretical treatment on classroom management and effective methodology for reflection about practical application in the classroom, are fundamental provisions which successfully teaching can be implemented with. It is true that the teacher faces every day of surprises, which happen out of blue, but the way how these problems can be avoided, which impede the normal development of the learning process, it depends on how he possesses the required skills and knowledge for managing the class, how does he coordinate and stabilize the object as an entirety of the development of learning. Of course, these problems are psychological, practical, objective and subjective properties which are treated by the teacher during the teaching process. Classroom management describes the process for the provision of regularly being in the classroom teaching, despite the

attitude of the students. Classroom management means the learning management, time management, especially, time management for successful learning. In the classroom management exist some aspects, such as:

- creation an atmosphere in the classroom,
- personality of the teacher in the classroom atmosphere and
- the teacher-student ratio.

To place a report, the teacher should be an expert of knowing the name of the students as soon as possible. In some other words, it is initially thought that the teacher should recognize a student's name rapidly. The teacher must work with a principle, there are no bad students, but good, better and much better. "Management" can be defined as the ability of teachers to collaborate, manage time, space, resources, roles of students, student's behavior and to ensure a climate that encourages learning. As we said before, it is true that the teacher faces daily surprises, although he did not foresee such cases, but the way how can he avoid these problems, which impede the normal development of the learning process depends on how he possesses the skills and class management knowledge, how does it coordinate and stabilize the objects as an entirety of the development of learning. Sometimes teachers and students have some inconsistencies in their perception related to the disciplinary problems. Mainly differences have their origin outside the classroom and this has its effect on student's own relationship with the teacher. In order to reduce these differences teacher must have the qualities of effective teachers and good students to learn. "Also in order to be effective, teachers must be active facilitators, managers imaginative class."<sup>1</sup>

Theoretical interpretations of "teaching methodology" define management in this way: "Management of teaching deals with the management and organization of such learning, aiming to maximize the productive involvement of students in learning." Let's materialize this issue, reflecting the current situation in our schools, especially in the cities' ones. In the 9-year and secondary schools, the number of students in classrooms is the norm. According to the current situation, each class consists of 35-40 students at least, and there are rare times when a class has up to 45 students. In these classes the teacher happens to encounter students destabilization as a result of this major load. E.g. when the teacher is correcting the work of a student, helping him or giving any suggestions on teaching subject, the rest of the students may deviate from the preliminary stability, e.g.: students start a conversation, whisper, harassed each-other, laugh at anyone, while the others may be drawn to their observations of the windows outside, etc., where all of that bloating can be a result of the poor management by the teacher.<sup>2</sup> "The teacher is also a subjective factor, very important in training lessons, whose professional competence, preparing didactic and methodical plans, organizes and carries out all the work with the students, and enables the creation of the basic conditions for a successful completion of teaching work." Since the beginning of each school year, the teacher represents the teaching curriculum and required criteria, which are addressed to the students, and also should be said with persuasiveness, impact and sustainability to students, then they find their wider application in practice. Obviously, this regulative measure of the teacher is made for positive purposes and, in this context, it creates a kind of agreement with the students, which can give their proposals, but not out rules that govern the classroom and learning as an entirety. If these submissions, which are performed by the teachers, overtime suffer shaking, then this reflects adverse trends at the students, who may mistreat and nickname the teacher. This adversely affects the teacher, who has already lost the student's faith and trust, not being introduced with the dancing's pace at first. In this regard, the facetiousness, consistency and rationality, students will not only hate the teacher, but they will also hate the subject which he teaches. However, to avoid such deviations, then we should refer to constructive recommendation, which advises us successful teaching methodology, namely classroom management methods.

No matter which form of teaching work the teacher has decided to apply in class, he can also combine them in order to boost total activity among students. The two most important aspects of dealing with the beginning of punctuality and discipline are mental regulation. It is very important and very effective for the students if the teacher arrives in time to start the learning process, and punctuality, in this regard, would send the message to students that it is necessary, fair and rational, to respect the time and hours of learning. They are usually the first minutes of the preparatory period, because at a hand marks the teacher fills the register in, while, on the other hand, the students begin preparation for the material they will need during that hour of lesson. After completion of this procedure, the teacher should get up and put his own needed

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<sup>1</sup> Niyazi Zylfiu "Office textbooks and teaching tools", Pristina. 1985. p.75  
<sup>2</sup> Bardhyl Musai. " TEACHING METHODS". Tirana: Pegi. 2003 p. 158

material up for specific educational unit. He sets the material before students and this way with a comprehensive vision "in camera form," he should convey to the students that the hour of lesson is ready to start. Of course, he begins teaching by the day plan, which is written in the teacher's notebook, whose goal is always to present the hour making questions on students and sometimes answering them, which connect the last unit with the present. So, these are aspects that provide the teacher that the mental mobilization by students, is already secured.

## 2. Methodology

One of the biggest problems during these two decades of democratic development has been and continues to be our educational system, the education of the young generation, as a determining factor in preparing the future of the country and cultural and professional development of future generations. All these problems have arisen primarily from the opening after the long isolation, which was associated with the development of comprehensive democratic processes, but also the problems of the people, especially on the education of the younger generation, organization the education process in the new conditions, the improvement of school facilities and the extent of the achievements of technology in this system. During this work I have tried to analyze different issues associated with classroom management, trying to touch a wide field, both in terms of the attitude of the students, as well as defining the role of teachers, parents and students in management best possible learning process.<sup>1</sup> Of course, the room for improvement in this area is vast and requires, among other things, well-studied reforms and development perspective. Instruments used in the realization of this paper are related to relationship problems teacher-student in the learning process, with behavioral problems and learning of students, preparation of educational staff to meet the challenges of time in the educational process and a range of issues, which affect in the best management of the class. The whole theme of this study is more qualitative nature, directly related to the stability and professionalism of the teaching staff, with the right solution and qualitative problems that show students and the quality of the management class.<sup>2</sup> In methodological development of this paper I thought and I acted by analyzing the problems of teacher-student relations, aiming to jump some modest milestones to achieve fair outcomes for today in perspective. Of course the model set out in this study is only an attempt to analyze the problems of classroom management and the importance of this problem in the progress of teaching and educational process.

## 3. Management Class

### 3.1 Some considerations for classroom management

In this treatment, including basic criteria related to classroom's management, which must be possessed and applied by every teacher in the schools today. This deals with the running of the class, the formation of groups, the start and completion of the learning ecology of classes, class climate, student motivation, teacher characteristics, communication with students, maintaining discipline in the classroom and other treatises. With in the theory of learning or didactic aspects including management, which are vital to the development of the learning process. Classroom management is closely related to motivation, discipline and respect.<sup>3</sup> Methodologies remain a matter of passionate debate among teachers; approaches depend on teachers trust on itself educational psychology.<sup>4</sup> A large part of traditional classroom management is related to the behavior modification, although many teachers use behavior approaching only occasional simplistic behavior. Many teachers decide the rules and procedures at the beginning of the school year. According Gootman (2008), rules give students the right direction to ensure that our expectations will become a reality.<sup>5</sup>

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1 Bardhyl Musai. " TEACHING METHODS". Tirana: Pegi. 2003 p. 210

2 Refik Halili "Looking pedagogy reform". Crown. 2007. F.73

3 <http://fsash-spash.com/Non-form-educ-manual.pdf>

4 Bardhyl Musai. " TEACHING METHODS". Tirana: Pegi. 2003 p. 210-212

5 Gootman, Marilyn E. The caring teacher's guide to discipline : helping students learn self-control, responsibility, and respect, K-6. 2008, p.36

### 3.2 Classroom management: Beginning of school year<sup>1</sup>

Targets	Ways
Organization of materials -	<ul style="list-style-type: none"> <li>- Prepare sites for each subject</li> <li>- Bold color codes for each subject</li> <li>- Prepares the environment for the subjects / instructional templates</li> <li>- Create folder homework for each student</li> <li>- Environment for classroom</li> <li>- Environment reading class table</li> <li>- Places for students- clean tables, bags etc.</li> </ul>
Routine located -	<ul style="list-style-type: none"> <li>- Learn the students to organize materials and work</li> <li>- Hours class</li> <li>- Beware of noise (p.sh bell, clapping etc.)</li> <li>- Constantly repeated</li> </ul>
Autonomy -	<ul style="list-style-type: none"> <li>- Rules created with the student class</li> <li>- Agendas</li> <li>- The role of students</li> <li>- Problems related to teaching / learning</li> </ul>
Class community -	<ul style="list-style-type: none"> <li>- Creation of activities around me</li> <li>- History of discussions about cooperation, friendship, community</li> <li>- Rule placing benches class</li> <li>- Moment of learning-discussions / activities, social interaction within and outside the classroom</li> <li>- Project work in the classroom.</li> </ul>

### 3.3 Classroom management standards

Management of teaching deals with the management and organization of such learning, aiming to maximize the productive involvement of students in learning." (Moses, 2003, f.201). Classroom management consists primarily of physical and social aspect of it, and it is the responsibility of teachers and pupils to ensure and protect it in order to be more effective for a more successful development of learning. Some key aspects of classroom management are:

- Well planned and interesting lessons;
- Develop positive relationships in the classroom;
- Motivating students to learn;
- The rules of the classroom;
- Positive discipline in the classroom;
- Good communication skills of teachers and students.

### 3.4 Approaches for motivation

Students learn and learn best when they are motivated. This happens when they:

- Are clear about the activities that they are carrying and the purpose they have
- Can work themselves relying on their own knowledge they have
- Participate actively in the development of activities by creating space to use language and their perceptions to understand.

In addition, students who participate in these classes will be more actively involved in the activities organized if they:

- Have an enabling environment that provides the opportunity to work together with others and also relieve pressure from the grade or error.
- Have a variety of options to chose what, when and how they want to learn
- Have time to think and reflect on what they have learned.

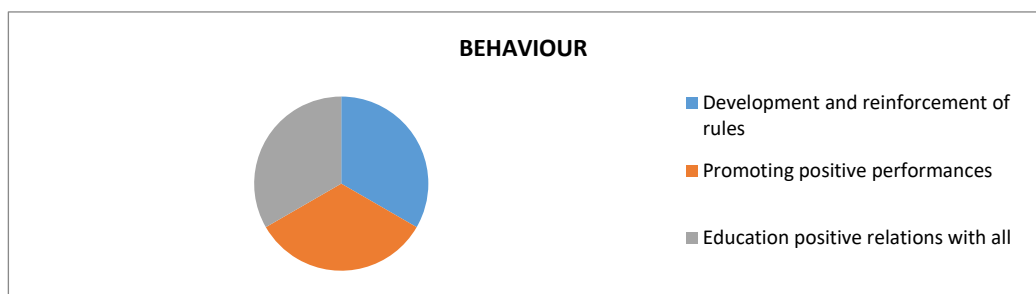
<sup>1</sup> Jackson's Class website Blog: Tips for Better Classroom Management

### 3.5 Systematic approaches

According to the founders, Dr. Richard Curwin and Dr. Allen Mendler, "Discipline with Dignity" is one of the most common practices in the world of philosophy of behavior management. Discipline with dignity, provides a deep and flexible approach to school management and effective class behavior management. With a powerful approach to the development of responsibility, it is a practical and comprehensive program that enables the provision of a student behavior through responsible thinking, cooperation, mutual respect and the connection decision-realization. <sup>1</sup>A method for managing the class is the one which is based on teaching tools, created by Fred Jones in his explanatory instructions and in a series of books. Positive grades developed by Dr. Robert Di Giulio present positive classrooms management as a result of four factors:

- How teachers think about their students (the spiritual dimension)
- How do they stay in the classroom environment (physical dimension)
- How capable are they to teach the content (instructive dimension)
- How do they manage the behavior of students (managerial dimension).

Safe discipline is another different systematic class' management approach. This idea was developed by Tips and Marlene Canter in discussing the ideas of this approach in several books published by them. This refers to a high level of control of teachers in the classroom. She called the approach "taking control" of learning through the introduction of rules to control the class by the teacher strictly, but in a positive way. Approach schedules that the teacher can establish rules and guidelines. These rules must clarify the definition of acceptable and unacceptable boundaries of student's behavior, learning these rules, guidelines and requirements for the presence of parents or guardians when judged that this support is necessary in addressing student conduct. The main goal of this discipline is to allow the teachers to charge the students during the learning process without being interrupted by the rude students. Part of this approach is to develop a clear disciplinary plan in the class based on the rules that should be applied by the students all the time, positive knowledge that should be taken by the students through these rules and consequences when students choose not to implement these rules. These rules should be scaled when a student begins not to apply them more than once during some lessons. Finally, this treatment includes: rude students. Students may be forced to follow these arrangements. Teachers must be sensitive to the disrespectful students and must teach them correctly, and of course without interrupting the lesson. Penalties should be implemented to avoid the non-compliance of these rules and they require a positive pressure that encourages good behavior. Discipline without stress, punishment or reward? Discipline without stress is designed to educate young people about the value of intrinsic motivation. Its aim is to encourage and develop in young people a desire to become responsible, self-disciplined and to have a tendency to learn. The most significant features of discipline without stress is its lack becomes completely incorrigible (and unacceptable) and runs in the opposite behavior outsourcing mitigated reinforcing.<sup>2</sup>



### 3.6 The rules of modernization class

Classes and better schools often have very few rules of the way. A majority of the rules can be thought as an overload for students and can become a source of conflict, more than a guide to good behavior. We will mention only three basic

<sup>1</sup> Arthur-Kelly et al. (2006) "Classroom Management: Creating positive learning environments" 2nd edition. Thomson.

<sup>2</sup> Discipline without Stress, Punishments or Rewards. Marshall, Dr. Marvin (2001)

opportunities for all students from a variety of rules and arrangements applied in different school classes. School staff and teachers should decide for students and parents of the school three basic rules of the way:

1. Respectful mutual treatment of everyone;
2. Appropriate usage of the school's tools and its equipment;
3. Application of the adults' guidelines.

All the rules of all the schools aim just to define the boundaries between what is regularly and what is irregularly in the classrooms. To be more effective, students' rules should be some way of simple, specific, clear and designed in terms as positive as possible. Avoid too much "not to do".

Other features regularly being successful in the classroom are:

- Rules of the way should be short.
- Rules of the way should be done in terms of the kind.
- Rules of the way should be used with distinct behavior.
- Rules of the way should be measurable.
- Rules of the way may be mandatory.

The difference between the rules which you can work with and those left by the time are described below:

THE RULES	
The effective rules	The ineffective rules
1. Try to as best for every task or duty.	1. Be good sometimes.
2. Work calm when you are directed.	2. Do not bother the others.
3. Be careful with installed equipment.	3. Apply a good citizen.
4. Do not shoot.	4. Behave properly at all time

Whatever the rules, they work best when students have their voice in shaping preservation of the rules. If all students are informed about the rules, teachers have one more reason to implement them in the best way possible. Teachers must submit obediently the rules of class. If someone signs for questions, or prayer room for negotiation, the rules will not be taken seriously. Obviously, even the best the rules in the world cannot work if the state of the class is boring and lessons are misplaced and. A part of the leadership helps the colleagues and associates to learn how to do their jobs better and more easily. This is the main role of discipline in the classroom. Teacher is the first connection in the school to protect from behavioral problems. If discipline is successful, it can be so only by what the teacher does, or what she does inside and outside the classroom.<sup>1</sup> Leaders serve as coach and supporter. There aren't recipes for public education, which teacher should at least be mentioned to discipline and to create a rule for the learning environment in the classroom. Problem is what a teacher makes while working in teaching and classroom management, which is a frustrating problem. The control elements of a good class are obviously visible, but the energy and dispersion requirements make them the largest real extract for every professional implementer.

#### 4. The teacher-student relationship, as key factor in the class' management

##### 4.1 Basis of relations teacher - student

Teachers who use positive discipline respect, nurture and support their children. They understand why a child behaves well or badly - as I know, and what the child thinks about himself, what could be the source of bad behavior and so on. They also point to the skills of the child and his family situation. The requirements a teacher has for a child are realistic, taking the child as it is, not as it should be. The teacher understands that misbehavior is an event, where lessons learned are constructive for the child, as well as his teacher and she is part of a natural, important development and not a threat to

<sup>1</sup> [http://en.wikipedia.org/wiki/Classroom\\_management](http://en.wikipedia.org/wiki/Classroom_management)

the authority of teachers. By building such a positive relationship on the basis of understanding and empathy, students have confidence in the teachers and evaluate their positions. When students respond to the positive nature of the relationship and consistent discipline, cases of misbehavior are reduced and further improve the quality of relationships. To achieve such objective, good role models are the best teachers, which the students who try to imitate to and go well with them.

#### 4.2 Communication parents -teacher

Building a positive teacher - student relationship, the one that promotes good behavior and prevent misbehavior, also requires parental involvement in children's education. Two of the factors that can motivate the child to misconduct and dropout are not interested parents and their low requirements. The interest of the parents has a positive effect on the results of children and is the most accurate signal to a student's success in school. Some of the benefits that the interest of the family is associated with, are:

- Students achieve better results, irrespective of their socio-economic background of their ethnic or racial, the education of parents.
- Students regularly attend school.
- Pupils make regular tasks.
- Students exhibit more positive attitudes and behavior.

But to attract parents to be more concerned about their children's education, the teacher must show a big care for the child herself. Different studies show that parents use as a tool the teacher's knowledge on the child's personality or interests. They listen willingly comments on their child, if they see that the teacher know what is special about their child. This is one of the main reasons why knowledge of the child and his family is so important in the development of relations parents - teachers. In addition, children and especially those who chronically misbehave in class, a parent - teacher – student relation often ends the game their children play, contradistinguishing the school against the parents or the parents against the teacher.

#### 4.3: Action Strategy; The same pupils, another behavior

Select a student in your class, whose behavior worries or frustrates you. Observe him regularly for a week, especially outside the classroom. Did he behave the same way in other classes or with other students, as it does in your class? If he behaves at school differently in different situations, why do you think that he hasn't decided to act as behave in your class? Consult with teachers who do not have problems with his behavior. What are they doing differently than you? Do not submit your requests in the form of questions (such as teacher Ms. above)? Do you have punished him, and therefore will not come to class? Do other teachers offer other alternatives and let him deal himself with the consequences? What can I do to help him in a positive way to become more responsible for his behavior? If we believe that each student chooses his own attitudes, we need to apply this approach to our reactions in the classroom and for all activities with students. We must ask ourselves about the choices we make for our actions, why do we make such choices, and show more care then how do we state the voice, and how do we gesture. The main objective of students' behavior is to satisfy the need of belonging. This belonging desire is a fundamental need, which is shared by children and adults. Each of us strives to find and maintain an important position, a place to belong. During our research, we select beliefs, feelings and attitudes, through which we think we win importance. Most students spend hours in school, so their ability to find their place in the group and school class, is of great importance. In addition, any method to select a student to achieve the target of belonging - whether with good manners or bad ones - this method is selected early in life and has become a way of life, characteristic for that person. Here's why you're an important player to help each child to choose a method that is socially acceptable. It will last a lifetime! Students need to meet these requirements, in order to experience a sense of belonging.

- They need to feel able to fulfill tasks in order to meet the requirements of the class and the school.
- They need to feel they can communicate successfully with teachers and classmates.
- They need to understand that their contribution is important to the group.

These three factors that affect students' abilities to meet these requirements and needs are:

1. The quality of the relationship teacher - pupil, based on trust, mutual respect and reason (not fear);

2. Climate that encourages the spirit of success in the classroom (e.g., all children feel that they are involved, their contribution is estimated and that the group can work effectively);
3. An appropriate structure in the classroom.

By finding ways to meet these three requirements together with these three factors, we can meet the needs of students to find their place in the group and avoid so misbehavior that may occur during attempts to meet such a need.

#### 4.4 What might the causes that promote problematic behavior of students?

Can we do a grouping of the main causes that promote problematic behavior of students?

##### **Reasons related to the personality traits of the students themselves:**

Efforts to attract the attention of the others. Studies in this area show that a very high percentage of inappropriate classroom behavior by certain students become to attract the attention of the others (friends or peers). For a category of students, bringing "evil" may be the only way to attract the attention of others. Usually these are students who speak without permission, coming late in teaching, rejecting without any reasons, making noise etc. They can even ask for trivial things etc. They do everything to attract attention to themselves. **Seeking status fittest.** This happens when a student wants to be in control of things in the classroom. To achieve this status they can do evil, to confront, to show disobedience etc. They behave like this when they know they can gain audience and status. The need for power is expressed by refusing to respect preservation of the rule. Possible when they feel obliged to do what was required.

##### **Retaliation against classmates or teachers, for various reasons.**

They feel that this way they can hurt the others' feelings. There are times when this desire for revenge can pass the attacks not only of a psychological nature, but also physical. They can delight becoming aggressive and violent. These are students who write on the desks, threaten their weakest friends, strike, break-class facilities. Often such behavior comes when these students have failed in their efforts to attract the attention of others, or to be the fittest situation.

**Lack of confidence.** There are students who are discouraged by their position in the class or the poor results in the learning process, who have lost confidence in themselves and cannot accomplish things that the others (teachers, parents) expect from them. From the fear of failure they choose better not to try, so on the spot they find excuses typical of: "I cannot learn", "it was very difficult" and other expressions like these. Feeling not good with themselves, they believe they are bad and therefore behave just sorry. They think that they do not fulfill the adults' requirements, so they lock their selves and later they start to behave bad, pretending that they are impotent, miff and weak.

#### 5. Conclusions

Based on the practice of our schools, we cannot be satisfied with aspects of classroom management. Lack of management skill causes problems as a result of this issue. Here we can mention the monotony, skipping classes, lies and other problems ranging from this condition. It is also time's necessity to pay attention to this issue. When we talk about classroom management and student achievement, we can compare this situation with the driver that needs to respond to the needs of passengers in order to ensure that they will reach their destination. Effective teachers professionally managed arrive to organize the class and then expect their students to contribute in a positive, productive and effective way. Classroom management summarizes "teacher's actions and strategies used to solve the problem of order in the classroom environment". Effective teachers use the rules, the procedures and the routine to ensure that students are actively involved in learning. Basically, they do not use these rules to control the management of student's behavior, but to influence and run it in a constructive way to set the stage for learning.

Classroom management is nothing but the implementation and usage of all the rules and procedures to ensure order, discipline and welfare insurance of the classroom students. Some techniques should be applied to the management, in order for it to be more effective and reflect good results. Classroom's management is closely linked to the behavior of teachers. For this, the teacher must be fair to students, must command the subject, must control his emotions, must help



students if it is necessary, must follow the progress of students in the performance of his duties etc. Professional teacher should be pleasant and try to create a friendly atmosphere with the students in the class, must show she is consistent with everything that happens in the classroom. The teacher should try to include in teaching all students. Even when he works with individual students, he should be able to deal with many things at the same time. The teacher should reduce the use of punitive methods and add reinforcements. He should exactly use behavior management procedures by reinforcing positive behavior.

Management "can be defined as the ability of teachers to collaborate, manage time, space, resources, roles of students and student behavior to ensure a climate that encourages learning". Methodologies remain a matter of passionate debate among teachers; approaches depend on trust teachers on educational psychology itself. A large part of traditional classroom management is related to the behavior modification, although many teachers use behavior approaching only occasional simplistic behavior. Many teachers decide the rules and procedures at the beginning of the school year. According Gootman (2008), rules give students the direction to ensure that teacher's expectations become a reality. As a result of this study related to problem of the students' behavior in the classroom environments and their management by the teacher, the teacher should consider how to deal positively to this challenge and proactively, to prevent misbehavior before it starts, acting effectively to the challenges of unexpected and encouraging students to listen and cooperate in a class with learning realistic goals.

Another distinctive feature is the management perspective. I think it is the creation of a climate in class, teachers' full competence. He must show willingness, readiness and physical consistency to control and activate the students as an entirely. It would be constructive if the teacher appears joy, interest, sincerity and pleasure before and during the entire class.

Developing a plan disciplinary must be clear in the classroom, based in the rules that should be applied at students all the time, knowledge, positive should take students through these rules and consequences when students choose not to implement the rules of the way. The rules need to be escalated when a student begins not to apply more than once in some lessons.

It is the duty of teachers to recognize the features of psychological age of the students their own on the basis of previous knowledge of these characteristics, in the age group of the same, as there are conclusions, know how to orient the view, the logic of the students of today, without doubt they are much higher than their peers, a few years ago, to open new horizons before them rattling.

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## Modeling the Relation Between Self-Esteem, Loneliness and Engagement as Factors of Children Achievement in Science

**Mohammed Yousef Mai**

Faculty of Education, Universiti Pendidikan Sultan Idris,  
35900 Tanjung Malim, Perak Darul Ridzuan  
[dr.mohd.mai@gmail.com](mailto:dr.mohd.mai@gmail.com)

**Asma'a Abdel Fattah Alhoot**

Faculty of Education, International Islamic University Malaysia,  
Jalan Gombak, 53100 Kuala Lumpur, Selangor, Malaysia  
[aalhoot1978@gmail.com](mailto:aalhoot1978@gmail.com)

### Abstract

*Students' mental health plays an important role in child's daily life. Many studies declared that self-esteem, loneliness and engagement could be a crucial factors that affect students' learning and performance in school. This study is examining the relationship of these three factors with child's achievement in science. The study involved 260 (grade 4 to grade 6) Arab children studying at Arab schools in Kuala Lumpur-Malaysia. Data were collected via three questionnaires (for self-esteem, loneliness and the third one for student engagement), and student science achievement determined by students' GPA scores from their schools. All the questionnaires are valid and reliable according to the Cronbach's Alpha value. The correlational data analysis yielded a negative correlation between self-esteem and loneliness while there is a positive correlation between self-esteem and engagement and between self-esteem and achievement in science. Furthermore, the results showed that both students' self-esteem and engagement is significantly predicted students' achievement in science. Furthermore, results reveal that all the goodness-of-fit indexes fulfilled the requirement of the acceptable model fit with significant paths and correlation. The Model has provided a reasonable explanation of the structural model of students' self-esteem, loneliness, engagement and achievement in science.*

**Keywords:** Self-esteem, loneliness, engagement, childhood, academic performance, achievement in science.

### Introduction

Many non-cognitive factors (such as, mental health, cultural background, previous academic performances, study skills, and many more) may have an influence on a student's achievement and performance in school and life as well. Many researchers asserted the importance of examining the non-cognitive factors related to academic performance (Coetzee, 2011). Not only that, previous research has tied the quality of children's social relationships to their academic achievement (Tassin, 1999), the quality of peer relations has been associated both with students' academic orientations and with their school performance (Flook, Repetti, & Ullman, 2005). Lu & Zhou (2013) find poorer achievement and greater loneliness among migrant children who are isolated in migrant schools.

### Theoretical Background

Researchers have suggested that achievement in science in secondary school is a function of many interrelated variables. However, there are school-related variables such as students' academic engagement that can be influenced and are

amenable to change by educational interventions. Thus, understanding the role of such factors as motivation, interest, attitudes, and academic engagement on achievement has attracted serious attention in recent years (Singh, Granville, & Dika, 2002). Similarly, results of many researches support the necessity for studying, learning environments and their relation to socioemotional factors such as self-esteem (Booth & Gerard, 2011).

Good theoretical reasons exist for positing a causal link between self-esteem and school success. Healthy self-esteem has been associated with internal locus of control, perceptions of competence, persistence in the face of challenges, coping skills, social support, and a variety of other qualities that are likely to better equip students to succeed in school (Whitesell, Mitchell, Spicer, & Team, 2009).

Early theorists defined and used self-concept in general terms as global perceptions of self-worth, or self-esteem (Pajares & Schunk, 2002). Although the terms self-concept and self-esteem are often used interchangeably, they represent different but related constructs. This self-concept is seen in more general terms (Campbell, 1967), it refers to a student's perceptions of competence or adequacy in academic and nonacademic (e.g., Social, behavioral, and athletic) domains and is best represented by a profile of self-perceptions across domains. Self-esteem is a student's overall evaluation of him- or herself, including feelings of general happiness and satisfaction (Manning, 2007)

Theories of self-esteem have been based on one of two fundamentally different assumptions about the essential nature of self-esteem. Traditionally, intrapersonal theorists have conceptualized self-esteem as a person's private self-evaluation. Humanistic approaches that dominated thinking about self-esteem in the middle of the 20th century likewise viewed self-esteem as a personal evaluation of one's goodness or worth (MacDonald, Saltzman, & Leary, 2003).

Issues of self-esteem are likely to arise in middle and late childhood, children become more aware about managing and controlling their emotions to meet social standards. A greater sense of social awareness arises because of the wide increase of significant others, as well as some internalisation of the perceived values and norms of society could lead to those issues. At his stage, statements of self-image will include emotionality, interpersonal references, as well as trait labels (Alpay, 2000) and is so necessary as to be the prime motivator of all behavior (Campbell, 1967).

Promoting high self-esteem is important because it relates to academic and life success (Al Khatib, 2012; Manning, 2007). Research indicates that persons who maintain positive self-concepts with higher self-esteem tend to report more positive affective states, greater wellness, more life satisfaction and fewer depressive symptoms which in turn affect their performance in school (Yaacob, Juhari, Talib, & Uba, 2009) (Campbell, 1967). More recent longitudinal investigations of the link between self-esteem and academic achievement have found as much indication that achievement enhances self-esteem as they have that self-esteem enhances achievement (Whitesell et al., 2009).

According to Booth & Gerard (2011) much research has validated the assumption that high self-esteem is associated with educational achievement. Self-concept is frequently positively correlated with academic performance, but it appears to be a consequence rather than a cause of high achievement. This suggests that increasing students' academic skills is a more effective means to boost their self-concept than vice versa (Manning, 2007).

Moreover, Various research indicated that self-esteem was negatively correlated with some other mental problems such as loneliness (Al Khatib, 2012). In Malaysia, Yaacob, Juhari, Talib, & Uba (2009) examined the degree of relationships between loneliness, stress and self-esteem with depression among adolescents. The findings of the study showed that loneliness, stress and self-esteem have moderate significant relationships with depression and stress emerged as the strongest predictor of adolescent depression.

Loneliness is a distressing, painful experience that humans want to avoid. Most people are probably going to have a significant experience of loneliness some time in their lives (Al Khatib, 2012). Loneliness is a complex emotion resulting from deficiencies in fulfilling intimate or social needs (Tassin, 1999). It is an important aspect of psychological distress in childhood and adolescence (Lu & Zhou, 2013). Asher, Hymel, & Renshaw (1984) found that more than 10% of children from third through sixth grade reported feelings of loneliness and social dissatisfaction. Perlman & Peplau (1984) defined loneliness as an unpleasant experience that occurs when a person's network of social relationships is significantly deficient in either quality or quantity. This definition shares three points of agreement with the way most other scholars view loneliness (Alhoot & Abdallah, 2015).

1. loneliness results from a deficiency in a person's social relationships.

2. Loneliness is a subjective experience; it is not synonymous with objective social isolation. People can be alone without being lonely, or lonely in a crowd.
3. the experience of loneliness is aversive, unpleasant and distressing.

Several studies have explored the causes of loneliness, one set of the causes lies in cultural and situational environments such as changes in social networks, and changes in personal relationships especially loss of significant relationships (Al Khatib, 2012).

From middle to late childhood, loneliness appears to be an indicator of internalizing emotional problems and negative self-perceptions such as anxiety, shyness, depression, or low self-esteem (Bonetti, 2009). The available evidence suggests that loneliness is associated with poor mental health, loneliness was associated with indices of poor personality integration (Perlman & Peplau, 1984). Barrett & Mosca (2013) found that social isolation is a significant feature of the lives of return migrants. In a study conducted by Shouqair on a sample of 290 pupils from second grade of middle school in Egypt and Saudi Arabia, the results showed a positive relationship between self-esteem and mutual social relations and a negative relationship between the scores of members of the two samples in appreciation of self-esteem and loneliness (Shouqair, 1993).

Salomon and Strobl examined loneliness, social support, and help-seeking behavior in children, ages 9 to 13. Participating were 330 fourth to sixth graders from middle and low income families from the Montreal, Canada region, who completed two questionnaires measuring feelings of loneliness and social dissatisfaction and help-seeking. Independent variables were sex, school performance, and socioeconomic status (SES). The results indicated that children with lower school performance were significantly more lonely than children with higher school performance, and more particularly expressed feelings of rejection and isolation. Sex and SES had no effect on the loneliness score (Salomon, A.; Strobel, 1996). Similarly, Noramn (2003) examined the identification and perception of 170 middle school children in the seventh grade in a public school in Tennessee to determine the extent and direction of the relationships among children's loneliness scores, The results indicated that there is no statistically significant relationship between students' loneliness scores and school performance (Norman, 2003).

From the educational literature, it is clear the relationship between student achievement, loneliness and self-esteem. There is general agreement amongst researchers that students who are underachieving at school are also likely to have low self-esteem, and that improvements in self-esteem will lead to improvements in achievement (Alpay, 2000). A low self-esteem may be exhibited through several operations by the child such as avoidance, compensation, low motivation, and resistance (Alpay, 2000), this could also leads to loneliness as low self-esteem is a one of the most powerful predictors of loneliness (Mahon, Yarcheski, Yarcheski, Cannella, & Hanks, 2006; Harward, 1989).

Recently, the concept of school engagement has been receiving increased attention from researchers, policy makers and educators because they consider it an important precursor of positive school outcomes. literature review revealed that academic engagement has been shown to be amenable to influence through school or classroom practices (Nako, 2015).

According to Fredericks, Blumenfeld, and Paris (2004) there has been a substantial variation regarding the terminology of engagement in research. Engagement often appears with other words as shown in the terms: "school engagement", "academic engagement", and "student engagement" ("student engagement in academic work" and "student engagement in/with school") (Fredericks et al., 2004) .

With regard to the use of the terms of "student engagement" and "school engagement", Appleton, Christenson and Furlong (2008) argued that "school engagement" accentuates only the role of school context, not the influences of other contexts such as family and community. Alternatively, "student engagement" is applied in terms of both school settings and academic work in classroom contexts. They observed that student engagement includes academic engagement (e.g., time on academic task), cognitive (e.g., the use of self-regulation and meta-cognition strategies), behavioral (e.g., attendance and participation in both curricular and extra-curricular activities) and psychological engagement (e.g. identification). Thus, "student engagement" can be used to represent both "school engagement" and "academic engagement" (Appleton, Christenson, & Furlong, 2008).

Student engagement is often conceptualized as a multidimensional construct (Appleton et al., 2008; Fredricks et al., 2004) (Hoff & Lopus, 2014) (Veiga, 2012). Several types of engagement were noted – academic, cognitive, intellectual, institutional, emotional, behavioral, social, and psychological to name a few (Taylor & Parsons, 2011).

However, there are some disagreements across the different conceptualizations in relation to the number of dimensions of engagement. In the literature, three dimensions of student engagement are typically described: cognitive engagement, behavioral engagement and emotional. Fredericks et al. (2004) distinguishes between cognitive, behavioural and emotional engagement.

1. Cognitive engagement, which refer to students' personal commitment with their learning. It can be understood as students' psychological investment in their own learning. When cognitively engaged, students concentrate, focus on achieving goals, are flexible in their work and cope with failure. This is different from high performance: a student who is performing well may still be disengaged if they are coasting and not motivated to exert themselves more than is necessary to get by.
2. Behavioural engagement, which represents students' participation in classroom, school and after-school activities. This includes adhering to behaviour rules, attending lessons as required and arriving at classes on time. Importantly, behavioural engagement refers to the learning behaviours that are important for high student performance, which may include collaboration and communication with peers.
3. Emotional engagement (also as affective engagement), which reflects students' affective reactions to school, teachers and peers. This has also been called 'identification' with school and learning practices. Students are engaged when they feel included in the school and feel an emotional bond with the school, its teachers and their peers.

Overall, there is an agreement that student engagement is a multidimensional construct. All three dimensions of student engagement (behavioral, cognitive, and emotional engagement) are considered as imperative components in student learning.

Among students who stay in school, there is accumulated evidence that greater student engagement is associated with better academic outcomes (Appleton et al., 2008). Student engagement has primarily and historically focused upon increasing achievement, positive behaviors, and a sense of belonging in students so they might remain in school (Taylor & Parsons, 2011). The positive consequences of the engagement can be felt on psychological development and on the general well-being of the student (Fredericks et al., 2004). There are a number of benefits of students' engagement with school. For example, (Fullarton, 2002):

- Young people who have positive feelings towards school and who are active participants in a variety of school activities are more likely to stay in school and are more likely to become independent learners.
- Other studies have found positive relationships between a student's engagement and academic achievement and with other educational outcomes, including better attendance and aspirations to higher levels of education. While dissatisfaction with aspects of school life has been demonstrated to be a key issue for non-completion of secondary school.

Psychological disengagement refers to "a defensive detachment of self-esteem from one's outcomes in a domain such that self-esteem is not contingent upon one's successes or failures in that domain" (Nako, 2015). Clearly, student engagement is a rich research area. Educators must continue to seek to understand and apply specific, well-considered, if not agreed upon, strategies that support student engagement in learning both in and beyond the classroom (Taylor & Parsons, 2011).

### Statement of the problem

A lot of attention has been given to the children mental health as one of the most influential factors on their academic achievement (Alhoot & Abdallah, 2015). The deformation of the self-concept can lead to loneliness (Hamza, 2003). Low self-esteem was associated with high levels of loneliness, it emerged as the most significant predictor of loneliness (Al Khatib, 2012; Vanhalst, Luyckx, Scholte, Engels, & Goossens, 2013). A path analysis supported the model; a lack of peer acceptance in the classroom in 4th grade predicted lower academic self-concept and more internalizing symptoms the

following year, which in turn, predicted lower academic performance in 6th grade (Flook et al., 2005). Vanhalst et al., 2013 investigated the direction of effects between loneliness and self-esteem in two independent longitudinal studies, and the underlying role of social acceptance was investigated. Results indicated that self-esteem and loneliness influenced one another in a reciprocal manner. Furthermore, the dominant path from self-esteem to loneliness was partially mediated by perceived—but not actual—social acceptance (Vanhalst et al., 2013).

On the other hand, the consequences of not engaging students in learning are reportedly dire; some educationists consider engaging disengaged pupils to be one of the biggest challenges facing educators, as between 25% and over 66% of students are considered to be disengaged (Taylor & Parsons, 2011).

However, while the relationship between mental health and achievement is well established, the nature of the link remains a matter of considerable debate. Therefore, the major purpose of this study is to test the relationship between Arab children's self-esteem, loneliness and their achievement Arabic schools in Malaysia. It also investigate if self-esteem and loneliness are predicting factors of arab children achievement.

For more specification, the study aims at answer the following questions:

1. What is the level of loneliness, self-esteem and engagement among Arab children's in Malaysia?
2. Is there any significant correlation between loneliness, self-esteem, engagement and achievement in science of Arab children's in Malaysia?
3. Do the hypothesized measurement model for the loneliness, self-esteem, engagement and achievement in science fit the collected data from Arab children's in Malaysia?

Based on the literature review of motivation and engagement; the research hypotheses are presented as follows.

H1: Students' Loneliness has a negative relationship with students' self-esteem.

H2: Students' Loneliness will predict students' engagement.

H3: Students' Loneliness will predict student achievement in science.

H4: Students' self-esteem will predict students' engagement.

H5: Students' self-esteem will predict their achievement in science.

H6: Students' engagement will predict their achievement in science.

H7: Students' engagement mediate the relationship between their self-esteem and their achievement in science.

## **Research Method**

### **Research design**

This research is a descriptive in nature; its key purpose is a description of the state of affairs, as it exists at present. Surveys are concerned with describing, recording, analyzing and interpreting conditions that either exist or existed (Kothari, 2004). According to this research methodology, the researcher achieved the objectives of the study by using suitable methods for data collection such as, a questionnaire to identify the level of self-esteem and loneliness among Arab children's in Arabic schools in Malaysia.

## The Sample

The sample in this study was randomly selected from four Arab schools in Kuala Lumpur city: which resulted in 260 students (age average 10.8 years) in the middle stage. Table (1) illustrates the research sample in terms of gender and class. The male students formed 43.1% of the sample while the female students formed about 56.9%. Concerning the students' class, (28.8%) from the fourth class, 39.6% fifth class and 31.5% are from sixth class.

## Materials

In order to model the relationship between children level of loneliness, self-esteem and engagement, the researchers adapted three instruments; revised version of the self-report UCLA (University of California, Los Angeles) Loneliness Scale developed by Russell, Peplau, & Cutrona (1980), and Index of Self-esteem (ISE) A 25-item questionnaire developed by Hudson (1982), and Fredricks and his collages scale to measure school engagement in elementary school students.

The adapted UCLA-R Loneliness Scale comprises 20 items that presented statements about children's feeling of Loneliness. The items are 3 Likert scale (usually, sometimes, never). The scale divided into three sub-scale: social relationship (6 items), rejection (9 items) and loss of mutual intimacy (5 items). Cronbach's alpha, the measure of reliability, was calculated for the scales and subscales; "social relationship" had an alpha of 0.71, "rejection" had an alpha of 0.76, and "loss of mutual intimacy" had alphas of 0.706. The overall scale had an alpha of 0.75. All scales and subscales were greater than 0.7, which is considered "acceptable" for exploratory research.

This study utilized the Index of Self-Esteem (ISE) (Hudson, 1982). This 25-item index is intended to measure the amount, intensity, and/or significance of a problem an individual has with self-esteem. The items are rated on a Likert scale from 1-3 (usually, sometimes, never). 3 items has been deleted according to the results of validity and reliability test. The researchers test the reliability using Cronbach's alpha internal consistency coefficient. The results of Cronbach's Alpha for the 22 items scale indicate that the overall scale had an alpha of 0.85. This means that the instrument has a good reliability and can be used to measure children self-esteem.

Fredricks and his collages developed this scale to measure behavioral, emotional, and cognitive aspects of school engagement in elementary school students. The scale includes 15 items (4 items for behavioral, 6 items for emotional and 5 items to test the cognitive domain) which were drawn from variety of measures and several additional items. The reliability of the scales was also examined across demographic characteristics. In general, the results were similar for boys and girls. The reliability for the behavioral engagement scale ( $\alpha = .67$ ) was slightly lower for third grade than for fourth ( $\alpha = .74$ ) and fifth grade ( $\alpha = .73$ ). The reliability for emotional engagement was similar across the grades at both waves. (Fredricks et al., 2004).

## Data Analysis

Structural Equation Modeling using AMOS 22 was used to test the hypothesized model. To evaluate the fit of overall model fitness, the following tests were employed: Chi Square Statistic ( $\chi^2$ ), Root Mean Square Error of Approximation (RMSEA), Normed Fit Index (NFI), Standardized Root Mean Square Residual (SRMR) and Goodness of Fit Index (GFI). All these indices are among the most frequently used.

Chi Square Statistic ( $\chi^2$ ) tests the independence of the hypothesized model and the analyzed covariance. If the  $\chi^2$  is not significant, usually if  $p > 0.05$ , then the null model is accepted. Root Mean Square Error of Approximation (RMSEA) is based on the assumption that a perfect model fit is unrealistic and that reality can only be approximated. If the value of RMSEA is less than 0.05, it indicates a reasonable approximation to the data. Some authors have also suggested that a value 0.08 can also be regarded as a reasonable fit indicator. Normed Fit Index (NFI) compares the proposed model to a model in which no relationship is assumed. NFI values of 0.90 and above are generally assumed to be good indicators of model fit. Standardized Root Mean Square Residual (SRMR) is the "standardized summary of the average covariance residuals". When the value is fairly close to zero the model is said to be of reasonable fit. Lastly, the Goodness of Fit Index (GFI) measures the proportion of variance and covariance that the proposed model is able to explain. The GFI indices



range from zero to one, where one indicates a perfect fit. Models with GFI values of 0.90 or above can be considered to be reasonable approximation of the data. Along with all these indices, the path coefficients have been scrutinized carefully.

## Results

The main aim of this study is to model the relationship between children level of loneliness, self-esteem, engagement and their effect on science achievement of grade 4-6 children in Arab schools in Malaysia. It also investigate if loneliness, self-esteem and engagement are predicting factors of arab children achievement in science. Therefore, Structural Equation Modeling (SEM) was used to test the hypothesized model.

### 1. Results of descriptive statistics

The questionnaires were used to asked children to report their feeling of loneliness and self-esteem and engegment. table (2) includes the means and standard deviations about Arab children's feeling of loneliness, self-esteem and their engagement in science classroom.

The results in table 2 show that Arab children have a moderate level of loneliness with 53.3% (M = 1.606, SD = 0.413). On the other hand, Arab children have high level of self-esteem with 79.7% (M = 2.391, SD = 0.417). Regarding the engagement scale, the results in table 2 show the highest percent 81.6% (M = 2.447, SD = 0.314). Such results reveal that the Arab children have a moderate level of loneliness, high level of self-eseem and high level of engagement in science classroom.

Table 3 displays the correlations between the variables, each variable has a significant correlation with each other variable. Engagement was positively correlated with self-esteem, and negatively correlated with loneliness.on the other hand, self-esteem is negatively correlated with loneliness .

### 2. Results of SEM

The model testing process of this study followed the two-step procedure proposed by Kline (Kline, 2011). The first step is a confirmatory factor analysis of the measurement model. This is conducted by freeing the parameters among the constructs to allow them to correlate. This two-step modelling approach provides an accurate representation of indicator reliability through the measurement model then focuses on the interaction of the structural model or latent variables (Hair, Anderson, Tatham, & Black, 2009).

Confirmatory factor analysis of overall measurement models for each of the construct was conducted by constraining all of the items on the three scales. The CFA results for overall measurement model indices indicated poor fit for the model, to modify the measurement model the researchers excluded the many items that have high error and the low factor loading using modification indices (MI).

A test of structural relationships using AMOS version 22 was conducted to assess the model data fit and the hypothesized relationships between theoretical constructs that include loneliness, self-esteem, engagement and achievement in science of grade 4-6 children in Arab school in Kuala Lupur. The structural model did not achieve an overall good fit. The relative chi-square of this model is more than 5 (chi-square/degrees of freedom ratio /df= 7.272), Kline (2011) recommended normed chi-square value ranging from less than 2 to less than 5. (Table 4 and Figure 2 show the result of structural model). In addition, all goodness-of-fit indices were lower than the desirable ranges.

To improve the model fit, the researchers deleted some paths especially the direct path between loneliness and achievement, the direct path between loneliness and engagement, and the direct path between self-esteem and achievement. The structural model achieved an overall good fit. The relative chi-square of this model is less than 3 (chi-square/degrees of freedom ratio /df= 1.638), indicating an accepted fit, and all goodness-of-fit indices were in the desirable ranges. Table 5 and Figure 3 show the result of structural model.

Since all model fit indices shows a better fit to the data, the path coefficient that estimates the hypothesized relationships of the model are then evaluated. The path coefficients in Figure 3 and Table 6 shows the result of testing the hypotheses, and Table 7 shows the indirect effects between the variable stated in hypothesis7.

All of the hypotheses were examined through the path coefficient and the statistical significance to direct effect. Based on the result in Table 6 we can bring forward the result of hypotheses testing.

***Hypotheses H1: Students' Loneliness has a negative relationship with students' self-esteem.***

Based on Table 6, the result of path analysis indicated a significant positive relationship exist between the students' loneliness and students' self-esteem ( $\beta=-2.033$ ; CR= -7.168; P = .000 <.05), hence Hypotheses **H1 is** supported by the data; the hypothesis is accepted, meaning that students' loneliness has a negative relationship with their self-esteem. Therefore, we can predict of both of them from the other one.

***Hypotheses H2: Students' Loneliness will predict students' engagement.***

Results from Figure 3 and table 6 show that no direct effect between the two factors, therefore we reject the hypotheses that we can predict students' engagement by their loneliness level.

***Hypotheses H3: Students' Loneliness will predict student achievement in science.***

Results from table 6 and Figure 3 show that no direct effect between the two factors, therefore we reject the hypotheses that we can predict students' achievement in science by their loneliness level.

***Hypotheses H4: Students' self-esteem will predict students' engagement.***

Based on Table 6 and Figure 3, the result of path analysis indicated a significant positive relationship exist between the students' self-esteem and students' engagement ( $\beta=.042$ ; CR= 4.811; P = .000 <.05), hence Hypotheses **H3 is** supported by the data, the hypothesis is accepted, meaning that students' self-esteem is a strong predictor of engagement.

***Hypotheses H5: Students' self-esteem will predict their achievement in science.***

Results from table 6 and Figure 3 show that no direct effect between the two factors, therefore we reject the hypotheses that we can predict students' achievement in science by their self-esteem.

***Hypotheses H6: Students' engagement will predict their achievement in science.***

Based on Table 6 and Figure 3, the result of path analysis indicated a significant positive relationship exist between the students' engagement and their achievement in science ( $\beta=11.491$ ; CR= 4.196; P = .000 <.05), hence Hypotheses **H6 is** supported by the data, the hypothesis is accepted, meaning that students' engagement is a strong predictor of their achievement in science.

***Hypotheses H7: Students' engagement mediate the relationship between their self-esteem and their achievement in science.***

To test the hypothesis that students' engagement mediate the effect of students' self-esteem on student achievement. Based on the result in Table 6, the interaction between self-esteem and engagement is significance at .05% level. Furthermore the interaction between self-esteem and achievement significance in which is  $\beta= 0.242$  and  $p = .000 < .05$ .

Evidence consistent with mediation has been found. Thus, it appears that mediation through students' engagement, while statistically significant, explains substantial part of the total effect of students' academic achievement in this study. Thus, students' engagement Mediation effect on the relationship between self-esteem and achievement (H3 accepted).

In summary, results reveals that all the goodness-of-fit indexes fulfilled the requirement of the acceptable model fit with significant paths and correlation. The Model has provided a reasonable explanation of the structural model of motivation, students' engagement and academic achievement employed in this study.

## Discussion

Children's mental health could be one of the crucial factors for their achievement. As a result, it is important to test the relationship between children achievement and some of the non academic factors related to children's mental health. The present study employed a SEM to model the relationship between children's level of loneliness, self-esteem, engagement and their achievement in science.

The findings indicate that students' engagement was positively correlated with self-esteem, and negatively correlated with loneliness. On the other hand, self-esteem is negatively correlated with loneliness. This means that children who feel lonely have a low self-esteem level, therefore they will not engage well in the learning process.

Regarding modeling the relation between the factors, a test of structural relationships using AMOS version 22 was conducted to assess the model data fit and the hypothesized relationships between theoretical constructs that include loneliness, self-esteem, engagement and achievement in science of grade 4-6 children in Arab school in Kuala Lumpur. The structural model did not achieve an overall good fit. To improve the model fit, the researchers deleted some paths especially the direct path between loneliness and achievement, the direct path between loneliness and engagement, and the direct path between self-esteem and achievement. The structural model achieved an overall good fit.

The result of path analysis indicated a significant positive relationship exist between the students' self-esteem and students' engagement; this meaning that students' self-esteem is a strong predictor of engagement. To test the hypothesis that students' engagement mediate the effect of students' self-esteem on student achievement. Based on the result, it appears that mediation through students' engagement is statistically significant; this explains substantial part of the total effect of students' academic achievement in this study. Thus, students' engagement Mediation effect on the relationship between self-esteem and achievement in science among grade 4-6 Arab children studying in Malaysia.

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Table 1. The Sample

Age	Gender				Row Totals	
	male		female			
4	27	24.1%	48	32.4%	75	28.8%
5	47	42.0%	56	37.8%	103	39.6%
6	38	33.9%	44	29.7%	82	31.5%
All	112	43.1	148	56.9	260	

Table 2. Basic Descriptive Statistics

	Mean	% of Mean	Std. Deviation	level
Loneliness	1.606	53.5%	.41301	Moderate
Self-esteem	2.391	79.7%	.41739	high
Engagement	2.447	81.6%	.31394	high

Table 3. Correlations Between Predictor Variables

	loneliness	self-esteem	engagement
loneliness		-.705**	-.290**
self-esteem	-.705**		.280**

engagement	-.290**	.280**	
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\*\* Correlation is significant at the 0.01 level (2-tailed).

Table 4. Model Summary

Table 2: Summary of Goodness of Fit Analysis Structural Model

Variables	$\chi^2/df$	CFI	CMIN/df	RMSEA
Structural Model	.000	.895	7.272	.112

Table 5. Summary of Goodness of Fit Analysis Structural Model

Variables	$\chi^2/df$	CFI	CMIN/df	RMSEA
Structural Model	.033	.990	1.638	.036

Table 6: Direct Impact of Structural Model:  $\beta$  for Structural Model and Hypotheses

	( $\beta$ )	S.E.	C.R.	Estimate	P	Hypotheses
lonley <--> self_esteem	-2.033	.284	-7.168	0.818	***	H1:Significance
engagement <--- lonley						H2:Not Significance
achievement <--- lonley						H3: Not Significance
engagement <--- self_esteem	.042	.009	4.811	0.275	***	H4:Significance
achievement <--- self_esteem						H5: Not Significance
achievement <--- Engagement	11.493	2.739	4.196	0.242	***	H6:Significance

$\beta$ : Standardized Regression Weights; S.E: Standardized Error; C.R.: Critical Ratio \*:  $p \leq 0.05$ , \*\*\*:  $p \leq 0.001$

Table 7: Summary of Direct and Indirect Effect of Variables of SMQ

Predictor Variables	Student engagement			student achievement in science		
	Direct Effect	Indirect Effect	Total Effect	Direct Effect	Indirect Effect	Total Effect
Self-esteem	.275	-	.275	-	0.067	0.067

Note: Standardized path estimates is reported

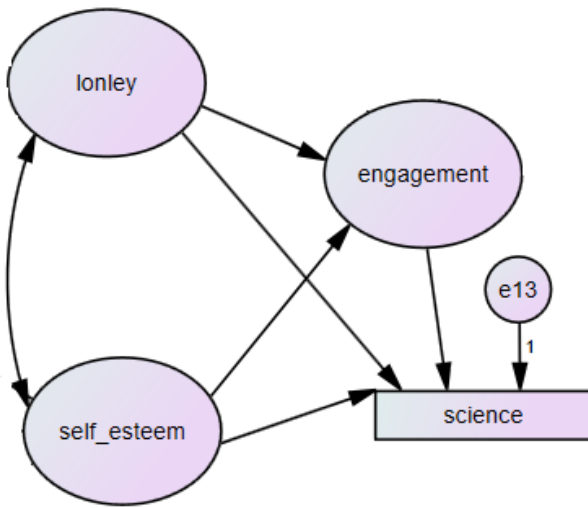


Figure 1 The proposed model

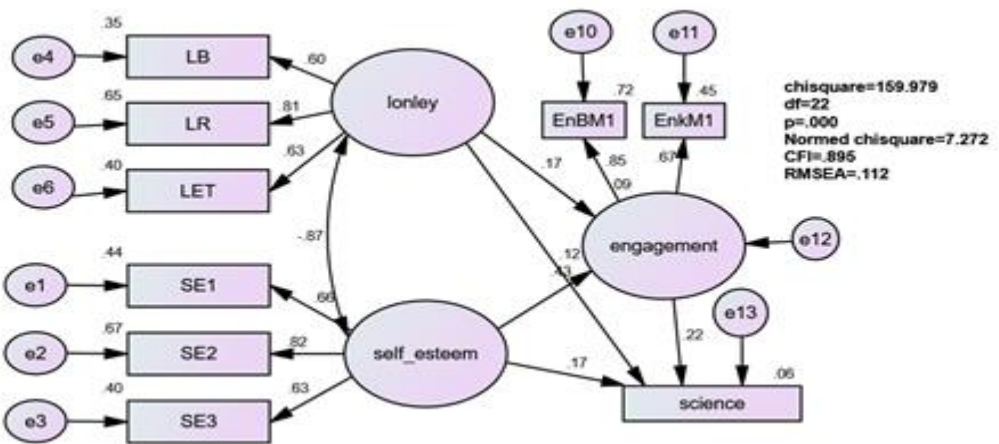


Figure 2. The Fit of the proposed model

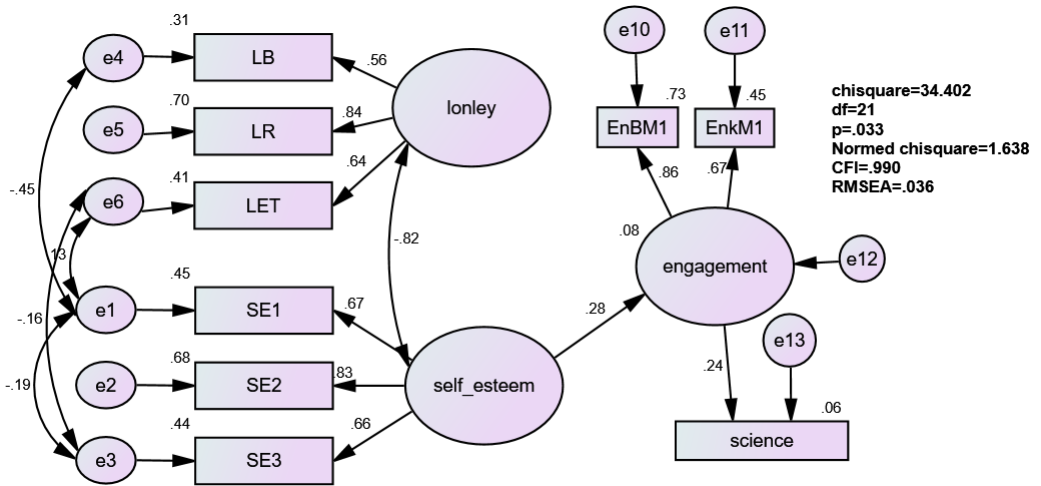


Figure 3. The Fit of the final model



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## Overeducation and Mismatches at the Labour Market - Albania Case

**Migen Elmazaj, PhD Cand.**

University of Tirana, Faculty of Natural Sciences

[mejielmazi@gmail.com](mailto:mejielmazi@gmail.com)

**Alma Kondi**

University of Tirana, Faculty of Economy

[alma.kondi@yahoo.com](mailto:alma.kondi@yahoo.com)

### Abstract

*There is a constant increase in the graduates supply in the labour market in Albania. It seems that the expansion is going on a basis that risks distorting the distribution of students not in line with labor market needs. These expansions have been predicated on the assumption that more education is good for individuals and for society as a whole, not only in terms of economic outcomes like wages or employment, but also for a wide range of social outcomes like improved health and higher well-being. However, along with expansion of the system has come a range of new questions that have emerged as consequence of being many more tertiary graduates. For example, has the increase in tertiary graduates resulted in an oversupply of workers with tertiary qualifications, and thus a decline in the 'value of a degree'? If overeducation is a temporary disequilibrium or a permanent feature of economy; if the subject of degree affects the likelihood of being overeducated etc. are raised. This paper represents a research, aiming a total covering of the labour market measuring the overeducation rate for the graduates in Albania and drawing some take aways. The main contribution of the paper consists in providing estimations of graduate overeducation rate in national level. Some guidelines for possible recommendations for policies makers, relevant government agencies, higher education institutions, parents and other stakeholders involved in higher education sector in Albania, are also provided.*

**Keywords:** Overeducation, Labour market, Higher Education, Graduates

### 1.1 Introduction

In recent decades, Albania has gone through a process of expanding education, where an important part consisted in Higher Education (HE). The number of students in Albania has been increased significantly. Reforms launched in the field of education allowed universities to expand and at the same time newly created institutions received the university status. From 1994 to 2002 the number was increased about 67%, and in 2002 was opened the first private university in Albania. In a period of 13 years the number increased again, reaching 173,819 in 2013/2014 academic year. There has been doubt that the labour market could absorb such a rapidly expanding supply of new graduates. It should be noted that this change in quantity was unusual for the capacities of Albania and for the opportunities it offers. This massification process, perhaps important as educational policy, was not done in phases by studying them. This factor led to a certain extent in the decrease, sometimes dramatically of the quality, instead of its expected improvement. By 2014, the Albanian system of higher education presented the following configurations: A total of 59 institutions of higher education, 15 public and 44 private ones.

But the increased education' level of the work force was not followed at the same time by a work structure growth, in order to match the number of graduates. Consequently the phenomenon of overeducation appeared. Numerous questions have been raised about the impact that this expansion will bring in the labor market demand and supply. On the supply side, questions arise about the quality of new graduates. It is believed that the quality of graduates has declined in the last years

as result of several factors such as overcrowding of universities, introduction of new programs with lower academic content to suit students with lower level skills, etc.

The process of expansion of higher education in Albania is considered by some as a good one, and even necessary, in order to meet the growing demand for skills that is naturally associated with the need of a society of knowledge. Furthermore one could argue that it is always good to have well-educated people, because education exerts positive effects on an active citizenship. It cannot exist something as redundant education.

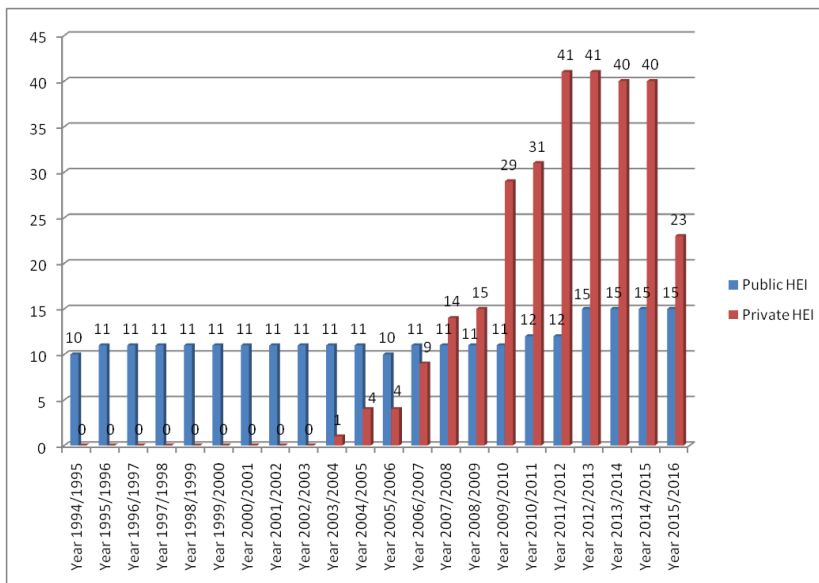
For another group, the expansion of education is not necessarily always positive. Hartog<sup>1</sup> (2000) suggests that "the expansion of participation in HE has exceeded the required levels of education". Based on this view, the risk of devaluation of degrees, and consequently social degradation of higher education graduates, becomes real. Overeducation is associated with low productivity and low job satisfaction. Moreover, if overeducation exists, this may result in a loss of social and individual resources. This has raised concerns about the value of higher education and challenges the widely held belief that a university education is a good investment and a guarantee of economic success.

A reform in higher education in Albania is under way since October 2013. The main pillar and objective of this reform is quality improvement and enhancement in higher education. Long term actions are on the way such as the Platform for Reforming Higher Education and a new Higher Education Law.

On this framework during January-July 2014, the Ministry of Education, the National Inspectorate for Higher Education and PAAHE, in a joint process undertook a thorough evaluation of 59 public and private HEIs, for the verification of the compliance with Albanian legislation, national standards and guidelines for HE. Quality Criteria were part of the evaluation and verification process and procedure. The outcome of this process was license revoking and final closure for 21 out of 44 Private Higher Education Institutions, license suspension for other 4 private HEIs and Recommendations for 13 private and 15 public HEIs<sup>2</sup>.

As for 2015 we have active on the market 15 Public HEI's and 23 Private HEI's as below

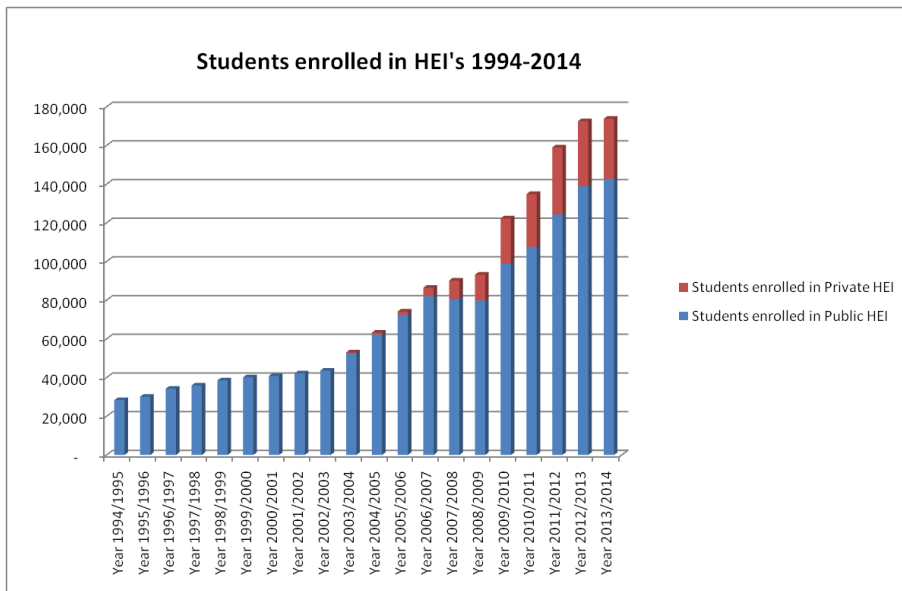
Graphic 1



1 Hartog, J. (2000). "Over-education and earnings: where are we and where should we go?" *Economics of Education Review* 19: 131

2 Public Agency for Accreditation of Higher Education in Albania, [www.aal.edu.al](http://www.aal.edu.al)

Graphic 2



Source of data: INSTAT

Prepared by: M.Elmezaj

As we see from the graphics, the largest number of students belongs to public HEI's. As for academic year 2013/2014 we have 142'707 students enrolled in public HEI's compared with 31'112 students enrolled in private HEI's. So the closure of 21 HEI's didn't bring any considerable difference in the total number of students enrolled in HEIs. The total number of students registered in these HEIs was 9'721, which represents only 6% of the total number of students. Even more these students were redistributed to the other active HEI's.

This paper provides a brief account on this phenomenon which has become a major concern as it proves to be pervasive, widespread and persistent resulting on real costs on individuals, businesses and society as a whole. To successfully overcome this challenge, the major concern is to be able to measure it appropriately.

The main emphasis is put on explaining measurement methods and to provide datas of a study on existence of the overeducation phenomenon in Albania. Questions like "is over education a temporary disequilibrium or a permanent feature of economy"; "is the over education likely to happen in specific fields of education, or is it an indistinct phenomenon", etc. are raised. The objectives of the survey required the use of a standardized questionnaire as the core research instrument in order to collect the data. On this regards, a study was conducted. The questionnaire addressed the socio-biographic profile of the graduates, their study experiences, their employment, work and careers since graduation and the links they perceive between education and work. Special emphasis in the data analysis was put on procedures of multivariate analysis in order to identify the most influential elements on the relationships between higher education and employment. The findings indicate that the phenomenon exists in Tirana and that the temporary over education is associated with an early stage in the occupational career.

## 2.1 Overeducation Measurement Methods

The literature distinguishes three methods to measure this phenomenon.

First method pertains to job analysts determining the level of education required for a job (eg, Rumberger, 1987<sup>1</sup>). This is an objective method which includes a detailed analysis of the professions and is based on the assessment of the educational level required to perform a job. The analysts consider as the required level of education the one that enables satisfactory performance of these specific tasks and define individuals as over-educated if their education exceeds the estimated / required level.

In US research, we can refer to the Dictionary of Occupational Titles (DOT). In UK, we refer to the Standard Occupational Classifications (SOC). In Albania in June 2009 the "National List of Professions" document is approved. Halaby (1994)<sup>2</sup> raises two important objections to this method. The first concerns the fact that a fixed job level is attached to a certain job. Any variation of job levels *within* a given occupation is not taken into account. However, variation within a given occupation with regard to educational requirements may be considerable. This particularly affects the *reliability* of the measurement instrument. The second objection is that the allocation of the levels is determined by job analysts. This is often done on the basis of descriptions of the tasks and the nature and required level of knowledge and skills. However, these are subject to change, which might result in a systematic overestimation or underestimation of the level of certain occupations. Furthermore, there is not always a consensus - even among experts - about the level of education required for a given occupation. This affects particularly the *validity* of the measurement instrument

Second method, is a subjective method and is based on the employee Self Assessment (SA) regarding the minimal educational level required in his job position, or the utilisation rate of knowledge acquired at work (ex., Duncan dhe Hoffman, 1981<sup>3</sup>). This method is named as indirect self assesment (ISA) unlike other methods which measure overeducation based more in direct self assesment (DSA)

So employees are asked directly what they regard as the required level of education for the position they hold by asking: "How much formal education is required to get a job like yours?" This method does not go uncriticised, either. The subjective character of the instrument is a point of criticism, as is the fact that respondents may not always have a good insight in the level of education required for a job (Cohn and Khan, 1995<sup>4</sup>; Halaby, 1994). Hartog and Jonker (1998)<sup>5</sup> have pointed out that individuals may be inclined to overestimate the educational requirements or to simply equate these to their own level of education. In that case, the level of overeducation will be underestimated, which affects the validity.

Third method Realized Matches (RM) is a statistical approach. This method takes the average of the actual levels of education of those employed in a certain occupation as its basis (Verdugo & Verdugo, 1989<sup>6</sup>) or MODAL (Kiker, 1997)<sup>7</sup>. A limit of one standard deviation above or beneath this average is taken as a criterion for overeducation or undereducation (Verdugo and Verdugo, 1989). Again, this method ignores the variation in educational requirements within an occupation, while the limit of one standard deviation would also seem rather arbitrary (Halaby, 1994). Furthermore, this method is very sensitive to changes in labour market conditions. In case of excess supply, employers will contract personnel with a higher level of education than is in fact required. In view of the fact that the match between education and occupational levels which is actually achieved constitutes the basis of the calculation of the required level of education, the level of overeducation is underestimated in case of excess supply and overestimated in case of excess demand. Hartog and Jonker (1997) therefore concluded that the method based on the realized matches is the least adequate one for determining overeducation and undereducation.

1 Rumberger, R.W (1987), 'The Impact of Surplus Schooling on Productivity and Earnings', The Journal of Human Resource, vol. 22, no. 1.

2 Halaby, C. N. (1994). "Overeducation and Skill Mismatch." Sociology of Education 67:47

3 Duncan, G. and Hoffman, S. (1981). The incidence and wage effects of overeducation. Economics of Education Review No.1

4 Cohn, E. and Khan, S.P. (1995) The wage effects of over schooling revisited, Labour Economics, No 2.

5 Hartog, J.&Jonker, N. , A Job to Match your Education: Does it Matter? Paper presented at the ROA 10th Anniversary Conference, Maastricht. (1998), Towards a transparent labour market for educational decisions, Avebury

6 Verdugo, R. R. and N. T. Verdugo (1989). "The impact of schooling surplus on earnings: Some additional findings." Journal of Human Resources

7 Kiker, B., Santos, M., and de Oliveira, M. (1997). Overeducation and under education: evidence for Portugal. Economics of Educational Review, Vol 16, Issue no.2

## 2.2 Findings of Study

We will now present the results of the Study on Overeducation of graduates in Albania. The analysis targets workers who are graduated and employed. The unemployed and the self employed workers are not part of this study. Over a dataset of 576 graduated and employed individuals all over Albania, the first two available techniques were applied to assess the incidence of over education attainment. We focus on the below outcomes: the incidence of current overeducation, its characteristic as gender, age-group, geographical distribution, field of study accomplished, etc.

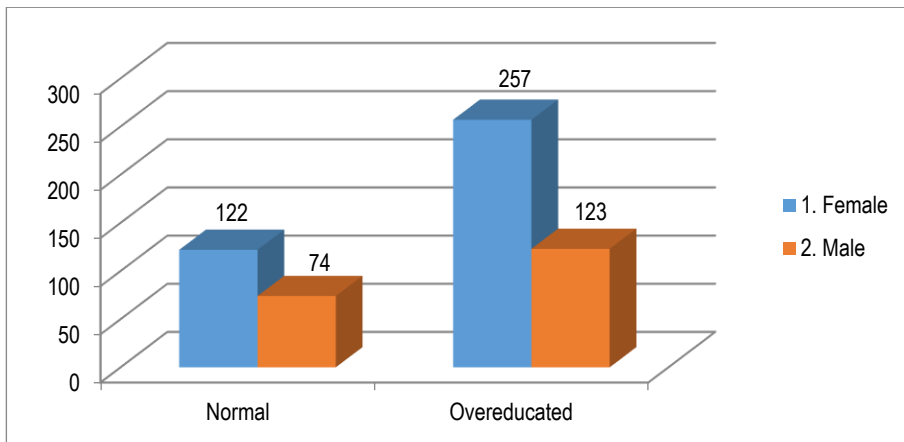
### a. Self Report Method

The elaboration of collected data from the study' target group and their analysis by the Direct Self-Evaluation Method reveal that overeducation phenomenon is present in 65.9% of the respondents.

**Table 1:** Overeducation by Gender

		Overeducation Definition		Total
		Normal	Overeducated	
Gender:	1. Female	122	257	379
	2. Male	74	123	197
Total		196	380	576

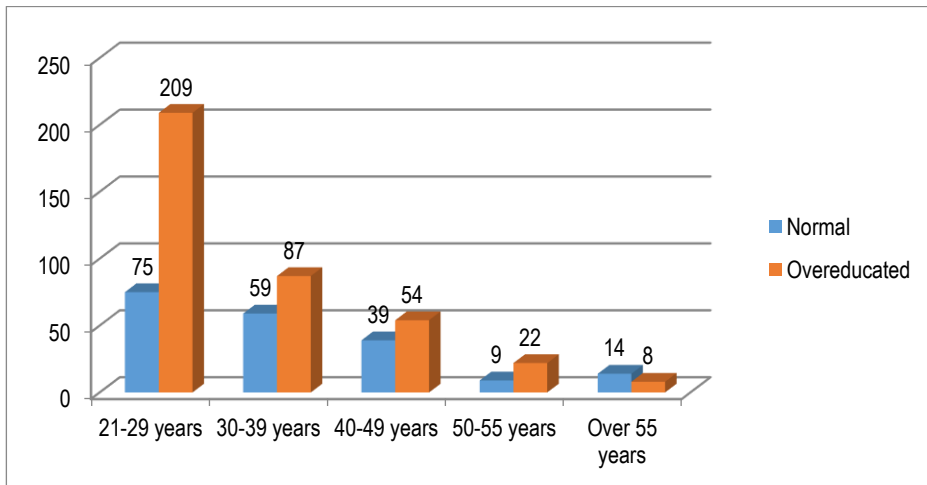
**Graphic 3**



As seen from the chart, overeducated women constitute 67.8% of the total of those interviewed, while the men 62.4% .In total overeducated persons constitute 65.97% of the total of those interviewed.

**Table 2:** Overeducation by age

Overeducation Definition			
Age	Normal	Overeducated	Total
21-29 years	75	209	284
30-39 years	59	87	146
40-49 years	39	54	93
50-55 years	9	22	31
Over 55 years	14	8	22
	196	380	576

**Graphic 4:** Overeducation by age

From the data in table we can see that, the overeducation is present more in young ages, more specifically on the 21-29 years old group, which constitutes 55 % of the total number of overeducated individuals.

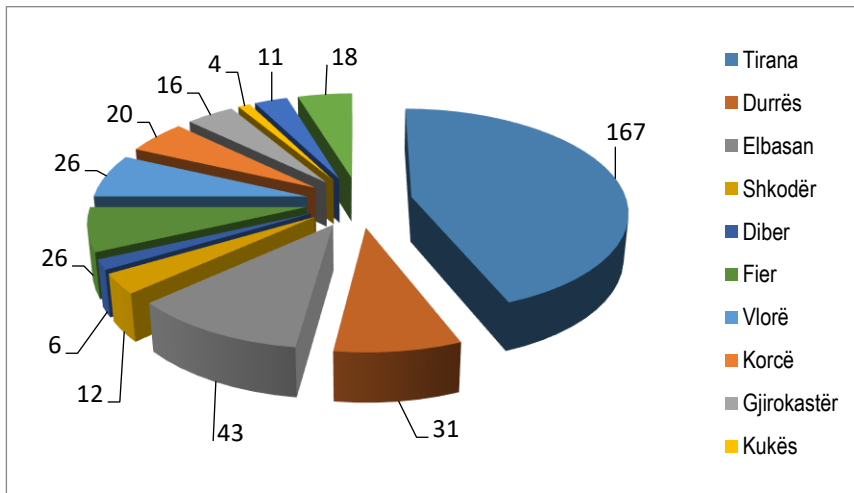
**Table 3:** Overeducation by prefecture

District	Overeducation Definition		Total
	Normal	Overeducated	
Tirana	78	167	245
Durrës	11	31	42
Elbasan	17	43	60
Shkodër	20	12	32

Diber	3	6	9
Fier	8	26	34
Vlorë	13	26	39
Korcë	22	20	42
Gjirokaštër	10	16	26
Kukës	6	4	10
Lezhë	6	11	17
Berat	2	18	20
<b>Total</b>	<b>196</b>	<b>380</b>	<b>576</b>

Analyse from the perspective of district shows that the biggest number of overeducated graduates is in Tirana, the capital of Albania and constitutes 44 % of the total number of overeducated individuals. This is expected as Tirana host many public institutions and public and private universities, and is the centre of the political, economic, and cultural life of the country. It is followed by Elbasani and Durrësi, both city hosting public and private universities as well.

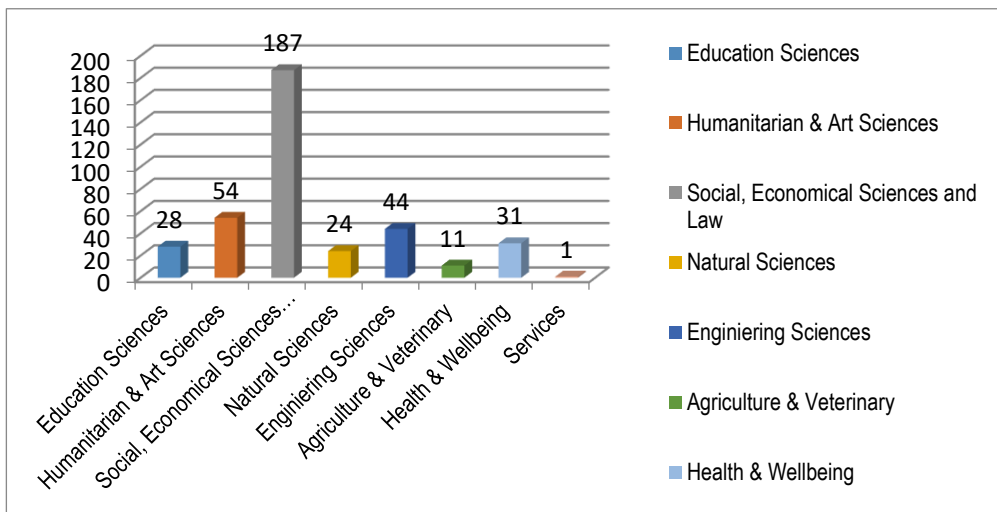
**Graphic 5:** Overeducation by prefecture



**Table 4:** Overeducation by field of study

Field of Study Accomplished	Overeducation Definition		Total
	Normal	Overeducated	
Education Sciences	24	28	52
Humanitarian & Art Sciences	18	54	72
Social, Economical Sciences and Law	107	187	294

Natural Sciences	17	24	41
Engineering Sciences	16	44	60
Agriculture & Veterinary	3	11	14
Health & Wellbeing	11	31	42
Services	0	1	1
	<b>196</b>	<b>380</b>	<b>576</b>

**Graphic 6:** Overeducation by field of study

Over-education rates vary considerably across fields of study, with lower rates for “professional” fields of natural sciences, educational sciences and medicine. Conversely higher rates of over-education affect graduates of Social, Economical, and Law sciences as well Humanitarian & Art Sciences.

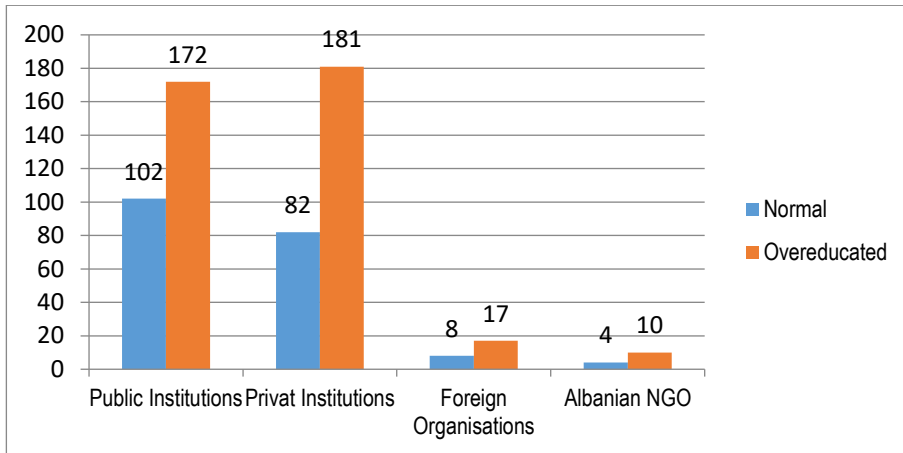
The study provided evidence that graduates from Social, Economic and Law field of studies have an increased risk of being overeducated as it constitutes 49.2 % of all target group of this study. However, some degrees offer greater protection against the likelihood of genuine overeducation.

**Table 5:** Overeducation by type of working Institution

	Overeducation Definition		Total
	Normal	Overeducated	
Where are you actually employed			
Public Institutions	102	172	274
Privat Institutions	82	181	263



Foreign Organisations	8	17	25
Albanian NGO	4	10	14
Total	196	380	576

**Graphic 7: Overeducation by type of working Institution**

From the data of this study it can be argued that the overeducation rate is not influenced by the type of institution, the respondents are working in. Both public and private sector have a large number of overeducated employees.

## b. Job Analyst Method

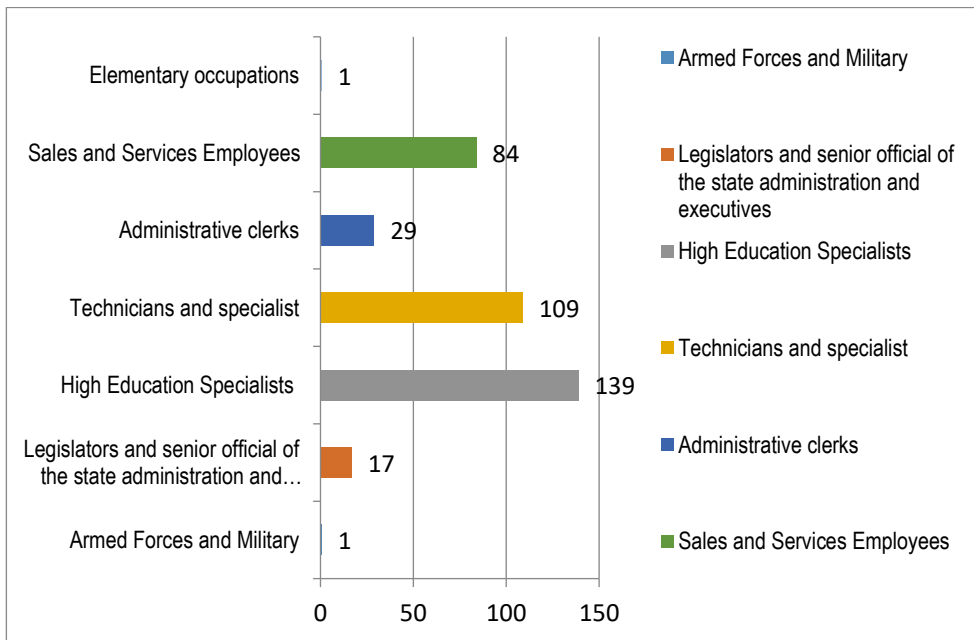
In this part of analysis we define overeducation according to a job analysis approach. Each position in this survey data has been coded following the National List of Occupations in Albania. This classification groups jobs according to a set of tasks to be executed and assigns to each occupation an educational level that is the most appropriate. The following functional levels are considered: General Middle School, Vocational Middle School, Bachelor, Master and PhD.

According to the job analysis method within the retained sample 57.11% of the jobs were filled by overeducated workers, whereas only 65.9% according to the direct self-assessment method.

**Table 6: Overeducation by List of Occupations**

In which group of professions are you actually employed	Overeducation Definition		Total
	Normal	Overeducated	
Armed Forces and Military	0	1	1
Legislators and senior official of the state administration and executives	11	17	28
High Education Specialists	79	139	218

Technicians and specialist	59	109	168
Administrative clerks	17	29	46
Sales and Services Employees	30	84	114
Elementary occupations	0	1	1
	<b>196</b>	<b>380</b>	<b>576</b>

**Graphic 8:** Overeducation by List of Occupations

Groups in this List of Occupations were based on the National List of Occupations approved by Decision of Council of Ministers No.627, dated 11.6.2009, which provides a standardized language for describing the work carried out in the labour market. There are 10 main groups. The relationship between these groups and four levels of competence are given in the following table

**Table 7:** List of Occupations and the respective education level

No	Main Groups of Occupation List	Competency Level	Education Level Categories
1	Legislators and senior official of the state administration and executives	3+4	Tertiary Education & Post Tertiary Education
2	High Education Specialists	4	Tertiary Education & Post Tertiary Education
3	Technicians and specialist	3	Post-secondary non-tertiary level of education
4	Administrative clerks	2	General & Vocational Middle School Education
5	Sales and Services Employees	2	General & Vocational Middle School Education
6	Employees of agriculture, forestry and fishing	2	General & Vocational Middle School Education
7	Craft trades and related occupations	2	General & Vocational Middle School Education
8	Employees of assembly and use of machines and equipments	2	General & Vocational Middle School Education
9	Elementary occupations	1	Elementary Education
10	Armed Forces and Military	1+4	Elementary Education & Tertiary Education

According to the self declaration made by persons in connection with the group they belong and classification in the above table shows that we have overeducated employees as follows:

**Table 8:** Employment as per group of professions

No	In which group of professions are you actually employed according to the National List of Occupations	No. of persons interviewed	Overeducated	Normal
1	Legislators and senior official of the state administration and executives	28		28
2	High Education Specialists	218		218
3	Technicians and specialist	168	168	
4	Administrative clerks	46	46	
5	Sales and Services Employees	114	114	
9	Elementary occupations	1	1	
10	Armed Forces and Military	1		1
	Total	576	329	247

### 3.1 Is overeducation a temporary disequilibrium or a permanent feature of economy?

The table below presents an overview of all persons interviewed and their educational level.

**Table 9:**

Education level of the start of the work	The Highest Level of Education completed					Total
	Bachelor	Master	PhD	The old system of High Education	Other Specify	
General middle school	34	15	0	12	0	61

Vocational middle school	8	3	0	8	0	19
Bachelor	46	61	1	41	2	151
Master	8	61	2	68	4	143
The old system of High Education	4	13	6	119	2	144
I don't know/ I don't remember	14	18	0	26	0	58
Total	114	171	9	274	8	576

From the calculations made by comparing the Educational level at the start of work and the actual level education it appears as follows:

- 175 Individuals were normal at the start of the work and currently.
- 365 Individuals have been overeducated at the start of the work and currently.
- 21 Individuals have been overeducated at the start of the work and are currently normal
- 15 Individuals have been normal at the start of the work and are currently overeducated

Table 10

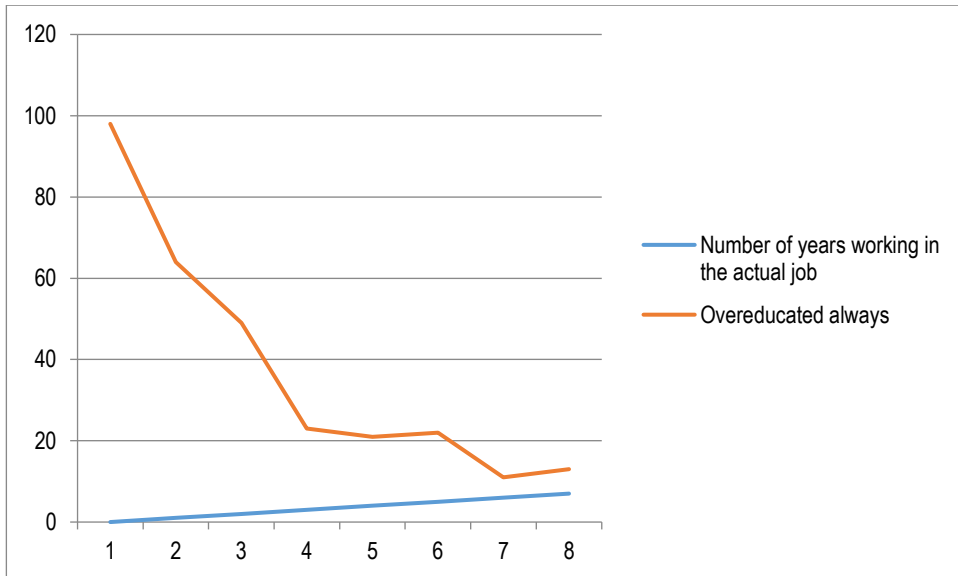
		Overeducation at the start of work		
		Normal	Overeducated	Total
Overeducation Actually	Normal	175	21	196
	Overeducated	15	365	380
	<b>Total</b>	<b>190</b>	<b>386</b>	<b>576</b>

Table 11

Number of years working in the actual job	Normal always	From Normal to Overeducated	From Overeducated to Normal	Overeducated always	Total
0	26	1	11	98	136
1	17	2	3	64	86
2	23	0	1	49	73
3	10	2	1	23	36
4	12	1	0	21	34
5	16	1	1	22	40
6	10	0	0	11	21
7	6	3	1	13	23
8	14	0	2	9	25
9	6	2	0	6	14
10	4	0	0	8	12
11	2	1	0	5	8
12	4	0	0	5	9
13	4	0	0	4	8
14	1	0	0	4	5
15	5	0	0	5	10
16	1	0	0	5	6
17	1	2	0	0	3
18	0	0	0	2	2
20	4	0	1	1	6
22	3	0	0	3	6
23	1	0	0	0	1
24	1	0	0	0	1
25	1	0	0	0	1
26	0	0	0	1	1
28	1	0	0	2	3
29	0	0	0	1	1
30	0	0	0	2	2
34	1	0	0	0	1
35	0	0	0	1	1
37	1	0	0	0	1
<b>Total</b>	<b>175</b>	<b>15</b>	<b>21</b>	<b>365</b>	<b>576</b>

From the above table we can see that if we analyse deeper the group of respondents which have results as always overeducated, we see that the biggest number corresponds to those with less years of experience. The person with less than 7 years of experience constitutes 82.46 % of the total number of individuals who have resulted always overeducated.

**Graphic 9**



So as per our datas, overeducation seems to be a temporary phenomenon, as it is present more in the first years of works.

### Conclusions & Recommendation

From the findings of the study, we can interpret that the education system does not provide the type of education that enable people with the right level of required skills, employment opportunities, given their formal education. Despite the different reasons that justify the discrepancy between the education level and employment level, another possible explanation may be the "inappropriate" investment in human capital, since these employees have a much higher educational level than needed by the workplace.

The paper therefore raises a number of important issues for policy. The obvious implication, therefore, is that should higher education participation continue to expand, than rates of overeducation will inevitably rises incurring further costs on individuals, firms and the economy. It is also clear that, particularly at the graduate level, the incidence of overeducation is non-random with respect to subject studied, so graduates from backgrounds such as Social Sciences, Economy and Law are much more likely to end up overeducated. This raises the question with respect to the extent to which government should seek to re-orientate the educational system away from the Social Sciences, Economy and Law towards more vocationally orientated subjects with higher levels of job relevant skills. Nevertheless, it is likely that such a strategy, whilst providing some benefits, is unlikely to provide a solution to overeducation, as the evidence suggests that the problem effectively relates to the supply of educated labour exceeding demand coupled with an inflexible labour market, whereby employers are either unable or unwilling to alter their production processes to fully utilize the skills of their overeducated workers.

Any assessment of the Albanian labor market for graduates including the conclusions reached in this study - are open to debate, while is still a lack of information about market demand and employment of graduates. Development of systems for efficient information will help in informing government, policy makers, donors, universities and other stakeholders about the current and future labor market, enabling an effective and accountable higher education.

There is a need for a clear vision of the graduate demand to enable the construction of an effective system of higher education that addresses the needs and expectations of the growing number of youths who enter the labor market. The government should consider analyzing as well the postgraduate projection (for the next five years) to ensure its accuracy.

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## The Role of Women in Medical Services in the Early Islamic Period

**Prof. Dr. Levent Ozturk**

Faculty of Theology, Department of Islamic History and Arts

Sakarya University / TURKEY

[leventozturk@outlook.com](mailto:leventozturk@outlook.com)

### Abstract

*During the time of the Prophet Muhammad, some women took part in medical services to contribute their society, in Mecca and Medina. We found approximately 50 women contributing to their society in terms of medical services. Their medical contributions were generally traditional practices about the daily necessities of their society. Understanding the service provided by these women to their society at that time is very significant in terms of its contribution to the history of folk medicine. The contribution of these women was mainly in the areas of the nursing and assisting the midwives, prenatal and postnatal care, some surgical operations, caring were wounded in wars, giving soldiers a meal, medical treatment for some diseases and daily injuring, treatment of animal beats, psychological therapy, practicing dietician care and body care, some folkloric treatments of some pediatric diseases, and sexual education. In this paper, I will ground my work on Islamic sources.*

**Keywords:** Medical Services, Muslim Women, Sahābiyyāt, Early Islamic Period, Medicine

### 1. Introduction

Human being became always interested in health during the history. In time, some experiences, observations and preferences became bases of medical science. Evaluating the medical situation in history in the light of today's improved medical point we say naturally that former medical information and practices were primitive. However it's certain that all efforts about human health till the present are valuable and the modern-day information is based on very complicated origins (al-Ruhāwī, pp. 40-41; Ibn Abū Usaybia, pp. 11-18).

We all know from ancient sources that some methods of treatment went on during the centuries and there was a greater interaction between cultures and civilizations. Some methods of cure and medicine prospectives include the same methods and ingredients after long centuries. Continuously India, Mesopotamia and Egypt civilizations influenced one another and following civilizations. The Arabian Peninsula was under the influence of them. Except local practices and interaction period with other civilizations there were no original medical practices in this peninsula and they were under the other civilizations' influence (Ibn Haldūn, pp. 479-480; Jawād Ali, VIII, 388-389).

In this study of medical services provided by women in the reign of the early Islamic period we must indicate that trying to find some practices which is similar to modern-day is all wrong. The most important solution is to describe one special period of history as it is without concerning today's viewpoint. Our subject must be thought in this manner.

### 2. The Nursing and Assisting for the Midwives

In the Medinian society, women gave the midwifery service. It must be remembered that in the ancient medical tradition this type of medical services were provided only by men in certain regions. But there is no indication that men, included slaves practiced this kind of services in Arabian society. It can be thought that in Arabian society, slaves were helping their masters at birth as it was in Rome though there is no concrete evidence about this in Islamic sources. Because of the employment of both free and slave women serving at birth, we can conclude that men in Arabian society did not serve for it. Salmā and Sawdah binti Misrāh etc. were outstanding midwives in Medinian society. Sometimes at birth there were several midwives for the patient at the same time. For instance, meanwhile Fātima binti Muhammad was being born Sawdah, Salmā, and some other women were with her (al-Tabarānī, XXIV, 311-312; Ibn Hajar, IV, 274, VIII, 101, 188-189).



It's still not very clear whether the midwives had an ability to guess the birthday or not. In addition to this, it hasn't been known that whether they helped in problematic birth or not. As shown by myths and legends the caesarean section was being practiced in ancient times. Yet there is no information in Islamic sources on the subject of caesarean section in the reign of the early Islamic period.

In the Qur'ān it isn't allowed to kill children for fear of starvation (17: 31). This considered as an abortion. It's probable that the advices of the midwives facilitated the abortion operation for Arab women. As Khalīl b. Ahmad mentioned, Arabians were taking fetus thrusting their hands into uterus of camel. Because of being forced, the fetus was falling by itself if it wasn't taken. Khalīl b. Ahmad says it was the same for women (Khalīl ibn Ahmad, III, 129, VII, 278).

However we don't know if women at risk were treated or not. Women, who had a miscarriage, may have had the same problems. As for this matter, there is an important narration. After the Hijrah of the Prophet Muhammad, his daughter Zainab also had left Mecca. In her way to Medina some groups of people from Quraish Tribe wanted to trouble her and caused her to fall down from her camel. Zainab was pregnant at that time and being injured she had a miscarriage and died in the following years. At this juncture, it is safe to assume that we can estimate that Zainab suffered from that and couldn't recover and she died in the eighth year of Hijrah (al-Tabarānī, XXII, 433).

Besides this, there were some women suffered from excessive hemorrhages in Medina. Although there are great deals of records saying that women in Medina suffered from these illnesses for many years. There are no others saying that they were cured. The reason of the fact that women in Medina had excessive hemorrhages seems to be ritual circumcision of these women (Ibn Ishāq, p. 308; Ibn Hishām, III-IV, 69; Ahmad ibn Hanbal, VI, 119, 128-129; al-Tirmidhī, Tahāre, 93-96).

### 3. Prenatal and Postnatal Care

It's recorded that Arab women were putting the fresh date to water and drinking its squash. Although some records say that the Prophet Muhammad advised this, it is safe to say that it is known in Medina society before (al-Tabarānī, XXIII, 313).

According to the report narrated by Umm Salama, women, recovering from childbirth were resting under the care of her friends. Moreover, a patient from childbirth was being treated for pimples and marks on their skin with a plant, which called "vers" (Ahmad ibn Hanbal, VI, 300, 303, 304; Abū Dāwūd, 311, 312).

### 4. Some Surgical Operations

Among Arabs both men and women were being circumcised. As stated by various reports some women were processed circumcision. Umm Atiyya was the most famous one (Abū Dāwūd, 137; Ibn Hajar, IV, 46). It seems to be that there is no information as regards how this operation, which had a danger of infection, was processed and what kind instruments were used.

### 5. Caring were Wounded People in Wars

Women companions of the Prophet Muhammad would want to take part in wars. It is seen that their mainly concern about joining wars was first aid and care for soldiers holds our attention.

We all know that Medinians had to fight against Meccans because of their attacks to Medina. In this process Badr, Uhud, Khaibar, Hunain etc. wars took place. Many companions of the Prophet Muhammad were wounded. Some of them were treated while others died. The number of the wounded people during the wars was far too much. Uhud war can be offered as an example. During this war nearly seventy companions became martyr and many of them were wounded. When the archers left the hill the soldiers among enemy power were wounded badly. During Uhud war the helmet of the Prophet Muhammad smashed to pieces and some of these pieces prickled to his face and his face started to bleed. First it was tried to clean with water, but then the reed ash was used to stop it for the reason that bleeding was too dense. As shown by al-Wāqidī the Muslims coming back to Medina tried to treat the wounded by lighting fire in the mosque (al-Wāqidī, I, 248).

Al-Wāqidī gives information about the number of the wounded people during Uhud war. All Banū Abd al-Ashhal, Banū Sāidah, Ahl al-Hurbā and forty persons from Banū Salima were wounded during the war (al-Wāqidī, I, 334-335).

When we consider this information we find that there was an intensive process of treatment. Besides wounds of these persons, some serious wounds needed further treatments. Therefore they were taken care closely. For instance Abū Salama b. Abd al-Asad was treated during one month for its exact recovery. This information indicates that there were some serious wounded people at wars and the treatments were not being made in time (al-Wāqidī, I, 340-341, 343).

There were a huge number of wounded people during Khaibar war. The first fight at the war started in the lower part of al-Natāt. The wounded were brought into headquarters and cured there. In the first clash, fifty persons were wounded in view of arrows of people from Khaibar. Women companions who joined the army were healing those wounds (al-Wāqidī, II, 646). It can be said that nurse's aide diminished their pain through relieving them and consolation.

In this context as well as Hamna binti Cahsh, Hind binti Amr, Laylā al-Gifāriyyah, Muāza al-Gifāriyyah, Rufayda binti Sa'd, Umm Atiyya al-Ansāriyyah, Umm Ayman, Umm Umāra, Ā'isha, the wife of the Prophet Muhammad, and Fātima, his daughter can be mentioned. These women served the wounded people at wars.

There were women who took part in wars in spite of their pregnancy. This fact seems to indicate that these women have great ability of treatment. The wife of Abd Allah b. Unays was one of them. She gave birth to her baby on the way to Khaibar and during that war she served well and assured the Prophet Muhammad's approval (al-Wāqidī, II, 686).

The services of the women companions at wars were not limited to medical services. At the same time they distributed water to soldiers and collected bows. They cared for animals. Sometimes important messages were sent through them. In addition to this, they protected the Prophet Muhammad's life at the risk of their own life. In Uhud and Khandaq wars they transported dead and wounded people to Medina.

It has known that after Uhud war some women took corpses of their relatives to Medina but in the light of the Prophet Muhammad's order they took them back to Uhud. There are some expressions in some women's record like that: "We would take the dead to Medina." (Al-Bukhārī, Jihād, 66, 67; Ibn Kathīr, IV, 42-43). If these expressions are not limited to Uhud and Khandaq wars then what can we say about the dead in Khaibar war. Were they also taken to Medina? In that case had they some techniques for protecting dead bodies? Actually there is no clear answer to these questions.

## 6. The Supplying of Food for Needy People during the Wars

One of the important services women made was to supply food for needy people. Umm Atiyya says that as well as treating the wounded she prepared soldiers' meal. Clearly besides medical services they could prepare the army's meal.

That is to say women's food service didn't consist of supplying food one and only. Actually, that service means not to let the soldiers falling ill. As physician Vegetius of Rome made us notice water of soldiers by pointing that drinking dirty water is like drinking poison. In the past it was very common that soldiers were dying due to eating unclean food. Likewise being poisoned and caught intestine infection can be mentioned. For this reason the Prophet Muhammad didn't let his soldiers drink water in Madāin-i Sālih despite their immediate needs in the way of Tabūk.

Further, prepared meal at wars by women gives great strength to the soldiers to resist illnesses. The immediate example in this matter is that of Tabūk war (al-Wāqidī, III, 1006-1009). Umm Atiyya al-Ansāriyya was recorded in the sources as a women prepared meal at wars.

## 7. Medical Treatment for Some Diseases and Daily Injuring

Sometimes naughtiness of children, sometimes parents' carelessness caused minor injuries. To illustrate it we can give the example of 'Usāma b. Zaid, who fell down by the door and his face bled. Hence the Prophet Muhammad wanted Ā'isha to clean it. As it mentioned in another record Usāma was hurt and Fātima cleaned his face (al-Wāqidī, III, 1125-1126; Ibn Māja, 1976).

According to some reports (al-Wāqidī, I, 247-250, 336; Ibn Sa'd, II, 48), bleeding was tried to be stop by absorbing. For instance at Uhud war, Mālik b. Sinān, father of Abū Saīd al-Khudrī, absorbed the blood on the Prophet Muhammad's face to prevent it to be poisoned. The Prophet Muhammad did the same thing when Usāma b. Zaid fall over. In these examples it was aimed to take the blood out of the wound via pumping. It reminds us of "hajāma" in ancient medical treatment and bleeding blood by slitting veins and arteries. In these injuries, it seems that vacuum pots for "hajāma" weren't used. However as far as the reason is concerned we can say that these instruments were not so widespread and it was impossible to use them on the face.

One of the most widespread methods of treatment was branding. Even women carried out this. But the prophet Muhammad didn't approve this and advised to use hot cloth or warmed stones.

The most frequent disease was fevers. In order to reduce fever some water was being poured onto the body. Correspondingly high fever was a widespread disease in Medina because of its climate. The treatment was the same. The Prophet Muhammad faced this disease and for its cure he ordered to bring water from various wells, which had different minerals (Ibn Sa'd, II, 232; al-Bukhārī, Maghāzī, 85).

Moreover, there are some record saying that Ā'isha and her elder sister Asmā binti Abū Bakir cured the patients having high fever by using water.

When it comes to diseases whose reasons couldn't be realized, we can say that different methods were being experienced and, trying to be diagnosed. When The Prophet Muhammad was ill Asmā binti Umeys and Umm Salama experienced a different method of treatment from Ethiopia after water didn't make him feel better (al-Bukhārī, Tib, 21; al-Tabarī, 1967: III, 196).

Diarrhea, constipation etc. were tried to cure as well as experiences allowed. Asmā binti Umays was using "Shubrum: euphorbia pithyusa" having an immediate effect as mushily. The Prophet Muhammad is saying that "it's not proper to use it, and then she started to use "senā, senna: cassia angustifolia" (Ahmad ibn Hanbal, VI, 369).

As far as we could conclude there is no clear information on how frequent diseases like being poisoned, fracture, burn etc. were treated though it can be said that they were treated via some similar methods to present day medicine.

### 8. Treatment of Animal Bites

Because of its climate and characteristics there were a lot of scorpions, mice, snakes etc. in Medina. We know that the Prophet Muhammad wanted some detrimental animals to be killed. Motley lizard (in Arabic: wazag), detrimental kind of snakes, scorpion and mouse were some of them. Contrary to his previous ordering to kill all snakes the Prophet Muhammad banned to kill domestic and harmless snakes afterwards (Ibn Māja, 1511, 3228-3231; al-Tirmidhī, 1511-1513, 1515, 3249). However, bites of snakes and scorpions were one of important problems in the Medina society. As a result there was a family being busy with treatment of bites of poisonous animals. It was the member of Hazm family, and especially the mother, Khalidah were expert in treatment of these kinds.

### 9. Psychological Therapy: "Rukyah"

Indeed, there was a method of cure containing prayer and rite in ancient civilizations. This method was being known in Arabian society prevalently. There were foremost persons and famous oracles. "Rukyah" was far more widespread in Medina than Mecca as Jews lived there. Prevalently the Prophet Muhammad banned "Rukyah" but then it was allowed with some changes in its content, including useless things.

Rukyah looks similar to a dialog between doctor and patient that cheers up the patient. Moreover it bears resemblance to psychotherapy. But in ancient civilizations Rukyah included not only psychological treatment but also medicines. It's unknown whether they used these medicines for they were useful or to give a boost to the patient's moral.

All in all we can say that in treatments that time the psychological aspect was important more often than not. There was a therapy aiming the patient to pull himself together and to solve the problems that the evil eye giving rises to. The patient thought of God under the influence of prayer being held. Ā'isha, Asmā binti Umays, Maymūna binti al-Hāris, al-Shifā binti Abd Allah were expert in that kind of treatment (Ibn Māja, 3515; al-Tabarānī, XXV, 43).

### 10. Carrying Out Dietician Care and Body Care

It's clear that one of the most important principles of a healthy lifestyle is eating healthy food regularly. Basic principles of Romanian physicians regarding the health were based on diet and sports more than treatment. As recorded by Ā'isha, women in Arabian society were careful about their weight. They were thin and slight. Furthermore Ā'isha warned young single women putting on weight and advised to be more careful about their health. We know that Ā'isha and the Prophet Muhammad had a healthy lifestyle and ran sometimes (Ahmad ibn Hanbal, VI, 39-264). As shown by records from Ā'isha, people in Arabian society preferred to eat sweet things. It's recorded that some foods were being advised to the people having indigestion in their bellies.

In particular women had trouble with baldness. It is unknown that whether they treated this or not. But it must be remembered that using "hinâ: henna" was prevalent in Arabian society. Today henna is important in hair care. Additionally, Arabs were using wigs to prevent themselves from being seen as bald.

We all know that there is a tradition called "qaylūlah: sleeping in the midday". Some information in the sources says that the prophet Muhammad was sleeping at noon in some of women companions' houses. His aunt Umm al-Fadl was one of them. The others were Rubayyi' binti Muawwiz, al-Shifā binti Abd Allah, Umm Atiyya al-Ansāriyya, Umm Harām binti Milhān, Umm Sulaim.

That the Prophet Muhammad slept in some women companions' houses caused some scholars to interpret the situation in different ways. For instance Ibn Qudāme says that the Prophet Muhammad slept in Umm Haram's house as she was his relative. As a matter of fact there is no need to interpret these examples in this way. There is no close relationship between some of these women and the prophet (Ibn Qudāma, XIII, 12-13).

But that many of these women being nurses were an important point. It's clear that qaylūlah must be reinterpreted. It cannot be understood as an ordinary sleep only. To illustrate this case we can consider one example. While Ali having a sleep in Umm Atiyya's house he had plucked his arm pit hairs to Umm Shurāhīl, Umm Atiyya's slave (Ibn Sa'd, VIII, 456). We don't claim that they were gymnasiums in Arabian society as well as in Rome. Cause as it has known there is no public bath in Medina. The family had no a bath at home. In addition there were no private toilets at home. But it can be thought that some services like body care could be given in Arabic society. Furthermore Mecca's city plan and administrative model was too similar that of Romanian administration style. To sum up we would like to say that this subject must be restudied carefully.

### 11. Some Folkloric Treatments of Some Pediatric Diseases

The treatment of angina/tonsil is a method of cure that the sources emphasized it frequently. But it wasn't accepted by the prophet. There are women practicing and helping to this cure. Possibly the wives of the prophet knew this cure. Because there are some records indicating that people go them to cure this disease. This situation may be arising from their positions in the society but saying that they knew this cure is also a possible reason. In this context Umm Qays binti Mihsān is recorded in the sources. We know that the prophet advised some liquids to be taken through the nose in the name of this treatment (al-Bukhārī, Tib, 10, 13; Ibn Abū Shaiba, V, 424).

In the sources it's recorded that Usāme b. Zaid caught smallpox. That the prophet kissed Usāme's face after washing it to show Ā'isha that there was nothing to fear indicates that Medinian society knew smallpox. The record saying that smallpox was seen in Mecca after Abrahā's abortive attempt (in A.D. 569) to destroy Mecca seems to mean something different. We couldn't find more information about this in the sources (Ibn Hishām, I-II, 52-54; al-Tabarī, 1900-1907: XXX, 169).

### 12. Sexual Education

Sexual education is a service given by women in Medinian society. To illustrate Ā'isha gave information to brides about wedding night and family relationship. Especially problems about menstruation, sexuality, unlawful sexual pleasure etc. has aspects about health. So to advice in these matters, the wives of the prophet were foremost.

Umm Salama was one of these women. She was interested in Medinian problems about sexuality as well as menstruation. She let the prophet know some sexual problems influenced women of Medina in view of some prohibitions of Jewish on these matters (Ahmad ibn Hanbal, VI, 305).

Besides, distinguished women of Medina let fresh married couples know the information about wedding night. They advised them to take care to stay healthful. In this context we have no information about their knowledge about getting pregnant or not.

Some women not realizing some of the general principles about family were interested in magic. This kind of attempts was generally related to sexual problems. So to prevent these things both views of the prophet and his wives gave a piece of advice in Medina society (Ibn Habīb, p. 231).

### 13. Conclusion

In the early Islamic period, women provided significant medical services to the society. This is something different from other cultures in which women were all non-influential in the medical services. However it must be stated that those medical services given by women in the time of the Prophet Muhammad were a part of the folkloric medicine. Practices about medicine were not as developed as other cultures and besides their own local experiences they were under other civilizations' influence.

In this study we have found that the number of women practicing medical services was approximately fifty. These acts can be divided into two groups as daily life and war, and we can summarize them as the following:

The nursing and assisting the midwives, prenatal and postnatal care, some surgical operations, caring who were wounded in wars, the supplying of food for needy people during the wars, medical treatment for some diseases and daily injuring, treatment of animal bites, psychological therapy, carrying out dietician care and body care, some folkloric treatments of some pediatric diseases, warning about hygiene standards, assistance about special women disease and sexual education.

All the information shows that women played an important role in medical services in the Islamic society during the time of Prophet Muhammad, tried to solve the daily problems and medical issues as they would manage at that time.

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## Structure, Strategy and Organizational Design in Albanian Context

MA. Ludmilla Shkurti PhD Cand.

Lecturer, SHLJU "Wisdom University", Albania

ludmilla.shkurti@gmail.com

### Abstract

*This research paper will try to understand and explain how much and how is understood the nature, the importance and factors that affect the business organizational structure and design in Albanian Organizations, compared with theoretical factors researched from the literature. How a business does structure in our country, knowing how important are the theoretical factors in business organization performance and therefore how much and how the principles of organizational design are applied in Albanian Organizations. Why structure, strategy and organizational design? Organizational design and organizational restructuring remains one of the most important issues that management of organizations, in the global era and information technology, must deal with, for the fact that businesses today face some unprecedented challenges: increased competition, globalization, growing of social responsibility, technological changes, changes in taste and consumer's exigency, new strategic thinking, etc. Referring the literature and contemporary researchers, a constant topic during these recent years has been the one of how globalization and economic crisis have obliged the organizations to review their strategies and to change the way they operate, trying often therefore to structure for surviving and achieving success. These challenges should be carefully managed in order to build and hold a high performance organization, to deal with tough competition and endless problem that this era we live does bear. It is also important to understand correctly that organizational structure and design, by dictating roles connection in an organization and consequently how people function, may often be the main cause of the problems, but also one more reason of success. The way that organizations structure or the specific model of business, may constitute their competitive advantage, or special strategic skills, so it can make a business organization unique and competitive in the market. For many researchers the prevailing conclusion is that the organizations either neglect the importance of organizational design, or they just do not know what to do about it and therefore they evolve in an indirectly, spontaneous or intuitive way. From what the paper identifies, most of organizational structuring in Albania are made in a hasty way, without seeing or paying attention to full frame or circumstances. This may result in some partial and fragmentary initiatives instead of aiming in organizational designing and general structuring. This is not surprising as the subject is complex, often poorly explained and not rightly understood even though the academics and the consultants have made a great work to address the organizational design topic. However the paper shows that entrepreneurs and managers still lack a practical and systematic framework in order to guide their choices of organizational structure. To find a practical approach for the organizational design, can be difficult, even though some business schools have tried to simplify the things. The study will try to achieve this task, through careful research, in order to diagnose the organizational design process and restructuring situation in Albania, highlighting the effect of the current challenges which have an impact on this difficult process, mainly based on a survey of 200 organizational businesses in Albania.*

**Keywords:** organizational design, organizational structure, strategy.

### Introduction

This paper is part of a broader study, which relates to the discovery and then the analysis of the main factors of which are driven Albanian organizations during the organizational design process.

Consequently, the paper, this time will focus only on the analysis of the factors of context, aiming discovering the main factor, and further trying to discover if this factor in Albanian organizations is the strategy or not.

To identify the main factors of which are theoretically driven organizations in organizational design process, the analysis is based on the literature review of some known researchers of the organizations domain as Burton and Obel (2004), Daft and Armstrong (2012), Burton, Eriksen, Håkonsson and Snow (2006), etc.

Although it is almost impossible to define all the possible factors that directly affect modern business practice indirectly the various trends in organizational and work level, it is necessary to mention those most important. The literature review

identifies some key context factors that condition organizational design which are: Size, organizational technology, environment, goals & strategy, culture.

### The methodology

The methodology consists of a combination of primary data with the secondary ones. The data from studies made by the Vlores District institutions such as Municipality, Prefecture, Chamber of Commerce and Industry, etc. is used. Private firms in Albanian cities such as Vlore, Fier, Lushnje, Saranda, Durres and Tirana are used to study the structure model. A questionnaire was drawn up to complete the findings and comparison. The questionnaire was designed to be addressed to the general managers of private firms, those of functions, or of the line ones, as well as to some experts. Questionnaires are standardized and uniform for all subjects included in the study. Questionnaires were distributed to 300 firms during the second half of 2011 and during 2012, 2013. Distribution of the questionnaire was made by personally interviewing individuals in each firm or via e-mail. The questionnaires took into consideration variables such as firm size, the year of their creation, knowledge about the structure and the organization's overall strategy, linking strategy organization for structuring future challenges.

A Factor analysis (principal factor) was used to give answer to the research question about the main factor that has an impact on the choice of organizational structure.

Research Question: Is the strategy the main factor that leads the choice of organizational design or an organizational structure?

The hypothesis H0:

The strategy is the main factor or the main dimension of context, which affects decision-making of business organizations in Albania for selecting and changing their organizational structure.

Hypothesis H1:

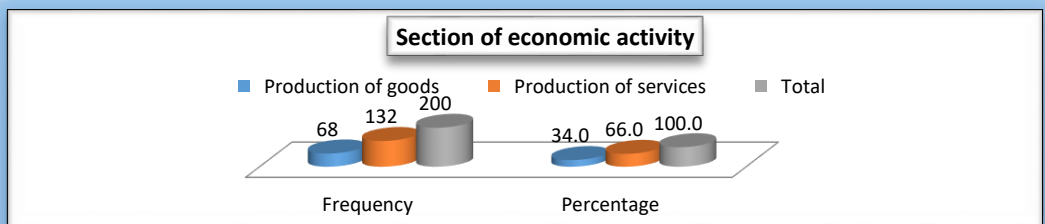
The main factor influencing the decision-making of business organizations in Albania for selecting and changing the structure is not the strategy, but other factors dictated by the challenges currently faced by business organizations in Albania.

## 2. FINDINGS AND DISCUSSION

### 2.1. Descriptive analyses

The statistical data: 200 (returned) questionnaires (from 300 distributed) have been analyzed, with a distribution of business activity as follows:

Fig.1. Businesses by the Section of Economic Activity.



Source: Authors' research.



Question no 14: How much is based the establishing organizational structure (labour division) to:

- the financial ability
- the other firms experiences (imitation)
- the spontaneous need shifted to experience/routine
- the casualty

According to the respondents' opinion, the main factor and /or other ones which have more impact on the Albanian organizational business structuring process and design are as follow:

Question no 14 : Respondents' Perception about Organizational Structure Factors

Alternatives	Frequency	Percent
1 Financial ability	72	36.0
2 Casualty	25	12.5
3 Imitation	65	32.5
4 Shift of the spontaneous need to exp. / routine	30	15.0
5 No response	8	4.0

**Tab. 1. Respondents' Perception about Organizational Structure Factors**

Source: Authors' research.

To the Question no 23: How much do you know about business organizational structure?

The answer "I have average knowledge "is given of the 38% respondents only. (See the table no 2).

Nr	Alternatives	Frequency	Percent
1	Nothing	10	5.0
2	Very little	30	15.0
3	A little	31	15.5
4	On the average	76	38.0
5	Most	40	20.0
6	Everything	13	6.5
	Total	200	100.0

**Tab. 2 Respondents' opinion about awareness of management class in terms of organizational structure**

Source: Authors' research.

Based on the data we can say so that there is little awareness of the Albanian managers' class on the importance of the structure.

To the Question no 24: How much do you know about business organizational strategy?

We have even a worse situation as the structures case. The answer "I have average knowledge "is given of the 27.5 % respondents only. (See the table no 3).

Nr	Alternatives	Frequency	Percent
1	Nothing	7	3.5
2	Very little	38	19.0
3	A little	49	24.5
4	On the average	55	27.5

5	Most	38	19.0
6	Everything	13	6.5
	Total	200	100.0

**Tab. 3 Respondents' opinion about awareness of management class in terms of organizational strategy**

Source: Authors' research.

## 2.2. Analysis of Context Factors that guide the choice of the organizational structure at the Albanian business firms.

Factor analysis estimates a priori the hypothesis, in analogy with the theory. The table, which shows the correlation matrix (comparing pairs of variables). It is used, as it is closely related to two important issues, first, variables can correlate with each other, but the values of these correlations are too low, caused them difficulty in determining the factor. So, in other words, depending on the coefficients correlation between pairs of variables, we could find out which of them has a significant value, serving as a factor in the analysis of factors.

The analyze by the Paired-Samples t Test will help comparing the averages of the perception assesment about impact of factors listed by the interviewers responding to the question 19 of the questioner (Q\_19\_1,2,3,4,5,6,7,8 ): *Question no 19 : Which context factors have had impact on the new or changed structure in your company ?*

Once we obtain the correlation matrix, (using SPSS 20 -software) we should define the method of the analysis; Factor Analysis or Principal Component Analysis. In our survey we used the method of Principal Component Analysis with assumptions, that total variance of variables to consider, depends on the variances of each component (factor) and the variance of the error is zero Thompson, (2004).

From the matrix of correlations (Table no. 4), it seems that no one of variables has a significant impact on others, so we should have to analyze the importance of each of the factors. For this, first we build striped graph averages and confidence intervals, 95% and see which of them is more important.

**Table no. 4 Correlations**      The Perception of The Contextual  
Factors Impact on structure

The Perception of The Contextual Factors Impact on Structure/Organizational Design	Q_19_1 Perception about Strategy impact	Q_19_2 Perception about Technology impact	Q_19_3 Perception about Digitalization impact	Q_19_4 Perception of the business environment impact	Q_19_5 Perception of the Globalization impact	Q_19_6 Perception of the Competition impact	Q_19_7 Perception of the Business Model impact	Q_19_8 Perception of the consumer's change impact
Q_19_1 Perception of the Strategy impact	1	.080	-.255**	.342**	.163*	-.091	.215**	-.304**
Pearson Correlation		.263	.000	.000	.021	.198	.002	.000
Sig. (2-tailed)								
N	200	200	200	200	200	200	200	200
Q_19_2 Perception of the Technology impact	.080	1	-.303**	.002	.176*	-.044	.575**	-.265**
Pearson Correlation			.000	.980	.012	.532	.000	.000
Sig. (2-tailed)								
N	200	200	200	200	200	200	200	200
Q_19_3 Perception of the Digitalization impact (Computer /internet)	-.255**	-.303**	1	-.170*	-.061	-.061	-.284**	.114
Pearson Correlation				.016	.393	.392	.000	.108
Sig. (2-tailed)								
N	200	200	200	200	200	200	200	200
Q_19_4 Perception of the ebusiness nvironment impact	.342**	.002	-.170*	1	.145*	-.187**	.076	-.142*
Pearson Correlation			.016		.041	.008	.282	.045
Sig. (2-tailed)								
N	200	200	200	200	200	200	200	200
Q_19_5 Perception of the Globalization impact	.163*	.176*	-.061	.145*	1	.047	.154*	-.122
Pearson Correlation			.393	.041		.508	.030	.084
Sig. (2-tailed)								
N	200	200	200	200	200	200	200	200

Q_19_6 Perception of the Competition impact	Pearson Correlation	-.091	-.044	-.061	-.187**	.047	1	.136	-.254**
	Sig. (2-tailed)	.198	.532	.392	.008	.508		.055	.000
	N	200	200	200	200	200	200	200	200
Q_19_7 Perception of the Buziness Model impact	Pearson Correlation	.215**	.575**	-.284**	.076	.154*	.136	1	-.308**
	Sig. (2-tailed)	.002	.000	.000	.282	.030	.055		.000
	N	200	200	200	200	200	200	200	200
Q_19_8 Perception of the consumers change impact	Pearson Correlation	-.304**	-.265**	.114	-.142*	-.122	-.254**	-.308**	1
	Sig. (2-tailed)	.000	.000	.108	.045	.084	.000	.000	
	N	200	200	200	200	200	200	200	200

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

**Table no.5 Paired Samples Statistics- Competition/ Strategy impact**

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_6 Perception of the Competition impact	8.70	200	1.611	.114
Q_19_1 Perception of the Strategy impact	8.21	200	1.542	.109

**Table no.5 /2 Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_6 Perception of the Competition impact & Q_19_1 Perception of the Strategy impact	200	-.091	.198

Table no.5 /3 Paired Samples Test

	Paired Differences	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference		t	df	Sig. (2-tailed)
					Lower	Upper			
Pair 1 Q_19_6 Perception of the Competition impact & Q_19_1 Perception of the Strategy impact		4.85	2.330	.165	.160	.810	2.944	199	.004

Table no.6 /Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_1 Perception of the Strategy Impact	8.21	200	1.542	.109
Q_19_7 Perception of the business Model Impact	8.00	200	1.888	.133

Table no.6 /2Paired Samples Correlations

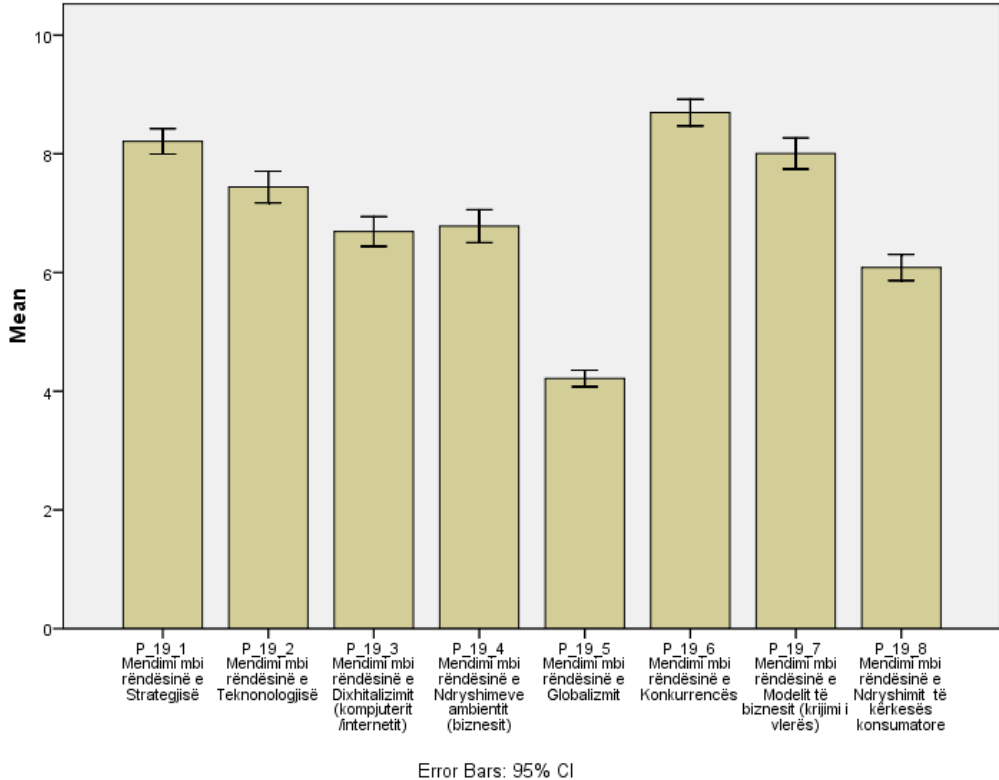
	N	Correlation	Sig.
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_7 Perception of the business Model Impact	200	.215	.002

Table no.6 /3Paired Samples Test

	Paired Differences	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference		t	df	Sig. (2-tailed)
					Lower	Upper			
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_7 Perception of the business Model Impact		.205	2.165	.153	-.097	.507	1.339	199	.182

It seems from the chart below (Figure no.2) that the perception on the impact of the variables that significantly affect more than others the structure are; Competition (Q\_19\_6), then the Business Model(Q\_19\_7), Strategy (Q\_19\_1), and Technology(Q\_19\_2). That means it is requiring a more detailed analysis of them.

**Figure no.2 -The graph with Error Bars**



For this we do compare their averages by paired Samples t-Test. By comparing the averages of the perception assesment about impact of the *Strategy* (Q\_19\_1 )and the *Competition* (Q\_19\_6) on structure we note from the first table; that the averages are respectively 8.70 and 8.21and standard deviation respectively 1.611 and 1.542 with the standard error average respectively 0.114 and 0109 ( Table no.5 ).

From the second table, we note that they have a correlation of 0.198 and the significance 0.09 which means they are not related (correlated) ( Table no.5/2 ).

In the third table, we note that the Average / Mean = 0485, t = 2,944 and p = 0.004 <0.005. The mutual Probability of *Competition* assesment (Q\_19\_6) is very low (p = .027) and in fact shows us that there is only a 0.4% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is important because it is less than .05. ) ( Table no.5/3 ).

The fact that the value t is a positive number indicates that the first context factor (perception on the impact of the *Competition* (Q\_19\_6) has the average more than the second one (perception on the impact of the *Strategy* (Q\_19\_1) and so this context factor -the *Competition* (Q\_19\_6 ),convincs us for an assesment higher than the other one the *Strategy* (Q\_19\_1). Therefore, we can conclude that the question of the importance of the *Competition* (Q\_19\_6) provides an

estimate with a greater significance than that of the importance of the *Strategy* (Q\_19\_1),  $t = 2,944$  and  $p = 0.004 < 0.005$ . This result was predicted by the graph with error bars. (Fig.no.1).

By the Paired-Samples t Test comparing the averages of the perception assesment about impact of the *Strategy* (Q\_19\_1) and the *Business Model* (Q\_19\_7) on structure we note from the first table that the averages are respectively 8.21 and 8.00 and standard deviation respectively 1.542 and 1.888 and the average standard error respectively 0.109 and 0.133. ) (Table no.6 ).

From the second table, (Table no.6/2 ) we note that they have correlation 0.215 and significance 0.002 which means they are not related (correlated).

In the third table, (Table no.6 /3, we note that the Average / Mean = 0.205,  $t = 1.339$  and  $p = 0.182 > 0.005$ .

Mutual probability of Strategy assesment (Q\_19\_1) was high ( $p = .182$ ) and in fact it shows us that there is only a 18.2% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is not important because it is greater than .05.

The fact that the value "t" is a positive number indicates that the first factor Strategy (the perception of the importance of the Strategy Q\_19\_1) is greater than the average of second- factor technology (perception of the *Business Model* (Q\_19\_7) however, the first factor strategy (Q\_19\_1) not convince us to a higher rating than the *Business Model* (Q\_19\_7).

Therefore, we can conclude that both questions about the importance of the *Strategy* (Q\_19\_1) and the *Business Model* (Q\_19\_7) provide us an assesment of the same significance,  $t = 1.339$  and  $p = 0.182 > 0.005$ .

This result was predicted by the graph with error bars.(fig.no.1)

By the Paired-Samples t Test comparing the averages of the perception assesment about impact of the *Strategy* (Q\_19\_1) and the *Technology* (Q\_19\_2) on structure we note from the first table (Table no.7) that the averages are respectively 8.21 and 7.44 and standard deviation respectively 1.542 and 1.906 and the standard error Mean respectively 0.109 and 0.135.

From the second table, we note that they have correlation 0.080 and significance 0.263 which means they are not related (correlated) (Table no.7/2 ).

In the third table, (Table no.7/3 ) we note that the Average / Mean = 0.770,  $t = 4.624$  and  $p = 0.0 > 0.005$ .

Mutual probability of Strategy assesment (Q\_19\_1) was high ( $p = .0$ ) and in fact it shows us that there is only a 0% chance that the value "t" can be great if the null hypothesis is true, therefore, this "t" is not important because it is greater than .05.

The fact that the value "t" is a positive number indicates that the first factor Strategy (the perception of the importance of the Strategy Q\_19\_1) is greater than the average of second- factor technology (perception of the technology impact Q\_19\_2), however, the first factor strategy (Q\_19\_1) not convince us to a higher rating than technology one (Q\_19\_2.)

Therefore, we can conclude that both questions about the importance of the *Strategy* (Q\_19\_1) and *Technology* (Q\_19\_2) provide us an assesment of the same significance,  $t = 1.339$  and  $p = 0.0 > 0.005$ . This result was predicted by the graph with error bars.(fig.no.1)

**Table no7.Paired Samples Statistics**

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_1 Perception of the Strategy Impact &	8.21	200	1.542	.109
Q_19_2 Perception of the Teknology Impact	7.44	200	1.906	.135

**Table no7/2.Paired Samples Correlations**

	N	Correlation	sig
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_2 Perception of the Teknonology Impact	200	.080	.263

**Table no.7/3 Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_1 Perception of the Strategy Impact & Q_19_2 Perception of the Teknonology Impact	.770	2.355	.167	.442	1.098	4.624	199	.000

The analyze go further by the Paired-Samples t Test comparing the averages of the perception assesment about impact of all other factors (see the Annex ) listed by the interviewers responding to the question 19 of the questioner : *Question no 19 : Which context factors have had impact on the new or changed structure in your company ?* And doing that we find out that strategy is not the main factor that drive the Albanian businesses during the organizational design process.

### Conclusion

The principal factor analysis did answer our question research regarding the most important factor by which the Albanian business firms are driven during the organizational design process or when they make their choices regarding the organizational structure.

Findings showed us that the strategy is not the main factor that drive the Albanian businesses during the organizational design process, or when they make choices about structural change.

As a result this analysis helped us highlighting that although the strategy is listed as one of the factors that drive organizational design process and change of structure in organizations in business in Albania (section of the descriptive analysis which is not part of this paper) here we did evidence that the strategy as a mentioned theoretically important dimension of context leads slightly or moderately the Albanian business organizations in decision process about organizational design.

The analysis highlights the "competition", as a more important factor, which leads organizational structuring process. This result, for the author of this study is related to the challenges that Albanian organizations business face today, that dictate much more and harder on them than the main factors that theoretically should affect their decision-making, about organizational design process.

Of interest it is the finding of this paper that "business model" which is not evidenced theoretically, and it does not constitute a factor of context such as the strategy, is listed instead by respondents as important context factor in this analysis and it



turns out to be the second factor, almost identical to "competition", regarding the importance of its impact on the organizational design. This leads us to the conclusion that the new trends as well as the challenges facing businesses in the Albanian context, are the critical and guide their process of organizational design.

From the study conducted, we found that despite changes which have occurred in recent years in Albania, and in particular in Vloera, Fier, Lushnje, Saranda, Durres and Tirana, we still do not have little managers' awareness about the importance of the organizational structure, strategy and design.

#### **Recommendations for Researchers**

Of interest would be the research about the structural dimensions that would be more present in organizations with high or low performance, or for organizations in certain sectors of the economy. So we could better understand their impact on organizational performance in the future.

In conclusion, the research reported in this paper has modestly provided few answers, but has generated some new research questions which seem to require further study. It has thrown little light on the controversy over the existence of fundamental universal dimensions of organizational structure, but it has suggested an approach that could be helpful in determining the existence or non-existence of these dimensions. Moreover, it has raised an opportunity for researchers about some relatively successful organizations' structures which could be described differently and independently by several dimensions.

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## ANEXES

**Paired Samples Statistics** Techonology / Business Environment Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_2 Perception of the Techonology impact	7.44	200	1.906	.135
Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_2 Perception of the Techonology impact & Q_19_4 Perception of the business environment change impact	200	.002	.980

**Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_2 Perception of the Technology impact & Q_19_4 Perception of the business environment change impact	.660	2.755	.195	-.276	1.044	3.387	199	.001

**Paired Samples Statistics** Digitalization /Business Environment Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_3 Perception of the Digitalization impact (Computer /internet)	6.69	200	1.789	.126
Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_3 Perception of the Digitalization impact Q_19_4 Perception of the business environment change impact	200	-.170	.016

**Paired Samples Test**

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Pair 1 Q_19_3 Perception of the Digitalization impact								
Q_19_4 Perception of the business environment change impact	-.090	2.895	.205	-.494	.314	-.440	199	.661

**Paired Samples Statistics** Business environment change/ Consumer Request Change Impact

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 Q_19_4 Perception of the business environment change impact	6.78	200	1.993	.141
Q_19_8 Perception of the Consumer Request Change Impact	6.08	200	1.584	.112

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1 Q_19_4 Perception of the business environment change impact	200	-.142	.045
Q_19_8 Perception of the Consumer Request Change Impact			

**Paired Samples Test**

**Paired Samples Correlations**

	N	Correlati on	Sig.	Paired Differences						
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference		t	df	Sig. (2- tailed)		
				Lower	Upper					
Pair 1 Q_19_4 Perception of the business environment change impact	.695	2.716	.192	.316	1.074	3.618	199	.000		
Q_19_8 Perception of the Consumer Request Change Impact										

## Women and Entrepreneurship – Albanian Case

Dr. Anna Xheka

University “Aleksander Moisiu”-Durrës, Albania

[xhekaanna@gmail.com](mailto:xhekaanna@gmail.com)

### Abstract

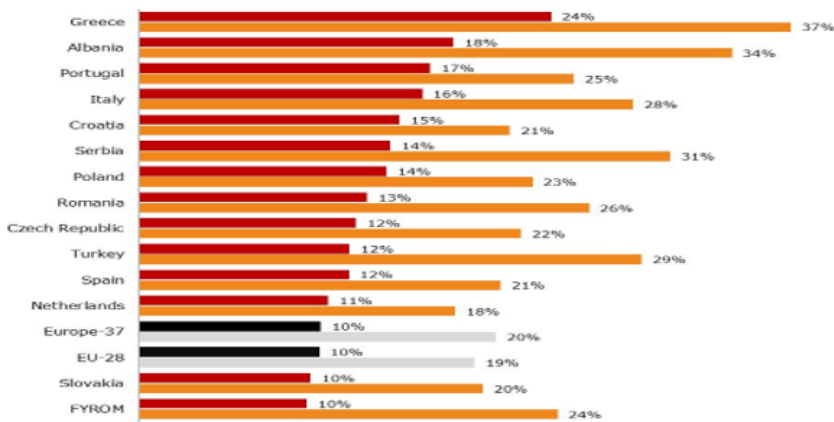
*Women's entrepreneurship is a powerful source, regarding to the women's economic independence and empowerment, as well as regarding employment generation, economic growth and innovation, development and the reduction of poverty as well as one of the terms of gender equality. This poster presents the situation of women's entrepreneurship in Europe in comparative terms, with special focus in Albania. The paper has a descriptive nature. Describes three different plans in comparative terms; the representation of men and women in entrepreneurship, the representation of women in entrepreneurship in different countries of Europe and of Europe as a whole, as well as compare to gender quota. Through the processing of secondary data from various reports and studies, this poster concludes that although that the gender equality goal is the equal participation of men and women in all sectors, including the entrepreneurship, in this sector, gender gap it is still deep. Another significant comparative aspect, it is the difference between full and part –time women entrepreneurship. While in full time entrepreneurship in a convince way, men are those that dominate, in part time entrepreneurship clearly it's evident the opposite trend, women's representation is much higher. It's very interesting the fact, that the women's entrepreneurship in Albania, presented in a significant optimistic situation, ranking in the second place, after Greece in the European level.*

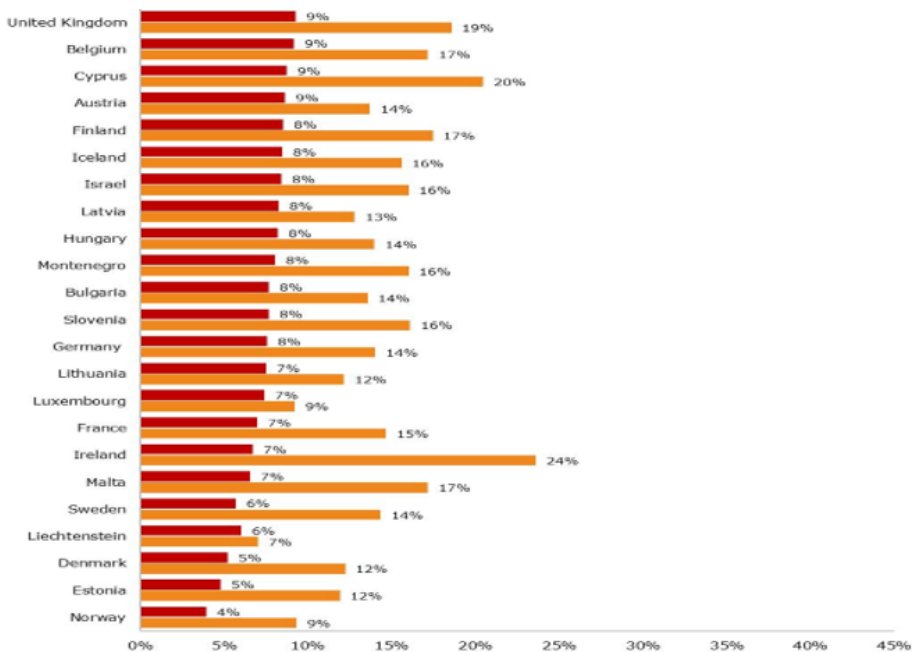
**Keywords:** Women's Entrepreneurship, Gender Equality, Europe, Albania

### Europe and women's entrepreneurship situation

Actually women constitute 52% of the total European population, while the women entrepreneurs in Europe, constituted only 29% of entrepreneurs, increasing since 2008 with 3% and presenting in a very high level, (78%) the model of one – person enterprise (European Commission, [EC], “Growth,” 2016 ). The analysis of the available data on women entrepreneurs in 37 countries, which include the 28 EU Member States, Albania, Former Yugoslav Republic of Macedonia (FYROM), Iceland, Israel, Turkey, Liechtenstein, Montenegro, Norway and Serbia, shows very interesting figures.

European Commission uses the entrepreneurship rate as indicator, to compare the entrepreneurial level of women and men in and between countries, which expresses the percentage of entrepreneurs in the total active labor force. (EC, 2014, p.7).





**Figure Nr. 1:** Percentage of entrepreneurs in total active labour force (entrepreneurship rate) by gender and country in Europe-37, 2012

Source : EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*. p. 8.

The above data shows that, the average of the entrepreneurship rate, referred to 37 European countries analyzed, as well as those 28 of the European Union, it is in a very critical level for women, only 10%, compared respectively with 20% and 19% for men.

If we compare countries between them, it is clearly evident that the differences are significant. Greece is on the top of the European ranking with women's entrepreneurship rate of 24%, compare to 37% of the men, followed by Albania with women's entrepreneurship rate of 18%, compared to 34% of the men. In the end of the ranking there are countries such Estonia with women's entrepreneurship rate of 5%, compared to 12% of the men and Norway with women's entrepreneurship rate of 4%, compared to 9% of the men.

Another important distinctive characteristic between women and men entrepreneurs is their status regarding "solo entrepreneurs"<sup>1</sup> and "employers".<sup>2</sup>

The European Commission report, (EC,2014, p.10) shows that in 2012, 78% of women entrepreneurs in Europe -37 were "solo entrepreneurs" and 22% were "employers", while regarding the men entrepreneurs active in Europe-37, 81% were "solo-entrepreneurs" and 19% were "employers". The percentages for EU-28 were respectively as follow, 23% of women and 30% of men entrepreneurs were "employers".

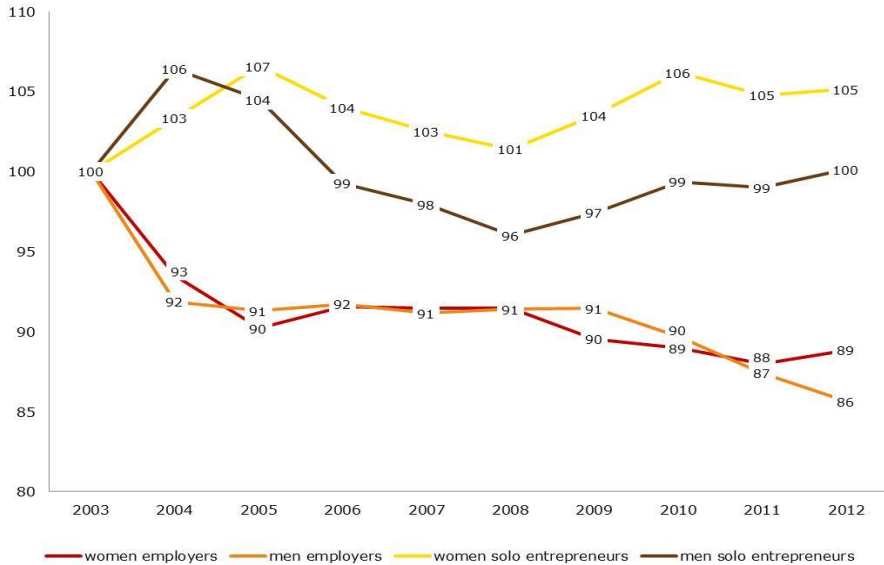
There are large differences between countries. Montenegro followed by Hungary and Ireland had the highest proportion of women employers, and Romania and Albania the lowest.

1 Solo entrepreneurs is a professional who chooses to go into business by themselves ("go solo"), collaborate with others, grow their business without boundaries and, more than likely, without employees. See (EC, 2014, p.9).

2 Employers are persons who operate their own economic enterprise, or engage independently in a profession or trade. They employ one or more persons and/or family workers. See Ibid.



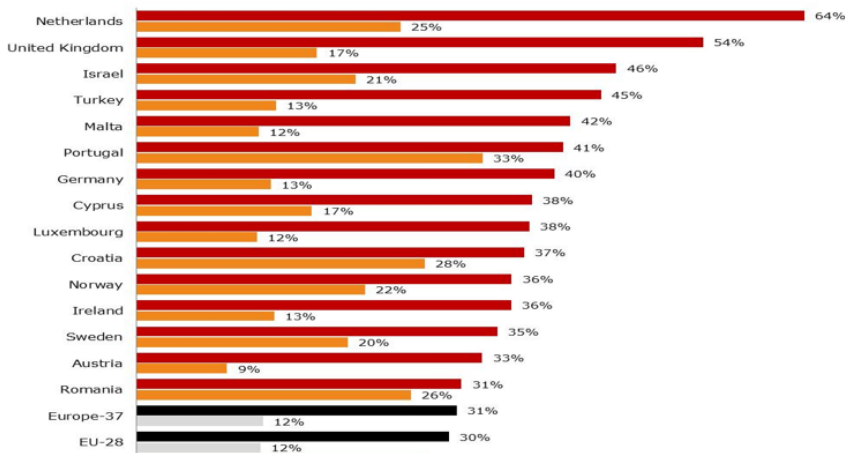
**Figure Nr 2:** Change in the percentage of solo entrepreneurs and entrepreneurs who are employers in the active labor force by gender in Europe-37, 2003-2012 (index 2003=100)

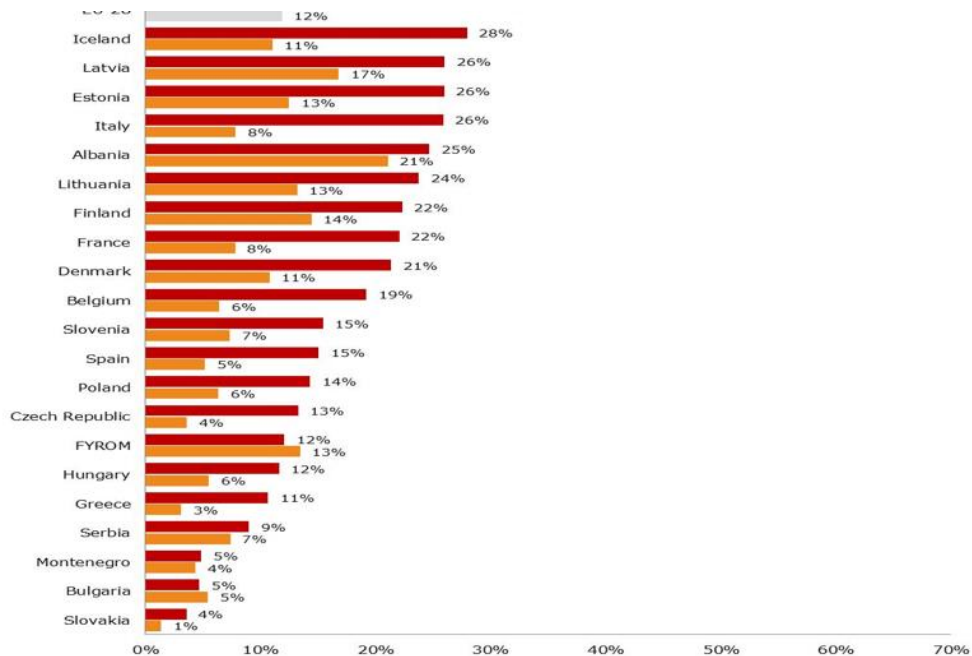


Source: EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*. p, 10.

While the percentage of women in full-time entrepreneurs it's in every case less than the men's percentage, it's presented an opposite trend regarding to the part-time entrepreneurship. European Commission dates (EC,2014, p.11) shows that while, between the countries there are big differences, in the EU -37, 31% of all women entrepreneurs were working part time in their enterprise, compared with 12% of men entrepreneurs. The percentages for EU-28 were almost in the same level (30% and 12%, respectively). This is another factor that brings inequalities between genders in the sector.

**Figure Nr.3:** Percentage of part-time entrepreneurs by gender in Europe-37, 2012





Source : EC. (2014) *Statistical Data on Women Entrepreneurs in Europe*. p. 11.

European Commission experts, in their analyze pointed out, that women face a number of difficulties and obstacles in their entrepreneurship challenge, such are : the absent of access to finance, double burden of home and work responsibilities, unfavorable business regulations, cultural barriers, choice of business types and sectors, information and training gaps, lack of contacts and access to social support and networking, differences regarding the entrepreneurship approach, education and occupational segregation, less managerial experience, ect. The lack of the property rights often deprives them from credit access to start or develop entrepreneurship activities. They suffer also lack of confidence and the lack of role models of female entrepreneurship.

### Albanian case

Albanian economy continues to be dominated by small, very small and micro enterprises, each employing one to four people. These enterprises presents 92% of all registered businesses and 62% of these are active in trading, tourism and catering pattern: women's contribution is 96%, whereas men's is 4% (UN, 2011, p. 78). As it is shown above in this paper, Albania presents the second top country regarding the high level of women entrepreneurship rate (18%) in 2012, compare with 34 % men's rate. In 2011, almost 27% of active enterprises were run or owned by women, while the solid majority of 73% of active enterprises is run by men, having also a higher increase of 3% from 2007 to 2011 compare with the men's small enterprises (MMRS, 2014, p. 38). Although such increase of women's businesses is quite positive, women are still limited to self-employment and small business. Access to credit is particularly limited for small businesses. However, 96.2% of enterprises owned by women belong to this category.

In long term perspective they might be facing lack of growth or bankruptcy. In 2011, female ownership of bigger enterprises with 5-9, 10-49 and over 50 employees is approximately 14% or 15% (MMRS, 2014, p. 38). The growing tendency of new enterprises led by women is very encouraging. This may show that women have been capable to find new ways to continue or open businesses, or they have been better protected from the financial crisis or business ups and downs. The situation it is also connected to some special found programs applied in the country during this period of time.

But in the same time, despite the fact that there are such achievements as above, regarding women's entrepreneurial opportunities, there are few opportunities for women in rural areas. The UN report (UN, 2011, p 79), states that more than 50% of women in rural areas works in agriculture, but they only own and manage 6% of farms. The majority of farms are small and under subsistence farming with limited production and marketing potential, and a large part of women's work on these family farms, remains unpaid.

## Conclusion

Women entrepreneurs in Europe still represent a minority of entrepreneurs, although the attention given to the issue in many countries. Through the processing and analyzing different secondary data from various reports or studies, this poster concludes that although that the gender equality goal it's the equal participation of men and women in all sectors, including the entrepreneurship, in this sector the gender gap is still larger, referring the gender equality quota and compare to the other sectors in European level.

During the recent years there is significant improvement in terms of women in entrepreneurship. In European level the women's enterprise percentage has achieved the figure of 30%, which is considered as minimum gender quota in all sectors of life, while the percentage of women it's more than 50% of the total population in Europe. Referring to individual aspects of the European countries, the situation is considerably below and above this minimum.

While the quantitative improvements are visible, the situation in essence it is not so positive. Women are still limited to self-employment and small business as well as in part time entrepreneurship.

The other negative aspect of the situation it is the fact that from this positive quantitative trend of the analysis, are excluded women in rural areas, as it is the Albanian case, where despite the evidence that more than 50% of women in rural areas works in agriculture, they only own and manage 6% of farms.

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## Notes About the Commemoration of the Powerful Men in the Medieval Art in Macedonia

Prof. Filipova Snežana

Department of Art History and Archaeology,

University Ss Cyril and Methodius, Skopje, Republic of Macedonia

snezanaf@fzf.ukim.edu.mk

### Abstract

Rulers' portraits as symbols of the institution of monarchy were used on coins, legal acts and seals, as a guarantee of authenticity and legal effectiveness. They are usually the highest category of propaganda images. Each civilization has the praxis of representing to a certain extent real or "beatified" image or portrait of the emperor. By adding various symbols of power, like crowns, caps, beard, throne, *spondium*, chariot, and number of the animals driving it, we are directly observing the image of the most powerful representatives of people, nations, states, empires, era, usually blessed by or alike god(s). Roman emperors preferred to be represented in sculpture, and the copy of the ruling emperor was placed in every city of the Empire. It was roman art and sculpture where actually the portrait was invented in the 2<sup>nd</sup> century B.C. Sometimes Emperor's portrait in Byzantium had the status of replacing the real presence of the sovereign. The early portraits of byzantine emperors in monumental art are preserved in St. Vitale in Ravenna, where the emperor Justinian I and his wife with ecclesiastical and court dignitaries attend the liturgy.<sup>1</sup> St Sophia in Constantinople has preserved later portraits of the emperors Justinian and Constantine, who are giving the church St. Sofia and the city of Constantinople to the Mother of God (2/2 of the 10th C.), the portrait of Constantine IX Monomachos or initially Romanos and the empress Zoe<sup>2</sup>, from 1034–1042; the portrait of John II Komnenos and the empress Irene from the beginning of the 12th C.<sup>3</sup> In the time of the Komnenian dynasty (especially the time of Manuel I Komnenos), group royal portraits were frequently depicted.<sup>4</sup> Negrău says in churches, the images of the rulers expressed the relation of monarchs with God, who gave them the power of monarchy in exchange to undertake the defense of Christian law. The images are addressed to the masses with the purpose to present monarchs as generous donors, as well as ubiquitous authorities.<sup>5</sup> Usually God is representing putting the crown on ruler's head from above or blessing. The medieval artistic treasures are united by the ktetors who, using their political power, social reputation, cultural impact, theological erudition, as well as artistic taste, "have enabled the creation of artistic legacy of representative sacral monuments." As producers of the artistic enterprises, they were "playing the role of creators of the cultural matrixes in certain periods maintaining the traditional values in the artistic practice or establishing a background for their transformation in sustainable components of the progressive development of artistic innovations."<sup>6</sup>

**Keywords:** Notes, Commemoration, Powerful Men, Medieval Art, Macedonia

### Introduction

The founders' portraits were most often painted in royal palaces (Vlahernae, mosaic of John II mourning his late father)<sup>7</sup>, narthexes, exonarthexes (Holy Virgin Zaumska, Staro Nagoričino), naoses (Holy Archangels, Lesnovo) and refectories of the monastic churches where the founder was the emperor or member of a royal family and a high dignitary, as well as on

<sup>1</sup>Richard Krautheimer, *Early Christian and Byzantine Architecture* (4 ed., New Haven, CT: Yale University Press, 1986, p. 234

<sup>2</sup> The panel of Zoe and Constantine IX in Hagia Sophia has been altered, and it is possible that it originally depicted Zoe with Romanos, thus making it a striking pendant to the panel at the Constantinopolitan Peribleptos monastery. See Mark J. Johnson, *The Lost Royal Portraits of Gerace and Cefalu Cathedrals*, *DOP* 53, 237-262, 258.

<sup>3</sup> Viktor Lazarev, *Istoriia vizantijskoj živopisi II*, Moscow 1986, figs. 135–142;

<sup>4</sup> Andre Grabar, *L'Empereur dans l'art byzantin*, Paris 1960.

<sup>5</sup> Elisabeta Negrău, The ruler's portrait in byzantine art, a few observations regarding its functions, *European Journal of Science and Theology*, June 2011, Vol.7, No.2, 63-75, 74.

<sup>6</sup> Elizabeta Dimitrova, V.I. Personalities in Medieval Macedonia, *Five Paradigms of Supreme Commissionership (11th – 14th century)*, in *Folia Archaeologica Balkanica* 3, Skopje 2015, 601-621, 601-602.

<sup>7</sup> Bakirtzis, Warrior Saints or Portraits of Members of the Family of Alexios I Komnenos? In *British School at Athens Studies* Vol. 8, MOSAIC: Festschrift for A. H. S. Megaw (2001), 85-87 87.

the facades of the churches, as in Kurbinovo, probably in St. Panteleimon, Nerezi (1164), St. Nicholas Bolnički, Old St. Clement (30es of the 14<sup>th</sup> C.),<sup>1</sup>St. Demetrius, Sushica, Marko monastery near Skopje (1389) etc.

There are numerous preserved examples of founders' portraits painted in the narthexes or exo- narthexes of orthodox churches elsewhere within the Byzantine Empire in the period of the 12<sup>th</sup>-15<sup>th</sup> C. like in Bulgaria (Boyana), in Serbia and Kosovo (Mileševa, Gračanica, Studenica, Lipljan), Greece (Daphne, Fere), monastery church of the Virgin in Apollonia, Albania, St. Sophia, Constantinople, the Mother of God Pamakaristos=Fetie Mosque (Andronicus II Palaiologos and his wife Ana, narthex)<sup>2</sup>etc.

Portraits of Byzantine emperors on seals coins and chrysobulls had the meaning of a guarantee of authenticity. Portrait of the rulers were also embroidered on costumes of the empress, officials, churchmen or foreign vassals, as a sign of honor and obedience. These mobile portraits and the portraits in mural painting were viewed equally; they only had different functions, to commemorate/to express obedience. In image is being revealed the emperor's essence of being<sup>3</sup>, theorized Saint Athanasius of Alexandria in the 4<sup>th</sup> century, about icon as portrait, using the widely shared perception of the image of emperor as analogy in his argument concerning the veneration of icons.<sup>3</sup> It seems a monument is not tied only to a single figure but often involves the desire to establish a memory of the 'political family' of predecessor and successor rulers tied together by a continuous political tradition. The role of the monument in Byzantine tradition is thus essentially memorial: through his work, the founder wishes to remain alive over time in the memory of society.<sup>4</sup>

The icon of St Theodor Thiron from the shrine of St. John Theologos on Patmos represents actually the portrait of Theodor I Laskaris (1173-1222), before he became despot of Nicaea in 1204. The portraits were made from approved model sent by the Emperor-made by court artists and then redistributed when needed. Even in Byzantium the chief commander of the army and governor of Constantinople, the megalos dux Alexius Apohawk has his portrait made iconographically following some model of St. Demetrius on horse back, as the Codex graecus 2144, fol. 11r, collection of the works of Hipocrates shows. He was described as very highly ambitious man with megalomaniac plans to reach the political top in the Roman Empire. So he might have considered himself appropriate to be identified with the very much appreciated martyr and protector of Thessalonica, St. Demetrius.

There is another portrait of the same saint, that is regarded as portrait of Byzantine emperor, painted in the late 12<sup>th</sup> C. (the portrait has been repainted in the 14<sup>th</sup> C.). In 1105 in the narthex of the Holy Virgin church Asinou Panagia Phorbiotissa, in Cyprus, there is a lord represented like St. George some scholars think represents Alexius I Komnenos-1118. His shield shows large half golden moon with a small cross between its ends. The whole shield is filled with small suns-stars.<sup>5</sup> Built around 1100, the edifice is decorated with accretions of images, from the famous fresco cycle executed shortly after initial construction to those made in the early 17<sup>th</sup> C.

The sebastokrator Isaac Komnenos in the typic of his monastery of Holy Virgin Kosmosoteira mentions there were icons of his father and mother in the monastery church.<sup>6</sup>

In the case of Macedonia, the portraits of the rulers and members of the ruling family are represented not only as ktetors of churches or actual rulers next to the feudal lords who are the ktetors, but on icons and frescoes as holy warriors, to mention only the icon of Virgin Mary with child from the Virgin Perivleptos in Ohrid iconostasis, the holy warriors in St.

1 Lidia Hadermann-Misguich, Une longue tradition byzantine. La décoration extérieure des églises, *Zograf* 7 (1976), 7-8; Cvetan Grozdanov – Donka Bardžieva, Sur les portraits des personnages historiques à Kurbinovo, *ZRVI* 33 (1994), 74-80; C. Grozdanov, *Ohridskata slikarska škola od XIV vek*, Skopje-Belgrade 1980, 50, fig. 54, C. Grozdanov, *Portreti na svetitelite od Makedonija od 9-18 vek*, Skopje 1983, 56, drawing 5.

2 T. Velmans, Le portrait dans l'art des Paléologues, in: *Art et société à Byzance sous les Paléologues*, Venise 1971, 99-100. Donka Bardžieva-Trajkovska, New Elements of the Painted Program in the Narthex at Nerezi, *Zograf* 29, 2002-2003, 35-46, 36. Andre Grabar, Portrait oubliés d'empereurs byzantins, in: *L'art de la fin de l'Antiquité et du Moyen Age I*, Paris 1957, 192-193; Zabraveni portreti na vizantijski imperatori, in: *Izbrani sochinenija II*, Sofia 1983, 158-160; Branislav Todić, *Staro Nagoričino*, Belgrade 1992; Todić, *Gračanica. Slikarstvo*, Belgrade-Priština 1988, 171, fig. 105, 17 Smiljka Gabelić, *Manastir Lesnovo*, Belgrade 1998, 167-172.

3 Saint Athanasius, Oratio III contra Arianos, in *Patrologiae cursus completus, Patrologiae graecae*, J.P. Migne (ed.), vol. 26, Imprimerie Catholique, Paris, 1857, col. 332. [http://www.earlychurchtexts.com/public/athanasius\\_orat\\_con\\_arianos\\_III\\_29-34.htm](http://www.earlychurchtexts.com/public/athanasius_orat_con_arianos_III_29-34.htm) (<http://www.ccel.org/ccel/schaff/npnf204>)

4 Negrau, The rulers portrait in byzantine art, 72.

5 *Asinou across Time*, Studies in the Architecture and Murals of the Panagia Phorbiotissa, Cyprus, DOP 43, ed. by Annemarie Weyl Carr and Andréas Nicolaidès, 2012, 315.

6 Bakirtzis, Warrior Saints or Portraits, 87, footnote 16.

Panteleimon, Nerezi or St. Constantine and Helene in St. George, Kurbinovo are exclusive and enable us to see what kind of religious practice the rulers practiced in the 12<sup>th</sup> century.

The monastery church of St. Panteleimon in Nerezi, near Skopje, from the 12th century (1164), erected by Alexios Angelos Komnenos<sup>1</sup>, who belongs to the Komnenian dynasty on his mother's side – Theodora, the youngest daughter of the late Emperor Alexios I Komnenos and sister of Manuel I Komnenos. The fresco painting has exceptional quality, painted by anonymous masters that were best Byzantine imperial fresco painters of the period. The walls from the entrance to the naos contain saints images of six holy warriors with heraldic shields.<sup>2</sup> It seems to me not only are they saints represented as high dignitaries and high rank soldiers but they are portraits of the members of the Imperial family. The frescoes in the church date from 1164, and some parts were repainted in the 15th, 16th, and 19th centuries.<sup>3</sup> The Nerezi frescoes represented a break with the contemporary painting because the painter didn't depict the saints in the customary representative-type manner but introduced figures from the real life. It may be related to the intention of the ktetor to represent the Emperor and the family he belonged to as it was done in the church of Virgin in Fere, Greece, around 10 years earlier. There torsos of Isaac (St. Menas, the ktetor and sebastokrator), and his sons Andronic (St. Procopius), St. Theodor Stratilat (John II) and Theodor Thiron (Alexius) are represented.<sup>4</sup>

The fragment of a fresco on the very end of the second zone of the eastern wall in the narthex of Nerezi may indicate a royal portrait was painted in full length, on a purple pillow decorated with precious stones and pearls. From the royal figure, the lower decorated part of the division is visible. As a member of the Komnenos dynasty, Alexios may have demanded a founder's composition to be painted with the contemporary Byzantine emperor Manuel I Komnenos (1143–1180) with his second wife.<sup>5</sup>

The next church where we face again portraits of at the already late Emperor Manuel I Komnenos is the church of St. George in Kurbinovo. It is among the most beautiful, most original, though fragmentary preserved frescoes from the late 12<sup>th</sup> C. The work of the three anonymous masters in Kurbinovo is a continuation of the work of the Nerezi masters, with a great deal of originality in style and expression. Here the emperor and his wife are represented as St. Constantine and St. Helene.<sup>6</sup> The preserved portrait of the royal family in Kurbinovo so far is considered the oldest of this type of Byzantine art. According to Grozdanov and Bardjieva, there is also a representation of Isaac II Angelos in Kurbinovo.<sup>7</sup>

The imperial images at Hagia Sophia are scattered about the galleries and in the narthex, while Justinian's image at San Vitale in Ravenna appears in the sanctuary. There seems to have been no set policy regarding the placement of such images in the Byzantine world, and none in the Norman kingdom either.<sup>8</sup>

Several examples of combining portraits of donors with documents may be cited, including the two above mentioned imperial panels of Hagia Sophia.<sup>9</sup> Very similar to the decoration at Cefalu is a fresco found in the exo-narthex of the

1 Ida Sinkević, *The Church of St. Panteleimon at Nerezi. Architecture, Program, Patronage*, Wiesbaden 2000

2 Филипова, "Medieval Paintings in Macedonian Churches and Applied Arts as the Echo of the Heraldic Society", *Culture of Memory in East Central Europe in the Late Middle Ages and the Early Modern Period*, Conference Proceedings, Poznan 2008, 277-287; Filipova., Ликовни хералдички извори во Република Македонија, Зборник на трудови од Simpozium na INI Skopje & BAN Sofija, *Tranziciite vo Kulturata*, Скопје, 2008; Filipova, Комненовската династија и нивното хералдичко влијание врз фрескосликарството во Македонија", *MH 36*, 2010, Filipova, *Studii za heraldikata vo Makedonija*, Makedonika Litera: Skopje 2015.

3 Sinkević, *The Church of St. Panteleimon at Nerezi*; Donka Bardjieva, *St. Panteleimon at Nerezi: fresco painting*, Skopje, Sigma Press 2004. In 1923-1926 the Russian prof. Nikola Okunjev uncovered the old 12th century frescoes in one part of the St. Panteleimon church. The conservation work from 1954-1957 completed the removal of the late frescoes and the exposure of the old.

4 D. Mouriki, *Stylistic Trends in Monumental Painting of Greece during the Eleventh and Twelfth Centuries*, *DOP* 34–35, 103–107, 125–177; Bakirtzis, *Warrior Saints or Portraits?* 85, 86.

5 Donka Bardžieva-Trajkovska, *New Elements of the Painted Program in the Narthex at Nerezi*, 37.

6 Lidia Haderman Misquish, *Kurbinovo. Les fresques de saint Georges et la peinture Byzantine du XII siècle*, Bruxelles 1975, 43-318, 321-551, fig 141; Lydie Hadermann-Misquich, *La grande Theophanie se Saint-Georges de Kurbinovo et le décor du registre des prophetes, Zbornik posveten na Dimče Koco*, Arheološki Muzej Skopje, 1975, 285-316.

7 Grozdanov–Bardžieva, *Sur les portraits des personnages historiques à Kurbinovo*, *ЗПВИ* 33 (1994), drawing on pages 72–73.

8 Mark J. Johnson, *The Lost Royal Portraits of Gerace and Cefalu Cathedrals*, *DOP* 53, 237-262, 258.

9 The panel of Constantine IX Monomachos and Zoe is offertory in nature, with the emperor holding a moneybag, and Zoe a scroll that seems to be a charter of donation, but is unopened. So the inscription simply identifies the emperor but has the function of giving authority to the charter. In the panel of John II Komnenos and Irene, it is again the empress who holds a closed scroll of donation.

monastery church of the Virgin in Apollonia, Albania, which contains a family portrait of Michael VIII Palaiologos with his wife, Theodora, their son, Andronikos II (1282- 1328), and his son, Michael IX (1294-1320). There are parallels with Cefalu, a dedicatory panel with several Family members, the founder who presents a church model, and the pictorial legal document, all depicted near the entrance on the west wall of the church. <sup>1</sup>

At the end of the 12<sup>th</sup> C. golden square crosses on red began to be used as an emblem of the emperors bodyguard, that is saint protector. Such small part of the shield is visible on an icon of St Theodor Thiron from the shrine of St. John Theologos on Patmos. It is actually the portrait of Theodor I Laskaris (1173-1222), before he became despot of Nicaea in 1204. The portraits were made from approved model sent by the Emperor-made by court artists and then redistributed when needed. It is only in the Komnenian art that we see the one head or double headed eagle embroidered on the suppedaneum under the feet of the emperors. Later on, in the 13 and 14<sup>th</sup> C. this fantastic animal became much more frequent on the cloth of the dignitaries in the Byzantine empire.

In Macedonia the Palaiologan style begins with the works of the Constantinopolitan painters Michael and Eutychius, who, in 1295, on invitation from Progon Zgur, the great heteriarch of Byzantium, started decorating the church of the Most Holy Theotokos Peribleptos in Ohrid and represented his and the portrait of his wife, Eudoia Komnenos (who was also relative to the tsar Andronic II Palaiologos).<sup>2</sup> According to Grozdanov, in Perivleptos church the painters have represented within the composition of the Virgin the ruling byzantine emperor Andronic II Palaiologos with his wife, Irene from Monferato, and his father, Michael IX Palaiologos, represented with his mother, who stand in the group of rulers behind the archbishops, leaded by St. Constantine and Helene.<sup>3</sup> The same tsar was represented in Holy Virgin Perivleptos within the composition of the Eastern hymn, and in the cave church of St. Erasmo around 1300.<sup>4</sup> Todić explains that while the Byzantine emperor attempted to recapture Balkan territories by military force, the archbishop of Ohrid, Makarios, strove to demonstrate visually on the walls of the church of the Virgin Peribleptos the supposed origins of his archbishopric and thus also to claim its rights, through the images of the apostles Peter and Andrew and saints Clement and Constantine Kabasilas. Because of its political engagement, this painted decoration remained unique in medieval art and should be explained by particular ideological and political motives.

On the other hand, we have here the images of the ruling Byzantine emperors and their family. The painters seem to found their way to oppose the political program of the ktetor by representing the real rulership.

Within these Paleologian monuments in Macedonia we already face frequent representation of double headed eagle (golden on red) on the ceremonial cloths of the high dignitaries ktetors and as well representations of St. Helene (Lesnovo). Again it is this saint and ruler painted in the time of Manuel I Komnenos to represent the late empresses, Maria of Antioch.

At the monastery church dedicated to the holy Archangel Michael, in Lesnovo from 1347<sup>5</sup> there are the portraits of the ktetor despot Jovan Oliver<sup>6</sup> and his wife Ana Maria Lavarina, their monograms on the liturgical equipment from the contemporary time, but also extraordinary larger than any other full figure portrait of the ruling Serbian tsar Dušan and his

1 Mark J. Johnson, *The Lost Royal Portrait*,

2 Todić Branislav, Frescoes in the Virgin Peribleptos Church referring to the origins of the archbishopric of Ohrid, *ZRV* 39, 2001, 147-163. Later, these painters painted the churches of St. George in Staro Nagoričane, in Kumanovo (around 1317) and of St. Nicetas in the village of Banjani, in Skopje (around 1320). Their work is a masterpiece, extraordinary in its expression and its high artistic and spiritual qualities.

3 ΣΥΜΜΕΙΚΤΑ. Collection of Papers Dedicated to the 40th Anniversary of the Institute for Art History, Faculty of Philosophy, University of Belgrade, Cvjetan Grozdanov, Les Portraits des premiers Paléologues dans le narthex de l'église de la Vierge Péribleptos (St-Clément) à Ochrid, une hypothèse, Belgrade 2012, 227-236, 235

4 Grozdanov, *Portreti*, 140, drawing 23. He bases it on V. Djuric opinion (Voislav Djuric, *Portreti na poveljama vizantijskih I srpskih vladara*, ZFF, VII-1, Beograd 1963, 268. Goce Angelicin Zura, on the contrary, thinks it is Theodor Komnenos Ducas. See Goce Angelicin Zura, *Pesterni crkvi vo Ohridsko Prespanskiot region*, Struga 2004, 95, 100.

5 The names of three out of the four painters of this fresco painting are known: Michael, Mark, and Sebastos. The name of the chief master is damaged and thus unknown.

6 Despot (from Greek: δεσπότης, *despótēs*, "lord", "master") was a senior Byzantine court title that was bestowed on the sons or sons-in-law of reigning emperors, and initially denoted the heir-apparent. From Byzantium it spread throughout the late medieval Balkans, the Latin Empire, and the Empire of Trebizond. It gave rise to several principalities termed "despotates" which were ruled either as independent states or as appanages by princes bearing the title of despot. For the title and its meaning in the Balkans see Ferjančić, Bozidar (*Despoti u Vizantiji i južnoslovenskim zemljama*, Belgrade 1960).

wife Helene. The tsar is even larger than Christ which indicates the ktetor have indicated which power was more important or what power prevailed, or that the king becoming a tsar while Byzantium went through crisis the very year when the church has been finished must have changed the usual iconography.

Another detail related to heraldry in this church is the blue double headed eagle with lily between the heads painted on the frontal side of the altar table. This is the only known image of blue double headed eagle with a heraldic lily between eagle's heads.<sup>1</sup> This color of the eagle may be related to the blue color being dedicated for the Sebastokrator title.<sup>2</sup>

There are various kesar, despot and Sebastokrator's portraits in the Ohrid area of the 14<sup>th</sup> C. painted as frescoes in the churches, as well as in Prilep, containing embroidered double headed eagle enclosed in a circle, made of pearls. But none of them has lily between the heads except the cloth of kesar Duka adjoined by his son Demetrius from Holy Archangels church on Plaošnik (he wears red cloth decorated with golden double headed eagle). It is mere coincidence or has to do with the dedication of the church to the Holy Archangels where ktetors use such eagle?

In the cave Holy Virgin church, isle Mal Grad, near Ohrid<sup>3</sup>(1369), kesar Novak wears blue-green costume decorated with golden double headed eagle, as well as Grgur Golubić, known as Caesar Gregory -Kesar Grgur in the Holy Virgin church, Zaum, near Ohrid (1361). The cloth of the kesar Duka represented as ktetor with his son on the southern wall of the Old St. Clement church dedicated to St. Panteleimon in Ohrid, 3<sup>rd</sup> decade of the 14<sup>th</sup> C.<sup>4</sup>, has also such golden double headed eagles on red, with the difference there is a heraldic lily between the heads.

### Icons and the realistic portraits

Even in Byzantium the chief commander of the army and governor of Constantinople, the megalos dux Alexius Apohawk has his portrait made iconographically following some model of St. Demetrius on horseback, as the Codex graecus 2144, fol. 11r, collection of the works of Hippocrates shows.<sup>5</sup>

Another portrait of the same saint is regarded as portrait of Byzantine emperor, painted in the late 12<sup>th</sup> C. (the portrait has been repainted in the 14<sup>th</sup> C.). In 1105 in the narthex of the Holy Virgin church Asinou Panagia Phorbiotissa, in Cyprus, there is a lord represented like St. George some scholars think represents Alexius I Komnenos-1118. His shield shows large half golden moon with a small cross between its ends. The whole shield is filled with small suns-stars.<sup>6</sup> Built around 1100, the edifice is decorated with accretions of images, from the famous fresco cycle executed shortly after initial construction to those made in the early 17<sup>th</sup> C.

The Sebastokrator Isaac Komnenos in the typic of his monastery of Holy Virgin Kosmosoteira mentions there were icons of his father and mother in the monastery church.<sup>7</sup>

The icon of Virgin with child, 14<sup>th</sup> C. from the iconostasis of the Perivleptos church is special type of western icon of Italian gothic style made for eastern donor, either to be gifted to the very church, or later on, after the death of Dušan in 1355 by his wife who became a nun. Some of the authors that were mentioning this icon think of Dušan as donor of this and several more icons of the iconostasis of this church. It is related to the archbishop Nicholas of Ohrid who was also present at the coronation of the king into a tsar in Skopje. We know that his wife Helene stayed in 1350 in Venice. What could be the reason to order such an icon for the church together with the icon of St. Nicholas (the latter may not be from the same time and author or region, since it is heavily repainted in the 19<sup>th</sup> century.)<sup>8</sup> My theory is it was a private icon of

1 Smiljka Gabelic, *Lesnovo*, Stubovi Culture, Beograd 1998, fig. 64.

2 Dragomir Acović, *Heraldika i Srbi*, Beograd 2008, Zavod za Udjbenike, 145, footnote 344. He has in mind the color of the shoes this feudal lords wore, according to Pseudo Kodin.

3 Goce Angelčin Žura, *The cave churches in the Ohrid-Prespa region*, 164. He ruled with Ohrid from 1366-78.

4 Zargorka Rasolkovska Nikolovska, Arhimandritot Jovan, igumen na klimentoviot Manastir vo Ohrid, *Kulturno Nasledstvo* 28-29, 2003/3, 104.

5 Милодрог Марковић, Запажања о најстаријим иконама из Марковог манастира, *ЗОГРАФ* 37 (2013) [147-167], 157.

6 *Asinou across Time*, Studies in the Architecture and Murals of the Panagia Phorbiotissa, Cyprus, *Dumbarton Oaks Studies* 43, edited by Annemarie Weyl Carr and Andréas Nicolaidès, 2012, 315.

7 Bakirtzis, Warrior Saints or Portraits, 87, footnote 16.

8 Milco Georgievski, *Icon Gallery Ohrid*, Ohrid 1999, 67.



Helene, maybe painted to celebrate the coronation of the king, or her giving a birth to a child?<sup>1</sup> When her husband became a tsar or when he died in 1355, she gifted this icon to the church of Perivleptos and became a nun.

Imperial portrait as commemoration

The mid 14<sup>th</sup> C shows not only examples of Serbian rulers –represented as almighty and even larger than Christ (tsar Dušan, Lesnovo), but also images of the Holy Virgin resembling a lot the wife of the tsar (Helena, wife of Dušan, icon from Perivleptos church in Ohrid)<sup>2</sup>.

The monastery of St. George, near Poloq is located on the shore of the Crna, region of Kavadarci. A 1340 charter of King Dusan states that his brother Dragušin was buried in this monastery. So it is another funeral monument meant to commemorate the members of the Serbian dynasty. The oldest layer of frescoes (1343-5) contain the portraits of Dušan, his wife and son, and the ktetor despot Dragušin and his wife, son and mother.<sup>3</sup>

It is interesting to note that the dedication of the funeral churches in the 14<sup>th</sup> C. Serbia is related to the Holy Archangels (Prizren, the tomb of Dušan; Lesnovo, the planed tomb of despot Jovan Oliver), St. George (Polog) while at the time of Komnenoi, it was Holy Virgin (Fere, Greece). Constantine, Justinian and some other emperors were buried in the Rotunda of the Church of the Holy Apostles. Basil II was buried in the Church of St. John the Theologian outside the walls. All those who ruled before Leo V and after his reign until the beginning of the 11<sup>th</sup> C. were buried in the church of the Holy Apostles  
4

As we see, the praxis of representing the dignitaries and emperors and rulers as holy warriors prevailed. Komnenos preferred to have St. Theodor as personal protector, representing him on the coins, icons and his images show shield decorated with golden lion on blue (Church of the Holy Virgin in Studenica, Kosovo and Holy Virgin in Matejče, Kumanovo). Also some of the Serbian rulers considered this saint as protector, beginning with Nemenja, St. George church, Ras (1170), and others (Milutin) prayed to St. George who gives his a sward (Staro Nagoričino, Kumanovo, Macedonia). This composition seems to be directly inspired by an image of Manuel I Komnenos.<sup>5</sup> King Milutin also dedicated a church to this saint in Skopje (unknown location, probably near Kale).

The genealogical tree from the fresco in the Monastery church near v. Matejče, created after 1347, shows certain disputable facts, the kinship with the Emperor Isaac Komnenos, and through it the right of the Nemanjić dynasty to the Byzantine Imperial Crown to precede the right of the Palaiologos and Kantakouzenos families.<sup>6</sup>

The portraits of the rulers and members of the ruling family represented on icons and frescoes as Virgin Mary, holy warriors or St. Constantine and Helene are exclusive and enable us to see what kind of religious practice the rulers ruling parts or the whole region of Medieval Macedonia practiced.

1 Snežana Filipova, Examples of icons with Western influences in iconography in the Art of Macedonia, *ICON* 9, 2015 (in print).

2 *Idem*.

3 Viktorija Popovska Korobar, *Pološki manastir Sv. Gorgi*, Skopje 1998 (catalogue)

4 Gianville Downey, The Tombs of the Byzantine Emperors at the Church of the Holy Apostles in Constantinople, *The Journal of Hellenic Studies*, Vol. 79 (1959), pp. 27-51, 41. About the other funeral churches, Monastery of the Augusta. (Justin I and Euphemia.), 2. St. Mamas (Maurice and his family.), 3. Staurakion. (Stauracius and Theophano), 4. The Lady Euphrosyne (Constantine VI and his family; Anna, daughter of Theophilus), 5. Gastria. (Theodora, wife of Theophilus, and her relations), 6. St. Euphemia in Petriion. (Basil 1's relations), 7. St. Michael Promotou, see Philip Grierson, Cyril Mango and Igor Ševčenko The Tombs and Obits of the Byzantine Emperors (337-1042); *DOP*, vol. 16 (1962), 1-63, 7, 59-60.

5 Miodrag Marković, O ikonografiji svetih ratnika u istočnohrišćanskoj umetnosti I o predstavima ovih ratnika u Dečanima, u: *Zidno slikarstvo manastira Dečana*, Posebna izdanja SANU, knjiga 22, 567-630, 601.

6 Pirivatrić, Ulazak Stefana Dušana u Carstvo, *ZRVI XLIV*, 2007, 409; Elizabeta Dimitrova, *Matejče*, Skopje 2002.

## Cultural Inequivalences from Albanian into English in the Translation of “Pallati I Ĕndrrave” by Ismail Kadare

Morena Braçaj

“Hëna e Plotë”, Beder University  
morenacitozi@yao.com

### Abstract

*This article focuses on cultural translation, especially addressing the issue of cultural inequivalences or losses occurring in the translation of “Pallati i Ĕndrrave” written by Ismail Kadare. The main aim of this article is to investigate how different cultural aspects of source text are transmitted into the target text, causing cultural losses. As we might know, cultural losses are defined as the losses of cultural norms, social customs, idioms, and proverbial wisdom that are inherited through generations and comprise the identity of the source culture. Such losses occur during the process of correlating the verbal signs of one culture to another different culture and result mainly from misrepresenting the literariness of the source text and its pragmatic forces. Therefore, to present such cases, many examples of cultural losses are given, which are divided based on different type of losses in both version. Thus, in order to illustrate cultural aspects in literature, we analyze figurative language such as culture items, idiomatic expressions, proverbs in two texts: Albanian (the source text) and English (the target text). The analysis of examples have shown that translation of cultural aspects of the source text was communicatively successful, however, it failed to represent the culture-bound words which represent the implicit level of the source text. In this sense, we argue that figurative language and cultural terms of the source text are unfamiliar for target text and they should be looked at from the perspective of a cultural insider.*

**Keywords:** cultural translation, translation and inequivalence, cultural losses, figurative language, context.

### 1. Introduction

We know that there exist a strong relation between culture and translation and interest in the mutual relationship between culture and translation has increased in recent years motivated largely by the awareness of the need to develop human communication and the translation of texts across cultural and linguistic boundaries. Different from other types of translation, literary translation can reflect the interrelationship of culture, ideology and communication (Katan 1999/2004; Bassnett and Lefevere 1990). The influence of such translation on communication within a specific cultural and ideological context can also affect target readers' reception of a certain literary work.

We are aware that differences between cultures play an important role in the process of conveying a text from one language into another, particularly when these languages do not have much in common. Therefore, I aim to discuss in this paper the cultural problems of translating Albanian into English and how these issues affect the translator's decisions. Translators should be aware of the smallest detail while conveying a novel from its source culture context into the target culture context as well as of the strategies available to them in order to produce the TT.

This article investigates ‘cultural losses’ occurring in the translation of “Pallati i Ĕndrrave” written by Ismail Kadare. Before we present the examples of cultural losses, we discuss the reasons which led to these cultural losses. First, cultural losses or inequivalences result mostly from figurativeness of the source text. Omitting or altering the figurativeness (cultural metaphors, idiomatic expressions, and proverbs) of the source text is particularly sensitive in literary translation and will result in a translation that is unfair to the source text, the source culture and the target audience. Second, we argue that cultural losses are losses on the deep symbolic level of the source language; hence, they require an effort on the part of the translator to retain these symbolic levels and capture the cultural implications meant by the source author.

Accordingly, the translation product would be culturally more suitable if the translator assumes the function of a cultural insider. Finally, cultural losses are context-sensitive; they are, by and large, losses of the unfamiliar and so are marked to the target readers. In this article, we first introduce a general review of literature on figurative language and then, we proceed with an analysis and discussion of cultural losses. Thus, culture-oriented problems can be divided into two categories: extralinguistic and intralinguistic (Leppihalme 1997: 2). Extralinguistic phenomena range from natural (winds, flora and fauna, etc.) to man-made phenomena (social institutions, buildings, markets, etc.). Whereas intralinguistic culture-oriented

problems include metaphors, allusions, idioms, proverbs and ways of addressing a person, complimenting her/him or apologizing.

The process of translating idioms and fixed expressions from one language into another is a fine work which obliges a translator to have a good knowledge of both languages and cultures being shared or transferred as well as being able to identify and cope with the contingent problems in the process of finding an efficient equivalent for the inter-lingual idiomatic pairs. People of different languages use completely different expressions to convey a similar meaning, in a way that while an expression might be completely tangible and easy-to-understand for the interlocutors of a specific language, the same set of words and expressions may seem fully vague and dim and even in some cases nonsense to the speakers of the other. This originates in the fact that each language has got some culture-specific items that are completely different from the corresponding items in another language. Besides, there are some differences in such factors as religion, geographical locations, different ideologies, and social classes of languages and societies that harden the process of understanding and translating idiomatic pairs from one language into another. Hence, there are two main problems in this case: 1) How to understand the meaning of idioms and fixed expressions of a specific language; and 2) How to recreate the same sets of idioms and fixed expressions of one language in another language in a way that they might convey exactly the same ideas of the original language.

For the purposes of this article, cultural losses are broadly defined as the losses of cultural norms, religious beliefs, social customs, and proverbial wisdom that are inherited through generations and comprise the identity of the source culture. Cultural losses could be explicit (causing a loss of the cultural meaning of the source text both on the surface and deep levels), implicit (causing a loss on the deep level/ concealed cultural information), modified (altering the realities of the source text, as experienced by the source readers), or complete (deleting cultural characteristics that are unique to the source language). Before we present the cases of cultural losses from the source and target text, we will shortly discuss the figurative language, explaining their meaning and how a translator can deal with such cultural elements.

## 2. Figurative Language (idioms expressions, proverbs)

### Idioms

Idioms are treated as figures of speech, which are defined in the Collins English Dictionary (2006) as “*an expression such as a simile, in which words do not have their literal meaning, but are categorized as multi-word expressions that act in the text as units*”. Longman Idioms Dictionary (1998) defines them as “*a sequence of words which has a different meaning as a group from the meaning it would have if you understand each word separately*”. Accordingly, idioms should not be broken up into their elements because they are sometimes referred to as a fixed expression (Cowie and Mackin, 1975, viii cited in Balfaqqeh, 2009).

Therefore, they are generally viewed in the literature as a special category of lexical items which are not only determined through their structure, but also show a specific type of behavior in language use (Strässler 1982: 11). An idiom is traditionally defined as “*an expression whose meaning cannot be worked out from the meanings of its constituent words*” (Trask 1999: 119). Strässler (1982) points out that there are few studies dealing with idiomaticity—a general term referring to the syntactic and semantic properties of idioms—although it is not a new subject in linguistics. He mentions that most of the works on idioms are collections that do not comprise a unified theory of idioms. Strässler comments “*the general lack of idiomatic theories might certainly be a reason, for it is extremely difficult to incorporate an ill-defined phenomenon into a new concept*” (26). Weinreich (1969: 42) refers to the idiom as “*A phraseological unit that involves two polysemous constituents, and in which there is a reciprocal contextual selection of subsenses.*” Makkai (1972) in Strässler (1982: 43) describes idioms as “*unitary in meaning, 12 Translation and Cultural Equivalence: A Study of Translation Losses unpredictable as to syntax, and complex, hence misleading in expression*”.

According to Baker (1992: 63), idioms are frozen patterns of language which allow little or no variation in form and often carry meanings which cannot be deduced from their individual components. Baker (1992: 65) explains that the main problems that idiomatic expressions create in translation relate to two main areas: the ability to recognize and interpret an idiom correctly and the difficulties involved in rendering the various aspects of meaning that an idiom conveys into the TL. Baker (1992: 71-8) suggests different procedures for the translation of idioms such as:

- *Using an idiom of similar meaning and form.* Baker (1992: 72) argues that this strategy entails using a TL idiom which communicates the meaning of the SL idiom and at the same time includes similar lexical items. The point to be mentioned here is that the more two cultures are identical to each other the more cases of such equivalents

are possible. Contrarily, if the two cultures are not similar and the cultural differences are clearly remarkable between them, then the possibility of making such equivalents for the idiomatic expressions is decreased to its lowest degree. So it can be said that when the SL and TL cultures are identical in some cases there is an "Automatic" process of domestication" proposed by Venuti (1995), i.e., in some cases the idioms in the SL are domesticated in the TL without any considerable difficulty or idiosyncrasy for both of the languages have got exactly the same idioms and ideologies resulting in an automatic domestication.

- *Using an idiom of similar meaning but dissimilar form.* Baker (1992: 74) states that it is often possible to find a TL idiom which has similar meaning to the SL one but with different lexical items. This means that the lexical items of the SL idioms are not kept in the TL; instead a semantic equivalent is given in the TL.
- *Paraphrasing the idiom.* Baker (1992: 74) explains that this is the most common strategy when an idiomatic match cannot be found in the TL.
- "Translation by omission" (Baker, 1992, p. 77). This means that an idiom is entirely deleted in the TL because "it has no close match in the target language, its meaning cannot be easily paraphrased, or for stylistic reasons".
- This strategy is done mostly in the sentence or paragraph level. The reason for this phenomenon is that when an idiomatic expression is omitted, nearly always there is a "loss" in the meaning. To "compensate" the resulting loss, one is obliged to mention some supplementary words in some parts of the sentence or paragraph where an omission has been done.

### Proverbs

The definition of a proverb according to the Concise Oxford English Dictionary is "a short pithy saying in general use, stating a general truth or piece of advice" (Soanes and Stevenson 2008: 1156). A saying, Ridout and Witting (1967: 8-9) argue, needs to be assimilated by the common people to become a proverb, and a proverb to become popular must be wise, and to remain popular must contain 'enduring wisdom'. For example, make hay while the sun shines is a saying originated in farm work where every farm worker would have felt the truth of this thought. But after a great many people had expressed the thought in their many different ways, it had at last found its memorable form; it was that form that lived as a proverb. Ridout and Witting (1967: 9-19) mention different origins of proverbs such as the Bible and literary works and they suggest that proverbial expressions should be distinguished from proverbs. Proverbial expressions such as cry for the moon, according to Ridout and Witting (1967: 14), do not offer advice or warning and are sometimes considered idiomatic phrases, however, they can very easily be turned into proverbs by incorporating them in the form of advice, e.g. only fools cry for the moon. Baker (1992: 64) explains that proverbs are like idioms in that they allow little or no variation in form. However, unlike idioms, proverbs often have fairly recognizable meanings. Proverbs may be culture-specific and as a result may not have equivalents in the TL. Let's consider the following examples: "A cat may look at a king" or "There is a reason in roasting eggs". In these two cases, we can adjust the meaning but not giving their equivalents in the Albanian culture.

Whereas, Brown et al (1998: 525) generally define proverbs as "the short, generally known, sentences of the folk that contain wisdom, truths, morals and traditional views and which are handed down orally from generation to generation". Bakalla (1984: 248) adds to this definition that a proverb is "often used colloquially and set forth in the guise of a metaphor and in the form of a rhyme, and is sometimes alliterative." Accordingly, proverbs can be looked at as illustrations of contexts, not a representation of a particular one. In other words, they are not limited to one context in the source language, rather they are used over and over, and are extended to many variable contexts because of the morals they teach, or their "folk wisdom," as anthropologists prefer to describe them.

### 3. Analysis of Cultural Losses based on their types

#### Explicit Losses:

'Explicit losses' refer to any loss of cultural information both on the surface level (the verbal signs and structures), and on the deep level (the hidden information that are culture-specific) of the source text. It was observed that such losses result mainly from literal translation, whereby linguistic equivalence is achieved on the expense of cultural equivalence, thus posing major difficulties in the decoding of the meaning intended in the source message. In these losses, translation adheres to the "principle of adequacy" (Toury 1986: 1123), but violates the "equivalence effect principle" (cf. Farghal, 1995b: 54). These 'linguistic gaps', as Farghal (1995a: 198) calls them, are purely linguistic as they are present in the experiential world of the culture in question.

Për çudi, i zoti i ëndrës nuk ishte muzikant, por shitës lulcakrash, nga kryeqyteti. <i>Ç'më polli tha me vete Mark-Alemi</i> , pa i hequr sytë nga fleta. Të dilte një perimtar i mallkuar dhe të ngatërronte mendjen. (P.Ë, f.76).	Strangely enough he wasn't a musician- he was a street trader who had a market stall in the capital. <i>Lord!</i> Said Mark-Alem to himself, unable to take his eyes off his information. (P.D,p.45)
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The above example shows that cultural expressions cause difficulties in understanding them and consequently, during the translation process there is cultural losses. In this case, the meaning of the context where this expression "*ç'më polli*" is used, is crucial because it plays an important pragmatic role in understanding the source expression. In Albanian language "*pjell*" (produce/give birth) is a word used especially for animals, meaning the process of giving birth. However, in our case, this phrase is used in an idiomatic meaning, signifying that a person has a problem, a concern, or restlessness related to something that might have happened to him/her. Thus, the abovementioned phrase is transmitted in English version with a word only. The translator has chosen to give the word "*Lord*" as the equivalent in the target text, which does not give the intended meaning as it is in the original. Another important thing seen from linguistic perspective is that, by using this word, the translator has not taken into consideration the formal equivalence and substitutes it with one word as "*Lord*" and the usage of this word is a religious term which might be related to different situations. Whereas from cultural perspective, translation causes explicit loss of cultural values in expressing the phrase of source language. Therefore, in this example, we have both linguistic and cultural loss.

### Implicit Losses

'Implicit losses' refer to the loss of cultural information implicitly present in the source text. They are losses of the source-culture spirit, as echoed in its literary heritage. It should be pointed out that this type of losses is challenging because its understanding requires, what Bailey (1996: 152) calls, "reading between the lines". That is, target readers are expected to "search for some special possibility of hidden and certainly situation-specific interpretations". In contrast to explicit losses, where translation causes a loss both to the 'outside' and 'inside' of the source language, implicit losses are losses to the 'inside' of the source culture, and so, they are culturally-oriented.

Po s'kam ç'tu bëj, <i>më ka zënë rrota bishtin</i> . (P.Ë,f.146)	But there's nothing I can do – <i>I have no choice</i> . (P.D,p.110)
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In the above example, we can say that from functional and communicative perspective the translation has transmitted the meaning of the source expression and the idea is understandable, but, however; this does not mean that we don't have cultural losses. This translation has led to cultural and social implication. The above expression "*më ka zënë rrota bishtin*" is transmitted with the equivalence as "*I have no choice*". In this case, in Albanian culture, the abovementioned phrase a wide range of usage among people and it expresses to describe a situation where a person is worried or upset because he/she can't do anything about a particular thing. In English version, what we notice is that the expression is conveyed with the same feeling and intensity as in the original one, and moreover, it is given with a normal sentence and not with an idiomatic phrase as an equivalence, in order to transmit the same sensation as in the source culture.

### Modified Losses

'Modified losses' refer to losses resulting from the replacement of cultural expressions in the source text by culturally equivalent expressions in the target text. Losses of this kind have a mild effect on the source text. In a sense, they are similar to implicit losses in not seriously affecting the theme of the message conveyed. However, they differ in that they achieve more cultural equivalence than implicit losses. Modified losses are indicators of how the two cultures in question reflect realities, and how people of one culture denote the world from their own perspectives.

Në bisedat e pafundme për Tabir Sarajin, ashtu sikurse në bisedën e turbullt të Vezirit, Mark-Alemi kishte kuptuar se, sa më keq t'i kishte punët Pallati i Ëndrave, aq më mirë ishte për Qyprillinjët. Pra, trjedhimisht, sa më e zezë të	In the course of his endless conversations with the Vezier, not to mention their last interview, he'd got the idea that the worse things were for the Palace of Dreams the better they would be for the Quprilis. So the unluckier
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ishte kjo ditë për Tabirin, aq më i gëzuar duhej të ndihej ai. Duhej të ndihej...Megjithatë, s'ishte aspak kështu. <u>Kjo pasiguri përreth s'i jepte asnjë gëzim, përkundrazi, i drithëronte eshtrat.</u> (P.Ë, f.177)	today proved to be for the Tabir, the more reason he himself ought to have to rejoice. But it wasn't like that at all. <u>The uncertainty all around him, far from giving him pleasure, only made him more afraid.</u> (P.D, p.140)
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In the above example, the idiomatic phrase “*Kjo pasiguri përreth s'i jepte asnjë gëzim, përkundrazi, i drithëronte eshtrat*” is given equivalent with the sentence “The uncertainty all around him, far from giving him pleasure, only *only made him more afraid*”, which does not give to the target readers the same feeling and meaning as in the original one. The translator has not expresses the idiomatic expression of the source culture with the same heaviness and emotion as in the original. In Albanian culture, “*i drithëronte eshtrat*” is used to show that a person is experiencing a bad situation and everything around him/her arouse fear in all the body. In our case, the main character, Mark-Alem, is having an uncertainty in his life, which causes fear and low spirit **till the bones**. Thus, we can say that, although the meaning of the phrase is conveyed, the target reader can not feel the same feeling and get the same emotions as the original phrase transmits to the source readers.

### Complete Losses

As the term suggests, ‘complete losses’ are the result of a complete ignorance of the linguistic codes of the source text. Complete losses are purely culture-bound and unique to the source text, and so have no equivalents what so ever in the target culture. To put it differently, complete losses are losses of figurative verbal signs that may only be of prime pertinence to the Albanians (cf. Farghal 1995a: 201).

O Zot! – ia bënte herë pas here nëna e Mark-Alemit. <u>Ç`ne gjithë kjo gjëmë!</u> (P.Ë, f.198)	Mark-Alem`s mother groaned from time to time. “ <u>My God- what was that ghastly business?</u> ”
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In the above example, the phrase “*Ç`ne gjithë kjo gjëmë!*”, is uttered by Mark-Alem`s mother, after a grave situation created in Quprilis family. In source language, the word “*gjëmë*”, indicates a negative meaning, showing a disaster or a catastrophe that might have happened or is about to happen. In English version, the translator has chosen to translate the phrase as “My God- what was that ghastly business?” in order to convey the source author idea. However, we can say that in this case there is semantic and cultural loss at the same time, since the chosen word does not transmit the same cultural notion as in the source text. The phrase “ghastly business” refers to the business field and its usage can be proper to be used in this field rather than referring to the meaning of “*gjëmë*”. Therefore, in this case there is cultural loss while translating the sentence from the source text into target text.

### Conclusion

In conclusion, this article has focused on cultural losses occurring in the translation from Albanian into English of the novel “*Pallati i Ëndrrave*”. These losses were losses of the cultural information that are inherent on the deep level of the source text. Even when linguistic equivalence is achieved, which means that the intended meaning of the source text is given, there is cultural loss in that the information and the transmission of these cultural items are not transmitted properly and with the same emotion and feeling to the target readers.

Moreover, the cases which seem to cause cultural losses are the idiomatic expressions, proverbs and cultural elements, which are specific to the source language and it is rather difficult to find the right one.

Then four strategies were mentioned to solve the problems that idiomatic expressions may cause: 1) using an idiom of similar meaning and form; 2) Using an idiom of similar meaning but dissimilar form; 3) Translation by paraphrase; and 4) Translation by omission

However, it was shown that there is no predefined way to cope with idiomatic expressions, but it is the situation which decides which strategy to be taken. The important roles of socio-linguistic and cultural aspects were illustrated by a number of examples proving the fact that the more two cultures and languages are identical to each other, the more easily the

process of translating idiomatic expressions becomes. Since Albanian and English culture do not share many of proverbs or idioms, there is a big gap while dealing with these expressions in the translation process. As a result, it is very important that translator must have a deep knowledge on both SL and TL so as to understand the connotative meanings of idioms and fixed expressions of the SL and then to find their exact equivalences in the TL.

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## Relationship in Between FDI Inflow and Economic Growth in Kosovo

**Xhavit Islami**

[xhavit.islami@uni-pr.edu](mailto:xhavit.islami@uni-pr.edu)

**Enis Mulolli**

[enis.mulolli@uni-pr.edu](mailto:enis.mulolli@uni-pr.edu)

**Ass. prof. Nagip Skenderi\***

[nagipskenderi@hotmail.com](mailto:nagipskenderi@hotmail.com)

University of Prishtina, Faculty of Economics

### Abstract

*This study treats the relationship of foreign direct investment (FDI) and economic development in Kosovo. FDI is considered as an important factor of economic growth of places in development, so rightly the question is asked: "Which is the impact of FDI inflow on economic growth of Kosovo?" This study shows the relationship in between FDI inflow and five macroeconomic indicators that have an important role in economic development of Kosovo such as: GDP, GDP per capita, GNI, Exports, and Balance Trade. The data were taken from World Bank and the statistic agency of Kosovo for 2005 to 2014 period. Pearson Correlation technique was used for empirical analysis that is realized with SPSS v. 21.0 statistical program, the results showed that there is a positive relationship in between FDI inflow and GDP growth, whereas there is a negative relationship of FDI inflow and trade balance of Kosovo. This study arguments what is necessary to be done in leading policies to attract foreign direct investment in Kosovo.*

**Keywords:** FDI inflow, GDP, economic growth, GNI, Balance trade, Kosovo.

### 1. Introduction

FDI influence on macroeconomic indicators has been dealt by a lot of researchers. FDI role is of a specific importance for places with low economic development that are passing through transition period. The importance of FDI has been noticed in 1980 when borrow-giving loans from commercial banks of places in development failed. As a response to this, most of places changed the access they had on foreign direct investment and created a suitable environment to attract foreign direct investment such as lowering taxes and other facilities through supporting structures in business making (Aitken and Harrison, 1999).

FDI influence on host places is double in technological development also in knowledge advance, through importing new technology such as knowledgeable people and different experiences. FDI is an important tool that facilitates technology transformation from developed places for places in development phase. Also, FDI stimulates inside investment and helps in human capital improvement in host places through know-how transformation (Makki, S. S., & Somwaru, A. 2004, Romer, P., 1993). According to a study made from (Borensztein, E., et al 1998) realized in 69 undeveloped states, it was confirmed that FDI contributes in economic growth only when host place has enough abilities to absorb the advanced technology. Furtheron, they claimed that their model brings the role of two requests: advanced technology and the ability to gain

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\* Corresponding author.



knowledge from host places. Starting from these findings foreign direct investment are a good chance for economic development in Kosovo, as it has population with youth advantage of age average that offers quick adaptation with technological changes and improvement of knowledge brought from foreign human capital.

In Kosovo during ten years period have been different variation of foreign direct investment , in 2007 FDI inflow was increased, special merits are given to the investment of releasing the second telephone operation in Kosovo. On the other hand, starting from global crisis in 2008 year FDI started to decrease in Kosovo. Beside the global economic crisis, some other factors impacted on foreign investment failure such as: political crisis in the place, lack of investment security, low infrastructure of business making (roads, energy, water), legal structure non-suitable for business beginning, lack of fighting bureaucracy and corruption which discourages FDI, high level of non-formal economy, non-liberalization of outside trade, low requirement of native trade because of high rate of unemployment and poverty, these factors as well as other factors resulted with a drastic lowering where FDI in 2014 touched almost the floor.

In comparison with 2007 year where FDI reached the amount of about 603 million in 2014 FDI decreased in about 200 million (for at least 202%). The same trajectory during these years created even the variance of GDP rate, which means that in general view is noticed a positive long-term relationship in between FDI and GDP. Why a huge importance is payed in relation of FDI with GDP indicator? One of the main indicators of this study is GDP which consists in self-consumption, investments, governmental expenses and neto export ( $GDP=C+I+G+Exn$ ), so is considered as the main variable that reflects economic growth of a place.

This study gives a ten year period review of the impact of FDI on macroeconomic factors of Kosovo, and helps in problem identification with the purpose of supporting policies orientation in certain economic sectors.

### Study objectives:

To Express empirically the impact of FDI inflow on GDP growth rate, GDP per capit, GNI growth rate, Exports/GDP, and Balance Trade, for 2005-2014 period.

To show the long-term relationship in between FDI inflow and macroeconomic indicators (for 10 year period).

To suggest policies to attract foreign investment in Kosovo.

## 2. Literature review

Before literature review discussion is started, a FDI definition should be given with the purpose that the audience to have a clear picture of its concept. "Foreign direct investment (FDI) refers to long term participation by country A into country B. It usually involves participation in management, joint-venture, transfer of technology and expertise" (Agrawal, G., & Khan, M. A. 2011).

For FDI relation with macroeconomic indicators, studies of different authors have been divided into two groups: in one side a lot of researchers analyzed the impact of FDI on economic growth of a place, or of a block of places, whereas other authors analyzed the influence of economical and political factors and geography in attracting foreign direct investments. This study will contribute in literature enrichment of the first group the impact of FDI inflow on economic researchers, such as: economic growth factor for places in development (De Mello, 1999; Campos, N. F., & Kinoshita, Y. 2002; Khan, 2007; Neto et al., 2008; Nosheen, M. 2013; Ali, S., et al 2015; Salim, N. J., et al 2015). Amit Saini et al., (2015) made an analysis for FDI impact on macroeconomic indicators, their results were that FDI inflow has positive and strong relationship with Real GDP, GNI and Export growth while FDI has negative and weak relationship with financial position and Trade openness in SAARC member countries. Also Agrawal, G., & Khan, M. A. (2011) analysed FDI impact on GDP for 1993-2009 period in China and India, where it was concluded that for each 1% FDI growth, there is an increase on GDP for 0.07% in China and 0.02% in India. So it is clear that a lot of researcher that analyzed these found a positive relationship in between FDI and economic growth. A lot of researchers agreed with the fact that FDI has an important and positive effect in economic development of the host places through different channels such as creating capital, transferring technology, sharing efficacy, transferring human capital and abilities of advancing knowledge from people of host palces, and so on (Adolfo Maza, et al. 2013). Even Robert, B., (1991), pointed out that FDI has an important role in industrialization process and

economic growth of places in development, that explains corporation transactional contribution (CTC) in host places development.

But it is worth mentioning that not all places of FDI have a positive relationship with economic growth, some places have shown that FDI has a negative role in economic growth (Saltz, 1992; Akinlo 2004; Alaya, M. 2006; Marc, A. 2011), whereas Carkovic, M. V., & Levine, R. (2002), showed that IHD does not rapid the economic growth of a place. According to existing literature there is a split in understanding the impact of FDI on economic growth of host places. From OECD (2002) report can be seen that not all places in development are able to win from IHD. Host places must assure a minimal eve of capacities such as human capital quality and development of financial sector for FDI absorbing and profitability.

### 3. Methodological approach

The aim of this research is to analyze the empirical relationship in between FDI inflow and some macroeconomic indicators in Kosovo. The relationship is analyzed with correlation method, the general purpose of correlation is to evaluate the relationship in between variables. Our model for the impact of FDI inflow on economic development of Kosovo has been analyzed from six variables: Foreign direct investment, net inflows (% of GDP) = GDP at market prices (current US\$) / Foreign direct investment, net inflows (BoP, current US\$)<sup>1</sup>; Inside bruto product (GDP) at market prices current in dollar US<sup>2</sup>; GDP per capita current in dollar US<sup>3</sup>; GNI current in US dollar<sup>4</sup>; Export growth/GDP<sup>5</sup>; and bilanc trade of Kosovo<sup>6</sup>. The technique used to evaluate econometric is Pearson Correlation realized with SPSS 21.0 statistical program.

*Data* – All data were gathered from World Bank with the exception of data about trade balance which were gathered from Statistical agency of Kosovo. The data are taken from database of World Bank, because it is a trustful source, and majority of the same analysis are based on this database, which allows taking an amount of data and allows preciseness through downloading data in excel. Analysed data are in frequence of one year to ten years (2005-2014).

Table 1. is a reading- guide for coefficient correlation "r" in between variables.

Table 1. *Description of Matrix correlation*

Value of r	Strength of relationship
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1 Foreign direct investment refers to direct investment equity flows in the reporting economy. It is the sum of equity capital, reinvestment of earnings, and other capital. Direct investment is a category of cross-border investment associated with a resident in one economy having control or a significant degree of influence on the management of an enterprise that is resident in another economy. Ownership of 10 percent or more of the ordinary shares of voting stock is the criterion for determining the existence of a direct investment relationship. Data are in current U.S. dollars. <http://data.worldbank.org/indicator/BX.KLT.DINV.CD.WD>

2 GDP at purchaser's prices is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. Data are in current U.S. dollars. Dollar figures for GDP are converted from domestic currencies using single year official exchange rates. <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>

3 GDP per capita is gross domestic product divided by midyear population. GDP is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. Data are in current U.S. dollars. <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD>

4 GNI (formerly GNP) is the sum of value added by all resident producers plus any product taxes (less subsidies) not included in the valuation of output plus net receipts of primary income (compensation of employees and property income) from abroad. Data are in current U.S. dollars. <http://data.worldbank.org/indicator/NY.GNP.ATLS.CD>

5 Exports of goods and services represent the value of all goods and other market services provided to the rest of the world. They include the value of merchandise, freight, insurance, transport, travel, royalties, license fees, and other services, such as communication, construction, financial, information, business, personal, and government services. They exclude compensation of employees and investment income (formerly called factor services) and transfer payments.

<http://data.worldbank.org/indicator/NE.EXP.GNFS.ZS/countries>

6 [https://ask.rks-gov.net/tregtia-e-jashtme/publikimet/doc\\_view/1324--statistikat-e-tregtisaeuml-saeuml-jashtme-naeumlntor-2015?tmp=component&format=raw](https://ask.rks-gov.net/tregtia-e-jashtme/publikimet/doc_view/1324--statistikat-e-tregtisaeuml-saeuml-jashtme-naeumlntor-2015?tmp=component&format=raw)

<b>1.00</b>	r is one	It is a perfect relationship between the two variable
<b>0.50</b>	r is greater than 0.00 but less than 1.00	It is a positive relationship between the two Variables
<b>0.00</b>	r is zero	There is no relationship between the two variables
<b>-0.50</b>	r is between 0.00 and -1.00	It is a negative relationship between two variables.
<b>-1.00</b>	r is negative one	It is a perfect negative relationship between the two variables.

Source: Amit Saini et al (2015)

#### 4. Empirical findings

In all studies made until now have been found as literature for FDI inflow in economic indicator, it is showed that FDI inflow has a positive or negative influence in economic growth of places. Our research presents positive impact. Even our research presents positive impact of FDI inflow on economic growth in Kosovo.

In table 2. Is presented the relationship in between variables of these study through Correlation Matrix.

Table 2. **Correlation Matrix**

Parameters	Correlations	FDI	GDP growth rate	GDP per capita	GNI growth rate	Exports/GDP	Balance Trade
<b>FDI</b>	Pearson Correlation Sig. (2-tailed)	1	.687* .028	.654 .056	.681 .063	-.524 .147	-.668* .035
<b>GDP growth rate</b>	Pearson Correlation Sig. (2-tailed)	.687* .028	1	1.000** 0	.988** 0	-.363 .337	-.771** .009
<b>GDP per capita</b>	Pearson Correlation Sig. (2-tailed)	.654 .056	1.000** 0	1	.987** 0	-.357 .346	-.796* .010
<b>GNI growth rate</b>	Pearson Correlation Sig. (2-tailed)	.681 .063	.988** 0	.987** 0	1	-.433 .284	-.800* .017
<b>Exports/GDP</b>	Pearson Correlation Sig. (2-tailed)	-.524 .147	-.363 .337	-.357 .346	-.433 .284	1	.291 .448
<b>Balance Trade</b>	Pearson Correlation Sig. (2-tailed)	-.668* .035	-.771** .009	-.796* .010	-.800* .017	.291 .448	1

\*. Correlation is significant at the 0.05 level (2-tailed).

\*\* . Correlation is significant at the 0.01 level (2-tailed).

In table 2. Is seen that FDI inflow variables, have an important positive relation statistically with GDP growth rate and negative with balance trade, for significance level (0.05). See table.3.

Table 3. *Description according to significance*

Parameters	Sig. p < 0.01	Sig. p < 0.05	Sig. p < 0.10
FDI and GDP growth rate		.687*	
FDI and GDP per capita			.654
FDI and GNI growth rate			.681
FDI and Balance Trade		-.668*	

- FDI and GDP growth rate have positive relationship in between that means that with FDI growth will be grown even GDP growth rate and the contrary.

- FDI and bilanc trade have negative relationship in between. So with FDI growth is lowered the balance trade. Even this relation has positive impact on economic growth in Kosovo, as the Kosovo has balance trade negative which means that import is bigger than export, so this negative relation in between these variables lowers the difference in between export and import, a condition like that of economic growth can be explained into three methods (place can export more through not raising import, can reduce import through not reasing export, it can raise export and lower import).

Table 4. *From table 2 also can be seen the relationship in between other variables.*

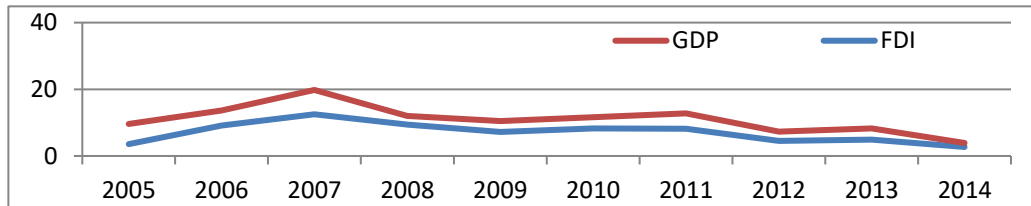
Parameters	Sig. p < 0.01	Sig. p < 0.05
GDP growth rate and GDP per capita	1.000**	
GDP growth rate and GNI growth rate	.988**	
GDP growth rate and Balance Trade	-.771**	
GDP per capita and GNI growth rate	.987**	
GDP per capita and Balance Trade		-.796*
GNI growth rate and Balance Trade		-.800*

## 5. Discussion

The evaluated coefficient for FDI impact on GDP growth rate is positive and statistically important meaning that it influences the economic development of the place. Also FDI impact has a positive relation with GDP per capita and GNI growth rate but is not statistically important for significance level (0.05). Whereas, negative relation and statistically important FDI has shown the balance trade as well as negative relation but significantly dealing with export /GDP. Singh and June, (1995) found that orientation from export is powerful variable for IHD attraction. Therefore economic policies in Kosovo in order to make the place more attractive and profit-bringing for foreign companies that can invest should be oriented in export. The

reason of investment of foreign companies is not the power of buying that our place has in disposition, as it is a place in poverty and high unemployment, for foreign companies invest in Kosovo for the reason of free employees, as a result of lowering the cost of work they realize high profitability or with low costs of their products if it has as objective to win the advantage of completion in host places.

Also, Kosovo integration in trade organizations has a huge role in investment's attraction because for companies that invest their capital in Kosovo, has been facilitated the free conveyance of their products in different places of the world. Now with the signature of Stabilisation and association agreement (SAA) in between BE and Kosovo, which is expected to enter on application in 2016 facilitates the product conveyance in between Kosovo and places of European Union.



So, a huge importance in foreign direct investment has integration of host place because the main purpose of the companies is the profit, therefore if a company has low cost to trade its products in host place and in neighborhood places it is going to invest in that place. Foreign company investment has positive impact on investing company and for host places because beside the profit of the company that is invested profits the host place, their profit comes mainly from employees movement from foreign company (investor) in native company, whereas it has negative impact when foreign companies increase the competition of native companies, this competition can not be equal as a result of facilities that foreign companies have from their place. Kosovo has a young population and high rate of unemployment can be turned in technologic development in the region and beyond.

Eventhough in Kosovo continuesly is attempted to liberalize the economic policies with the purpose of following foreign investment still there have not been positive results to raise the investors investments. The host place in our case Kosovo in order to attract more FDI should made facilitation for foreign investors, where foreign investors should be treated equally with native investors, to assure free transferring of machines of production as well as to be guaranteed non-ownership. So it should leave asides the overwhelmed bureaucratic procedures, to implement a transparent strategy of invesments and to adapt suitable legal insfrastructure to attract high level of FDI and in the same time even economic development of the place.

With the purpose of altering policies in leading the attraction of FDI should be made some changes in tax structure, enterprises should be allowed release from taxes for a certain period of time (grace period in taxes), should be allowed to import equipment producing without customs, to give grants for research in Kosovar trade in order that the investment to have a clear objective and to know the priorities that are offered from the place in case of investment through not causing costs in trade research, to implement guides for credits and value exchange, to be allowed unlimited number of employees with knowledge. So, to implement projects that motivate foreign investment and do not allow them to leave and to invest in another country in the region.

In table 3, are shown the relationship in between other: GDP growth rate and GDP per capita, GDP growth rate and GNI growth rate, GDP per capita and GNI growth rate are positively related in between and are statistically important whereas, GDP growth rate and Balance Trade, GDP per capita and Balance Trade, GNI growth rate and Balance Trade have negative relationship statistically important. These results bring to conclusion that export continues to be a black point for Kosovo, and economic policies for investment attraction must be focused especially on export growth and facilitation of product conveyance outside the country. Kosovo is a suitable place to invest but lack of diplomatic relation with other countries, especially with countries that have not recognized Kosovo as an independent country, this is bringing difficulties in investment realization and is creating barriers on foreign investment in Kosovo.

### 5.1 . The relationship between IHD inflow and GDP real (2005-2014)

The relationship in between FDI inflow and GDP real is presented graphically in the graphic 1. Where can be seen in the curve almost parallelly in between the trajectory of FDI inflows and GDP real. So, it can be seen an increase in both of the curves in 2007. Whereas, in the last period the curve has marked a decrease. From this figure can be seen visually the long-term positive relationship in between these variables.

*The relationship between IHD inflow and GDP real (2005-2014)*

*Graphic 1.*

## 6. Conclusion

The aim of this study is to measure the relationship in between FDI inflow and economic size of Kosovo. Findings showed that there is a positive long-term relationship in between FDI inflow and economic development. This analysis has been found by measuring the correlation between FDI inflow of five macroeconomic indicators that have an important role in economic development of Kosovo such as (GDP, GDP per capita, GNI, Exports, Balance Trade), for 2005 to 2014 period. Results showed that statistically there is a positive and important relationship in between FDI inflow and GDP growth rate, whereas statistically there is a negative and important relationship with trade balance of Kosovo. Furthermore, correlation in between FDI and GDP per capita, FDI and GNI growth rate is positively related but it has not got a statistical importance for significance level (0.05), whereas, correlation in between FDI and Exports/GDP is negative but without statistical importance. It is worth mentioning that even correlation results of other variables such as: GDP growth rate and GDP per capita, GDP growth rate and GNI growth rate, GDP per capita and GNI growth rate are positively related in between and have statistical importance. On the other hand, GDP growth rate and Balance Trade, GDP per capita and Balance Trade, GNI growth rate and Balance Trade have negative relation which is statistically important. This study makes a significant contribution to the scientific and academic value, to the FDI inflow impact on economic development of Kosovo, in the region and beyond.

## 7. Study limitations

This study contributes to literature enrichment regarding FDI inflow impact on economic growth, but there are some limitations.

- The size of indicators selection, not all the indicators that impact on economic growth of Kosovo are included. For this reason, a huge attention must be payed on the attempt on generalization of data in this study because there are other economic indicators that influence on economic development of the place.

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## Supervision and Control of Local Governance in the Republic of Kosovo

**Msc. Mervete Shala PhD Cand.**

Lecturer, University Haxhi Zeka Peja Kosovo

mervete.shala@unhz.eu

**Msc. Skender Shala**

Former Senior Official for monitoring and Municipal Transparency in

Ministry of Administration of Local Government of Kosovo

skendershala@live.com

### Abstract

*In this paper we have treated supervision and control of local governance in context of fair governance in Republic of Kosovo. Analyse of law framework and European standards of governance autonomy of local self-governance and administrative supervision of local governance. Treating of supervision of local authority governance and the main mechanism of government for legal administrative review of local authority governance and legality as well as the rights of the supervising authority for administrative review of legality of general acts of municipalities. The purpose of this paper is to analyse and tackle the challenges of supervision and control of local government institutions in Kosovo. The mandate and powers of the central government to review the legality of local authorities in the field of enhanced competencies and the legality and appropriateness of their scope of activities in the field of delegated powers. The challenges of preserving the autonomy of local self-government and local government supervision by the central authorities. One of the challenges of the supervisor in the future will be to supervise and control of municipalities with extended competences (municipalities with Serb majority), shall these municipalities consider requirements to be review the unlawful acts and harmonize them with the applicable legislation in Kosovo. The methodology of the paper will be mixed, such as: as comparative methods, descriptive, requesting explanatory, predictive.*

**Keywords:** local governance, autonomy, supervision, control, good governance

### 1. Introduction

Kosovo after war in year 1999 was ruled under the Administration of the United Nations.

Resolution 1244 (1999) adopted by the Security Council at its 4011th meeting, on 10 June 1999 decides that the main responsibilities of the international civil presence will include: organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections. Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities. In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement (Resolution 1244 (1999) article 11). All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General. The Special Representative of the Secretary-General may appoint any person

to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person. (Regulation No. 1999/1 UNMIK Section 1). The Special Representative of the Secretary-General shall appoint, and may transfer or replace, a Regional Administrator for each of the five regions of Kosovo (Pristina, Pec, Mitrovica, Prizren and Gnjilane) to act on his behalf. The Regional Administrators shall report to the Deputy Special Representative of the Secretary-General for Civil



Administration. The Regional Administrators shall control, discharge or otherwise supervise the functions entrusted to public services and local government bodies in the

respective regions and may require that those services or bodies seek his or her prior approval for specific decisions or initiatives. (Regulation No. 1999/14 UNMIK Sections 1 and 2). Authority to administer public, state and socially-owned property in accordance with the relevant UNMIK legislation in force, in cooperation with the Provisional Institutions of Self Government. (Regulation No. 2001/9 Chapter 8 drops q). The activity of local self-government bodies is based on this Constitution and the laws of the Republic of Kosovo and respects the European Charter of Local Self-Government. (Constitution Article 123). In the Republic of Kosovo the basic unit of local government is the municipality. Municipalities enjoy a high degree of local self-governance and encourage and ensure the active participation of all citizens in the decision-making process of the municipal bodies. Municipalities have their own, extended and delegated competencies in accordance with the law. The state authority which delegates competencies shall cover the expenditures incurred for the exercise of delegation. Municipalities have the right to decide, collect and spend municipal revenues and receive appropriate funding from the central government in accordance with the law. Municipalities are bound to respect the Constitution and laws and to apply court decisions. The administrative review of acts of municipalities by the central authorities in the area of their own competencies shall be limited to ensuring compatibility with the Constitution of the Republic of Kosovo and the law. (Constitution Article 124).

The main purpose of this paper is to examine the role and influence of the supervision and control of local government to ensure professional, effective, efficient, accountable, transparent and accountability of local government in local level, which shall be be at the service of municipal citizens.

The structure of the paper includes the supervision, control and types of supervision and control of municipalities, including the supervision and internal control. Also, legal supervisory authority of municipalities and review of the legality of acts of Municipalities of Kosovo and in the end we have presented the conclusions.

We have supported the methodology of research based on primary and secondary sources, analysis of all legal frameworks on which relies the supervision and control of local government in Kosovo and the literature of various authors and reports of the Ministry of Local Administration

## 2. Meaning of the Supervision and Control of local government

Related to control of administration says H. Fayoll said that the control is the verification, if the works are carried out with the approved plan, given command and certain principles (Sokoli, 2009, p.11). The purpose of the control exercising and undertaking of measures to ensure the legality, in the first place to make the violated law function properly and secondly to specify the accuracy of the authorities or employees of public apparatus that have violated or have allowed violation of the law. (Dobajni, 2004, p.19). The purpose of control is to make impossible the determination, namely the application of that general normative legal act that would oppose the constitution or the law. As a result, even with sanctions, as stipulated with special legal systems, tends to avoid from the legal system those general bylaws normative legislation acts that are not in accordance with provisions with the principles expressed in the Constitution, respectively, laws. (Polozhani, Dobjani, Stavileci, & Salihu, 2010, p. 49). Since 1999, when Kosovo was placed under international protectorate, it was confronted and was challenged by multiple transitions, three of which were main for the socio economic development and good governance in the country, as: the transformation from the authoritarian political system into that democratic; the transition from a state planned economy to the market economy and the transfer of powers from the UNMIK temporary structures to the independent institutions of Kosovo. (MLGA Organization and functioning of Local Self-Government in Kosovo, 2013, p. 5)

The activity of local self-government bodies is based on this Constitution and the laws of the Republic of Kosovo and respects the European Charter of Local Self-Government. The Republic of Kosovo shall observe and implement the European Charter on Local Self Government to the same extent as that required of a signatory state. Local self-government is based upon the principles of fair governance transparency, efficiency and effectiveness in providing public services having due regard for the specific needs and interests of the Communities not in the majority and their members. (Constitution of the Republic of Kosovo article 132). Also, article 124 of Constitution of the Republic of Kosovo provides that Municipalities enjoy a high degree of local self-governance and encourage and ensure the active

participation of all citizens in the decision-making process of the municipal bodies.(Constitution of Kosovo article 124). Our control system is oriented more in supervision than in control. In the Republic of Kosova, the monitoring system of local government is regulated by the Constitution, Law on local self-government as well as other sectorial laws. This system is more limited in the possibility of the consulting intervention and recommendation, in case of exercising the competencies of the bodies of local self-government and is built as part of relationship between the central and that local level.(MLGA Organization and functioning of Local Self-Government in Kosovo,2013,p.51 ).The the European Charter of Local Self-Government commits the ratifying member states to guaranteeing the political, administrative and financial independence of local authorities.(Council of Europe Charte européenne de l'autonomie locale et rapport explicative, 1986).

The administrative and territorial organisation of the Republic of Kosovo is currently comprised of 38 municipalities, respectively 27 Albanian-majority municipalities, 1 Turkish-majority municipality and 10 Serb- majority municipalities.(MLGA Municipal performance Report 2014 p.11).Local self-government is an autonomous system of governance, through which, their political governance, legal, financial and administrative, were attributed to them. This system promotes democratic behaviour, transparency and accountability as well as ensures a mutual system of control at the municipal level to prevent illegal actions. Thus, municipalities are obliged to exercise the activity under the Constitution, laws, norms issued by them, the norms which can have the same impact as the state norms, although dependent on these latter.(MLGA Organization and functioning of Local Self-Government in Kosovo, 2013, p 52). Municipalities are subject to supervision of the legality of their activities with regard to performance of own and extended responsibilities. Insofar supervision is carried out according to the Law on Local Self Government. Municipalities carrying out tasks delegated by the state administration are subject to supervision of the legality and of the expediency including effectiveness and efficiency of their delegated activities. (Law No.03/L –189 articles 65).

## 2.1. Types of supervision and control of Municipalities

Constitution of the Republic of Kosovo article 124 provide that Municipalities have their own, extended and delegated competencies in accordance with the law. The state authority which delegates competencies shall cover the expenditures incurred for the exercise of delegation. Municipalities have the right of inter-municipal cooperation and cross-border cooperation in accordance with the law. Municipalities have the right to decide, collect and spend municipal revenues and receive appropriate funding from the central government in accordance with the law. Referring to article 124 paragraph 6 to the Constitution provides that Municipalities are bound to respect the Constitution and laws and to apply court decisions. The administrative review of acts of municipalities by the central authorities in the area of their own competencies shall be limited to ensuring compatibility with the Constitution of the Republic of Kosovo and the law.(The Constitution of Kosovo article 124).

Monitoring and supervision of municipalities is the right of the Ministry of Local Government to monitor and supervise the implementation of the responsibilities of municipal bodies ensuring that municipal acts are in full compliance with applicable legislation, the municipality framework of Kosovo competencies.(Administrative Instruction No. 2008/4 article 2 ).Kosovo has strengthened its cooperation between the central and local level. Ministry of Local Government has made an advancement with monitoring system and assistance to municipal authorities.(MLGA Organization and functioning of Local Self-Government in Kosovo, 2013,p.4). However, despite the individuality of the municipalities in carrying out of their activities, legislation has established a degree of dependence in relation to the central authorities. In this context, determination by law of the supervisory nature function of Ministry of Local Government Administration and other line Ministries towards municipalities is particularly important as it enables partial restriction of the municipality activities. This coincides with control of law respecting as determined by law and established only for relevant public reasons.(MLGA Monitoring report of the Republic of Kosovo Municipalities January-December 2012,p.3).

Comprehension of supervision and control of the municipalities in Kosovo is determined in two fields:

- Internal control; and
- External control

Within the supervision, should be mentioned also the social supervision, which is realized through various forms of the direct democracy.

## 2.2. Supervision and the Internal Control

Supervision and Internal Control in the municipality means the right of municipality bodies legally authorized, for provision of respect of the legality and constitutionality by the lowest level bodies within the municipality. Taking into account the structural separation the Assembly / Executive within the municipality, there also exist responsibilities for controlling the work of these bodies, taking into consideration their field of activity. The legal framework has set possibilities of municipal bodies control in two ways:

- control that the Municipal Assembly performs towards the Executive and
- control made by mayor of municipality in relation to municipal directorates

### 2.2.1. Control of the Assembly on the Executive of the municipality

Although in terms of control, are not foreseen specific provisions which regulate the manner of control (Assembly-Executive), this issue can be understood on the basis of the hierarchy established by law according to the Law on Local Self-Government, the Assembly of municipality is defined to be the highest body in the municipality and at the same time the supervisory organ at the local level, competent for ensuring the provision of services by the executive in accordance with the legislation in force. (MLGA Organization and functioning of Local Self-Government in Kosovo, 2013 pp 52 and ,53). Law No on Local Self Government article 35 Municipal Assembly is the highest representative body of the municipality and shall be directly elected by the citizens in accordance with the Law on Local Elections. (Law No. 03/L-040 article 35). Municipal Assembly, hold meeting regular, Extraordinary Meetings how and Open Meetings to the public. (Law No. 03/L-040 Arts 43, 44, and article 45). The Municipal Assembly is the highest body of the Municipality which exercises the function of local government, as defined by the Law on Local Self-Government and the Statute of the Municipality. Responsibilities and Municipal powers have to be exercised by the Municipal Assembly and the Mayor, unless otherwise provided by the Law on Local Self-Government and other laws and Municipal Statute. (Municipal Statute of Pristina Article 29). The Municipal Assembly is the highest representative body of local government and at the same time legally authorized supervisory body for provision of services by the municipal executive in accordance with the legislation in force. To exercise its function, the Municipal Assembly should meet regularly in order to carry out responsibilities within the municipal powers, to adopt the necessary the normative acts for functioning of the municipality, the acts explicitly required by the applicable legislation or which laws are those that are left open to to activate them depending on the needs of municipalities and to discuss and decide upon the matters of interest for the municipality. ( MLGA Report on Functioning of the Municipal Assemblies of the Republic of Kosovo, 2013, p.10)

The Mayor represents and acts on behalf of the Municipality, leads the municipal government and its administration and conducts the financial administration of the municipality. The Mayor exercises all competencies not explicitly assigned to the Municipal Assembly or its committees. Mayor has for dutie to executes the Municipal Assembly acts, appoints and dismisses his deputies, appoints and dismiss his advisors who assist him in discharging his duties organizes the work and directs the policy of the municipality. The Mayor proposes municipal regulations and other acts for the approval of Municipal Assembly, proposes municipal development, regulatory and investments plans; proposes the annual budget for the approval of the Municipal Assembly and executes the budget adopted. The Mayor reports before the Municipal Assembly on the economic-financial situation and the implementation of the investment plans of the Municipality at least once every six months or as often as required by the Municipal Assembly, and may request the Municipal Assembly only once to review a municipal act when he deems the act to violate the applicable legislation and/or the interests of communities. The Mayor shall consult the Deputy Mayor for Communities about the matters related to non-majority communities; and other activities assigned to him/her by the statute. (Law No. 03/L-04 article 58). Municipal acts approved by the Municipal Assemblies of the Republic of Kosovo have regulated many fields, but the most important ones that we can mention are: adoption of urban regulation plans, acts in the environment field, adoption of the decisions regarding the use of municipal immovable property, decisions for the names of streets, adoption of the acts in the area of public services, regulation of the internal organization of the administration, acts that regulate generation of the municipal revenues, municipal safety mechanisms, etc. ( MLGA Monitoring Report of the Republic of Kosovo Municipalities January-December 2012, p.7). With the strengthening of Mayor's role, local self-government in Kosovo has remained without control mechanisms, since municipal assemblies in most of the cases are composed of a majority which comes from the party and coalitions that have won the elections, but even in case of the contrary it is impossible to exercise any control over the Mayor. The lack of institutional

tradition has left room for party mechanisms to interfere in the work of municipalities. Mayor of municipality in most of the cases has two addresses of accountability, one to the entity that has nominated him and the other to the citizens as stipulated in the law. However, one of the accountability addresses, i.e., to citizens, is very weak because most of the ideas expressed by citizens in public debates have never been followed up, which means that Mayors organize such public meetings just to meet a formal requirement. The real address of accountability in practice is the party which he or she represents and which is turned into an address of obligations that Mayor has to fulfil during his/her mandate. This is explained by the fact that in many municipalities Mayors are usually presidents of party branches. (Tahiri,B.,2012, p.10).

### **2.2.2. Control carried out by the Mayor of municipality in relation to municipal directorates**

Mayor, pursuant with the provisions of the Rules and the Statute of the Municipality, is responsible for: call the meetings of the Assembly, their presiding and the progress of the Assembly activity; perform the function of Chairman of the Policy and Finance Committee and has a casting vote in case of vote equality pro and against; presiding the meeting of the Board of Directors; appoint of the directors to assist the President in performing his/her duties, except the Head of the Directorate of Administration and Personnel; appoint the member of the Board of Directors, which shall exercise the responsibilities of the President in his absence; take care to implement the provisions of the Regulation on self-government of municipalities in Kosovo and other legal provisions dealing with the responsibilities of municipalities; monitor the overall financial management of the municipality and the implementation of decisions taken by the Municipal Assembly; determine the establishment, organization and activity of the municipal administration, and the constituting of institutions and enterprises; make the assignment or temporary separation and coordination of duties and responsibilities between departments, as appropriate, taking into account the particular project area or etc.(Municipal Statute of Pristina article 51).

The municipal administration shall be organized into directorates. Each municipal directorate shall be managed by a director who is employed and dismissed by the Mayor. The directors shall manage their directorates in accordance with the strategic and political strategies of Mayor and in accordance with Laws and municipal applicable regulations. Directors shall regularly report to the Mayor for the matters that are under their responsibility and shall provide him/her all necessary information and reports for the decision-making process. (Law No. 03/L-040 article 62). The municipal administration shall have a Head of Personnel. The Mayor shall announce the post, recruitment and dismissal of the Head of Personnel in accordance with the applicable law on civil service. If the position of the Head of Personnel becomes vacant, the Mayor shall appoint in an acting capacity a senior member of the municipal civil service.(Law No. 03/L-040 article 66). As mentioned above, Board of Directors consists of Directors appointed by the Mayor, the Head of the Directorate of Administration and Personnel and the Director of the Office of Communities. each member of the Board of Directors: a) regularly reports to the President on matters that are their responsibility; b) assists the President, the Municipal Assembly and its Committees by providing all the necessary information and reports for the decision-making process; c) implement all regulations and decisions of the Municipal Assembly and the laws passed by the Assembly of Kosovo; d) prepare the activity program and presents periodic reports of the activity to his department; f) is responsible for the daily management and control of directorate; d) prepares and presents periodic development plans in their area of responsibility and monitoring of these plans; e) responds effectively to any complaint relating to its sphere of responsibility; f) participates and contributes to the activity of the Municipal Assembly, its Committees and the activity of the Board of Directors; g) ensures that it shall provide fair and equitable access o for those public services that are in its responsibility; j) it has met all the tasks and orders assigned in appropriate way.(Municipal Statute of Pristina Article 59).

### **2.3. Reporting of the Mayor in the Municipal Assembly**

The Mayor has responsibility to report before the Municipal Assembly on the economic-financial situation and the implementation of the investment plans of the Municipality at least once every six months or as often as required by the Municipal Assembly. ( Law No. 03/L-040 article 58 drops J ). However, this law does not clarify whether the reports presented will undergo a voting process, and the consequences of their disapproval. In practice, it is has been noted that the mayors present written reports to the municipal assemblies, the approval of which is an internal issue of municipalities and has no legal consequences. Other forms of reporting are verbal ones, where the assembly membership ask direct questions or in writing, depending on the nature of the case. Such practices have been noted as a good opportunity of

executive accountability before the Assembly and provision of answers to many questions. Some municipal assemblies prioritize direct questioning of the municipal executive by regulating this segment with a priority on the agenda. In order to successfully implement this type of control, is needed the presence of mayors, municipal deputy-mayors and municipal directors in the assembly meetings. It is noted that the mayors did not always pay attention to their presence at the meetings of the Municipal Assembly, as this obligation, to most cases bear the deputy mayors and directors of departments. During this period, the presence of mayors is not observed to three municipalities. Municipalities four, mayors have not always been present to assembly meetings, while in other municipalities their attendance has been present. (MLGA Report on functioning of the Municipal Assemblies of the Republic of Kosovo January -June 2013, p.12). For example, during the six-month period of 2014 from the collected data for the reporting of Mayors in Municipal Assemblies, it appears that in 38 municipalities there are 37 reports, but there are 6 municipalities in which their Mayors have not reported to the Municipal Assembly. (MLGA Six-month report of functioning of the Municipal Assemblies of Republic of Kosovo 2014, p. 10 ). From the collected data for the reporting of Mayors in municipal Assemblies during 2014, it appears that in 38 municipalities there have been 88 reports. Mayors 6 municipalities have not fulfilled the obligation to report to the Municipal Assembly at least twice year. (MLGA report of functioning of the Municipal Assemblies of Republic of Kosovo, January-December 2014, p.13).

Although, regarding the obligation of mayors to submit quarterly budget report, this is done in all municipalities. Although Law No. 03/L-048 on Public Financial Management and Accountability has not called for the voting (approval) of financial reports from the Municipal Assemblies, the adoption of these reports is the practice of most municipalities. While municipalities that do not practice voting of the executive financial reports are: Kaçanik, Partesh, Deçan, Graçanica, Gjakova, Mitrovica, Rahovec and Suhareka. (MLGA Report on Functioning of the Municipal Assemblies of the Republic of Kosovo January – June 2013, p.13 ).

#### 2.4. Supervisory Authorities for the local government

The ministry responsible for the local government is the supervisory authority unless; the responsibility for the review of municipalities is assigned by law to the responsible ministry or institution with respect to a specific field. The review of the delegated competencies is exercised by the body of central government which has delegated them. Referring law on Local Self-Government article 77 provides that Municipal and supervisory authorities are obliged to cooperate with each other in the process of administrative review. All measures of review shall be taken by review authorities through the relevant legal acts. Such acts shall state the legal basis and explain the reasons for the application of a certain review measure. (Law No. 03/L-040 articles 76 and 77). The supervisory authority has the right to receive and obtain full information on all matters concerned, including the right to visit the municipal offices and municipal facilities and to request access to municipal documents. The Mayor shall be responsible for making this information available to the supervisory body. During such visits, the representatives of the supervisory body shall not give direct instructions to the staff of the local self-government bodies. The ministry responsible for the local government has the right to be regularly informed by the municipalities on the areas of which the ministry it is not the supervisory authority. (Law No. 03/L-040 article 78 ). In order to facilitate the supervision and create a more efficient system in carrying out the review of legality of municipal acts, ministerial committees were established according to specific fields. (MLGA Report on functioning of municipalities of the Republic of Kosovo 2013, p. 24). The possibility of supervision of local self-government bodies by the supervisory authority is the raised issue on constitutional level. Although municipalities have a high degree of local self-government, the central authorities have the jurisdiction and control of their supervision in order to ensure the legality of municipal acts. In compliance with the legal framework applied in Kosovo are defined the mechanisms of administrative review and oversight of the law enforcement from central level. Supervision of municipal authority activities should be in accordance with the law and the European Charter of Local Self-Government which doesn't allow to violate the autonomy of local government in exercising its supervision. (MLGA Administration Monitoring report of the Republic of Kosovo Municipalities January-December 2012, p.57). Monitoring of the activities and supervision has to be in proportion with the legal purpose to be achieved. The monitoring activity and supervision should have as little impact as possible on the interests of municipalities and to minimize the time commitment of the officials of the municipality in this process. (MLGA Administrative Instruction No.2008/4 article 4) Monitoring and supervision of municipalities in exercising of their own competencies shall be limited only with monitoring and supervision of legality, it means (Ibid article 6). The review conducted by the supervisory authority to ensure that municipal acts have been issued in conformity with applicable legal provisions and that the issuing body has not acted in excess of its legally recognized mandate. ( Law No. 03/L-040 article 3).

Monitoring and supervision of municipalities in exercising of delegated authority should include, supervision of lawfulness and supervision of suitable actions,( MLGA Administrative Instruction No.2008/4 article 6), but also effectiveness and efficiency of activities,which also extends to the capabilities of officials who carry out these affairs.

In short, this type of supervision is similar to the hierarchical control that exists within the government administration.(Ivanisevic',Kopric',Omejec & Simovic,p.190).

Review of expediency shall mean the review conducted by the supervisory authority to ensure that delegated competencies have been executed in compliance with the rules, criteria and standards determined by the central government and if the measures taken by municipality were appropriate to achieve the results determined by the Government of Republic of Kosovo.(Law No. 03/L-040 article 3 ). Also, article 8 of The European Charter of Local Self-Government (KEVL) provides that Administrative supervision of local authorities' activities. Referring to article 8 Paragraph 2 provides that any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.(The European Charter of Local Self-Government art.8 paragraph 2). However, it is important that the local government body, when possible, to be allowed to take into account local circumstances in exercising delegated powers, providing that return to this delegation does not excessively violate the sphere of authority of the independence of local authority From the other side, it is recognized that in respect of certain functions, such as issuing of identity documents, the need for uniform regulations may leave no scope for local discretion.(European Charter of Local Self-Government and explanatory report article 4 paragraph 5). Also, KEVL provides that Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interest which it is intended to protect.(The European Charter of Local Self-Government article 8 paragraph 3). As mentioned above, State bodies shall supervise the lawfulness of the work of municipal bodies. In matters vested in municipalities by the state, state bodies shall also supervise the appropriateness and expertise of their work. The state supervision of the work of a local community body shall be exercised by the government and ministries.(Republic of Slovenia The law on Local Self-Government article 88). Ministry of Local Government Administration (MLGA) has developed an advanced system of monitoring supported in two main ways: through monitoring with direct participation in municipalities and through electronic monitoring realized in several different forms. Having into consideration the advantages of the information technology and for the purpose of decreasing the financial cost, MLGA has installed a special program to enable the supervision from distance through telepresence.( MLGA Organization and functioning of Local Self-Government in Kosovo, 2013, p. 58).

#### **2.4.1. Review of the Legality of Municipal Acts**

The Municipal Assembly may adopt acts within their areas of its competences. Acts of the Municipal Assembly shall be effective in the territory of the Municipality enacting the act. These acts shall include: Statute of the Municipality; rules of Procedure; Municipal regulations; and any other acts necessary or proper for efficient operation of the Municipality. (Law No. 03/L-040 article 12). In the context of state supervision, a distinction is made between two kinds of supervision: legal supervision and functional supervision. As far as the municipalities act within their own sphere of activity, they are subject to legal supervision. (Jürgen Harbich, 4/2009, p.56). Supervision over the legality of general self-government acts of local representative bodies is carried out by all central government administration bodies, each within its scope of activities.(Ivanisevic',Kopric', Omejec & Simovic, p. 189) .

For example, in the Republic of Slovenia Supervision of the legal implementation of general acts and individual municipal acts relating to matters that fall under their jurisdiction shall be carried out by the ministries, each in the area of their competence. For the purpose of supervising the legal operation of municipal bodies, the ministries must ensure suitable cooperation, the mutual supply of information and professional assistance for municipal bodies. Ministries must warn the municipal body which they believe has issued an act which does not comply with the Constitution and the law, and shall propose suitable solutions. In addition, ministries must warn competent municipal bodies if they determine that the municipal administration is not acting in accordance with the law or other regulations, and shall propose suitable measures. At the proposal of a ministry, the Government shall propose that the Constitutional Court withhold the execution of a municipal general act which the ministry or the Government believes may cause major disturbances in the implementation of municipal tasks, have harmful effects on the health or life of people, or cause major economic damage, or whose

implementation would represent a violation of the Constitution or other legally guaranteed rights and freedoms of citizens. (Republic of Slovenia The law on local self-government Article 88a).

In Republic of Kosovo the government's main mechanism for the supervision of the constitutionality and lawfulness is the right of the supervisory authority for the administrative review for lawfulness of the municipalities' bylaws. (MLGA Report on functioning of the Municipal Assemblies of the Republic of Kosovo January – June 2013, p.27).

The ministry responsible for the local government is the supervisory authority unless; the responsibility for the review of municipalities is assigned by law to the responsible ministry or institution with respect to a specific field. The review of the delegated competencies is exercised by the body of central government which has delegated them. (Law No. 03/L-040 article 76).

Monitoring and supervising authority must be careful when monitoring and supervising activities that should have as little impact as possible on the interests of municipalities and to minimize the time commitment of municipal officials this process.(MLGA Administrative Instruction No.2008/4 article 4).

The administrative review of acts of municipalities by the central authorities in the area of their own competencies shall be limited to ensuring compatibility with the Constitution of the Republic of Kosovo and the law.(The Constitution of Kosovo article 124 ). Administrative review of municipal functioning in delegated competences is subject to legality review and suitability of actions. (MLGA Progress report on implementation of decentralization, 2012, p. 15) .The Mayor of a municipality shall forward to the supervisory authority by the 10th of each month, a list of all acts adopted by the Mayor and the Assembly in the previous month. Law No. 03/L-040 article 80). According to LLSG the following acts are subject to procedure of mandatory legality review of legality: General acts adopted by municipal assemblies; Decisions related to joint activities of partnership and cooperation; Acts adopted within implementation framework of delegated competences. (MLGA Progress Report on implementation of decentralization 2012, p. 15). For every registered act in protocol office, the Ministry of Local Government Administration (MLGA) must declare within 15 days from the date of registration the legality of the act.In case undeclared by the Ministry of Local Government Administration (MLGA), the act is considered to be in accordance with the law in force.( MLGA Administrative Instruction No.2008/4 article 11).

The administrative review of the municipalities has the following objectives: to strengthen the ability of the local self-government bodies to meet their responsibilities through advice, support, and assistance; to ensure the lawfulness of the activities of local self-government bodies; and to ensure that the rights and interest of citizens are respected. (Law No. 03/L-040 article 74). MLGA has identified the MA acts through monitoring of meetings. Moreover, MLGA has evaluated the acts which were not under the competence of other authorities of the central level from the legal perspective. The acts for which MLGA was not competent were submitted to the responsible ministries, respectively ministerial committees. In this regard, a number of legal violations were identified during the issuance of acts from the MAs. (MLGA Report on functioning of municipalities of the Republic of Kosovo 2013, p.24)The data on the process of review of the legality of municipal acts are presented below for three years: Ministry of Local Government Administration, from years 2012 to 2014 has identified violations of the law based on the assessment of the legality of acts of municipalities, MLGA has found this situation regarding the legality of acts of municipalities: In year 2012 the acts that Ministry of Local Government Administration received for reviewing of legality and according to the estimations given by inter-ministerial commissions established especially for this purpose have been reviewed a total of 42 acts of unlawful content. Municipal review level of the acts is 50% respectively 20 acts have gone back for review while 22 remain unexamined. (MLGA Monitoring report of the Republic of Kosovo Municipalities January-December 2012, p. 8. ). Also, in the year 2013 Municipalities have been active in issuing sub-legal acts, with 1107 decisions and 142 regulations were adopted in the period from January to December 2013. (MLGA Report on functioning of municipalities of the Republic of Kosovo 2013, p.15). The total number of unlawful acts issued by Municipal Assemblies is 59. Out of this number, municipalities have revised 39 acts (or 66%). 27 acts (or 69%) were harmonized in accordance with the recommendations of the supervisory organ. 12 acts (or 30%) were not harmonized in accordance with the demands of the supervisory body. 20 acts (or 33%) were not reviewed at all. (MLGA Report on functioning of municipalities of the Republic of Kosovo 2013, p.8. Similar to this, the Municipal Assemblies of the Republic of Kosovo in the first six months of 2014 held 25 meetings in total. From them 216 meetings were monitored, or 96% in percentage of held meetings. Regarding the acts 1,081, are approved in total, of which 64 confirmations are given legality by the Ministry of Local Government Administration, and are recorded 29 violations of the bylaws of the municipalities, of which 18 were reviewed and 1 is still non-harmonized with the applicable legislation. In total they addressed 253 acts of municipalities for review and evaluation of legality to Ministries and Cectoral Committees for

Assessment of the legality of acts of municipalities as required by the decision of the Government of the Republic of Kosovo. (Report for the work the Ministry of Local Government Administration) In January-December 2014, the municipal assemblies have approved a total of 2,030 acts, of which 6 municipal Statutes, regulations 148 and 1876 decisions. It is apparent that municipalities have been very active in issuing of legal bylaw regulations. (Report on functioning of municipalities of the Republic of Kosovo January-December 2014, p. 14). Ministry of Local Government, in assessing the legality of acts has found that violations have made a total of 28 municipalities. Number of illegal acts is 52, of which 35 acts are revised and harmonized with the law, 12 acts were not reviewed by the request for reconsideration, and 5 are not harmonized acts upon reconsideration in the Assembly. (Ibid, p.20).

## 2.5 Inspection

Some public services are offered from the central authorities while some are offered by the local level. Municipality inspects provision of services for some services, such as: market inspection, inspection of construction, sanitary inspection etc. for the purpose of the protection of legality. Together with some competences the inspection services were also centralized. The central institutions also organize the services of inspection, such as: inspection of work, environment, education, health etc. The own competences of the municipalities, such as: water supply and canalization, fire extinguishing, regional waste landfills are offered by the publicly owned enterprises, agencies or units that are under management of the central level. (MLGA Organization and functioning of Local Self-Government in Kosovo, 2013 p.56).

## 2.6. Audit and Internal control in municipalities

Procedures of good governance are intended to confirm that management implemented a range of internal controls to ensure that financial systems operate as intended. It is important that they include the proper reporting to Management enabling an effective and timely response to the operating and financial identified challenges. Review made to higher management controls implemented in the main municipal financial system highlight a good or a poor control over expenditures and revenues. (Audit Report of the Municipality of Peja, 2014,p.15).

Every public institution is obliged to audit the public money. (MLGA Organization and functioning of Local Self-Government in Kosovo, 2013, p. 56). It helps an organization to accomplish its objectives by providing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. (Law No. 03/L-128 article 3). The audit of public finances is another very important process for ensuring transparency in the spending of public funds in accordance with the budget and procurement plans. Municipalities in Kosovo have established specific structures of auditing to make independent control and internal audit of the finances, but still some municipalities are not stable in this segment. (MLGA Report on capacity assessment of municipalities 2012,p.42).

Law No. 03/L-040 on Local self Government provides that the Municipal Assemblies shall establish and maintain the Committee on Policy and Finance and the Committee on Communities as permanent committees. The Policy and Finance Committee shall be responsible to review all the policy, fiscal and financial documents, plans, and initiatives including strategic planning documents, the annual Medium Term Budget Framework, the annual procurement plan, the annual regulation on taxes, fees and charges, the annual internal audit work plan, the annual medium term budget and any changes to the budget during a fiscal year as well as reports from the Mayor and submit recommendations for action to the Municipal Assembly. (Law No. 03/L-040 articles 51 and 52). Their role is expressed in the preliminary discussion of all issues that are foreseen to be discussed in the Municipal Assembly, and for this reason it is considered as a prevention mechanism. (MLGA Organization and functioning of Local Self-Government in Kosovo, 2013, p.57). Apart from internal control, each municipality is also undergoing external financial audit by the Office of the External Auditor. The principle of accountability, efficiency and transparency in public money spending derives from the Constitution and Laws of the Republic of Kosovo. The public institutions, both local and central are obliged to respect these principles whenever spending public money. Audit financial reports of the financial statement of municipalities prepared by the Office of the Auditor General are one of the supervisory and measuring mechanisms of the public money spent by the local government institutions. In addition to auditing, each year OAG provides concrete recommendations to the municipalities to ensure that recommendations given by audit are properly addressed. According to the applicable law, the Auditor General shall annually conduct a Regularity Audit of the Kosovo Consolidated Budget, as well as the municipalities of the Republic of Kosovo. OAG currently plays two



roles: monitoring and giving recommendations regarding better management of public finances. (MLGA Progress report on implementation of decentralization, 2012, p.45). Poor accountability requirements and poor quality financial reporting reduced the efficiency of financial and operational management in the Municipality and may result in poor value for money and/or possible financial loss. Lack of effective Audit Committee reduces the focus and impact of internal audit activity and reduces the assurance that the internal audit provides to the Management. The Mayor should review current governance arrangements and related reporting requirements. The Mayor should strengthen controls on procurement planning and implementation securing that open procedures are used for expenditures of the same nature to achieve the highest value for money paid. (Audit Report of the Municipality of Peja, 2014, p.16).

### 3. Conclusion

Local governance in Kosovo after the war in 1999 faced many challenges since the efforts for constituting of local administration by international institutions, the transfer of responsibilities from international to local, local government reforms, constituting of new municipalities and decentralization. One of the challenges in the past was the three northern municipalities of Kosovo community with Serb majority about their not readiness for cooperation with the Central Institutions of Kosovo, a challenge that will continue for a certain period, which requires more activity and commitment from the central level as well as from International and local political structures. Local governance in Kosovo as other transition countries, which claim to integrate in the EU, are facing the challenge to achieve the provision of services under the highest standards of citizens.

The effort of municipalities to meet the needs and expectations of citizens and local organizations and to attract more investment as indoor and outdoor in their municipalities. However, the staff of the municipality to provide the best in service by providing the highest standards and to satisfy the expectations of citizens may only be successful, if the staff has been given autonomy and responsibility at work. Central Government of Kosovo should be committed to have local government with positive performance, have the ability to manage the high costs and provide services with the highest standards and be close to the citizen of their municipality.

Ministry of Local Government, is the responsible authority for the supervision of municipalities of Kosovo and assessment of the legality of municipal acts. This ministry has constantly had a surveillance about the identified legal violations of municipal bylaws.

- In the future all municipalities shall require to approve the municipality acts in accordance with the applicable legislation in Kosovo.
- Obligate the municipalities in case of unlawful adoption of the act to review the same and all municipal acts to harmonize with the applicable legislation in Kosovo in case of lack of compliance to address them to the Constitutional Court.
- All Mayors should report to the Municipal Assembly and meet their legal obligations and be transparent to the Municipal Assembly and the citizens.
- Supervision and control of local government has an impact in increasing of accountability, efficiency, and accountability transparencies local government and providing of high quality services for the citizens.

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## Customer-Bank Relationship in Commercial Banks Operating in Albania

**Jasmina Lumanaj, PhD (c)**

Assistant Professor, Faculty of Economics

University of Shkodra "Luigi Gurakuqi" Shkoder, Albania

j\_lumani@yahoo.com

**Virtyt Lesha**

Master of Science, Faculty of Information Technology

virtytl@hotmail.com

### Abstract

*Financial institutions with high performance are always looking to the needs and requirements of their clients, in order to survive and compete successfully in today's dynamic environment of corporations. For this reason researchers have stressed repeatedly the importance of customer satisfaction, loyalty and customer-bank relationship. The aim of this study is to develop a better theoretical and practical understanding of the impact that quality of service has in customer-bank relationship. This study examines the perception of service quality by clients of commercial banks operating in Albania and the effect that this quality has in customer-bank relationship. Measuring the perception of service quality is based on SERVQUAL model proposed by Parasuraman, Zeithaml & Berry (1988), while the measurement of customer-bank relationship is made according to the model proposed by Ward & Dagger (2007). Results of this analysis indicate that the quality of service is an important prerequisite of customer-bank relationship. From this study it is clear that managers and decision-makers in commercial banks in Albania seek to improve the quality of service elements, which constitute the most significant contribution to the improvement and strengthening of the relationship.*

**Keywords:** service quality, customer-bank relationships, commercial banks, Albania

### 1. Introduction

Before the 90s, Albania had a planned economy of eastern nature. After this period, started the transformation process of this economy into Western market economy. Transformation from planned economy system to market economy system was necessary in the context of the reform of the Albanian economy affected by the profound political changes that took place in Albania in the early 90s.

Noting that the financial system has a profound influence on other sectors of the economy, the more efficient and rapid the reform of this system is, the faster and easier it will accomplish the transformation process.

At the time of drafting measures to transform the country into a market economy was important to be taken into account the fact that in 45 years of communist rule, Albania has applied the most extreme policies of the state dominance in economy, politics related to centralized planning and property rights. In the years '85 – 90' there were some limited reforms, but they had no positive effect, but further increased the economic difficulties, resulting in 1990 with the budget deficit that constituted 15% of the gross domestic product (GDP) for the period. Starting from this period, one after the other the crises continued and led to the destruction of the old regime. Thus started the transition to a market economy, but being in a hostile environment, the economy went into collapse; inflation rose at extraordinary rates and the external debt raised as well.

Albania's financial system incorporates the institutions, markets and financial instruments, but the transformation and reformation of this system was based mainly on reforming the financial institutions operating in the country, since financial markets and instruments were virtually nonexistent during the period of socialist economy. The financial system in Albania

during the last 25 years has encountered various difficulties and faced many challenges to get where it is today. Banking institutions have already increased competition with each other through different ways and manners. They compete on how we provide products, the type of products, services provided, etc.

One of the most important recent trends is the *Information Technology*. The main advantage and the strongest point of development of the banking industry's voice seem to be the application of modern information technologies.

In today's market, where competition has become very intense, it is possible to obtain a quality service increasingly higher.

The increase of customer expectations and compliance has made essential the quality of service for an organization's success in many markets, (Parasuraman, Berry and Zeithaml 1991).

## 2. Review of literature

### 1. Quality of Service

Nowadays, with the continued increased competition, quality of service has become an important sector of academic study, being recognized as a key factor in maintaining competitive advantage and maintaining satisfactory relationships with customers (Zeithaml et al., 2000). Quality of banking service is widely recognized as a critical precondition for satisfying and retaining valuable customers (Taylor and Baker, 2004). Thus, service managers are aware that to successfully deploy the service quality as a competitive advantage, they must first identify exactly previous events and specifically what the customer perceives with the "quality" of service.

Gronroos (1982) describes the overall quality of service as the consumer's perception to distinguish between expected service and perceived service.

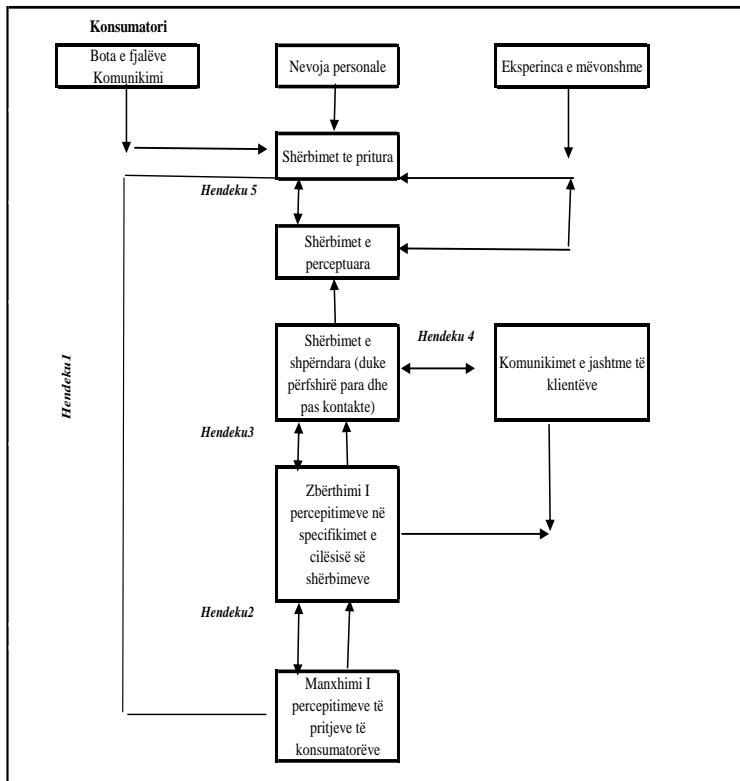
Parasuraman et al., (1985) defines quality of service as a comparison between the customer's expectations and perceptions of service. Furthermore, Parasuraman et al., (1988) provides the conceptual definition of service quality: "Perceived service quality is a global trait, or attitude related to the superiority of service, while satisfaction is related to a specific transaction."

If the service industry assesses the quality of service and development of the customer relationship, then success in these areas will be reflected in the increase of customer retention. Moreover, in a long-term perspective, these increases will be reflected in completely loyal clientele.

There are suggested three main points regarding quality:

1. Quality of services is more difficult to be estimated by the customer than the quality of goods;
2. Perceptions of the quality of service result from a comparison of customer expectations with the actual performance services; and
3. Assessments of quality are not only made in the result of service, they should include even the assessments of the progress of service delivery process.

Moreover, Parasuraman et al., (1985) suggested "The model on the quality of service" in order to serve as a framework for further scientific research in this field.



BuriBurimi: Parasuraman et al.,1985.

Services have four characteristics that distinguish them from the products produced. Services are: 1. *Intangible* 2. *heterogeneous* 3. *corruptible* 4. *inseparable*

These four characteristics show that service quality is a more elusive and abstract construct than the product quality (Parasuraman, et al, 1985). Based on this background, Gronroos (1984), defines quality as "the result of an evaluation process where the customer compares his expectations with the perceived service he receives, which means that he places the perceived service against the expected service." Based on the above, the quality of service can be conceived as the so-called "gap" between what customers feel that a service company should provide (this is their expectation) and their perception of the actual performance of service (Parasuraman et al, 1988). This concept was the basis for measuring the SERVQUAL scale, which was developed by Parasuraman et al and later improved by the same authors.

Parasuraman et al claimed that customers evaluate service quality by comparing their expectations and perceptions of the ten dimensions: reliability, responsiveness, competence, access, courtesy, communication, credibility, security, understanding and vulnerability. These dimensions were reduced later in 5 of them:

Vulnerability, Reliability, Responsibility, Safety, Empathy (Parasuraman, 1991, p. 422).

## 2.2 Customer-bank relationship

The attitude of the client in any form of relationship between the customer and the service provider is important, therefore as strong is the perception that the client has about the importance of the relationship in general, as likely it is for the client to develop a stronger relationship with the service provider (Ward et al., 1997).

There are several potential dimensions for this kind of relationship, meaningful dimensions, of bonding, empathy, reciprocity, trust, friendship, knowledge, thinking, understanding, time to listen, commitment, loyalty and common values. The importance of these dimensions to customers can affect the strength of relationship developed between the service provider and the customer.

One of the basic principles of marketing relationship is customer orientation. SOCO measurement method (selling orientation - customer orientation), developed by Saxe and Weitz (1982) is based on the premise that the customer-oriented vendors try to increase long-term satisfaction of the customer. Customer oriented retailers are considered as people who precede the achievement of an urgent sale at the expense of customer needs. Subsequent research has shown that the level of client orientation has an effect on a company's relationship with its customers (Clark, 1997; Yavas et al., 2004). Interaction between the customer and service provider is an important determinant of perceived service quality (Zeithaml et al., 1988). In some cases, this interaction can be largely transactional in nature, but more often the interaction occurs within the context of an ongoing relationship service.

Leverin and Liljander (2006, p. 234) argue that not all customers evaluate a relationship and close relationships with the bank are rare due to the increased use of self-use technologies.

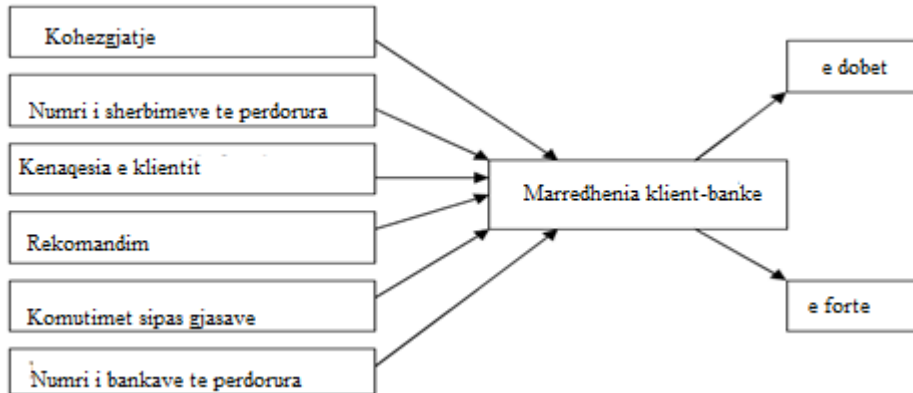
According to Christopher et al (2002, p. 8), a customer service strategy is oriented towards keeping customers and building relationships.

### Marketing orientation relationship (Christopher et al, 2002, p. 9)



Ward and Dagger (2007) measured the impact of the importance of relations with customers, duration, frequency, age and gender, type of product and service to strengthen the relationship (p. 282). Results related to the bank showed that there is only a weak link between the length and strength of the relationship and not related to the frequency of use (p. 285)

### The proposed model of customer-bank relations



### 3. Research question, hypothesis and paper methodology

The main issues discussed in this research are service quality and customer-bank relationship using SERVQUAL model in the banking context. In this study I will answer the questions:

- How consumers perceive quality of service in the banking sector?
- Does a strong customer-bank relationship exist in Albanian commercial banks?

The aim of this study is to develop a better theoretical and practical understanding of the impact that quality of service has in customer-bank relationship.

This study tests the banking sector through SERVQUAL model by measuring the quality of service and customer-bank relationship.

Based on the findings made during the review of the literature, we believe that the quality of service is a precursor of a customer-bank relationship. Consequently the basic hypothesis is:

**H1.** Quality of service directly and positively influences customer-bank relationship.

The study was conducted in Shkodra, a city which has 13 different branches of commercial banks. The survey was based on web and the link was mailed to 200 customers of different banks, beneficiaries of various banking services (salary recipients, depositors, creditors, etc.). Only 160 people completed the survey, thus having a return reply order of 80%. The questionnaire had three parts. The first part of the questionnaire serves to measure quality of service valued by customers. The second measures customer-bank relationship and the third the demographic variables.

#### Measured variables

**Independent variable - Quality of service.**

The measure is based on a modified version of the proposed SERVQUAL by Parasuraman et al. (1988), which consists of 22 elements, grouped into five dimensions of service quality, respectively Vulnerability (how modern the equipment bank, how attractive are the physical objects of the bank, as skillful employees of the bank, how attractive are materials related to the service), reliability (when the bank promises to do something at a certain time, she does it, when the customer has a problem bank shows genuine interest for its solution, the bank is engaged in the right way at the Previously, the bank

offers its services in a timely manner, the bank insists on the data without errors), Accountability (bank employees indicate exactly when the service is performed, the bank's employees provide rapid service, bank employees have always desire to help, bank employees are never so busy to respond to your requests), security (the behavior of bank employees instill confidence in customers, the bank you feel confident to perform transactions, bank employees are always kind to you, bank employees have the necessary knowledge to answer your questions), Empathy (bank offers individual attention, the bank working hours convenient for all customers, bank employees who give you personal attention, bank has your best interest, bank employees understand the specific needs of clients)

These elements are assessed with 7-point Likert scale, where 1 = absolutely disagree and 7 = strongly agree.

### **Dependent variable - bank customer relationship**

Measurement of customer-bank relationship is based on the model proposed by Ward & Dagger (2007). The model uses 8 evaluative questions of customer-bank relationship.

According to this model, to assess this relationship it is measured the impact of the importance of relations with customers, duration, frequency, age and gender, type of product of service to strengthen the relationship. Also it is measured the strength of the bank-customer relationship taking the perceived quality of customer service, as the basis for satisfaction. Finally, through an empirical study of customers of banks it is tested a model relationship. What we want to examine is mainly the strength or weakness of a customer-bank relationship, determined by the above factors.

## **1. Analysis, data interpretation and conclusions**

### **4.1 Demographic data of the respondents**

Table 2 presents the demographic data of respondents. As seen 40% of respondents were male, while 60% were female. The majority of respondents were highly educated. This category accounts for 53.4% of respondents, followed by respondents with university master, who make up 25.9% of respondents and 13.8% of the doctoral education of the respondents. The income level of 42.1% of the respondents is 40000-59999 ALL, followed by 17.5% of respondents to levels 60000-79999 and 80000-99999 ALL

### **4.2 The evaluation of the quality of service**

To collect data about the perception of the quality of service that clients used a questionnaire, which contained 22 allegations suitable for measuring customer perceptions about the quality of service performance. Of these 22 claims, the first four belong dimension of vulnerability five belonging dimension of reliability, four belonging dimension of accountability, four belong to the security dimension and the last five belong dimension of empathy.

Table 3: Summary of descriptive statistics dimensions of service quality

Dimensions	N	Minimum	Maximum	Average	Standard deviation
General quality	160	1.43	7.00	5.1016	1.13213
Vulnerability	160	2.00	7.00	5.0333	1.15299
Reliability	160	1.40	7.00	5.0017	1.34297
Accountability	160	1.00	7.00	5.1597	1.46437
Security	160	1.00	7.00	5.2972	1.28261
Empathy	160	1.00	7.00	5.0158	1.19977
Valid N (listwise)	160				

From the statistics summarized in Table 3 noted that the highest rating for the quality of service takes the fourth dimension, security. This dimension takes an average 5.29 rating, which shows that customers generally evaluate their safety and



services they receive from banks. They feel safe and bank employees manage to instill confidence to these consumers. Instead, the second dimension of the low scores the average 5.0017. This means that customers do not appreciate sufficiently the possibility that employees of banks to solve their problems. To improve the assessment of this dimension employee must have special training for the recognition more and better banking products in general, for their behavior and willingness to convey their knowledge.

As seen in Table 4, the dimension of vulnerability more respondents judge the ability of employees, with average 5.1, followed by a 5.08 average estimate of physical objects attractive bank. In the dimension of reliability, respondents estimate mostly error-free performance of the bank considering a 27.5 average, followed by the provision of services in a timely manner with an average 5:05. In the dimension of accountability gets highest rating 5.4 Employee desire to help clients. Security dimension receives the highest rating 5.6 good employee behavior, but care must be taken with confidence that I transmitted to customers, since this statement gets the lowest score of the relevant dimension 5:08.

In the dimension of sensitivity receives highest rating 23.5 individual attention provides customer banks, and less with 4.75 estimated as the bank heartfelt best interest of the client.

	Minimum	Maximum	Average	Standard deviation
<b>The dimension of Vulnerability</b>				
The bank XYZ has modern equipment	1	7	5.07	1.425
Bank XYZ physical facilities have attractive appearance	1	7	5.08	1.488
The XYZ bank's employees look quite capable	1	7	5.1	1.515
XYZ bank materials related to service (flyers, brochures, etc.) are significantly more attractive	1	7	4.88	1.627
<b>The dimension of reliability</b>				
When the bank XYZ promises to do something at a certain time, it makes it	1	7	4.8	1.571
When you have a problem, Bank XYZ shows sincere concern for his resolution	1	7	4.88	1.658
XYZ bank performs adequately service for the first time	1	7	5.03	1.551
The XYZ bank offers its services on a timely basis	1	7	5.05	1.419
The XYZ bank insists on the data without errors	1	7	5.27	1.706
<b>The dimension of accountability</b>				
XYZ bank's employees tell you exactly when the service will be performed	1	7	5.17	1.743
XYZ bank's employees provide you fast service	1	7	5.27	1.518
XYZ bank's employees have always desire to help	1	7	5.4	1.509
XYZ bank's employees are never so busy to respond to your requests	1	7	4.88	1.609
<b>The dimension of the security</b>				
The behavior of the employees of XYZ Bank instills confidence in customers	1	7	5.08	1.629

Bank XYZ you feel secure for transactions that you do	1	7	5.39	1.509
XYZ Bank employees are continuously polite with you.	1	7	5.6	1.543
XYZ Bank employees have the required knowledge to answer your questions	1	7	5.12	1.508
<b>The empathy dimension</b>				
XYZ Bank offers individual attention	1	7	5.23	1.466
XYZ Bank has adequate working hours for all customers	1	7	5.15	1.818
XYZ Bank has employees who give you personal attention	1	7	5	1.629
XYZ Bank has cordial your best interest	1	7	4.75	1.503
XYZ Bank employees understand your specific needs	1	7	4.95	1.489

Table 2: Demographic data

Level of income (ALL)	Percentage
Less than 10.000	3.5
10.000 – 19.999	1.8
20.000 – 39.999	15.8
40.000 – 59.999	<b>42.1</b>
60.000 – 79.999	17.5
80.000 – 99.999	17.5
More than 100.000	1.8
<i>Total</i>	100
<b>Education</b>	
High school	6.9
University	<b>53.4</b>
Master	25.9
PhD	13.8
<i>Total</i>	100
<b>Gender</b>	
Male	40
Female	60
<i>Total</i>	100

### 4.3 Evaluation of relationship customer-bank

The table below gives the results of the questionnaire related to customer-bank relationship.

Duration as a customer in bank XYZ	Percentage
Less than a year	13
1-2 years	23
2-3 years	18
3-4 years	15
4-5 years	11
5 years	19
<i>Total</i>	100
Do you think you will continue in this bank?	
Yes	83
No	17
<i>Total</i>	100
Do you use more banks than this one?	
Yes,1	27
Yes,2	33
Yes,3	12
Yes,4	2
Yes, more than 4	2
No	25
<i>Total</i>	100
How often do you use internet banking?	
Several times a week	24
Once a month	49
Once a week	20
More often	7
<i>Total</i>	100

### 4.4 Dependence between service quality and customer-bank relationship

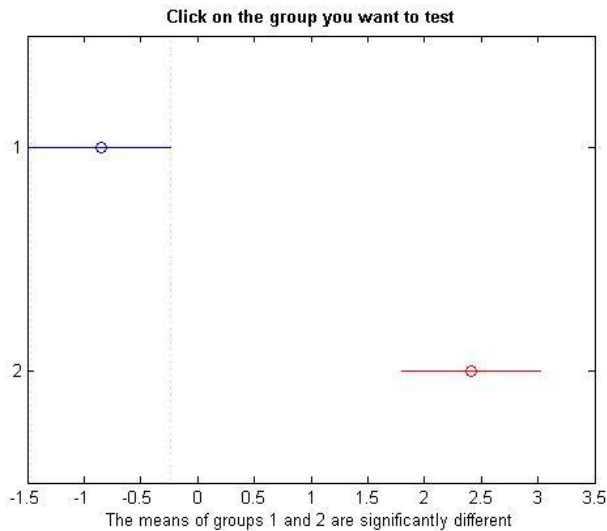
Linear regression analysis where the independent variable is the quality of service and the dependent variable customer-bank relationship shows that R<sup>2</sup> is 0:45, which shows that 45.0% of changes in customer-bank relationship are explained by the perception of service quality.

Therefore, the R<sup>2</sup> value is not the result of chance; independent variables are able to explain the variation in the dependent variable. The relationship between the independent and dependent variable is given by the following equation:

$$\text{Customer-bank relationship} = 0.083 + 0.236 (\text{quality of service})$$

The regression coefficient is positive and shows a positive correlation between the independent and dependent variable. It means that by increasing the level of perceived quality of services we would have increased the bank customer relationship, so we will have strong relationships.

The figure below shows the graphic output in multiple tests the relationship quality – customer -bank. The circle shows the calculated average and the line is the confidence interval of 95% for the calculated average.



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## Using Case Study Method in Project Management Education as a Tool for Improvement of Project Manager's Skills

**Ikbal Erbas, Assist. Prof. Dr.**

Akdeniz University Faculty of Architecture  
Department of Architecture, Antalya/ Turkey

### Abstract

*Project management education is a kind of education which aims to equip students with necessary skills that they would need in real business life in their career as a project manager. For being succesful in project management education, case study method of teaching holds a very important position between the other methods. This study examines contributions of the case study method to the project management education in terms of improvement of the project manager's skills. For this purpose in the scope of the study work flow process of the case study approach and main benefits of the approach are defined. Defined benefits' impacts on improvement of the project manager's key skills are revealed. It is found out while the students are starting to improve their human skills when they begin to work as a group, improvement of technical and conceptual skills are provided during all phases of the process.*

**Keywords:** case study, project manager, skill, technical skill, human skill, conceptual skill

### Introduction

Project management education is distinct from other educational programs because of its unique structure. Diversity of a project manager's duties during a project lifecycle, requires the project manager to have different skills. In real life, project managers need to deal with a range of issues for successful delivery of construction projects. Project managers therefore need to equip themselves with an appropriate set of various skills and/ or attributes, not only to successfully carry out their works in terms of technical ability, such as those relating to time, quality and cost; but also to effectively mobilize coordinating, motivating and collaborating efforts in terms of relational harmony, such as approach to teamworking (Rahman et al., 2007). As a result it is expected from project management education to improve project manager candidates' skills in many different areas. One approach to satisfy this need is using case study approach in project management education.

Although law schools first showed the way for the case study approach, beginning in 1870 (Breslin and Buchanan, 2008) references point out that the case study method is useful for different fields of educational programmes. Francis (2001) asserts that case studies have a long and well- established history in landscape architecture. Breslin and Buchanan (2008) emphasize the importance of using case study method in design. They also defend that act of researching and writing a case study can be seen as an application of the design process. Raju and Sankar (1999) assert the importance of using case studies in engineering education. The case study method was first used as a learning method for management in the beginning of the XX century, and since then has been widely use, and has been quite successful as a learning methodology for management (Mintzberg, 2004; Gonzalez, 2011). Today using case study method is an important tool for lecturers in project management education. The purpose of this study is to explore contributions of the case study method to the project management education in terms of improvement of the project manager's skills. For this purpose in the scope of the study to explore interaction between using case study method in project management education and project manager's skills, benefits of the case study method will be determined by defining flow process of the method, and impact of determined benefits on skills expected from the project managers will be examined.

### RESEARCH METHODOLOGY

There are two main points of the study. The first main point is to determine the benefits of using case study method. The benefits of the case study method will be determined by defining flow process of the method. Identifying the skills that is

expected from project managers constitutes the second important point. When previous studies are investigated, it is found out that project managers skills have been categorized different from each other. Katz (1974) (also cited in Odusami, 2002) proposed a three skill approach to understand the skills of an effective administrator. These are:

- Technical skill
- Human skill
- Conceptual skill

Technical skill, is defined as an understanding of, and proficiency in, a special kind of activity particularly involving methods, processes, procedures, or techniques. This skill, he argued, is the skill required of the greatest number of people. Human skill, is an executive ability of a leader to work effectively as a group member and to build cooperative effort within the team he leads. This type of skill is required in order to work with people perceptions and behavior to supervisors, equals, and subordinates. Conceptual skill, is the ability of a leader to see the enterprise as a whole and recognize how the various functions of the organization depend on one another and how changes in any part affect the other. It can also be described as the ability to coordinate and integrate all the activities and interests of the organization towards a common objective. Since Katz's proposition of the three-skill concept, many authors have expanded these basic skills further to add more (Odusami, 2002). Robert and Goodwin (1993) categorized skills same as Katz approach but they added negotiating skills to these three skills categorization. Fisher (2003) defined ten knowledge areas of project manager divided into 77 subcategories. In this study, as a starting point Katz's approach was used due to he had drawn a general frame for explaining main skills.

## CASE STUDY APPROACH

Bonoma (1989), Grant (1997) and Jerrard (2005) define the case study method as an approach that implements active learning strategies for students based on a description of a situation or context in which a problem or set of issues arises. According to Raju and Sankar (1999) a case study typically is a record of a technical and business issue that actually has been faced by managers, together with surrounding facts, opinions, and prejudices upon which management decisions have to depend. Tal (2010) (cited in Habasisa and Hlalele, 2014) defines case study as a meta-skill that integrates cognitive perceptions, self-regulation skills, and interpersonal relationships with learners and teachers. Grant (1997) outlines the benefits of using case studies as an interactive learning strategy, shifting the emphasis from teacher-centred to more student-centred activities. On the other hand Breslin and Buchanan (2008) defend that case studies are not a perfect solution to the problem. They also state that case studies cannot tell what decisions should be made, but they can connect the student to social phenomena, real life experience, and existential situations in a way that helps to sharpen thinking and inform decision-making.

Formal case study structure requires researchers to determine a problem, make initial hypotheses, conduct research in gathering information and making observations, revise hypotheses and theory, and tell a story (Breslin and Buchanan, 2008). The most important issue to be succesful in using case study approach is to conduct the case study flow process accomplishedly. Definition of the flow process and benefits provided from this process could be summarized in five phases:

- 1. Submission of the case study:** The lecturer gives every student a case and questions about the case in a written format. This is the first time for students to be faced with real word situations. It is possible to reflect the real world of business and employment relations by designing case study-based assessment that encourages students to consider the changing environment and the implications of their decisions with regard to other parties in the case study scenario (Jerrard, 2005). Unlike case histories the final outcome regarding the case is usually not presented, rather it is an open-ended approach. This phase provides a description of specific circumstances that confront an individual (Russell and McCullouch, 1990) in real life.
- 2. Identification of the problems by the students:** The students have to read that through thoroughly, identify the problems and prepare their response to the case beforehand (Kooskora, 2002). The students use theory and knowledge, obtained in course work, to solve the problem or situation (Russell and McCullouch, 1990). For preparing their response to the case, they need to use their previous knowledge. Many case studies require resource investigation and encourage students to utilise a number of different sources. This phase provides significant benefits due to it promotes information gathering and analysis, also promotes retention of knowledge.

**3. Introducing the case and giving information by the lecturer:** The lecturer gives students a technical note with some questions he wants to highlight. Because of complication of the cases it may not be really possible to participate in the case discussion without having read the case before (Kooskora, 2002). The lecturer also should present in class tools required to solve the case by describing relevant concepts and theory of the case study (Russell and McCullouch, 1990). He also should make a short introduction to the case and give some background information (Kooskora, 2002). The case study approach is a motivational tool that raises the level of the students' interest by offering problems they may encounter in the "real" world (Russell and McCullouch, 1990), and also it is beneficial because it promotes interaction between learners and teachers.

**4. Answering questions and solving case study as a group by the students:** The class is divided into groups. The size of the group depends on the number of students in the class. Usually there are 4-6 students in one group. At first the students have to answer the questions the lecturer has given them and they have to reach agreement between themselves. This stage can also be viewed as an exercise for practising the skills involved in team-work (Kooskora, 2002). This phase enables group working and develops communication, integrates theoretical principles with practice. Students can evaluate the case from multiple perspectives. It promotes the ability to develop a reasoned response to circumstances and can be used to encourage critical and strategic thinking (Jerrard, 2005). On the other hand students have to learn coping with effective use of given time for solving case. This provides students experience in time management.

**5. Presentation and discussion of proposed solutions by the groups:** The groups have to put down the answers on paper in written form and they have to prepare to make a presentation in front of the others and be ready to discuss the subject with all participants. It is important to highlight the real problems and be ready to analyse all the aspects of the situation (Kooskora, 2002). Problems provide an atmosphere of learning through example whereby the student actively participates in the educational process (Russell and McCullouch, 1990). Due to case studies require students to present their work in a variety of formats, the method provides presentation experience to them.

When it is needed students may turn back to upper phases for feedback. Work flow process and benefits provided from defined phases are shown in Figure. 1. Although most of the benefits are valid for multiple phases, in Figure 1 they are shown in the phase where maximum benefit is provided.

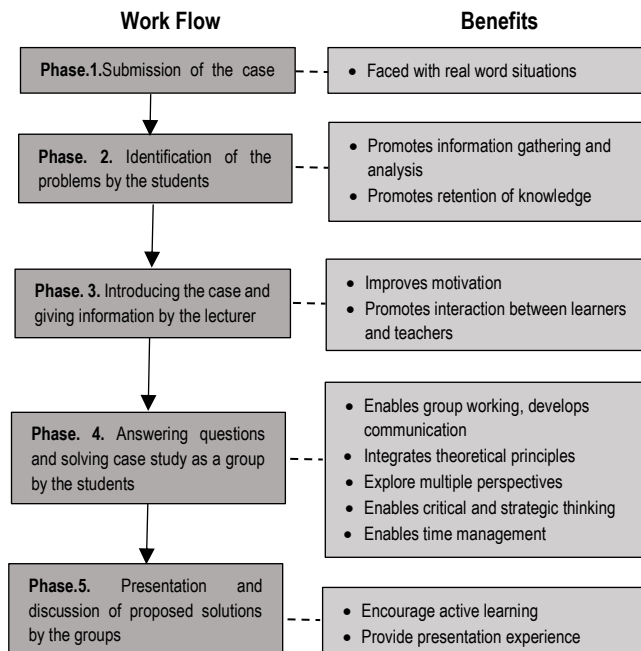


Figure.1 Work flow of the case study method and benefits provided

## PROJECT MANAGER'S KEY SKILLS INFLUENCED BY CASE STUDY METHOD BENEFITS

A skill implies an ability which can be developed, not necessarily inborn, and which is manifested in performance, not merely in potential (Katz, 1974). Because of the fast developments in construction industry such as using new technologies in construction means and methods, ability of managing a project requires project managers to have much more skills. The key role of the project manager in construction process related to competitiveness and productivity, shows the significance of his sufficiency in all aspects. Therefore definition of the project manager's key skills has an importance for continuation of the management process. Katz (1974) defined project manager's key skills in three different categories as:

**1. Technical Skill:** Technical skill implies an understanding of, and proficiency in, a specific kind of activity, particularly one that involves methods, processes, procedures or techniques. Successful project managers should have relevant experience or knowledge of the technology required by the project they manage. Technical skill involves specialized knowledge and analytical ability in the use of the tools and techniques of the specific discipline (Katz, 1974; cited in El-Sabaa, 2001). Most of vocational and on-the-job training programs are largely concerned with developing this skill (Katz, 1974).

**2. Human Skill:** Human skill is the executive's ability to work effectively as a group member and to build cooperative effort within the team he leads. As technical skill is primarily concerned with "things" (process or physical objects), human skill is primarily concerned with working with people. A project manager with a highly developed human skill is sufficiently sensitive to the needs and motivations of others in his project. He is skillful in communicating with others, in their own contexts, what he means by his behavior (Katz, 1974; cited in El-Sabaa, 2001). According to Katz (1974) an effective administrator must develop his own personal point of view toward human activity, so that he would: (a) recognize the feelings and sentiments which he brings into a situation; (b) have an attitude about his own experiences which will enable him to re-evaluate and learn from them; (c) develop ability in understanding what others, by their actions and words (explicitly or implicitly), are trying to communicate to him; and (d) develop ability in successfully communicating his ideas and attitudes to others.

**3. Conceptual Skill:** This skill is used to connote the ability of a project manager to envision the project as a whole. It includes recognizing how the various functions of a project depend on one another, and how changes in any single part could affect all the other parts. It extends to visualizing the relationship of an individual project to the parent organization. Recognizing these relationships and perceiving the significant elements in any situation, the project manager should then be able to act in a way that advances the overall welfare of the project and the parent organization (Katz, 1974; cited in El-Sabaa, 2001). In applying this definition to the project management situation, the point can be made that it is crucial to project success that the project manager be able to conceptualize all elements of the project situation and the extent to which the elements interact with each other (Goodwin, 1993).

Different people learn in different ways, but skills are developed through practice and through relating learning to one's own personal experience and background (Katz, 1974). In project management education most of the students do not have firsthand experience in construction projects. Although some of them have indeed interned on a project or visited construction sites, very few have actually generated schedules, estimated cost, or developed earned-value reports (Damjanovic and Rispoli, 2014) and have required skills. For management education using case studies has important effect on management skills. Chakrabarti and Balaji (2007) conducted a survey related to perception of selected faculty on case study method of teaching in management education. They found out that the case study method enables students to pick up the skills required to solve the complex problems in practical business situations.

Learning with case studies is an important opportunity for the students due to they have chance to be faced with real word situations before they graduate. Students may benefit from case studies to improve their skills in learning process. Relationships between benefits of the using case study method defined above and skills that could be improved by means of these benefits are summarized in Figure 2. Although all of the phases have influence on three of the skills, in the scope of the study the most influenced skills are defined.



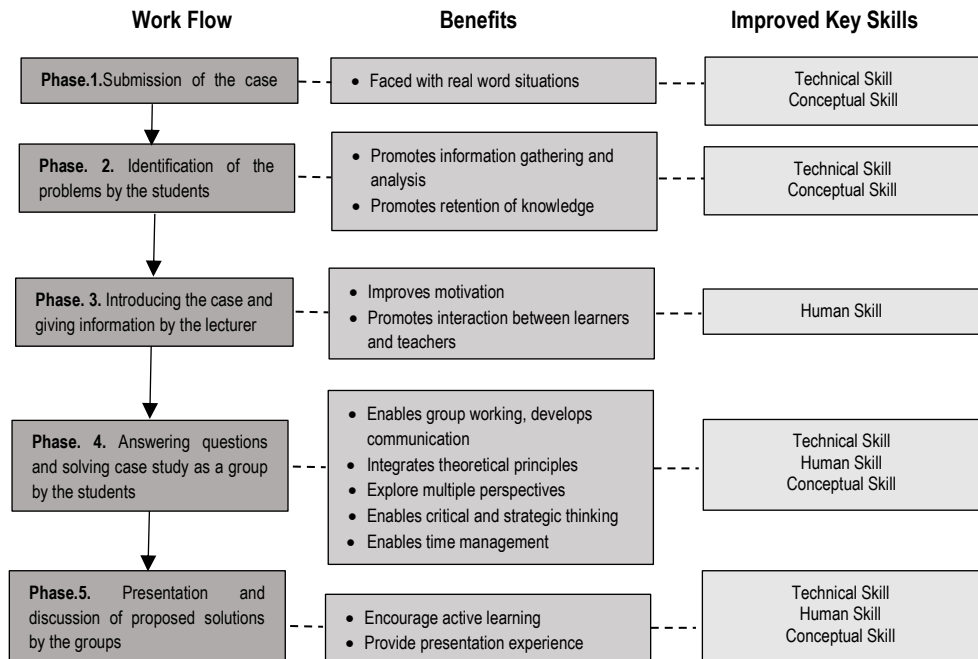


Figure.2. Relationships between benefits provided from the case study method and key skills of the project manager

The case studies can be valuable for a profession in a number of ways. For practitioners, they can be a source of practical information on potential solutions to difficult problems. For professional education, case studies are an effective way to teach by example, to learn problem-solving skills, and to develop useful evaluation strategies. For the profession as a whole, case studies are a way to build a body of criticism and critical theory (Francis, 2001). Contributions of the case studies to the project manager candidates shown in Figure.2 are described below.

- Phase.1:** Submission of the case by the lecturer provides students to be faced with real world situations. The students have to be prepared and ready to contribute to an active discussion, to find connections between different issues and take actions as well as foresee the consequences. It is important that the students have some general knowledge, some specific knowledge and also the necessary skills for using that knowledge (Kooskora, 2002). In this process these defined real world situations will be integrated with the theoretical knowledge learned in lectures by the students. The students will also need to use their technical skills in both understanding and solving the case. The case-based teaching and learning allows participants to consider multiple solutions for a single problem or dilemma, promotes a tolerance for ambiguity and intricacy, builds students' confidences in the analysis of complex problems, and compels students to visualize themselves in a real-life scenario (Sankar et al., 2008). Conceptual skill involves the ability to see the problem as a whole. By facing with real word examples students will comprehend the problem from a bigger perspective that will help to improve conceptual skill.
- Phase.2:** Identification of the problems by the students at the beginning of the process will help students to improve their technical and conceptual skills. By this way students will have chance to gather and analyse information and knowledge related to situation. This also will help retention of these knowledge.
- Phase.3:** Introducing the case and giving information by the lecturer will ensure interaction between learners and lecturers, and this will provide to establish a closer dialogue with each others. The dialogue established will increase the students's motivation to the lecture. This situation will have an important impact on the development of human skills.
- Phase.4:** Answering questions and solving case study as a group by the students has influence on three of the defined skills. In this phase students are expected to work as a group. Communicating in a group will improve human skills of the students. This phase also develops the student's analytical and problem-solving abilities by encouraging them to

perform analysis, and look for different perspectives (Gini, 1985). The use of case studies has the potential to encourage students to use their critical thinking skills to solve engineering problems and understand other related issues such as plausibility, cost and ethics, to appraise content, to understand the process and its limitations, to have a more positive attitude toward learning engineering concepts, and to be able to ask more critical questions when faced with a technical crisis. Unlike problems normally assigned to students at the end of a lesson, cases do not set the problem out in clear steps; nor do they lead to a single correct answer. This forces the students to think beyond the obvious and seek out other resources/sources of information to help them understand the issues involved (Sankar et al., 2008) These benefits have influence on both technical and conceptual skills.

- **Phase.5:** Presentation and discussion of proposed solutions by the groups have influence on three of the skills too. A case method helps develop the students' abilities to articulate a point of view, defend it, and inform their own views with the opinions of others. These discussions are an important component of case method learning, and of success in the "real world" (Kooskora, 2002). The case studies help in engaging students in exploratory discussions and find a "best possible solution" rather than "right/ wrong" solutions (Gini, 1985). In this phase students will be encouraged to be active for defending their solutions with a presentation. This will make learning process to be more student-based process for the participants.

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## CONCLUSION

As a key participant project manager's skills are directly associated with project success. So for ensuring an effective teaching, lecturers should focus on improvement of the project management students key skills. Case study method has been used in different fields of education since a long time ago and the method can be used as an important teaching tool in project management education. Success of the method for improvement of defined key skills is directly related with the process of the method and also related with benefits gained from this process. It is found out while the students are starting to improve their human skills when they begin to work as a group, improvement of technical and conceptual skills are provided during all phases of the process.

The case study method creates a simulated atmosphere where students will face with real word situations. Being in this atmosphere will provide students to think analytically and to understand engineering decision-making process. In addition, student based learning style of the method will encourage students actively participate in learning process. This will lead to increase efficiency of the lecture. Due to the case study method requires students working as a group, the case study method will provide students to see their tendency for being a group member. With this method it will be also possible for the lecturers to explore leadership characteristics of the students. All of these aspects of the case study method have impact on project manager candidates as a whole. The most critical point about using this method is selection of the right case to the right situation and following the case study process properly by the lecturer, which can be the subject of a new research.

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## The Right to Be Heard in the European Union – Case Law of the Court of Justice of the European Union

Pranvera Beqiraj (Mihani)

Faculty of Political Sciences and Law, "Aleksander Moisiu" University, Durres

pranvera85@gmail.com

### Abstract

*The right to be heard as a fundamental right within the European legal order was included in the right to good administration in the Charter of Fundamental Rights of the European Union and imposes that every person has the right to be heard before any individual measure which would affect him or her adversely is taken. However, the Court of Justice of the European Union has a consolidated jurisprudence regarding the right to be heard which has already recognized it as a general principle and fundamental right. This paper will analyze this case law, which determine the nature of the decision-making process where this right must be applied, the nature of the decision taken and the way the interests of the person concerned are affected. For this purpose different decisions of the Court of Justice of the European Union are taken under study.*

**Keywords:** right to be heard, jurisprudence, decision, principle

### 1. Introduction

Any system of the administrative law will have access points or gateways, which determine who can get into the system. There are two crucial access points in any legal regime. There will be procedural rules determining who is entitled to be heard or intervene before the initial decision is made, or who is entitled to be considered before a legislative-type norm is enacted.<sup>1</sup>

Within the context of the European Union (EU) law, the need to respect the right to be heard has been recently codified and, arguably, reinforced in the Charter of Fundamental Rights<sup>2</sup> (the Charter). The Charter, which with entry into force of the Treaty of Lisbon acquired the same legal status as the Treaties, includes as part of the right to good administration the right to be heard. Article 41 thereof, in the second paragraph states that: "every person has the right to be heard, before any individual measure which would affect him or her adversely is taken."

It may appear the Charter goes beyond the existing case law, to the extent that it seems to eliminate the requirement for it to apply of 'having a proceeding initiated against a person'. The only condition in Article 41, appears to be that 'an individual measure could affect [that person] adversely'.<sup>3</sup>

However, the Court of Justice of the European Union (the Court) in its case law has consistently supported the application of the right to be heard to the decisions with individual character and recognized the right to be heard as a general principle of Community law, regardless of whether it is sanctioned (or not) in the provisions of a treaty, regulation, directive or decision.<sup>4</sup>

### 2. The content of the requirement to hear the addressee

The authorities of the EU must respect the general principles of EU law, part of which is the right to be heard.

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1 Craig, P. (2006). *EU Administrative Law*, pg. 313

2 Durande, S. Williams, K. (2005). *The practical impact of the exercise of the right to be heard: A special focus on the effect of Oral Hearings and the role of the Hearing Officers*, Competition Policy Newsletter, Number 2, pg. 1

3 *Ibid*, pg. 1

4 Curtin, (1992). *Constitutionalism in the European Community: The right to Fair Procedures in Administrative Law*, in J. O'Reilly (ed). *Human Rights and Constitutional Law, essays in Honour of Brian Walsh* (1992), pg. 293 (cited in Craig, P. (2006). *EU Administrative Law*, pg. 314)

Before an act adversely affecting a person is adopted, the addressee of the act or interested third parties must be heard by the institution, body office or agency concerned. <sup>1</sup> That obligation is prescribed either by the Treaties <sup>2</sup> or by secondary Union law <sup>3</sup> or arises out of the general legal principles that a person whose interest are perceptibly affected by a decision taken by a public authority must be given the opportunity to make his point of view known. <sup>4</sup> This obligation is an essential procedural requirement. <sup>5</sup> The person concerned must be informed in time <sup>6</sup> effectively <sup>7</sup> and personally <sup>8</sup> of all the information in file which might be useful for his or her defense <sup>9</sup>. <sup>10</sup>

Thus, the EU authorities firstly have the obligation to make the case known to the person concerned and secondly the obligation to give that person the opportunity to submit his comments on the decision of the relevant authority.

But, the Community Courts in their decisions, have made a clear distinction between the right to be heard in the process of an individual decision and that of the adoption of a norm with legislative nature. In the second case, as it will be explained below, the right to be heard is straitened only in the context of participation or consultation.

### 3. The case law of the Court

The Court has already a consolidated jurisprudence regarding the right to be heard. The right to be heard has often been under consideration in cases which relate to the administrative powers of the Commission in competition law. The main regulations and directives in certain sectors where the administration is in the competence of the EU institutions contain provisions on the right to be heard.

The Court, since its early jurisprudence, has stated that the respect for the right to be heard may be started by the Court itself. <sup>11</sup>

*“The Court has held that it may of its own motion consider the question of infringement of essential procedural requirements (see judgments in Case 1/54 France v High Authority [1954] ECR 1, in Case 2/54 Italy v High Authority [1954] ECR 37 and in Case 18/57 M v High Authority [1959] ECR 41)”*

In the case *Transocean Marine Paint* <sup>12</sup> the Court refers to the right to be heard of the person whose interests are significantly affected by a decision taken by an authority of European Community as a *general rule* and that the rules on the right to be heard provided by the regulations in the field of competition law are an expression of the recognition of this rule.

*“It is clear, however, both from the nature and objective of the procedure for hearings, ... that this Regulation, ... applies the general rule that persons whose interests are perceptibly affected by a decision, taken by a public authority must be given the opportunity to make their point of view known.”*

Thus the Regulation No 99/63/EEC of the Commission states that the Commission shall inform undertakings and associations of undertakings in writing of the objections raised against them, <sup>13</sup> and that in its decision the Commission shall deal only with those objections raised against undertakings and associations of undertakings in respect of which they

1 Case 17/74, *Transocean Marine Paint V Commission*, (1974)

2 See, e.g. Art. 108 (2) Treaty on the Functioning of the EU; Art. 41(2) of the Charter

3 See, e.g. Art. 27 of Regulation No. 1/2003, Art. 6 (7) of Regulation No. 1225/2009 (antidumping); Art. 18 of Regulation No. 139/2004 (control of concentrations)

4 Case 17/74 (ECJ), *Transocean Marine Paint V Commission*, (1974)

5 Case 31/69 (ECJ), *Commission v Italy*, (1970)

6 Case 55/69 (ECJ), *Casella v Commission*, (1972)

7 Joined Cases 56 and 58/64 (ECJ), *Consten and Grundig v Commission*, (1964); Case T-7/89 *Hercules Chemicals v Commission*, (1991)

8 Case 76/99 (ECJ), *P ARBED v Commission*, (2003)

9 CFI, Case T-36/91, *ICI v Commission*, (1995)

10 Lenaerts, K. Masellis, I. Gutman, K. (2014) *EU procedural law*, pg 301

11 Case 291/89 (ECJ), *Interhotel v Commission*, (1991); Case 367/95 (ECJ), *Commission v Sytraval and Brink's France*, (1998)

12 Case 17/74 (ECJ), *Transocean Marine Paint v Commission*, (1974)

13 Article 2

have been afforded the opportunity of making known their view. <sup>1</sup>

The Court reiterated the principle in the case *Hoffmann-La Roche*, <sup>2</sup> on the request of the applicant that the contested decision mention is made of certain documents which were not discussed or even mentioned during the hearing of the parties and the contested decision is based on information which has not been brought to its knowledge and which it cannot check because the Commission, relying upon its duty to observe the principle of professional secrecy, refuses to notify that information to the applicant in so far as the undertakings from which it was acquired are opposed to its being so notified.

But this time the Court imposed a restrictive condition: the right to be heard would be recognized as a fundamental principle of Community law in the decisions that determine sanctions:

*"Observance of the right to be heard is in all proceedings in which sanctions, in particular fines or penalty payments, may be imposed a fundamental principle of Community law which must be respected even if the proceedings in question are administrative proceedings. Article 19 (1) of Council Regulation No 17 obliges the Commission, before taking a decision in connexion with fines, to give the persons concerned the opportunity of putting forward their point of view with regard to the complaints made against them."*

However, in *Netherlands and Others v Commission*, <sup>3</sup> as in other cases in general, <sup>4</sup> the Court has recognized the right to be heard even when sanctions are not imposed. But, in this case it is required that the decision caused adverse effects to the interests of the applicant:

*"As regards the plea in law relating to an infringement of the rights of the defence in the case of the Kingdom of the Netherlands, it must be stressed that the Court has consistently held that respect for the rights of the defence, in all proceedings which are initiated against a person and which are liable to culminate in a measure adversely affecting that person is a fundamental principle of Community law which must be guaranteed even in the absence of any specific rules"*

Also, The Court has stated that the right to be heard should be guaranteed even *in the absence of any specific legal provisions* or when they do not take it into consideration. This statement was unequivocally renewed in *Air Inter SA kundër Komisionit* <sup>5</sup> where the Court rejected the Commission's argument based on the absence of a specific provision in the legislation in question.

*"As regards the procedure initiated under Article 8(3) of the Regulation, which led to the adoption of the contested decision, it is settled law that respect for the rights of the defence, in all proceedings which are initiated against a person and which are liable to culminate in a measure adversely affecting that person, is a fundamental principle of Community law which must be guaranteed even in the absence of any specific rules (see, for example, the judgment in *Netherlands and Others v Commission*, paragraph 44)".*

That principle requires that the person concerned must be placed in a position in which he can effectively make known his view of the matters on the basis of which the Commission adopted its measure. <sup>6</sup>

In so far as the Commission claims that the judgment in *Netherlands and Others v Commission* — given in the context of Article 90(3) of the Treaty — is irrelevant to the present case because the procedure at issue is laid down by specific rules excluding the participation of the air carriers who may be affected, it must be observed that the application of the fundamental principle of the rights of defence cannot be excluded or restricted by any legislative provision. Respect for that principle must therefore be ensured both where there is no specific legislation and also where legislation exists which does not itself take account of that principle.

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1 Article 4

2 Case 85/76 (ECJ), *Hoffmann-La Roche v Commission*, (1979)

3 Case 66/90 (ECJ), *Netherlands and Others v Commission* (1992)

4 See also Case 50/96 (ECJ) *Primex Produkte Import-Export GmbH v Commission*, (1998); Case 48/90 *Fiskano v Commission*, (1994), Case 450/93 (ECJ), *Lisrestal v Commission*, (1994), etc.

5 Case 260/94 (ECJ), *Air Inter SA v Commission*, (1997)

6 See also *Fiskano v Commission*, paragraph 40

In the above cases, the Court recognized the right to be heard as a fundamental principle of Community law, in *Al-Jubail* <sup>1</sup> this right was also recognized as part of the fundamental rights:

*"According to the well-established case-law of the Court ... fundamental rights form an integral part of the general principles of law, whose observance is ensured by the Court. Consequently, it is necessary when interpreting Article 7(4) of the basic regulation to take account in particular of the requirements stemming from the right to a fair hearing, a principle whose fundamental character has been stressed on numerous occasions in the case-law of the Court ..."*

Also, the Court extended the application of the right to be heard not only in decision-making procedures which at the end imposes a sanction, but also for the procedures that lead to the decision, including the investigative procedures.

*"Those requirements must be observed not only in the course of proceedings which may result in the imposition of penalties, but also in investigative proceedings prior to the adoption of antidumping regulations which, despite their general scope, may directly and individually affect the undertakings concerned and entail adverse consequences for them."*

Furthermore, the Court stated that the provisions of the anti-dumping regulations concerning the right to be heard does not provide all the procedural guarantees present in national legal systems and therefore this right could be seen as complementary to these provisions:

*"It should be added that, with regard to the right to a fair hearing, any action taken by the Community institutions must be all the more scrupulous in view of the fact that, as they stand at present, the rules in question do not provide all the procedural guarantees for the protection of the individual which may exist in certain national legal systems"*.

The precise application of the right to be heard can be difficult where the administration of the particular scheme is divided or shared between the EU and the Member States, as in the context of customs or Structural Fund. In such instances it can be problematic locating the right to be heard at national or Union level or an admixture of the two. <sup>2</sup>

However in the case *Technische Universitat Munchen*, <sup>3</sup> the Court found that the requirement to hear the person concerned was not met when the disputed decision was adopted by the Community institution, in this case the Commission because the Court stated that the right to be heard in such an administrative procedure requires that the person concerned should be able, during the actual procedure before the Commission, to put his own case and properly make his views known on the relevant circumstances and, where necessary, on the documents taken into account by the Community institution.

Moreover the Court stressed the importance of the respect by the Community institutions for the rights guaranteed by the Community legal order in administrative procedures, including the right to be heard :

*"However, where the Community institutions have such a power of appraisal, respect for the rights guaranteed by the Community legal order in administrative procedures is of even more fundamental importance. Those guarantees include, in particular, the duty of the competent institution to examine carefully and impartially all the relevant aspects of the individual case, the right of the person concerned to make his views known and to have an adequately reasoned decision. Only in this way can the Court verify whether the factual and legal elements upon which the exercise of the power of appraisal depends were present."*

The EU courts have striven to ensure that the right to be heard is properly protected where administration is shared between the EU and Member States. There are nonetheless, as Eckes and Mendes note, continuing difficulties in making sure that the right to be heard is accorded at the appropriate level at which the decision is formed, and takes adequate account of the effects produced by the decision at each level. This difficulty is exemplified by the case law concerning the right to be heard in sanction cases. <sup>4</sup>

The Court in its case law distinguished the application of the right to be heard in the decision-making of acts of individual and direct concern to the person and the right to be heard prior to the adoption of a legislative act or where the measure does not directly effect the applicant. The right to be heard prior to the adoption of a legislative act or where the measure

<sup>1</sup> Case 49/88 (ECJ), *Al-Jubail Fertilizer v Council*, (1991)

<sup>2</sup> Craig, P. (2006). *EU Administrative Law*, pg. 291

<sup>3</sup> Case C-269/90 (ECJ), *Technische Universitat Munchen v Commission*, (1991)

<sup>4</sup> Craig, P. (2006). *EU Administrative Law*, p.g 292

does not directly effect the applicant is reduced in the context of the right to participate or to be consulted. Further more the Courts insists in its decision that the right to participation or consulataion must be expressly laid down in the Treaty provisions or secondary law.

The Court made its viewpoint clear in the *Atlanta*<sup>1</sup> case. The appellant asserts that the Court of First Instance erred in finding that the right to be heard in an administrative procedure affecting a specific person could not be transposed to the context of a legislative process leading, as in the case of Regulation No 404/93, to the adoption of general laws. In the appellant's view, it does not matter to the individual concerned whether his legal situation is affected as a result of an administrative procedure or of a legislative procedure.

Contrary to the applicants argument, The Court decided that the Court of First Instance was correct in its decision and that:

*"The right to be heard in an administrative procedure affecting a specific person cannot be transposed to the context of a legislative process leading to the adoption of general laws".*

*"The case-law referred to by Atlanta relates to particular acts of direct and individual concern to the applicants, whereas, in the case before us, the order of the Court of Justice of 21 June 1993 referred to above held that Regulation No 404/93 was not of direct and individual concern to the applicant. This case-law cannot be extended to apply to the context of a Community legislative procedure culminating in the enactment of legislation involving a choice of economic policy and applying to the generality of the traders concerned."*

Also, another claim of the Atlanta petitioner was that the absence of the provisions of the Treaty which foresee legislative consultation procedure does not preclude it from this right. To prove his claim, the petitioner referred to the previous case law of the Court, specifically the case Al-Jubail. The court rejected this claim and stated that the jurisprudence regarding the right to be heard referred only individual acts of nature related directly to the applicant and it can not be extended to the legislative procedures. The only obligation that had legislative bodies Community consultation was that envisioned by the Treaty to the case.

Thus, the right of participation in the process of adopting legislative norms exists only if it is provided for in the Treaty or resulting from a specific regulation or directive. This stance of the Court was repeated also in other cases.

#### 4. Conclusions

As above, in connection with the jurisprudence of the Court to the right to be heard, it can be concluded that:

First, the right to be heard constitutes a general principle and a fundamental right within the EU legal order.

Secondly, the judiciary stems from a clear distinction between processes that affect a person in the form of a decision of an individual nature and those of adoption of EU legislative rules or where the applicant is not a party directle affected by the decision-making.

Thirdly, the right to be heard to decisions of an individual nature will be applied if the decisions adversely affect the interest of the applicant, even when sanctions are not imposed and it is guaranteed even in the absence of any specific legal provisions or when they do not take it into account.

Lastly, in the approval of legislative norms, the Court has recognized the right to participation or consultation, respect of which is depended on the fact that it is provided in the provisions of the Treaty, regulations or directives.

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**Case law of the Court:**

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- Case 55/69, *Casella v Commission*, (1972)
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## The Role of the Investigative Prosecutor and Judge in the Pre-Trial Proceedings in Kosovo (1999-2013)

Haki Kabashi, PhD Cand.

European University of Tirana

Faculty of Legal Sciences, PhD Programs

Tel.00377 (0)44 142 915

[h\\_kabashi@yahoo.com](mailto:h_kabashi@yahoo.com)

### Abstract

*The journey of the human society has gone through many challenges, the organization of which was based on written and unwritten rules that were used to preserve the kind. Later on these rules are replaced with written codes and laws. The separation in between criminal law and criminal procedure has its genesis with the appearance of the Austrian Criminal Code (1803). As it is historically known, after the Balkan Wars (1912), Kosovo was invaded by Serbia and Montenegro. On the Paris Conference (1919-1944) it was appended to the Yugoslavian Kingdom, Tito's Yugoslavia (1945-1989 constitutive element of Yugoslavia). On March 23<sup>rd</sup> 1989 Milosevic destroyed its Autonomy with violence. On 1998-99 the war with Serbia breaks out, which on 10<sup>th</sup> of June 1999 ended (after NATO's intervention), therefore installing the UNMIK Mission and administration that even after the Declaration of Independence of Kosovo (17<sup>th</sup> February 2008). After UNMIK's administration in Kosovo, the Law of the Criminal Procedure of ex-Yugoslavia was an applicable law. Its application was extended until the drafting and application of the Temporary Criminal Procedure Code of Kosovo (2004). The comparative methodology, written sources and different official reports are used to write this paper. The comparative data shows that with new Code, the authority of the Prosecution is empowered therefore weakening the role of the Court in the pretrial procedure, the number of the prescribed cases has risen and the discontent of the citizens also, towards the judicial system.*

**Keywords:** Justice System, State Prosecutor, the Defendant, Kosovo, Criminal Procedure Code

### 1. Introduction

1.1. The differences in different social areas in the world have affected largely in the changes of the recent times, including the changes in the Criminal Procedure area. These changes have incorporated in itself sanctioned universal values of Convents, Protocols and different international Treaties. In this aspect, such changes in the justice area have seen advancements and as such are constitutional categories, on the foundation of which lays the protection of the human and citizen life as one of the main categories of the Human Rights and Freedom Corpus.

The advancement of the Human Rights is incorporated in Kosovo's Criminal Procedure also. Particularly this advancement has marked a positive development in the area of the criminal law, criminal procedure, the execution of criminal sanctions, mediation procedure etc., although it is not pretended that there will not be any violation of the human rights in the future of our country.

With the purpose to minimize these violations of the human rights from different state institutions there should be operational control organs of the accusatory body (including the judicial police) and not only of it.

Firstly, a law should be approved, which should be clear, adaptable and available to the public. (Hering, 2013, page 12)

Secondly, law enforcement institutions (judicial police, prosecutors, judges and officials part of the investigative actions) should act responsibly and conform to their legal authorizations. (Islami, Hoxha, Panda, 2012, page 41)

Thirdly, the independence of the Courts must be operational and so its control through all of the investigative phases, especially including the phase of pre-trial procedure.

Fourthly, the public opinion must be operational (civil society, different organizations for the protection of the human rights, protection of women, children and nature etc.)

1.2. Based on the premises that the rights are legally recognized by the state, that does not mean that the same rights are and cannot be violated by different state institutions. With the purpose to preserve this balance "right-violation", the state has created control mechanisms to reduce them to the minimum, if as such cannot be completely eradicated. These legal mechanisms are created with the purpose of clearly determining the legal authorizations of each institutions in general and the rights of each subject taking part especially in the legal procedure. During different historic developments of the justice system the accusatory body and judiciary are in two different positions. In the Inquisitorial Procedure the accusatory body had to submit every information and data in possession against the defendant and the Court had solely to decide the guiltiness or the innocence of the defendant. In the Adversarial Procedure, the roles of the parties included changed in favor of the defendant, although the accusatory body still had to submit evidence to support and prove the guiltiness of the defendant, but the court was no more indifferent but reflected its authority throughout the entire judicial process. This procedure of control of the accusatory body by the courts was legislated by the Criminal Procedure Law of the former SFRY, which was applicable in the entire Yugoslavia, including the Socialist Autonomous Province of Kosovo as a constitutive part of it. (Salihi,2012 page 113-117) Within a 10 year period from 1990 to 1999, Serbia had classically occupied (invaded) Kosovo therefore violating the Yugoslavian Constitution. For these violations of the human rights and national rights of the Kosovan Albanian the international opinion was notified for 10 years continually, from credible international institutions such as Humans Rights Watch and Amnesty International etc. As a result of these violations the war with Serbia broke out (1998/1999). After the war, on 10<sup>th</sup> of June 1999, a temporary UN Interim Administration was installed in Kosovo's territory, who with a regulation listed as an applicable law within the territory of Kosovo the Law of Criminal Procedure of the former SFRY. It should be noted that this law was the only law applicable in the whole Yugoslavian Federation until its desolation, meanwhile in Kosovo this law was applied until it was replaced by the Provisional Criminal Procedure Code of Kosovo on March of 2004.

## Methodology

This paper is a result of a quantitative and qualitative research where the comparison in between the Criminal Procedure Law of ex-Yugoslavia (1977) that was applicable in Kosovo until March of 2004, the Provisional Criminal Procedure Code (2004-2012), the Criminal Procedure Code of Kosovo (2013) and other juridical acts, are the case of study. The analysis of this study using the comparative method has shown and brought to light the similarities and differences in between each law, in the pretrial procedure respectively the relationship between the investigative judge and public prosecution (according to the 1977 law), the pretrial procedure judge and the state prosecutor (after 2004). The similarities, changes and differences that are present in the solutions presented in these laws (codes) are also a result of the time, ideological and historic context. After the analysis of the role of the pretrial procedure judge and the state prosecutor according to the new code, it results that the judge of the pretrial procedure is only involved upon the prosecution request. Through the analysis of the facts, it shows that not always do we have a satisfactory solution. This is argued and evidenced using quality methods, based on secondary sources from year 2012 and forward. According to these reports, that refer to the judicial field, in Kosovo there is an enormous number of presubscribed cases that affect directly to the politics of the rule of law, security and the protection of the rights and freedom of citizens.

## 2. The competences of the accusatory body according to the CPL of ex-Yugoslavia

2.1. According to article 45 of the CPL (1977), the prosecution of the offender was the right and duty of the Public Prosecutor. He was competent to investigate and reveal the offender, to direct the investigations in the pre-trial procedure, to require the execution of the investigation, to indict and represent the indictment, respectively the charges in front of the competent court, to exercise the right to appeal against Court decisions and exercise the extraordinary legal remedies against final judgement.

According to this law, the Criminal Procedure had two phases of development: a) pretrial proceedings and b) criminal procedure.

2.2. The pretrial proceedings was initiated from the competent Public Prosecution after different physical and juridical subject had submitted in a written form or verbal form (article 148). The Public Prosecutor had the right to dismiss a criminal report when convinced that there were no conditions for criminal prosecution and of this he had to notify the injured party within eight days of the dismissal (article 60, CPL) who had the right of private prosecution within eight days (article 60, point 2, CPL – subsidiary prosecution). In the conditions set by the law, the Public Prosecutor could dismiss a criminal report in the latter phases of the criminal procedures, also. This dismissal from criminal prosecution could also turn into the main hearing. In this case, the injured party had to declare, in written form, whether the criminal prosecution should continue or not (article 61, point 1).

When the Public Prosecutor concluded that there were conditions for criminal prosecution against a suspect, the criminal report with his written request was sent to the investigating judge, of the court competent for the execution of investigations. When the investigating judge agreed with the evidence submitted by the Public Prosecutor, he would draw a Verdict to initiate the investigation and this Verdict was sent to the defendant and the Public Prosecutor (article 159). When the investigating judge did not agree with the evidence submitted by the Public Prosecutor for the initiation of investigations, after consulting with the Public Prosecutor, the case was transferred to the three judge panel who then had to decide within a 48 hours (article 159, point 7 and 8). In cases of criminal acts, which the Criminal Law had foreseen a conviction of 1 to 5 years of imprisonment, the Public Prosecutor could write the indictment without the investigation, but this only in agreement with the investigating judge (article 160, point 2, 5 and 6)

2.3. The Criminal Proceedings began only with the ruling of the investigative judge and as such was executed by him (article 161, point 1 and 3). The Public Prosecutor was given the possibility of assisting during the investigation procedure (article 162, point 2), whereas the orders issued by him were executed by an internal affair's organ (article 162, point 3). In accordance with the authorizations by the investigative judge, police investigators could undertake other investigative actions such as the investigation of criminal acts against the juridical constitutional order, photographing of the defendant, take fingerprints (article 162, point 4 and 5). The investigative judge was the one who decided to expand the investigation (article 165, point 2), to accept the proposals from the injured parties (article 167, point 1 and 2), to accept the assisting of the claimant during the interrogation of witnesses (article 168, point 4), to deny the presence of the defendant and his defender during the execution of specific investigative actions (article 168, point 5), responsible for notifying the parties included in the proceedings (article 168, point 6), to accept the clarification (explanation) of the specific cases related to the defendant, witnesses and experts (article 168, point 8, and 9).

The investigative judge had legal authorization to terminate the investigation when the defendant presented temporary mental disorder or disability during the criminal proceedings (article 169, point 1), when the defendant had no known address or when he was on the run, a fugitive. In this case the termination came with the proposal from the Public Prosecutor (article 169, point 2), whereas when these obstacles seized to be, the investigation would continue (article 169). The investigative judge would terminate the investigation with a ruling even when the Public Prosecutor dismissed the prosecution, but was obligated to notify the injured party who had the right for subsidiary prosecution within eight days (article 170). The three judge panel with a ruling could suspend the investigation when the offence charged to the defendant was subject to the exclusion of criminal responsibility, because of the period of statutory limitation for criminal prosecution or because the criminal offence is covered by an amnesty or pardon, or when there were no conclusive evidence to support that the defendant had committed the criminal offence. During the criminal proceedings the investigative judge was obligated to investigate into details not only the criminal act but also the circumstance that led to commit the offence, he had legal obligation to investigate and research the past of the defendant, health history and criminal record (article 172, point 1) information that would serve in the imposed sentence. The investigative judge had legal obligation to notify the defendant and his defender with the evidence and testimonies gathered against him would allow their proposals to collect new evidence on his account by prescribing the period of time when to answer (article, 173, point 1).

According to this Law, the investigation conducted by the investigative judge should end when he concludes that sufficient grounds were provided to file the indictment (article 174, point 1). After the investigation has been completed, case files would pass to the Public Prosecutor who after reviewing, within fifteen (15) days had the right to propose for and expansion of investigations or to file the indictment (article 261). The Public Prosecutor had the possibility of withdrawal from prosecution (article 174, point 2).

If the file for indictment is not completed within a period of six (6) months, the public prosecutor had to submit to the investigative judge a written application supported by reasoning of the delays and reasoning for an extension of the investigation. If the delays of this prescribed period of time were to reasonable or if the prescribed period of time has

passed, the investigative judge would notify the president of the court for the causes of incompleteness and if he would not authorize another extension then the investigative proceedings would terminate and the investigation concluded (article 175, point 1 and 2).

### 3. Competences of the accusatory body according to the Criminal Procedure Code of the Republic of Kosovo (2013)

3.1. After the Interim Administration Mission of the UN was established in Kosovo, the law of Criminal Procedure of the former SFRY was an applicable law until the year of 2004 when the Provisional Criminal Procedure Code of Kosovo entered into force. (UNMIK/REG/2003/26, 2003). According to Article 46 (1) of this Code, the public prosecutor is an independent body, responsible for investigating criminal offences, prosecuting persons charged with committing criminal offences which are prosecuted *ex officio*, or on the motion of an injured party, supervising the work of the judicial police in investigating persons suspected of committing criminal offences and collecting evidence and information for initiating criminal proceedings, to prosecute criminal offences on the motion of the injured party (article 47, point 2, of CPCRK). Thus with this Code the competences of the Public Prosecutor are larger, while the role of the pretrial judge (replacing the investigative judge) is paler. With this Code the investigations are initiated with the Public Prosecutor ruling.

3.2. After the Declaration of the Independence, the Republic of Kosovo has issued a new Code that has entered into force after the date of signature on 1<sup>st</sup> January 2013 (Code Nr. 04/L-123)

According to the Criminal Procedure Code of the Republic of Kosovo, the investigation of the criminal proceedings is initiated only with the decision of the State Prosecutor when there is reasonable doubt that a criminal offence is committed. In the investigative matters the role of the police is depended from the State Prosecutor who has the right to authorize specific actions, but always under its administration and supervision (Latifi & Beka, 2013 page 160). The police, as any other public body, such as citizens and other institutions, are obligated to submit criminal offences in the Office of State Prosecutor at the competent Prosecution through criminal reports (Code, 2013, article 78, Latifi, 2004, page 45). Upon receipt of the Criminal Report, the State Prosecutor may require further evidence from the submitter of the Criminal Report (Halili, 2011, page 185 - 191). If the State Prosecutor accepts the Criminal Report after being ascertained that there is evidence of committing criminal offence, he issues a ruling to initiate the investigations, otherwise, he dismisses it. With this Code the subsidiary prosecution is not allowed, a prosecution that was allowed to the injured party from whom the Public Prosecutor withdrew from criminal prosecution.

The Public Prosecutor has a duty to consider the inculpatory as well as exculpatory evidence and facts during the investigation of criminal offences and to ensure that the investigation is carried out with full respect for the rights of the defendant (Code 2013, article 48) and the defendant and the State Prosecutor shall have the status of equal parties (Code 2013, article 9)

In addition new to this Code is the power given to the State Prosecutor to negotiate and accept voluntary agreement with the defendant to cooperate or plead guilty (Code 2013, article 49), to request from the court for temporary freezing of assets of the defendant (Code 2013, article 104, par. 8)

In this Code we have another balance of "forces" in between the Pretrial Proceedings Judge and the State Prosecutor. It is a competence of the State Prosecutor to detect, investigate the criminal offence and the perpetrator of the criminal offence. To complete this task he can order the use of covert measures against the suspects for the criminal offence foreseen in this Code (Code 2013, article 91, point 1).

The control role of the pretrial proceedings judge is especially obvious when it comes to the execution of covert measures of the investigation, but not listed. For the execution of the cover measures of the investigation the Judicial Police is authorized by the State Prosecutor and should be allowed with an Order issues by the Pretrial Proceedings Judge of the competent court (Code 2013, article 91). The covert measures of the investigation must be initiated within a fifteen (15) day time period from when the Order has been issues by the court. The pretrial proceedings judge who allowed the measures should be immediately notified. The name of the official to execute, conduct these measures should be cited, which in most cases these measures have a prescribed period of time of sixty (60) days with the possibility of repeat within 360 days. For the investigation of the criminal offences categorized by the Code, the possibility of applying covert measures is foreseen even when the identity of the subject to whom these measures are applied is unknown, i.e. interception of

telecommunication. In such cases it is sufficient to have a known telecommunication number to arise suspicion if used to commit criminal offence, although the user (owner) is unknown (Code 2013, article 84, point 1 and 2).

According to Article 91 of this Code, there is a large number of criminal offences that require the execution of covert measures of investigation to detect, for which measures the State Prosecutor must submit a request in written form and allowed by an Order issued by the pretrial proceedings judge of the competent court. The set procedures in this Code that refer to cover technical surveillance measures and investigations are strict and subject to the judicial procedure of admissibility. The admissibility of the collected materials, upon the request of the defendant, is the right of the judge or the president of the three-judge panel, who rule as to whether it is admissal before the indictment. This admissibility is subject to the procedure of admissibility even before the indictment is final. If found that there has been violation of the procedure while obtaining the evidence upon the implementation of the covert measures, the court issues a ruling and when this ruling is of final form, the judge or the president of the three-judge panel that conducts the procedure declares all the evidence inadmissible, thus sending all the evidence with a report to the Surveillance and Investigation Review Panel who through the president of the basic court issues a ruling to compensate the injured party. The Criminal Procedure Code in Article 97, point 4 obligates the judging authority to review the admissibility of evidence throughout the entire judicial process in account to the defendant.

3.3. Based on the solutions offered by the CPL of former Yugoslavia (article 14), the role of the Criminal Proceedings Court was active and had a control over the accusatory body respectively the prosecution and had a duty to care of :

- The Criminal Proceedings
- The respect of the rights of the defendant and other persons part of the proceedings
- Ascertaining the true facts, with a special role of control over the prosecution and other bodies part of the pretrial investigative proceedings
- Ascertaining of all the facts that are inculpatory or exculpatory to the defendant (article 15)

3.4. Besides the positive changes that the Criminal Procedure Code of Kosovo brings in the enforcement of the supervising role of the Court towards the accusatory body (article 64, 91 and 97 ), we see:

- The empowerment of the prosecutor's role and his authority, which in most cases conflicts the solutions offered by this Code in protecting the human rights and freedom.
- Transfer of the authorizations to the judicial police, a "transfer" (considering their qualifications) might result in unlawful arrests, 48 hour custodies in police stations with no legal grounds, indictment with no juridical grounds (not even with a declaration), the unreasonable extension of the investigative procedure to the dismissal of the investigations
- A wrong overview of crime representation in state level, which for many reasons represents an artificial growth not a real one (the offences are recorded as criminal offences when instead they are not)
- Violation of the economization principle during the pretrial proceedings and as a result considerable damages are caused to the state budget
- Deviation from the predetermined objective by the security organs in the fight of serious crimes organized crime, money laundry, human trafficking, terrorism and corruption etc.)
- A "imbalance" in between the prosecution and court position in exercising the functions in the pretrial phases of investigation, that as a result have brought the prescription of many criminal cases in the police, prosecution and courts (ODAD – Monitoring Report, 2012)

## Conclusion

With the social and economic developments in Europe, especially after the Bourgeois French Revolution of the year 1789, we have a profound reform in the criminal procedure as well. This reform started in 1808 with the French Code of Criminal Instruction, an era that belongs to the ruling of Napoleon Bonaparte. With this Code the separations from the old and clean accusatory system start, to a mixed inquisitor system, where the defendant had the right for legal protection and the role of the court was active. The court had no more the role as the "Libra protector" where justice was "measured", but it took care to respect the rights of all the parties included in the criminal procedure. Thus, with the new solutions the rights of the parties advanced and with this Code we have elements of a mixed system, which came to improve and finally was crowned

in the Continental Europe as one of the most advanced Codes of the time, in the French Criminal Code of 1958 (Sahiti, 2013, page 50). It is obvious, the impact that these Code had in composition and development of different Codes of different countries, respectively the solutions given by this Code were constituted in the Criminal Procedure Law of the former SFRY (Overview, IKSH, 1979). The Criminal Procedure Law was the only law into force in the Socialist Federative Republic of Yugoslavia, including the Autonomous Socialist Province of Kosovo, as and equal eighth unit. This law was into force until 2004 although in Kosovo (after the war with Serbia 1998-1999, respectively with the former SFRY) the Interim Administration Mission of the UN (UNMIK) was established conform to the 1244 Resolution of the SC of the UN. In 2004 we have the new Provisional Criminal Procedure Code of Kosovo that was into force until the date of 31<sup>st</sup> December 2012, when it was replaced with the CPCRK on 01<sup>st</sup> January 2013.

Besides the novelties and the advancements that are regulated within the Criminal Procedure Code of Kosovo, the position of the defendant and the human rights are at a crossroad were the law and the human rights barge. Article 9 of this Code, says that the State Prosecutor and the defendant have the status of equal parties. Referring to this article we should assume that the parties have equal positions but are they in equal positions?

According to article 49 of the Criminal Procedure Code, the State Prosecutor has a duty to consider the inculpatory as well as the exculpatory evidence and facts and fully respect the rights of the defendant. Having in mind the period of our society's development, its position and the difficulties faced during the exercise of the prosecutor's duty, could he be impartial? Could he present inculpatory as well as exculpatory evidence and facts towards a defendant, against whom he issued a "guilty" ruling for the initiation of the investigation based on reasonable doubt that the suspect had committed criminal offence?

Despite that article 23 of this Code provides that the court in on the "side" of the defendant, who administers the criminal investigation through the pretrial proceedings judge until and indictment is issued, by reviews the requests submitted by the competent prosecutor. Issue of rulings and orders based on those requests, reviewing the lawfulness of freedom deprive of the defendant, who in the last instance could order his release in procedure violation grounds, either way the procedure conducted by the judicial police or the prosecutor leaves room for abuse that leads to the violation of the Human Rights and Freedoms during the investigation phase of the pretrial proceedings.

By comparing these two laws that refer to the criminal procedure and with the purpose to improve and to a more efficient work of the State Prosecution and the protection of the parties included in the criminal procedure, I think these are the steps to be taken:

- To empower the position of the pretrial proceedings judge and his inclusion starting with the initiation of the investigation
- The coordination in between the pretrial proceedings judge and the state prosecutor in all of the criminal procedure phases
- To strengthen the control of the cases proceedings starting from there initiations in the police, state prosecution and the court, with the purpose to not let them be prescribed
- A professional audit of the judged cases should take place, with the purpose to verify the appeal procedures in all the levels (verification of the use of regular measures or extraordinary measures in the appeal procedure)
- The amendment of the Criminal Procedure Code should take place, particularly emphasizing the empowerment of the role of the criminal procedure judge starting from the first phases of the investigation
- The Law of the Judicial Police should be issued
- The legal, criminal and administrative measured should tightened towards all of those that deliberately or by negligence have allowed the prescription of the criminal prosecution, the prescription of the criminal offence after the indictment or the prescription of the execution of the criminal judgments and cases

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**Heavy Metals Existing in the Seaweed from the Romanian Coast of the Black Sea****Emin Cadar***Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania***Ticuta Negreanu-Pirjol***Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania***Aneta Tomescu***Ovidius University of Constanta, Faculty of Medicine, Campus Corp B, University Alley No. 1, Constanta, Romania*Corresponding Author, [Tomescu.Aneta@Gmail.Com](mailto:Tomescu.Aneta@Gmail.Com)**Stelian Paris***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***Bogdan Stefan Negreanu-Pirjol***Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania***Abstract**

*Seaweed is a natural treasure that can be intensely evaluated for therapeutic purposes. It is well known that the seaweed is an indicator of accumulation of heavy metals. In order to be used for medical purposes, kelp has to meet certain conditions concerning the content of heavy metals accumulated. In this work are presented the results of the analyzes concerning the content of heavy metals in two algae: *Cystoseira barbata* and *Ceramium rubrum*.*

**Keywords:** marine algae, Black Sea, *Cystoseira barbata*, *Ceramium rubrum***INTRODUCTION**

Seaweed is a natural treasure that can be intensely evaluated for therapeutic purposes. During the past years, it became obvious that the ecosystem presents a **marine algae excedent**, which should be utilized in one way or another. Marine algae have been intensely studied [1] In the context of restructured economic activities and of increased exigencies with respect to the implementation of environment politics, a slight but continuous recovery process of the marine ecosystem has been taking place during last years. The superior exploitation of the marine biomass represents a highly important resource for the pharmaceutical industry, supplying raw material for the extraction of bioactive substances (vitamins, sterols, and aminoacids) and various other substances, the purity of which is strongly connected to the state of the marine ecosystem [2, 3]. Several studies regarding marine habitats where large amounts of seaweed can be found have been conducted [4, 5, 6]. Seaweed's rich content in bioactive compounds was outlined through a series of studies conducted by

various researchers and published in diverse papers [7,8,9]. The antioxidant abilities of marine algae, as revealed by modern laboratory testing [10] and the attempts of obtaining seaweed gels [11], show the increased interest regarding the use of algae in medicine. It is well known that algae are an indicator of heavy metal accumulation. In order to be used for medical purposes, algae must comply with certain characteristics regarding content of heavy metals. This paper presents the results concerning the heavy metal content of 2 marine algae: *Cystoseira barbata* si *Ceramium rubrum*.

## RESEARCH METHODS

Atomic absorption spectroscopy was used on seaweed samples, following these stages:

- Mineralization of the sample using the dry mineralization method;
- Establishment of calibration curves for the metals which will be determined;
- Exposure of mineralized solutions to flame ionization and measurement of specific absorbance, followed by calculation of heavy metal content; Cd ( $\lambda = 228.8$  nm), Cu ( $\lambda = 324.7$  nm), Zn ( $\lambda = 213.9$  nm), Cr ( $\lambda = 357.9$  nm), Mn ( $\lambda = 279.5$  nm), Ni ( $\lambda = 232$  nm) și Pb ( $\lambda = 217$  nm).

### Drying and calcination in the programmed oven

An established quantity of the sample is weighed (usually 10 to 20g) in a crucible with an accuracy of 10mg, according to the type of sample. The sample is treated with 3mL of  $Mg(NO_3)_2$ , after which it is kept for two hours at a temperature of 100°C. The temperature is increased with a maximum speed of 50°C/hours to 350°C, where it is kept for 3 hours for complete carbonization. The temperature is increased to 450°C and kept for 3 hours until a white ash is formed.

### Ash dissolution

The crucible is removed from the oven and left to cool. The ash is moistened with 5 mL HCl (1: 1), with an added mL of glacial acetic acid and a drop of perhydrol and is evaporated using a water bath or a hot sieve. After cooling, 5mL of HCl and added acetic acid are added to the crucible, so that the ash comes into contact with the acid, after which it is heated for 5 minutes on a water bath. The residue is diluted in a volume of 5mL of water and it is transferred in a 100mL balloon. The mark is reached using warm water. After cooling, the mark is reached using cold water.

### Atomic absorption spectroscopy

The analysis of mineral content was performed through flame atomic absorption spectroscopy (FAAS), an analysis method which is based on the property of an atom in fundamental electronic state to absorb radiant energy which is tallied to the wave length of one its resonance radiations. Microelements were determined from the algae. This method can be used for the following metals which can be found in algae samples: Zn, Cu, Pb and Cd.

### Work equipment

For this method, the following work equipment was used:

- Atomic absorption spectroscope GBC AVANTA (air/acetylene flame) and hollow-cathode lamps for all the analyzed elements;
- MLW112 calcination oven, thermo adjustable with a maximum temperature of 1100°C;
- Mettler Toledo analytic scale with a measurement domain of 10mg-200g;
- Thermo adjustable electric water bath with a temperature domain of 100°C;
- Thermo adjustable stove.

**Reactants and materials used:**

- Reactants for sample mineralization: hydrochloric acid, d=1,18 g/mL, azotic acid, d=1,40 g/mL;
- Materials: porcelain crucibles, graded balloons, polyethylene vials, porcelain capsules, Berzelius glasses, quantitative filter paper with low porosity;
- Calibration stock solutions: solutions with a 1000 ppm concentration in the analysed element, from which different concentration solutions are obtained in order to draw calibration curves for each measured microelement.

**Calibration solutions**

- *Lead calibration solution* 1000 mg/L. 1000g of Pb are diluted in 7mL azotic acid (4:3) in a 1L graded balloon.
- *Cadmium calibration solution* 1000 mg/L. 1000 g of Cd are diluted in 14mL of water + 7mL of azotic acid (4:3) in a 1L graded balloon.
- *Zinc calibration solution* 1000 mg/L. 1000g Zn are diluted in 14 mL water + 7 mL azotic acid (4:3) in a 1L graded balloon.
- *Copper calibration solution* 1000 mg/L. 1000g Cu are diluted in 7 mL azotic acid (4:3) in a 1L graded balloon.

**RESULTS AND DISCUSSIONS**

*Cystoseira barbata* is part of the brown algae (Phaeophyta phylum), which represents a group of pluricellular macroscopic algae, the vast majority of them being found in seas and oceans. The low mineralization capacity of the tallus and the lack of fossils make appreciating their age and phylogenetic links quite hard. The vast majority of algae researchers believe that, due to the type of flagella and assimilating pigments, they are related with golden algae, which might actually represent their origin group. Brown algae have evolved, specialized and have adapted a lot, exclusively in the aquatic medium. They have not lead to the formation of other plant groups, as they are considered a closed phylogenetic group.

**Morphology and structure**

It is a large alga, characterized by polymorphism with a tallus that can reach 1.5-2m in height. It latches to the substrate through a powerful disc-like spike, from which one or more cylindrical rods stem. On these rods, a high number of branches are formed, which gives the tallus a tree-like appearance.

Both primary and secondary branches can be cylindrical or flattened and can present with terminal receptacles. Receptacles are either cylindrical or cone-shaped and they contain conceptacles which produce reproductive elements. Alongside the branches, numerous air-containing vesicles arranged in a chain can be found.

**Growth cycle**

Even though the growth cycle of *Cystoseira barbata* is a monogenetic type, it does have certain particularities linked with the hydrobiologic conditions innate to the Black Sea. These are represented by two more active vegetation and fructification periods. The first and more intense one during spring (March-May) and the second one during autumn (September-November). Another particularity is represented by the continuous formation of new branches and receptacles containing oogones and antherida.

**Spread**

The species is spread in the Black Sea, where it forms a perennial association on a hard substrate, which is very valuable from an ecologic point of view. Currently, this association is very reduced, partly due to past freezing periods and partly due to pollution, increased water turbidity and substrate warping.

*Ceramium rubrum* is part of the red algae (Rhodophyta phylum), which encompasses uni- or pluricellular algae, which live in the aquatic medium, especially maritime environments, very few of them being found in sweet waters. Due to the membrane's mineralization ability, some species have fossilized and traces of red algae can be traced back to the Jurassic.

The vast majority of algae researchers believe that they are related to blue algae, a theory sustained by the presence of phycoerythrin and phycocyanin pigments in both groups. They have evolved towards a superior vegetative apparatus and a specific reproductive mechanism, but they are still considered a closed phylogenetic group, as they have not lead to the formation of other plant groups.



Fig. 1- *Cystoseira barbata*



Fig. 2 - *Ceramium rubrum*

### Morphology and structure

*Ceramium rubrum* presents as a dark red filamentous bush, fixed to the substrate through rhizoids. The filaments have a dihotomic ramification and growth begin with a single cell, which can be found at the apex and may sometimes be hidden. Each ramification ends with two short arms which form a tiny pliers. Filaments are made up of a single head to head row of cells, which makes it appear as an axial structure with the ends of the cells meeting at the knots. At each knot, a variable number of cells called periaxial cells is formed. These cells continue to divide leading to the formation of cortical cells. The species is characterized by a special type of polymorphism, which has lead to the identification of several varieties.

### Growth cycle

*Ceramium rubrum* is characterized by a trigenetic growth cycle. The first generation is represented by the haploid gametophyte on which sexual organs can be found on the superior aspect. On the male gametophyte, spermatocytes are small and oval shaped. Through the emergence of new haploids the cycle beings again and this succession of three generations can occur several times a year.

### Spread

This alga is widely spread in the Atlantic Ocean, the Pacific, the Mediterranean Sea, and the Black Sea. It is an annual species, which sometimes widely colonizes the rocky substrates from the medio- and infraseaside and areas exposed to waves. On the Black Sea shore, it is found alongside the entire coastal area, on rocks, at depths of 0.5 to 4-5 m, all throughout the year, with a more accelerated growth during spring and summer.

Figures 1-4 present the calibration curves for the heavy metal content measured in the two types of algae.

- Sample 1 – *Cystoseira Barbata* (C.B); 11,9289 g were analyzed and mineralized according to the above mentioned methods.
- Sample 2 – *Ceramium rubrum* (C.R.); 14,2778 g were analyzed and mineralized according to the above mentioned methods.

Heavy metal content was determined using the following formula:

$$[conc] = \frac{C_{curve} \times V_{sample}}{m_{sample}}; mg / kg$$

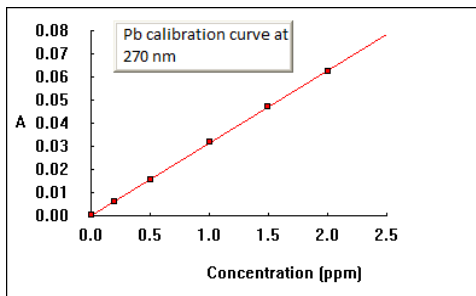


Fig. 1 Pb calibration curve (λ = 270 nm)

Relationship: Linear Straight line calibration formula:

$$A = 0,03129 \times C + 0,00048$$

Correlation coefficient (r): 0,99988 (r)<sup>2</sup>:0,99975

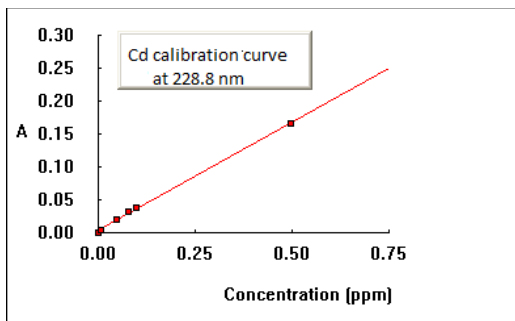


Fig. 2 Cd calibration curve (λ = 228,8 nm)

Relationship: Linear Straight line calibration formula:

$$A = 0,32804 \times C + 0,00412$$

Correlation coefficient (r): 0,99932 (r)<sup>2</sup>:0,99864

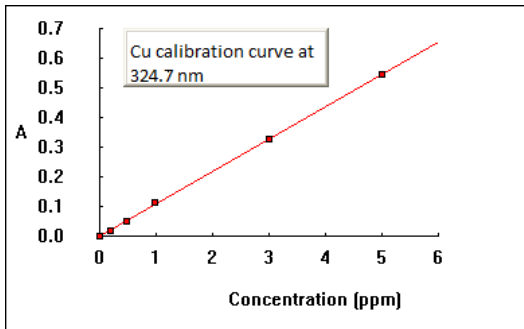


Fig. 3 Cu calibration curve( $\lambda = 324,7$  nm) Relationship:

Linear Straight line calibration formula:  $A=0,10941 \times C+0,00083$

Correlation coefficient (r): 0,99984 (r)<sup>2</sup>: 0,99968

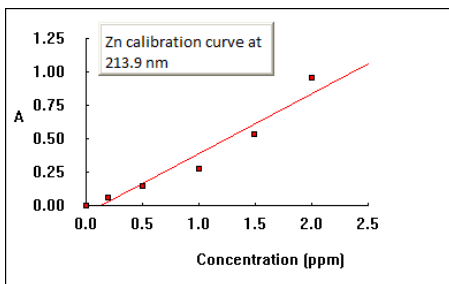


Fig. 4 Zn calibration curve( $\lambda = 231,9$  nm)

Relationship: Linear Straight line calibration formula:  $A=0,45089 \times C-0,05999$

Correlation coefficient (r): 0,97070 (r)<sup>2</sup>: 0,94226

The results obtained for heavy metal content are presented in table 1.

Table 1. Heavy metal content of algae

Type of alga	Pb (mg/kg)	Cd (mg/kg)	Cu (mg/kg)	Zn (mg/kg)
<i>Cystoseira barbata</i>	2,51	0,201	4,19	1,93
<i>Ceramium rubrum</i>	5,04	0,231	6,58	6,72

It can be observed that the red alga – *Ceramium rubrum* – has higher content of heavy metals compared to the brown alga – *Cystoseira barbata*. This is especially due to the biogeographic localization of these algae in the sea. *Cystoseira barbata* can be found in the shoreline area, at shallow depths, where solar radiation can penetrate, meaning that a part of the metals will become part of the biogeochemic circuit and used for photosynthesis. On the other hand, *Ceramium rubrum* lives at higher depths, where solar radiation cannot reach and photosynthesis does not occur. In addition, due to specific Black Sea currents, sediments of heavy metals are deposited and formed. Compared to the studies performed by biology and

chemistry researchers from the Ovidius University of Constanta, an increase in heavy metal concentration can be observed for each of the alga species [21].

**Table 2.** Results regarding heavy metal content of red and brown algae studied in the year 2013 (ppm) in the Ovidius University of Constanta laboratories

Species/location	Cd	Pb
<i>Ceramium rubrum</i>		
Constanta - Modem	5,76	3,77
Constanta – Cazino	8,03	-
Constanta – 3 Papuci	11,21	-
<i>Cystoseira barbata</i>		
Constanta – Pescărie	0,44	-
Constanta – 3 Papuci	2,84	-
Constanta - Modem	4,11	-

**Table 3.** Results regarding heavy metal content of red and brown algae studied in the year 2014 (ppm) in the Ovidius University of Constanta laboratories

Species/location	Cd	Mn	Zn
<i>Ceramium rubrum</i>			
Constanta – Pescărie	0,003	0,145	0,075
Constanta – Cazino	0,002	2,403	0,420

There is a series of factors that influence the chemical composition of algae and that is: alga species, anatomical and morphological characteristics of the alga, harvesting area, harvesting season, and storage conditions. In what regards alga species, research has demonstrate that both the amount of alginic acid contained by the alga, as well as metal content vary according to species and even type, as is the case of red and brown algae.

**Table 4 Cr, Cu, and Fe concentration as determined by molecular absorption spectroscopy on algae from the Black Sea shore in the years 2013, 2014, and 2015**

Harvested algae	Harvest year	Cr concentration mg/Kg	Cu concentration mg/Kg	Fe concentration mg/Kg
<i>Cystoseira barbata</i>	2013	14.8	6.45	429.0
<i>Ceramium rubrum</i>		3.92	22.43	363.8
<i>Cystoseira barbata</i>	2014	14.47	8.30	254.70
<i>Ceramium rubrum</i>		2.86	7.28	497.2
<i>Cystoseira barbata</i>	2015	-	4,19	-
<i>Ceramium rubrum</i>		28.47	6,58	263.4

Compared to previous studies, we can observe that, throughout the years of analysis, the chrome concentration in brown algae has decreased, while for red algae it has increased to a worrisome level. Copper concentration in both species has decreased, while iron concentration is very important for the growth cycle and the development of the phytoplankton.

Copper concentration in *Cystoseira barbata* has decreased during one year, from 8,30 µg/g in 2014 to 4,19 µg/g 2015. Copper concentration in *Ceramium rubrum* has decreased from 7,28 µg/g in 2014 to 6,58 µg/g in 2015. The results obtained in 2015 for the two algae species is between STAS approved limits (3,87 – 41,37 µg/g).

## CONCLUSION

It has been observed that concentration limits for heavy metals in the algae analysed in this study are comparable with results obtained in previous studies and are in accordance with the limits imposed by current legislation. The use of algae in the medical and pharmaceutical field can be optimized through the monitoring of heavy metal content in both the algae and their environment.

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## Components that Enhance Class Motivation in a Class Situation

**Hyseu Kasumi, PhD Cand.**

English Faculty, AAB University  
10000 Prishtinë, Republika e Kosovës

**Dr. Qatip Arifi**

English Faculty, AAB University  
10000 Prishtinë, Republika e Kosovës

### Abstract

*This article states the Communicative Language Teaching (CLT). Furthermore, we studied the way; students learn a foreign language and also its impact on a class motivation. Initially, it is studied the literature regarding the Method of Communication and its advantages compared to other methods. Moreover, it was conducted a research by observing some of the schools in urban and rural areas, to see how this method is implemented in our schools. At the same time conducting a research that included in itself a motivation questionnaire in a teaching/class situation, in order to see which method was more effective in motivating students of English Language Teaching.*

**Keywords:** component; Communication Language Teaching - Method; Motivation; Teaching; Constructive theory

### Introduction

Students' motivation is one of the key elements in their performance. Authors made researches regarding different kind of motivation. They used different names of motivation since used different theories in their studies. At the same time methodologist studied motivation in different aspect and different situations.

In our research we used Communicative Language Teaching as a method of Constructivism, and application of this method with impact on motivation compared to other used methods in Republic of Kosovo.

At the same time we wanted to know the motivation in a teaching/class situation, the reason why we handled a questionnaire with the questions which had to do with course, teacher's and group specific components.

### Communicative Language Teaching

Speaking about CLT characteristics (Richards, 2006), emphasis that people learn one language when they use it to do things, rather than by studying its functions, we have a lot of different examples where students learned a second foreign language because of their needs for that kind of language. According to this, we can say that the students' motivation to learn a specific language was because of the need.

Communication method is a method which does not stress practicing the rules. According to scholars of this method it is important to speak a language but not to tell me how language works. There are a lot of people who use the language in real communication and most of them did not follow even a single foreign language course which means that they lack a significant structural and grammatical rules of the language but as Jack Richard points out, mistakes are not important so they are tolerated, the most important thing is to use communication or to speak a language and to understand each other in order to communicate.

English of twenty-first century should be the English of communication, where people want to be able to communicate among themselves and therefore researchers of English language when speaking about English language pronunciation and terminology, use different names for their English language speaking, such as: American English, British English,

Chinese English, Albanian English, Russian English, etc. People are not interested in how they are stressing the word or a sentence, they want to be understood. Therefore, (Richards, 2006) states that language competence is, its usage to the purposes and functions.

### **How do students learn a language?**

Most authors, stated that learning a foreign language in the past considered as mechanical. They also put emphasis on precision and accuracy of a language. This means that students had to compile grammatically correct sentences without even a single grammatical mistake in morphology and syntactic. My opinion is that this method makes student highly dependent from the teacher, not giving much opportunities to students to communicate in a relaxed way, among teachers and students, as well as students themselves. Students would learn things by heart, which they can be known at present but not to be able to produce knowledge at the moment they needed.

The constructive theory with the method of communication has a different point of view compared to some other methods where the student becomes the centre of the class and where the teacher is only a facilitator.

(Richards, 2006) describes learning through Communication method as follows:

- Interactivity between language learners and speakers.
- Creating a collaborative (cooperative) meaning.
- Establish a meaningful interactivity through a language.
- Learning through a student participation feedback when they learn or use a language.
- Being carefully about the language they hear (the input) and attempt to incorporate new forms with anyone who develops communicative competences.
- Attempt of using the language and experiment with various forms of the language.

The broad aim of CLT is to apply theoretical perspective of communicative approach making communicative competence a purpose of teaching and accepting interconnection of a language and communication (Diane, 2000).

(Richards, 2006) when speaking about his experience in a class where is used CLT, he speaks according to his class observations. Based on these observations he comes out with the following principles:

Whenever possible "authentic language" should be used – a language that is used in a real context.

Being able to convey the goals of speaker and writer, is part of being competent in communication.

English as (target language) is a tool for communication in the classroom, and not just the object of study.

A function may have different linguistic forms. Since the focus of the course is the real use of language, then it is presented along with a wide range of varieties of linguistic forms. We should emphasize the process of communication but not on language forms.

Games are important, as they have clear features, shared with real communicative events.

Also, the speaker takes immediate/instant feedback by the listener, no matter if he / she have made a successful communication.

As activity as a goal has the fluency of a language, the teacher does not correct the student but takes notes for the student's mistakes and later discusses with the class.

### **Motivation**

According to (Musai, "Psikologji Edukimi ( Zhvillimi, të nxëniet, mësimdhënia)", 1999) "Motivation is the general process, from which starts behavior and later is directed towards a goal".

Motivation is defined as psychological composition as incentive (stimulus), the behavior or taken action (Della Chiesa, B., J. Scott and C. Hinton(eds.), 2012).

Talking about internal motivations, it is referred to personal motivation, which is a personal engagement in an activity, which has to do with pleasing, interesting or rewarding. (Della Chiesa, B., J. Scott and C. Hinton(eds.), 2012).

Motivated intrinsic behaviors are rewards which come from within, (satisfaction of doing a task, or the satisfaction of curiosity). (Deci, Edward L. & Richard M. Ryan, 1985), quoted by D. Zoltan indicate that intrinsic motivation is potentially the main motive of education processes. But extrinsic motivation is traditionally seen as something that undermines intrinsic motivation. According to the author, studies show that students lose their intrinsic interest in an activity if it has to do with Extrinsic (external) demand such as reading in school.

### Specific Motivation Components in Learning Situations

If we refer to Dorney, Z. we can see that there are three components of motivation.

- Specific motivational components of course, which include syllabus, teaching materials, teaching methodology and exercises.
- Specific motivational components of teachers, which has to do with teachers' personality, teaching style, feet back and relationship with the students.
- Specific motivational components of the group which has to do with dynamic teaching group (Dorney, 1994).

In our research we were interested in class motivation so we conducted a questionnaire which had to do with only specific components of course which include syllabus, teaching materials, teaching methodology and exercises.

### Results

According to our class observation, we came to a conclusion that Constructive theory with CLT as a teaching method is very attractive in English language teaching. As a result we have also our empirical study which shows the CLT impact on Class Motivation.

The data which are shown in the table 1. below include specific motivational components of course, such as syllabus, teaching materials, teaching methodology and exercises.

Table 1.

	Q1		Q2		Q3		Q4		Q5	
	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	28.6	4.1	9.5	8.2	21.4	8.2	21.4	14.3	31.0	8.2
2.00	11.9	4.1	28.6	2.0	23.8	4.1	19.0	8.2	40.5	34.7
3.00	9.5	12.2	9.5	14.3	21.4	22.4	33.3	10.2	21.4	12.2
4.00	<b>40.5</b>	<b>30.6</b>	<b>45.2</b>	<b>53.1</b>	<b>19.0</b>	<b>30.6</b>	<b>23.8</b>	<b>34.7</b>	<b>7.1</b>	<b>24.5</b>
5.00	9.5	<b>49.0</b>	7.1	<b>22.4</b>	<b>14.3</b>	<b>34.7</b>	<b>2.4</b>	<b>32.7</b>	<b>0.0</b>	<b>20.4</b>

The numbers 1 to 5 are the categories of students' opinions presented in the methodology of this article above, and we have extracted the results for each question from Q1 to Q5 as you can see in "Table 1".

For question 1, we saw that over 49.0% of experimental students declared that they strongly agree with teaching methodology and 9.5% of the rest of the students declared that they agree with the methodology, compared to the control group where the percentage is very low for the 5<sup>th</sup> category.

We can say that almost the same positive results were gained for the rest of the questions for the experimental group as seen from the "Tab. 1".

Table II.

	Q6		Q7		Q8		Q9		Q10	
	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	9.5	4.1	31.0	10.2	26.2	18.4	26.2	14.3	26.2	24.5
2.00	21.4	0.0	21.4	2.0	16.7	12.2	11.9	10.2	33.3	22.4
3.00	16.7	18.4	14.3	26.5	21.4	16.3	23.8	22.4	14.3	22.4
4.00	<b>40.5</b>	<b>44.9</b>	<b>21.4</b>	<b>34.7</b>	<b>19.0</b>	<b>16.3</b>	<b>26.2</b>	<b>32.7</b>	<b>11.9</b>	<b>18.4</b>
5.00	<b>11.9</b>	<b>32.7</b>	<b>11.9</b>	<b>26.5</b>	<b>16.7</b>	<b>36.7</b>	<b>11.9</b>	<b>20.4</b>	<b>14.3</b>	<b>12.2</b>

Numbers 6 to 10 are the categories of students' opinions presented in the methodology of this article for Specific Motivational Components of Teacher which has to do with the teacher's personality, teaching style, teacher's feedback and teacher – student relationship as seen in "Table 2".

For question 6: If the teacher is sensitive and helpful? We can conclude that experimental group is highly more motivated compared to control group. Respectively, the difference between the two groups is almost 2/1 for the category "fully agree".

Question 7: How independent are you without the teacher's interference? The data shows that the experimental group is highly better compared to control group.

Question 8: If teacher allows you to express the knowledge of what you learnt during the class? The statistics show that experimental group is slightly in a better condition in all categories compared to control group.

Question 9: If the teacher encourages you to speak with foreigners in English? We can see a very small difference between the two groups. The experimental groups with 53.1% in categories such as "fully agree" and "agree" compared to the control group with 38.1%.

Question 10: If your teacher speaks English all the time and if you use communication more than the textbooks? The data show that experimental group for the category "fully agree" and "agree" is slightly in a better position than a control group.

Table III.

	Q11		Q12		Q13		Q14		Q15	
	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.	Cont.	Exp.
1.00	21.4	18.4	21.4	12.2	35.7	12.2	57.1	46.9	7.1	12.2
2.00	23.8	14.3	11.9	6.1	21.4	12.2	9.5	20.4	14.3	8.2
3.00	21.4	20.4	26.2	8.2	16.7	12.2	16.7	20.4	16.7	8.2
4.00	<b>23.8</b>	<b>18.4</b>	<b>26.2</b>	<b>22.4</b>	<b>19.0</b>	<b>40.8</b>	<b>11.9</b>	<b>6.1</b>	<b>19.0</b>	<b>32.7</b>
5.00	<b>9.5</b>	<b>28.6</b>	<b>14.3</b>	<b>51.0</b>	<b>7.1</b>	<b>22.4</b>	<b>4.8</b>	<b>6.1</b>	<b>42.9</b>	<b>38.8</b>

Referring to tab.3, questions 11 to 15 which have to do with the specific motivational components of the group which has to do with the dynamics of the learning group.

In general statistics show that specific motivational components of the group are better for the experimental group compared to control group.

### Discussion and Conclusion

After the empirical research about motivation and literature review that includes the CLT and other applied methods in our schools, we came to a conclusion that the class motivation using CLT is significantly higher using CLT compared other methods which are used in Kosovo schools.

The experiment shows that data for experimental groups in urban area are higher compared to control group.

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The research shows that almost all specific motivational components such as course, teacher's and groups are increased using the CLT as teaching Method compared to standard methods used by teachers where the research was committed.

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## The Impact of Tourism on the National Competitiveness: Case of EU28 and WB Countries

**Matea Zlatković**

The Faculty of Economics, University of Banja Luka,

matea.zlatkovic@efbl.org

### Abstract

*In this paper is emphasized the important role that tourism has in enhancing the national development and competitiveness on the global market. The attention is focused on presenting the main indicators for measurement of national competitiveness and level of development of tourism sector and to present their mutual relations which must be seriously considered by the government and policy makers. The research of this topic is based on identifying the current level of competitiveness and tourism development in Europe Union (EU) and Western Balkan (WB) transition countries. Specific aim of the paper is to provide comparison analysis of WB countries position as economics in transition process in relation to EU countries regarding to the most important indicators of competitiveness and tourism development. To do so, it is employed correlation and regression analysis. The results has showed the significances of the further investment and development of tourism sector of WB countries due to its available resource and its great influence on enhancing international competitiveness and economics prosperity.*

**Keywords:** Competitiveness, Tourism, Economic Development, Transition Economy

### 1. INTRODUCTION

The increase of tourism and travel practice has shown enormous flexibility in global view. Even though there is very slow growth recorded in advanced countries and it exists some geopolitical disturbances in particular regions, tourism sector represents the large part of the global market. According to estimations of the World Travel and Tourism Council (WTTC), it has approximately 9 % of world's GDP or in absolute terms 7 trillion US\$. The amount of international travelers is continuously increases. Projected annual growth rate of this sector is 4 %, according to reports of WTTC. This estimated growth is faster than manufacturing, financial services and transport.

Having these facts in mind, it could be concluded that enhancing the growth of tourism sector could have a great impact on economic development and rise of global competitiveness. So it presents a continuous need to approach to the improvement of this sector with form different aspects in order to raise international competitive position of economy. One of these aspects is view on tourism as impact factor of economic development and competitiveness of country worldwide. Achieving greater international competitiveness need to be based on adequate policy which will provide quality managing all factors and resources that insure tourism sector development.

In this paper is presented the one of the commonly used indicators for measurement of level of national competitiveness and tourism competitiveness. According to these indicators it has been presented the ranking of the EU countries, as well as the direct contribution of tourism sector to economic development, and GDP of these countries. It has been used Global competitiveness Index (GCI) constructed by World Economic Forum (WEF) as a measure of the national competitiveness and Travel and Tourism Competitiveness Index (T&TCI) provided by World Travel and Tourism Council (WTTC) as a measure of tourism sector development and competitiveness. Comparative analysis of EU countries and WB countries using these indexes and other relevant measures is performed due to define relative position of WB countries.

In the second part of the paper the relationship between GCI and T&TCI is presented, and as well as, between direct contribution of tourism to GDP and level of GDP. As final result of the research it is determined the intensity of influence these regressors on GCI and GDP.

According to its main goal, this paper is structured in the following way. First, it presents literature review on tourism competitiveness and emphasizes relevant conclusions. Second, the used research methodology, data and initial hypothesis are defined. Research results and discussion are obtained in the third part. In conclusion, this paper provides some final

remarks about the relevance of this topic for policy makers in EU and WB countries, especially for WB countries due there natural resources which, in proper way managed, can in great deal enhance tourism competitiveness and attractiveness as well as economic development and global market position.

## 2. LITERATURE REVIEW

In many countries service sector, specially international trade services play very significance role in economic growth. So, regions, countries and cities take this sector very seriously and focus all their efforts into making quality national tourism strategies which will improve their tourism perception and attractiveness. Competitiveness represents a key issue for whole tourism system and it includes two principal items: resources and transformation. Resources can be inherited (natural resources) and created (infrastructure) resources. During competitive shaping process appears profit emerged from transformation which implies to transformation process of above mention resources. Competitive derives better living standards for citizens and better quality of life which increases their real incomes and, in the long run, insures sustainable development. Pioneer in tourism competitiveness topics, Poon (1993), defines four principals for having competitive destination: environment, leading tourism sector, strong distribution channels and dynamic private sector. But these factors cannot provide deeper understanding of destination competitiveness.

One of generally accepted definition of tourism competitiveness focuses on market mechanisms and each component of tourism sector that insures attractiveness of destination. Dwyer et al. (2000, p.9; 20002, p.328) in detailed study of tourism price competitiveness said that "competitiveness general concept that encompasses price differential coupled exchange rate movements, productivity levels of various components of the tourist industry and qualitative factors affecting the attractiveness or otherwise of a destination." Another definition of competitiveness is provide by Hassan (2000, p.239) stating that competitiveness is determined by destination ability to create value added products while maintaining its competitive market position.

Ritchie and Crouch determine destination competitiveness as "ability to increase tourism expenditure, to increasingly attract visitors while providing them with satisfying, memorable experiences, and to do so in a profitable way, while enhancing the well-being of destination residents and preserving the natural capital of the destinations for future generations" (Ritchie and Crouch, 2003, p. 2). These authors emphasize that promotion and preservation of competitive advantage in all its dimensions, like economics, social and environmental. Vodeb (2012) indicate a serious need to focus on sustainable competitiveness. Attention of internal public regarding development of tourism sector leads to preservation of natural ambient and cultural characteristic of destination which are crucial for national quality of life and attractiveness.

Crouch and Ritchie (1993) constructed analytical framework to explain dynamic process of international tourism competitiveness. Later, Chon and Mayer (1995) improved their framework incorporating into it some special issues like substitute relation between tourism product/services, renewability of externalities and tourism resources and ect. This model included five principals: appeal, management, information, organization and efficiency. Faulkner et al. (1999) had some uncertainties about relation between tourism product/services so theh conducted empirical study to identify competitiveness of South Australian domestic tourism to discover substitute relationships of tourism products.

Some author examined attractiveness and image of destination in order to determine important attractiveness characteristics. Gearing (1974) made procedures for investor to identify location for hotels and tourism facilities. Conducted research was based on well determined criterias nad whole evaluation procedure was in detail explained. Hu and Ritchie (1993) formed conceptual framework for measuring location experiences as factors of destination attractiveness. Their findings indicate in majority of cases positive image of destination that people visited. Gallaraza (2002) constructed model using detail review and taxonomy of tourism destination measurements. Boon et al. (2005) used destination atmosphere and destination service as two types of environmental characteristics to compare destination image perception among three group of visitors. They found that international visitors have higher standards when judging destination in compare to domestic visitors.

Contemporary tourism competitiveness researches gave two approaches. First, defined by Enright and Newton (2004, p.778; 2005, p.340) who consider competitive destination one which attracts and satisfies visitors, and it is determined by specific tourism factor and wide range of factors influencing tourism providers. Second, represented by Russo and van der Borg (2002, p.632) focuses more on cultural tourism rather than on functional characteristics of destination attractiveness.

Several authors supported concept of “cultural tourism” through “legacy tourism” (McCain and Ray (2003)) and “cross-cultural tourism” (Hou et al.(2005))

Bălan, Balaure and Vegheş (2009) focus on political and technological dimensions of tourism. They indicate that “taking into account the fact that overall competitiveness of the travel and tourism is determined and driven by the competitiveness of each of the components of the macro- environment, there are to be taken into consideration and measured an economic competitiveness, a social and cultural competitiveness, an environmental competitiveness, a political competitiveness and a technologically-based competitiveness”(Bălan, Balaure and Vegheş, 2009, p. 980). Also, these authors emphasize the significant role of law, infrastructure and regulation for achieving competitive advantage.

Papp and Raffay (2011) claim that certain tourism management disciplines like marketing, development and etc. can enhance or maintain the satisfactory level of competitiveness.

Bobiră and Cristureanu (2006) point out that “a destination that has a tourism vision, shares this vision among all stakeholders, understands both its strengths and weaknesses, develops a positioning strategy and implements it successfully may be more competitive because of its effective strategic approach” (Bobiră and Cristureanu, 2006, p. 10). Navickas and Malakauskaite (2009) claim that tourism destination competitiveness is important for countries who attend to increase their share of global tourism market. The same authors argue that are economic development and overall image of country very important for tourism destination competitiveness. According to them, investments into tourism industry development will improve its international image. Those countries who are economically stronger have better infrastructure and tourism sector (Malakauskaite and Navickas, 2010, p. 150).

To summarize, tourism competitiveness destination presents the its ability to create, integrate and deliver tourism experiences which maintain inherited and created resources while preserving competitive market position relative to other competing destinations.

### 3. RESEARCH METHODOLOGY, DATA AND HYPOTHESIS

This research is conducted on the sample of EU28 and WB countries. Total amount of observed units is 32. WB countries include Albania, Macedonia, Montenegro and Serbia. Bosnia and Herzegovina is excluded from observing because missing values of certain indicators. Data used in this research are data about the Global Competitiveness Index (GCI), Travel and Tourism Competitiveness Index (T&TCI), GDP (per capita and in absolute terms, in US\$) and direct contribution of tourism to GDP (as share of GDP and in absolute terms). Data are obtained from reports and datasets of World Economic Forum (WEF) and International Monetary Fund (IMF), for year 2015.

The competitiveness analysis is usually performed using Global Competitiveness Index defined according to the World Economic Forum (WEF) since 2005. This index is complex index constructed from microeconomic and macroeconomic indicators of national competitiveness. It combines 114 indicators that focus on various productivity concepts. They are grouped into 12 pillars: institutions, infrastructure, macroeconomic environment, health and primary education, higher education and training, goods market efficiency, labor market efficiency, financial market development, technological readiness, market size, business sophistication, and innovation. Overall index has three subindexes in line with three stages of development: basic requirements, efficiency enhancers and innovation and sophistication factors. GCI can have score from the lowest 1 to the highest 7, or certain rank (out of 140 countries in 2015). Global Competitiveness Report for 2015-2016 covers 140 countries, from which, among the others, is excluded Bosnia and Herzegovina. Missing value of GCI for Bosnia and Herzegovina is justified reason to exclude this country from observed sample. The GCI structure is presented in Figure 1.



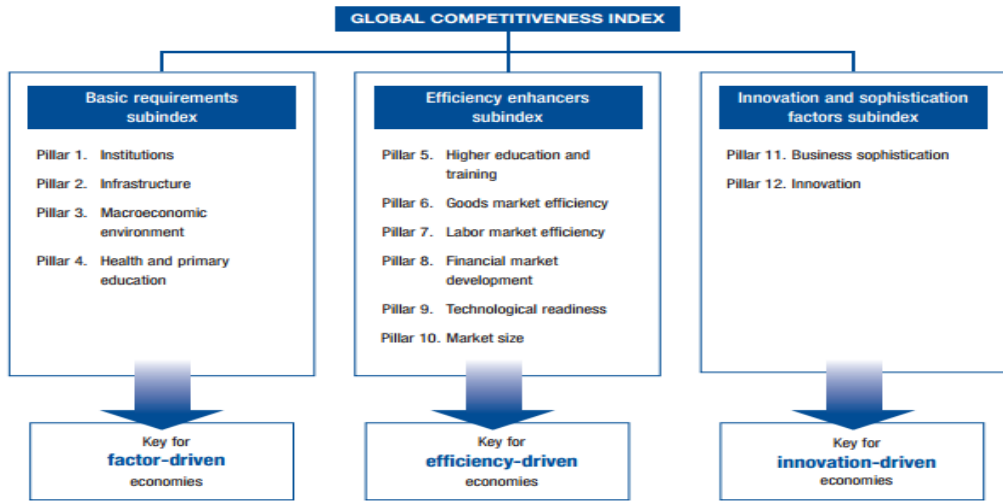


Figure 1. Global Competitiveness Index framework (WEF, 2015)

WEF also forms and measures Travel & Tourism Competitiveness Index (T&TCI). The methodology used in measuring travel and tourism competitiveness classifies the key factors into 14 groups (pillars) in order to determine the level of competitiveness of each country (score) and rankings. The T&TCI 2015 benchmarks the level of travel and tourism competitiveness of 141 economies, among which there are no measured value for Bosnia and Herzegovina. It comprises four subindexes, 14 pillars, and 90 individual indicators, distributed among the different pillars: enabling environment, T&T policy and enabling conditions, infrastructure, natural and cultural resources. The range of the scores is from the lowest 1 to the highest 7. In the latest reports WEF ranks 144 countries according to the GCI and 141 countries according to the T&TCI. The T&TCI structure is presented in Figure 2.

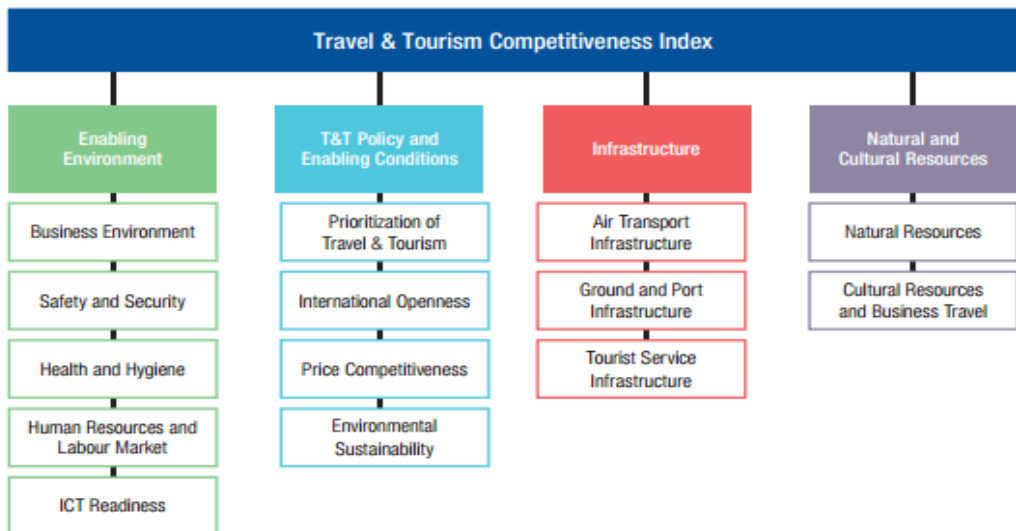


Figure 2 Travel and Tourism Competitiveness Index 2015 framework (WEF, 2015)

Data about GDP and direct contribution of tourism to GDP (share of GDP and in absolute terms) are collected from the database of the WTTC. The direct contribution of tourism to GDP represents the GDP generated by industries that deal directly with tourists, including hotels, travel agents, airlines and other passenger transport services, as well as the activities of restaurant and leisure industries that deal directly with tourists. It is equivalent to total Internal Travel and Tourism spending within a country less the purchases made by those industries (including imports). (WTTC Travel & Tourism Economic Impact 2015, p. 2).

In this paper are stated following hypothesis:

- *Hypothesis 1:* WB countries have lower level of tourism and national competitiveness than the tourism and national competitiveness of EU countries.
- *Hypothesis 2:* There is a positive correlation between the tourism competitiveness and economy competitiveness, as well as between the direct contribution of tourism to GDP and the level of economic development.
- *Hypothesis 3:* There is positive impact of the level of tourism competitiveness on the level of national economy competitiveness, as well as positive impact of contribution of tourism to GDP on the level of economic development.

Tests are performed using adequate indicators for measuring level of tourism competitiveness, national competitiveness and economic development, such as T&TCI, GCI and GDP, respectively.

Applying comparison analysis it is indicated the relative competitive position of WB countries in relation to EU countries, and World, in developed level of national economy's and tourism's competitiveness.

To test the existence of interdependence between tourism and national competitiveness, and tourism contribution and economic development it is used correlation analysis. After defining existence of such relationships, regression analysis is conducted to determine the intensity of impact independence variables onto dependence variables.

#### 4. RESEARCH RESULTS AND DISCUSSION

Research results and discussion contain four segments:

- Comparison analysis of tourism competitiveness and national economy competitiveness in the EU and WB;
- Comparison analysis of tourism contribution to GDP in the EU and WB countries;
- Correlation and regression analysis

##### 4.1. Comparison analysis of tourism competitiveness and national economy competitiveness in the EU and WB

In Table 1 are shown values and scores of the GCI and T&TCI in the EU28, in 2015 with marked five highest and lowest positioned countries according to these indexes.

According to the highest values of the GCI, first five positions have following EU countries: Germany, Netherlands, Finland, Sweden and United Kingdom. The following EU countries have the lowest value of the GCI: Greece, Croatia, Slovak Republic, Cyprus and Hungary. When it comes to the values of the T&TCI, five best positioned EU countries are: Spain, France, Germany, United Kingdom and Austria. EU countries with the lowest value of the T&TCI are following: Romania, Slovak Republic, Lithuania, Latvia and Bulgaria. Also, looking the ranking of the EU countries according to T&TCI it can be concluded that these countries are mainly positioned in the first half of the world's ranking list (141 ranks by GCI). Some of the EU countries occupy not just leading position on the EU T&TCI ranking list but on the world's T&TCI ranking list too. For example, Spain, France and Germany are on the first three places on the world's ranking T&TCI list, respectively. In the second half of the world's GCI ranking lists are Croatia and Greece. Croatia is a transition economy with the most problematic areas which are inefficient bureaucracy, political instability, corruption and inadequate tax regulation that seriously damage its global competitive position. Greece has the most problematic areas regarding to access to financing, inefficient government bureaucracy, policy instability and complexity of tax regulations which brings here to the bottom of the EU28 GCI ranking list. However, these two countries occupy pretty good ranks (33rd and 31st) according to T&TCI. So, overall it can be concluded that all EU countries have better ranks according to T&TCI than GCI.

Table 1 Value and rank of the GCI and T&TCI in the EU28 countries in 2015 (WEF, 2015)

EU28 countries	GCI		T&TCI	
	Value	Rank	Value	Rank
Austria	5.12	23	<b>4.82</b>	12
Belgium	5.20	19	4.51	21
Bulgaria	4.32	54	4.05	49
Croatia	4.07	77	4.30	33
Cyprus	4.23	65	4.25	36
Czech Republic	4.69	31	4.22	37
Denmark	5.33	12	4.38	27
Estonia	4.74	30	4.22	38
Finland	<b>5.45</b>	8	4.47	22
France	5.13	22	<b>5.24</b>	2
Germany	<b>5.53</b>	4	<b>5.22</b>	3
Greece	4.02	81	4.36	31
Hungary	4.25	63	4.14	41
Ireland	5.11	24	4.53	19
Italy	4.46	43	4.98	8
Latvia	4.45	44	4.01	53
Lithuania	4.55	36	3.88	59
Luxembourg	5.20	20	4.38	26
Malta	4.39	48	4.16	40
Netherlands	<b>5.50</b>	5	4.67	14
Poland	4.49	41	4.08	47
Portugal	4.52	38	4.64	15
Romania	4.32	53	3.78	66
Slovak Republic	4.22	67	3.84	61
Slovenia	4.28	59	4.17	39
Spain	4.59	33	<b>5.31</b>	1
Sweden	<b>5.43</b>	9	4.45	23
United Kingdom	<b>5.43</b>	10	<b>5.12</b>	5

Bold numbers – countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

With their values of the GCI and T&TCI WB countries are located in the second half of the world's ranking list by both indexes. In comparison to the EU countries, WB countries are worse ranked than all of EU countries according to T&TCI. When it comes to GCI ranking list, it can be observed that some WB countries are a little bit better positioned than few EU countries. This applies to Macedonia (60<sup>th</sup>) and Montenegro (70<sup>th</sup>) in relation to EU countries Croatia (77<sup>th</sup>) and Greece (81<sup>st</sup>). Among WB countries, the best position has Macedonia and the worst Serbia, according to GCI. Regarding T&TCI ranking, Montenegro is best located country in opposite to Albania which has the highest T&TCI rank. GCI and T&TCI values and ranks of the WB countries are displayed in Table 2.

Table 2 Value and rank of the GCI and T&TCI in the Western Balkan countries in 2015

WB countries	GCI		T&TCI	
	Value	Rank	Value	Rank
Albania	3.93	93	3.22	106
Bosnia and Herzegovina	3.71	111	-	-
Macedonia, FYR	<b>4.28</b>	60	3.50	82
Montenegro	4.20	70	<b>3.75</b>	67
Serbia	3.89	94	3.34	95

Bold numbers - countries with the highest values of indexes

Italic numbers - countries with the lowest values of indexes

In Figure 3 are presented world average GCI and T&TCI, EU28 average values of the GCI and T&TCI and WB countries average values of these indexes in order to make some comparisons. WB countries overall have lower values of both indexes compared to EU28 average values, as well as compared to the world's average.

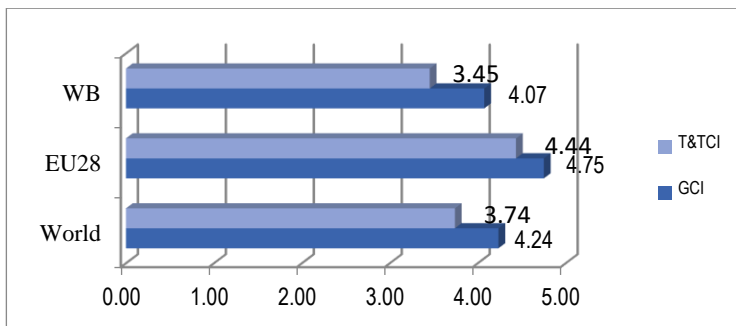


Figure 3 Comparison of the GCI and T&TCI average values in the world, the EU28 and WB countries in 2015 (WEF, 2015)

So, in the Figure 3 is shown that EU28, on average, have higher values of both indexes than their values for world, on average. Values of the WB T&TCI and GCI (3.45 and 4.07) is closer to world's T&TCI and GCI average values (3.74 and 4.24) than there are to WB T&TCI and GCI average values (3.45 and 4.07), respective.

#### 4.2. Comparison analysis of tourism contribution to GDP in the EU countries and WB countries

Table 3 is shown a direct contribution of tourism to GDP. This indicator is measured in absolute terms (in billion US\$) and as share of GDP. Economic development is measured by GDP in absolute terms (in billion US\$) and as value derived by the population (GDP per capita). These indicators are presented for EU28 countries in 2015.

Table 3 GDP and direct contribution of tourism to GDP in the EU28 countries in 2015 (WTTC, 2015; IMF, 2015)

EU28 countries	Direct contribution of tourism to GDP (US\$ in bn (Nominal))	Direct contribution of tourism to GDP (%)	GDP (US\$ in billion)	GDP per capita (US\$)
Austria	<b>20.43</b>	4.87	372.61	43546.60
Belgium	12.13	2.39	458.65	40456.32
Bulgaria	1.95	3.73	47.17	<b>6581.91</b>
Croatia	5.89	<b>12.86</b>	48.93	<b>11551.37</b>
Cyprus	<b>1.46</b>	<b>7.32</b>	<b>19.38</b>	21531.02
Czech Republic	5.03	2.69	182.46	17330.08
Denmark	6.17	1.96	291.04	<b>51423.61</b>
Estonia	<b>0.82</b>	3.31	<b>22.93</b>	17425.30
Finland	5.62	2.19	230.69	42159.31
France	98.61	3.66	<b>2422.65</b>	37728.41
Germany	<b>140.04</b>	3.79	<b>3371.00</b>	41267.31
Greece	15.18	<b>7.10</b>	192.98	17656.92
Hungary	5.06	4.08	118.49	<b>12020.63</b>
Ireland	5.01	2.08	227.50	<b>48939.68</b>
Italy	<b>83.81</b>	4.15	<b>1819.05</b>	29847.38
Latvia	0.98	3.12	<b>27.82</b>	13729.09
Lithuania	<b>0.79</b>	<b>1.80</b>	<b>41.78</b>	14318.08
Luxembourg	<b>1.10</b>	<b>1.81</b>	57.93	<b>103186.99</b>
Malta	<b>1.47</b>	<b>14.87</b>	<b>9.19</b>	21539.91
Netherlands	15.80	<b>1.92</b>	750.78	44333.15
Poland	8.61	<b>1.72</b>	481.24	<b>12662.21</b>
Portugal	13.36	<b>6.08</b>	197.51	18983.78
Romania	2.86	<b>1.55</b>	174.92	<b>8807.33</b>
Slovak Republic	2.20	2.33	86.20	15892.55
Slovenia	1.66	3.52	42.74	20712.01
Spain	<b>75.08</b>	5.60	<b>1221.39</b>	26326.87
Sweden	12.59	2.49	483.72	<b>48965.95</b>
United Kingdom	<b>100.83</b>	3.48	<b>2864.90</b>	<b>44117.80</b>

**Bold numbers - countries with the highest values of indexes**

*Italic numbers - countries with the lowest values of indexes*

The lowest value of GDP (in billion US\$) have these EU countries: Malta, Cyprus, Estonia, Latvia and Lithuania. These countries do not have the lowest value of GDP per capita which is used in this paper as measure of the economic development. The EU countries with the lowest value of GDP per capita in 2015 are: Bulgaria, Romania, Croatia, Hungary and Poland. In opposite, EU countries with the highest values of GDP per capita are: Luxembourg, Denmark, Sweden, Ireland and United Kingdom. The highest GDP in absolute terms have following EU countries: Germany, United Kingdom, France, Italy and Spain.

Considering the indicator of contribution of tourism to GDP (in billion US\$), the highest values of tourism contribution have: Germany, United Kingdom, Italy, Spain and Austria. Countries with the lowest values of this indicator are: Lithuania, Estonia, Luxemburg, Cyprus and Malta. The EU countries with the highest share of tourism contribution in GDP are: Malta, Croatia, Cyprus, Greece and Portugal, while the countries with the lowest values of this indicator are: Romania, Poland, Lithuania, Luxemburg and Netherlands.

*Table 4 GDP and direct contribution of tourism to GDP in the WB countries in 2015 (WTTC, 2015; IMF, 2015)*

WB countries	Direct contribution of tourism to GDP (US\$ in bn (Nominal))	Direct contribution of tourism to GDP (%)	GDP (US\$ in billion)	GDP per capita (US\$)
Albania	0.74	5.67	11.59	<i>4200.03</i>
B&H	0.42	2.54	15.57	<i>4029.85</i>
Macedonia, FYR	<i>0.14</i>	<i>1.34</i>	10.09	4867.22
Montenegro	0.44	<b>9.78</b>	<b>3.99</b>	<b>6372.60</b>
Serbia	<b>0.84</b>	2.11	<b>36.56</b>	5102.45

**Bold numbers - countries with the highest values of indexes**

*Italic numbers - countries with the lowest values of indexes*

When it comes to WB countries, the lowest value of GDP (in billion US\$) has Montenegro but it has the highest value of GDP per capita and share of direct tourism contribution to GDP. Serbia takes the first place with its highest values of the direct tourism contribution to GDP and GDP, in absolute terms. The last place occupies Macedonia with the lowest values of the tourism contribution to GDP, in both measured terms. Exact values of above mentioned indicators are provided in Table 4. In comparison analysis of these indicators in EU countries and WB countries it can be seen that the highest values of tourism contribution to GDP (absolute terms) in WB countries (Serbia) is approximately equal to its lowest value in EU countries. Examining the % of tourism contribution to GDP, Montenegro (9.78) is pretty close to the highest values of this indicator in EU countries.

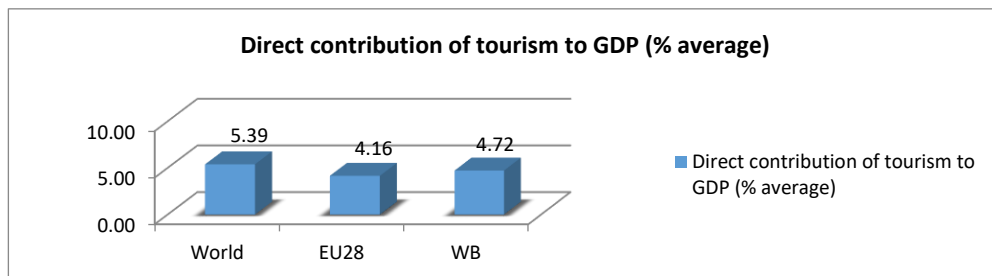


Figure 4 Comparison of direct tourism contribution to GDP in the world, the E28 countries and WB countries (as average % of GDP) in 2015 (WTTTC, 2015)

Comparing the share of tourism contribution to GDP (average value) among world, EU and WB countries, it can be seen that WB countries have greater average value than the EU countries (Figure 4). This result is due to few countries that construct WB countries in contrast to larger number of EU countries, but, also due to previously emphasized the high value of this indicator recorded by Montenegro (9.78) which pulls up the average value for the WB countries and its value is similar to the highest values of the few EU countries. Lastly, obtained results confirm the first hypothesis of this research.

### 4.3. Correlation analysis

The correlation analysis is performed using Pearson Correlation Coefficient. It is examined the relationship between level of tourism competitiveness (measured by T&TCI) and the level of national economy competitiveness (measured by GCI), as well as between the contribution of tourism to GDP (measured in absolute terms and as share of GDP) and the level of economic development (measured by GDP in billion US\$ and as GDP per capita). Correlation analysis is conducted on the sample of 32 countries, EU28 countries and four WB countries. According to the results of this analysis displayed in Table 5, it can be concluded that there is a moderate positive statistically significant correlation between the tourism competitiveness and the level of national competitiveness (the value of the correlation coefficient of 0.658). Strong positive statistically significant correlation is observed between the direct contribution of tourism to GDP (measured in billions of US\$) and the level of economic development (measured in GDP in billion US\$) (the value of the correlation coefficient of 0.980). There is also a positive, but weak correlation between the direct contribution of tourism to GDP (measured in billions US\$) and the level of economic development (measured in GDP per capita) (correlation coefficient of 0.252).

According to these results, the second hypothesis is confirmed - there is a positive correlation between the tourism competitiveness and national economy competitiveness, as well as between the tourism's contribution to GDP and the level of economic development – level of GDP. There is no correlation between the direct contribution of tourism to GDP measured as a percentage of GDP and the level of GDP (absolute and per capita). This observation can be explained due to fact that a very high share of the direct contribution of tourism to GDP was recorded in relatively smaller countries (Malta, Croatia, Montenegro), where tourism is the dominant sector. Interesting findings are presented in Table 5: high positive correlation between the level of tourism competitiveness and the overall level of GDP (0.737), moderate positive correlation between the level of tourism competitiveness and the level of GDP per capita (0.550) and high positive correlation between the level of tourism competitiveness and tourism's contribution to GDP measured in billions of US\$ (0.762).

Table 5 Results of the correlation analysis (SPSS)

		Direct contribution of tourism to GDP (in billion US\$)	Direct contribution of tourism to GDP	GDP per capita US\$	GDP (in billion US\$)	TTCI	GCI
Direct contribution of tourism to GDP (in billion US\$)	Pearson Correlation	1	-.031	.252	.980**	.762**	.420*
	Sig. (2-tailed)		.867	.163	.000	.000	.017
	N	32	32	32	32	32	32
Direct contribution of tourism to GDP	Pearson Correlation	-.031	1	-.259	-.108	.016	-.387*
	Sig. (2-tailed)	.867		.152	.558	.932	.029
	N	32	32	32	32	32	32
GDP per capita US\$	Pearson Correlation	.252	-.259	1	.297	.550**	.783**
	Sig. (2-tailed)	.163	.152		.098	.001	.000
	N	32	32	32	32	32	32
GDP (in billion US\$)	Pearson Correlation	.980**	-.108	.297	1	.737**	.509**
	Sig. (2-tailed)	.000	.558	.098		.000	.003
	N	32	32	32	32	32	32
TTCI	Pearson Correlation	.762**	.016	.550**	.737**	1	.658**
	Sig. (2-tailed)	.000	.932	.001	.000		.000
	N	32	32	32	32	32	32
GCI	Pearson Correlation	.420*	-.387*	.783**	.509**	.658**	1
	Sig. (2-tailed)	.017	.029	.000	.003	.000	
	N	32	32	32	32	32	32

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

#### 4.4. Regression analysis

Previously results of correlation analysis emphasize the importance of testing the impact of the level of competitiveness of tourism on the level of national economy competitiveness and the contribution of tourism to GDP on the level of GDP.

Table 6. Results of regression analysis (Impact of the T&TCI on the GCI) SPSS

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.854	.591		3.135	.004
	TTCI	.652	.136	.658	4.790	.000

a. Dependent Variable: GCI

In Table 6 are presented the regression analysis's results on impact of level of tourism competitiveness on the level of national competitiveness. It can be concluded that increase of T&TCI value by 1 will lead to increase of the GCI by 0.658. Linear regression line is shown in Figure 5.

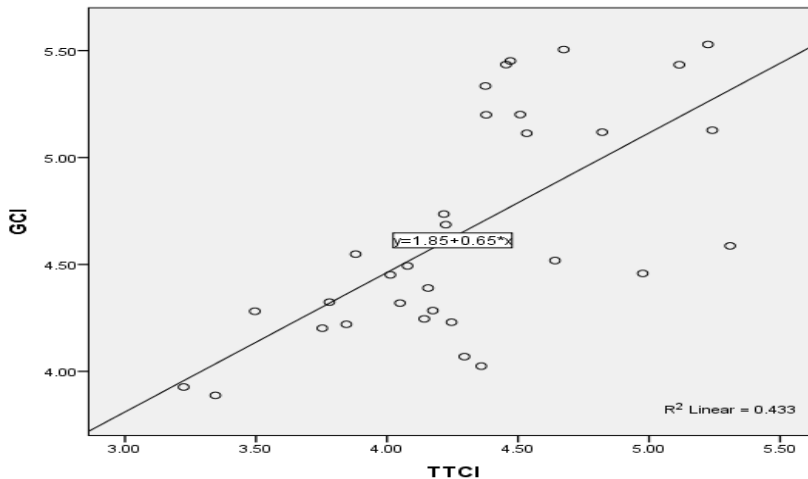


Figure 5. Linear regression model (impact of T&TCI on GCI)

The impact of the direct tourism's contribution to GDP (in billions US\$) on the level of GDP is tested by regression analysis in Table 7. Results of regression analysis indicate that increase of the tourism's contribution to GDP by 1 billion US\$ will lead to increase of GDP by 0.980 billion US\$.

Table 7 Results of the regression analysis (impact of tourism's contribution to GDP on the level of GDP)

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	33.246	36.148		.920	.365
	DirectcontributionoftourismtoGDPUS\$inbnNominal	23.603	.881	.980	26.780	.000

a. Dependent Variable: GDPUS\$inbillion



In Figure 6 is shown the regression curve of the linear regression model. These results obtained in examined in two linear regression models confirm the third hypothesis of this research. Results has shown that there is The results of regression analysis confirmed the third hypothesis of the research - There is positive impact of the level of tourism competitiveness on the level of national economy competitiveness, as well as positive impact of tourism's contribution to GDP on the level of economic development.

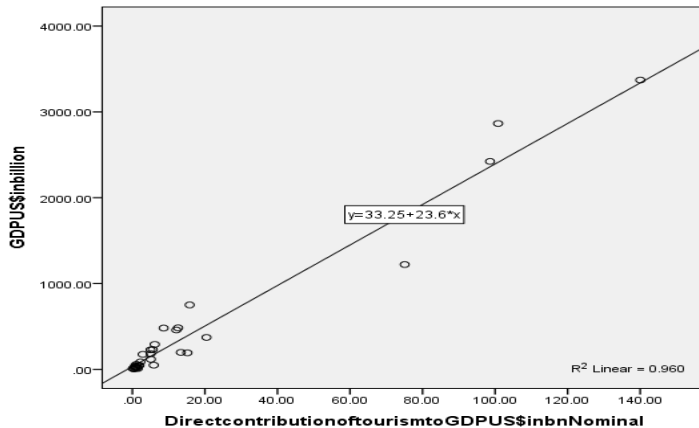


Figure 6. Linear regression model (direct tourism's contribution to GDP and GDP in bn US\$)

## 5. CONCLUSION

Tourism sector presents an increasingly important engine of economic growth. Thereby, countries and regions with significant natural and created resources need to take the role of tourism industry very seriously and devote their efforts to enhance this sector and its tourist image and attractiveness. So, this research provides some acknowledgments that support this idea. In presented analysis of development level of tourism in countries in European Union it can be seen that some of these countries have significant share of tourism's contribution in GDP. The share of tourism's contribution of GDP exceeds 10% of GDP in countries like Croatia and Malta. In Western Balkan countries, only Montenegro has contribution of tourism to GDP close to the highest values of this indicator for EU countries, approximately 9.7%. Generally, tourism does not have important role in WB countries in creating economic growth cause country's contribution of tourism in GDP is significantly under EU average value (4.16%), with acceptance of Montenegro. The tourism's contribution to GDP of WB countries is also lower compared to its world average value 5.39%.

According to tourism's competitiveness of EU countries, all of them are locate in the half of the world's ranking list, measured by Travel and Tourism Competitiveness Index. Also among them, there are country leaders in tourism's competitiveness not just in Europe but on the world level, such as Spain, France and Germany. WB countries are among the last places on the world's list, specially Albania, occupying 106<sup>th</sup>. The value of this indicator is lower in WB countries than in EU countries, which confirms the first hypothesis of this research.

Correlation and regression analysis provides some findings that confirm the importance of the tourism as a factor of national competitiveness.

Regression and correlation analysis conducted in this paper confirmed once more the fact that tourism is an important factor of competitiveness. Results show that there is a moderate positive statistically significant correlation between the tourism competitiveness and the level of national competitiveness. Strong positive statistically significant correlation is observed between the direct contribution of tourism to GDP (measured in billions of US\$) and the level of economics development (measured in GDP in billion US\$). There is also a positive, but weak correlation between the direct contribution of tourism to GDP (measured in billions US\$) and the level of economic development (measured in GDP per capita). Based on these results, the second hypothesis of the research is confirmed that there is a positive correlation between the tourism competitiveness and national economy competitiveness, as well as between the tourism's contribution to GDP and the level of economic development – level of GDP.

Findings about tourism's not so important role in economic development of WB emphasize the necessary to modify the current policy of tourism and its development strategies. The main obligation of the policy makers to convert the comparative advantages into competitive advantages of WB countries. So, it is very important to activate unused resources and design attractive tourism's strategies that will provide the development of tourism industry and creation of increasingly sustainable contribution sector to international competitiveness of WB region.

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## Tourism Destination Benchmarking Analysis

Matea Zlatković

The Faculty of Economics, University of Banja Luka,

matea.zlatkovic@efbl.org

### Abstract

*Modern society is characterized by constant changes that are rapidly taking place and that are difficult to follow. Management of the company is forced to constantly adapt to changes, to systematically and continuously measure and compare their performance with business results of its competitors. A key condition for survival in the market is to achieve quality. Consequently, it is necessary to estimate their own competitive position and meet with examples of best practice in their own field of work, with the aim of an independent perspective for future development. Benchmarking is the process of defining own areas of business and the identification and understanding of business activities its competitors, in order to determine their own advantages and disadvantages. The objective of the company is to implement the perceived advantages of competitors in its business activities and thereby achieve a better market position. The results of the best practice analysis for the chosen destination indicate the direction which this destination should follow through creative copying an already successful and proven management and marketing models.*

**Keywords:** Competitive Benchmarking, Tourist Destination. Examples of Best Practices.

### INTRODUCTION

The problem of this research is related to one of the main methods for adapting the business to constant changes-, benchmarking. Application of this method provides possibility to improve the business process and the quality of products and services, increase creativity within the organization and reduce costs, open new business opportunities and increase profits. All of this is based on comparisons of company's own products with the competitive products and processes, through the processes of learning and emulation.

The subject of our research is to emphasize the importance of the development of benchmarking, especially benchmarking of competitive type, as well as the process of its implementation. Benchmarking, due to relatively simple implementation, is increasingly used in both profit and non-profit organizations. It is applicable in many fields regarding any type of product and service, without any national or business boundaries.

Application of benchmarking in the field of tourism is presented in this paper. Quality is particularly important in the sector of tourism and it is a serious survival factor in competitive market. Achieving quality in tourism involves constant monitoring of market trends. At the same time, a tourist destination represents an increasingly important factor of the tourist experience. Tourist's perception and valuation of the touristic offers trigger tourism competitiveness.

For the purpose of benchmarking of a tourist destination, in the example of Zagreb, is used competitive benchmarking to compare destination offers of city Zagreb to two very popular European tourist destinations (Paris and Vienna). Having in mind that this is a city tourist destination which is in the process of restructuring and repositioning of its urban structure, the aim of the analysis of best practices is to determine the key success factors of the best European city destinations and models of management and marketing through which they took leading roles.

*In theory (cognitive)* research goal involves the study of relevant literature in order to reach knowledge about the concept and importance of benchmarking, especially the competitive type, its phases and process of its implementation, with particular focus to its application in tourism.

*Practical (applied)* research goal is to demonstrate the process and the importance of the application of benchmarking of competitive type using the example of benchmarking tourist destination.

General hypothesis of this study is:

The continuous process of benchmarking enables businesses to identify what they need to survive in the market and to create a competitive advantage.

Specific hypotheses:

- Benchmarking allows learning from the best organizations in function to its own improvement.
- The result of the analysis of best practices city destinations indicates the direction in which the observed destination should go, applying in creative way already successful and proven models of marketing and management of urban destinations.

On the basis of general hypotheses, identification of elements necessary to survive and create competitive advantage on the market is determined as a dependent and application process of benchmarking as an independent variable.

The research plan includes the following elements: the research literature and other sources in order to find the necessary information and data, statistical and mathematical processing of the obtained data, graphical representation and comparison analysis, verification of hypotheses and synthesis of the results. Sources of data are divided into primary and secondary and include scientific and professional books, scientific journal articles and Internet.

In the process of research, formulation and presentation of this work are used alone and in combination methods of scientific research, such as historical method, observation, methods of analysis and synthesis, method of comparison, inductive and deductive method, classification and description method and statistical methods.

## 1. OVERVIEW OF LITERATURE AND THEORETICAL BASIS

A large number of authors examine benchmarking and possibilities of its application. Some of them are mentioned in the following text. The study of the concept of "benchmarking" in economic terms began after World War II (Renko, Delic and Skrtic, 1999; Ferisak, 1998), but in a modern context in 1979, after the application in Xerox (Finch & Massheder, 1998). Some authors point out that benchmarking is continuous renewed process since it implies constant improving the performance related to competition (Munro-Faure, 1992). Camp (1989) and Mittelstaedt (1992) recognized the benefits of the application of benchmarking in the area of identification the demands of consumers, establishing effective goals, developing proper productivity indicators, improve competitiveness and the implementation of best business processes. According to Kozak and Rimmington (1998), benchmarking plays an important role in determining the best way to increase customer satisfaction, collecting innovative ideas, assessing their own strengths and weaknesses, as well as in undertaking activities in order to provide continuous process improvement business.

### 1.1. The definition of benchmarking

Benchmarking is defined in different ways. It could be presented as following:

- constant process of evaluation of products, services or business organization, recognized as an example of best practice, to improve own organization (Spendolini, 1992),
- ability to see how and why some individuals or companies are outperforming others (Kotler, 1994),
- measuring its own results in relation to others and learning from others, usually direct competitors (Ferisak, 1998),
- systematic procedure of comparative measurements, in order to achieve continuous improvement (Woher, 2002),
- technique or tool to improve performance and to establish a quality process aimed towards the best (Fong, Cheng & Ho, 1995),
- an effective tool in planning and implementing business process changes that lead to improving organizational behavior, where knowledge is converted into a detailed plan of action to improve the competitive advantages (Voss, Ahlstrom & Blackmon, 1997).

Common characteristic of previous definitions are:

- benchmarking is a continuous process,

- benchmarking involves measurement,
- benchmarking can be applied to all aspects of the business (products, services and practices),
- benchmarking is focused on companies recognized as industry leaders,
- benchmarking focus is on practices,
- benchmarking is not a mechanism for determining the resources which have to be reduced,
- benchmarking is a process of discovery and learning experience,
- benchmarking is not a program,
- benchmarking is not a fad,
- benchmarking is a new way of doing business.

## 1.2. Types of benchmarking

There are different types of benchmarking, depending on the choice of standard, or whether the standard is found in own organization (company) or beyond. Therefore, benchmarking can be internal or external.

The most common classification of benchmarking is onto:

- internal,
- competitive,
- functional and
- generic.

Since the goal of this paper is to review the implementation of competitive benchmarking, it will be explain in more detail this type of benchmarking. As the example processed benchmarking urban destinations in the neighboring country, where the comparison is done with the best practice in the wider international context, which, given the elusive advantages, can not be considered direct competitors, but considering certain characteristics of the destination, there is dilemma between of competitive and functional benchmarking due to different approaches to the definition of certain types of benchmarking. However, the focus is on competitive benchmarking.

### 1.2.1. Competitive benchmarking

Competitive (external) benchmarking involves comparing the observed activities of the company with direct competitors to obtain significant information and data on business of competition. In this way, it allows companies more adequate and successful positioning of its own products, services and overall business compared to the direct competition. One of the major disadvantages of this type of benchmarking is related to possibility to obtain relevant and reliable information concerning their own technology business. Also one of the difficulties concerns the fact that some information are not publicly available such as number of employees, balance sheet and income statement and so on. In order to inform and understand the business of competition often are used data obtained from secondary sources. Most often data are gathered based on conducted marketing research of consumers, suppliers and sellers. Also, variety of experiences and statements of stakeholders can be used for generating an impression on the operations of the observed enterprise. Comparative analysis can be made based on various performances such as accuracy, reliability, frequency, security, price transparency and etc. The degree of consumer' satisfaction is directly related to the scope, structure, price and quality of service.

Purchase of competitive products and services for their further detailed analysis in order to identify the competitive advantage is one of the approaches of competitive benchmarking. This approach is significantly present in the automobile industry, where a multitude of manufacturers buying competitive products due to their decomposition to the smallest parts. Then, individually, they perform a comparison of the appearance and functioning of technical systems.

The external (competitive) benchmarking involves comparison with direct competitors either from the point of products, services or entire business. Comparing the company to the leading company in the respective industry who is not direct competitor to observed company is called sectoral benchmarking. If at the same time are used aggregated data for the

entire sector, then this is a generic benchmarking. This process can be focused on a particular function or a particular segment of business. "Best practice" benchmarking includes the company of a national economy where it is compared identical business processes in various sectors of business. Comparison is done between companies that have been identified as the best in the chosen segment of commercial activities. Some authors (Fong & Cheng Ho, 1998) speak about a global benchmarking referring to the comparison with the company regardless the geographic distance. In the paper is distinguished benchmarking based on the process and benchmarking based on the results, depending on whether the focus of comparing is into improving business process or final business results. Benchmarking based on a process defines the use of qualitative indicators unlike benchmarking based on the results. It is recommended to implement this method in both directions, in order to strengthen the competitive position of companies. Previously mentioned authors differ benchmarking of process, function and performance. This means that they compare operating systems, business functions and outputs of companies.

### 1.3. The phases of the benchmarking process

The process occurring benchmarking is the focus of interest of many authors who are just doing research of benchmarking as a modern instrument of business. There are different views regarding the phase of the process of benchmarking. For example, the company Motorola alleges the five stages of benchmarking, AT&T's nine stages, and Xerox ten stages of the process of benchmarking (Osmanagic-Bedenik & Ivezic, 2006). The same authors have decided to display the following four basic stages in the process of benchmarking:

- defining of the problem and collecting the necessary data,
- analysis of data,
- making a decision on the best solution,
- implementation of solutions

The above phases make up the so-called. benchmarking circle. Within it, each said phase contains a number of sub-phases, or individual tasks that enable the implementation of each phase. The first phase of benchmarking circle represents the identification of a problem and its formulation. The last phase is the implementation, or the application of the adopted solutions.



Figure 1. Benchmarking circle (Osmanagic-Bedenik & Ivezic, 2006)

A large number of authors agree that the first phase of benchmarking - problem definition and the collection of necessary data represent the most complex phase of benchmarking. It includes the following sub-phases:

- analysis of its own processes,
- formation of benchmarking team,
- choice of benchmarking partner and data collection.

Analysis of own process gives the answer to the question what is compared by using the process of benchmarking. By conducting this analysis, it can be identified a process, product or service which are crucial for the successful functioning of the company or represent its problem areas. Within these sub-phases it is presented a flow chart of the process, feedback from consumers, the metering process and procedures work.

Many authors believe that the formation of benchmarking team is sub-phase, although there is a significant number of authors who treat it as a completely autonomous phase, with emphasis on its importance for the success of the entire process. This sub-phase depends on the following factors: the objectives of the process of benchmarking, available resources, company size, dislocation of certain parts of the company and so on. Number of team members is in the range from three to eight. Size of the team is directly linked to the size of the company, scope of the research and available resources.

The selection of benchmarking partners and data collection is done using information that the company usually collects using data and information from national and international literature, the internet, from domestic and foreign professional companies, expert consultants, major suppliers, customers, conferences and trade fairs from companies that encourage the benchmarking. After the selection of potential partners, realization of cooperation is beginning, where there is no complete certainty that the chosen benchmarking partner will be ready for cooperation.

The next phase of the process of benchmarking is the analysis of the collected data. The main purpose of this phase is to detect deviations of their own practice and causes of deviation from the best practices benchmarking partners. In this phase, we have the following sub-phases:

- systematization, standardization and data processing,
- determining of deviations and defining the causes deviations.

Systematization, standardization and processing of the collected data is important due to differences in environment, market position, legal regulations and the size of the company which implements the process of benchmarking and benchmarking partner. The objective of sub-phases of identifying deviations and defining deviations cause is affirmation procedures benchmarking partner which allows it to be better than others.

The third phase of the benchmarking circle is the decision on the best solution. Based on the collected data in the previous phase of benchmarking, it adopts a decision on the future activities that should contribute to achieving the objectives of the process of benchmarking. In this phase it is determined implementation plan on rule of ordering the sequence of activities, the inclusion of the necessary financial and non-financial resources and analysis of costs, benefits and risks of using the of the solutions adopted. Company management brings the final decision on the application of the adopted solutions using the results of the benchmarking team and an implementation plan.

The last phase of the process of benchmarking, which also ends that process, is the phase of implementation of solutions, which is still known as the phase of implementation, adaptation or action. This phase implies the introduction of changes by the implementation of the results of benchmarking, process control and monitoring and control of achieved results. The crucial importance for success of an enterprise is reflected in the continuous improvement of business practices in compared to the competition which points to the need for continuity of the process of benchmarking in which phase implementation of solutions represents at the same time end of one and the beginning of the next or a new process of benchmarking.

#### 1.4. Benchmarking in Tourism

In tourism, the benchmarking is allied in the following areas (Stokovic, 2003):

- profit-oriented entities (accommodation, restaurants, tour operators and travel agents, airlines and other profit-oriented providers of tourist services),
- a non-profit-oriented tourism organizations (national or regional tourist boards, offices, supporting facilities of tourism organized on non-profit basis (museums, galleries, theaters, opera, etc.),
- analysis of the destinations (country, region, city).
- Since it is the service sector, qualitative indicators refer to guest satisfaction, which largely has a subjective character. Regardless of the scope of benchmarking in tourism, one can point out the following indicators (Woher, 2002):
- the growth of demand (indicator: the growth rate of the number of overnight stays and the number of tourist arrivals),
- capacity utilization (indicator: the rate of occupancy),
- competitiveness (indicator: the market share),
- internationality (indicator: the share of overnight stays of foreign tourists),
- the duration of the season (indicator: monthly statistics overnights),
- types of guests (indicator: the structure of guests by countries arrivals).

Comparing destinations and tourism organizations as a whole with the competition, in order to improve the methods, products and services, is carried out by applying an external benchmarking.

#### 1.4.1. The Quality of Tourist Destinations

The quality of a tourist destination is consisted of a large number of elements. According to Avelini (2002), these items include:

- destination image and information obtained before coming,
- reservations and place of residence,
- trip to the destination,
- reception on arrival,
- information about the destination,
- attractions and the attractiveness,
- infrastructure and environment,
- farewell at departure and on return journey,
- eating place,
- contacts and memories upon return.

It should be noted that a tourist destination is determined by its business model so that it is not treated as a competition destinations with similar characteristics, but destinations that have the same model. This is why it is extremely important to assess the business model and its way of functioning for a certain destination. Elements to be estimated with goal of making a strategy of long-term sustainability in the market relate to:

- selection of target markets,
- attracting new markets,
- production costs and selling prices,
- the creation of value chain,
- production values,
- relationship of human resources and the guests,
- organization, management and operation of destination.



### 3. EMPIRICAL STUDY

Benchmarking analysis of Zagreb as a tourist destination has the task, through the examples of best European city destinations, to show the direction in which Zagreb should make a step forward to improve its competitive position and long term sustainability in the market. The entire analysis is focused on the creation of adequate models to solve the problem of managing and of marketing.

#### 3.1. Problem defining and collecting the necessary data

In the first phase of benchmarking process it is analyzed its own process, elected benchmarking partner and collected information about him.

Internal analysis of the tourism potential of the city of Zagreb shows that there is space for advancement of tourist offer in the area of infrastructure (congress centers, etc.), a stronger orientation of tourist services to foreign tourists, through the promotion of cultural and other events and their adjustment to the interest of foreign tourists, improving accommodation structures (increasing number of "branded" hotels) and continuous cooperation of tourist offer public and private sectors.

The results of this analysis are presented in the following table.

Table 1. Summary of internal analysis (The Zagreb Tourist Board, 2011)

	ADVANTAGES	DISADVANTAGES
<b>Accommodation offer</b>	A large proportion of the hotel	A large proportion of temporary capacity (student dormitories)
<b>Total accommodation offer</b>	The relatively high proportion of hotel facilities with 4 * and 5 *	A small proportion of branded hotels lower category
<b>The offer of restaurants and bars</b>	The diversity of restaurants and bars	The number of business units in steady decline
<b>The cultural offer, Events</b>	A permanent offer events	Events mostly local, a few attractions of regional significance
<b>Offer facilities for congresses, meetings and big events</b>	A high proportion of capacity in hotels	The absence of a convention center, non-specialized facilities
<b>Offer trade</b>	The use of various facilities for fairs	Number of exhibitors and trade show in the fall
<b>Other offer</b>	A large number of shopping centers	Offer memorabilia and official souvenirs
<b>Transport infrastructure</b>	Good road access	Capacity Zagreb airport

External analysis showed that there has been a positive shift in the tourist area of Zagreb in recent years, mostly in hotels, where there has been a strong growth in the segment of the hostel and private accommodation even though there was a decrease in business results hoteliers. Domestic tourists dominated in a one-day meetings and foreign tourists in meetings with overnight. There was a decrease of interest in the Zagreb Fair but also the emergence specialized fairs in unusual places. There was an increase in physical traffic that is not accompanied by improving business results and increased spending guests. The results of this analysis are presented in the following table.

Table 2. Summary of external analyzes (The Zagreb Tourist Board, 2011)

	ADVANTAGES	DISADVANTAGES
<b>Tourist demand</b>	Moderate seasonality, large average growth in arrivals and overnight stays since 2006.	Strong decline in 2009., short stay tourists
<b>Hotel demand</b>	A high proportion of overnight stays in hotels of higher category (4 * and 5 *)	The fall in business performance
<b>Visits to theaters, museums and cinemas</b>	The increase of visitors in cinemas	A small level visits to museums and galleries
<b>Participants at meetings</b>	Zagreb leader in the structure of business meetings in Croatia	A small number of foreign participants
<b>Attendance and offer trade fairs</b>	The emergence of new trade shows in new locations	The fall in the number of visitors to the Zagreb Fair
<b>Characteristics of guests</b>	A small number of elements of the offer with which tourists are very satisfied	Much dissatisfaction of hostel guests with more elements offer

As examples of best practice urban destinations Paris and Vienna have been selected, as a widely known and popular world travel destinations. The selection of best practices includes the same elements as in the analysis of competition. The difference is that in the focus of best practices analysis are models to solve the problem of managing and marketing of destination.

Table 3. Overview of the general characteristics of best practices (Paris Tourism Research Department, 2012; The Vienna Tourist Board, 2012)

	PARIS	VIENNA
<b>GENERAL INFORMATION</b>		
<b>Residents</b>	12 million	2 million
<b>Resource-attraction base</b>	Initial culture and history	Initial culture and history
<b>Availability</b>	An excellent, low cost present	An excellent, low cost present
<b>OFFER</b>		
<b>Key products</b>	Short breaks	Business events
<b>Center of excellence</b>	Culture	Culture
<b>HOTEL ACCOMMODATION</b>		
<b>The concentration of quality</b>	52% 4 * and 5 *	62% 4 * and 5 *
<b>Availability</b>	82%	63%
<b>ADR</b>	145 euro	123 euro
<b>DEMAND</b>		
<b>Tourist</b>	32.5 million	9.8 million
<b>Overnights</b>	34.5 million	5.4 million
<b>Key markets</b>	UK, SED, E, D, Japan	U, US, E, D, Japan

### 3.2. Analysis of of the collected data

Analysis of the process of development destination focuses on qualitative elements which can be divided into three parts:

- key success factors,
- innovation,
- operating activities.

The key success factors destinations include:

- A clear vision of tourism development - Observed cities in 80s of last century realized the importance of strategic planning and tourism and in the next twenty years have become what they are today.
- Availability - In the late 80s these destinations are coordinating their vision for the development of cities as transport and business centers with a vision of tourism development and began the modernization and expansion of air transport, which continue to this day.
- Focused product development (rapid growth levers) - The process of selecting and developing fast levers of growth (based on the growth of selected sectors) to the level of the center of excellence lasted between 10 and 15 years. In this way, in the short to medium term, attracted a larger number of of tourists and were achieved higher revenues.
- Focus on markets / products - During the 80s the marketing destinations shifted from "brand" destinations to products, primarily centers of excellence, and create a "brand" products, which enabled clearly defined markets for certain products and operational marketing activities adjusted for single market.

Innovations in the process of developing destinations include alignment management mechanism with the dynamic demands of the tourism sector as well as the population of these destinations.

In the observed destinations innovation is reflected in the modernization of the organizational structure, functional adaptation to the needs of guests and investing effort in capacity building of human resources and introduce them to the latest knowledge and technologies. There are departments that deal with forming and analysis of a database of all markets, segments and tourist products. There is a close cooperation with educational and scientific centers. It supports the small and medium entrepreneurship, taking into account that the development activities and services shall be in accordance with operational annual plans. Marketing of destinations aligns with the annual plans of destination. The population of the observed cities has a significant role in their promotion. It experiencing its city as a tourist destination and use of its resources. In this way, residents can evaluate and improve individual elements destinations through constant giving opinions and criticism.

Operational activities in developed destinations such as Paris and Vienna are performed in a simple and efficient way. These activities include:

- monitoring of various reports on trends, continuous analysis of source markets, primary research and use all available databases of guests and many other strategic and operational activities in the management and marketing of destinations,
- monitoring of various events related to tourism and their effect on the macro-economy of the city, which leads to the findings that facilitate the planning and promotion of the following or events,
- actively lobbying industry that involves the systematic and focused lobbying of key entities in the city and to the central levers of the state as a key interest to further improve the general and tourism infrastructure.

### 3.3. The decision on the best solution

As it is said, the results of the best practice analysis indicate the direction in which the city of Zagreb could make his step forward through creative copying an already successful and proven management models and marketing urban destination.

The observed best practices have shown that their development processes of destinations in the past focused only on two to three tourist products that are developed to the level of the center of excellence.

Based on realistic estimates of future private sector investments in the tourism industry and the expected allocation of the public sector for tourism as well as for general infrastructure of the city of Zagreb, it is proposed to focus on two key products - business product and culture with events. In doing so, in this paper it is taken into account that they already good operational functioning and that there is an elementary tourist infrastructure so that they will not need to invest capital intensive. Here it is assumed good strategic and operational marketing.

As a second set of products stand out touring and short breaks, which are still in their infancy. A prerequisite for professional breakthrough of these products represents on the one hand the further development of general and tourism infrastructure, and on the other hand create a good marketing and promotional programs.

The third level of products are catering / shopping and special interests that have a role of completing of products of first and second levels, further empowering the primary motive for coming.

### 3.4. Implementation of solutions

In order to well managed by tourist destination and its promotion it is necessary to know a lot about the environment as well as a very thorough knowledge of their own situation. In developed destinations operational activities are carried out in a simple and efficient way. In the case of Zagreb, the implementation of the same activity is much harder and less practical. There is also question of the possibility of action existing marketing system.

The operational activities of each of the proposed products must be developed in the interactive workshops with the team of the Zagreb tourist board.

## 4. CONCLUSION

Benchmarking is a continuous search for examples of "best practices". In essence, it is a process of learning and acquiring knowledge with the aim of applying lessons learned to improve own business practices. In this way, by using benchmarking, companies aim to build learning organization, whose competitive advantage represents her ability to learn and to be changing, to learn faster than others, and lessons learned quickly transformed into action.

Choose the type of benchmarking that will be used in certain cases depends on the subject of benchmarking, the research objectives and results to be achieved, the available time and resources, the availability of sources of good examples of practice and experience of researchers in the implementation of this process. As the best practices are constantly changing continuous process benchmarking allows the organization to identify what they need to create competitive advantage.

Through the research presented in this paper it is presented the concept and importance benchmarking, especially the competitive type, as well as its phases in the process of implementation, with particular emphasis on applications in tourism, which was the theoretical research goal. Practical part of the paper presents the process and the importance of the application benchmarking of competitive type using the example benchmarking tourist destination city of Zagreb, which has been achieved and the practical research goal.

Theoretical study of benchmarking and its practical application in the example confirmed the specific hypothesis, namely that:

- process benchmarking allows learning from the best organizations for their own improvement,
- through examples of best practice urban destinations indicates the direction in which the observed destination should make a step forward, applying creatively already successful and proven management models and marketing urban destinations.

On the basis of confirmed special hypothesis can be stated that general hypothesis which states that: "The continuous process benchmarking allows a company to identify what it needs to survive in the market and to create a competitive advantage", is confirmed. The research shows that benchmarking, as a technique of comparative analysis which has an

important role in the creation and acquisition of competitive advantage, is one of the most useful management techniques in the context of the strategic as well as operational management.

## LITERATURE

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## The Role of Entrepreneurship Education on Internationalization Intention. A Case Study from Izmir-TURKEY

Dinçer YARKIN

Department of Logistics Management

Gediz University, Turkey

dincer.yarkin@gediz.edu.tr

Yeliz YEŞİL

Söğüt Vocational School Bilecik Şeyh Edebali University, Turkey

yeliz.yesil@bilecik.edu.tr

### Abstract

*Acting in a domestic market can be risky for new ventures in developing countries because of vulnerable economic and politic conditions. From the beginning of establishment, focusing on international markets can prevent local market risks which new entrepreneurs will probably encounter. Internationalization, entrepreneurship and international entrepreneurship are the main topics which scholars given more attention in the world. In this study, entrepreneurship education and it's effects on generating internationalization intention were evaluated by in depth interviews. Findings has shown that type of the institute, course content, classmates, qualification and background of the lecturer, plays important role on initiation of starting international business.*

**Keywords:** Entrepreneurship, Entrepreneurial Intention, Entrepreneurship Education, Internationalization.

### 1. Introduction

There are strong links between Entrepreneurial activity and economic outcomes such as economic growth and innovation, and creating economic efficiency, creating new jobs, (Shane and Venkataraman, 2000; Oosterbeek, Praag & Ijsselstein, 2010). Thus, there has been seen growing attention on entrepreneurship education organized by governmental institutes and universities.

In USA, Office of Entrepreneurship Education (OEE) develops and promotes innovative resources for small business owners and prospective entrepreneurs for 40 years . (<https://www.sba.gov/offices/headquarters/oeo/about-us>) In Europe, According to EC (European Commission) Entrepreneurship is a key competence for lifelong learning, as defined in the 2006 European Framework for Key Competences. The commission states that, they are committed to promoting education for entrepreneurship at all levels, from primary school to university and beyond.([http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/education-training-entrepreneurship/index\\_en.htm](http://ec.europa.eu/enterprise/policies/sme/promoting-entrepreneurship/education-training-entrepreneurship/index_en.htm)). The dominant entrepreneurship education program in secondary school and colleges in the US and Europe is the Junior Achievement Young Enterprises student mini company (SMC) program. In Europe, it is effective in 40 countries and more than 2 million students have participated in the year 2005/2006 (Junior Achievement Young Enterprise Europe Annual Report, 2006; Oosterbeek, et.al., 2010:443).

In Asia, especially ASEAN member countries focused on entrepreneurship education. The ASEAN secretariat and Japan Overseas Development Centre (JODC) has implemented entrepreneurship education for in Thailand, Cambodia, Malaysia and Indonesia since 2003. Asia SEED as the executing organization that implements the seminars for entrepreneurship education for Vietnam, Myanmar and Philippines (<http://www.asiaseed.org>. Retrieved on 10<sup>th</sup>.Nov.2015).

Kajjage and Wheeler (2013), made highly appreciated study on East Africa and shared suggestions about entrepreneurship education according to their research implications. Jesselyn Co and Mitchel (2006) has conducted a survey among academic staff and tried to find out, status of entrepreneurship education in South Africa. In 2007, Isaacs and friends also focused on level of South African Entrepreneurship Education. Even these kind of studies, there has not seen concrete effort on entrepreneurship education yet. According to stated authors these educations are still in developing phase.

Entrepreneurship education effects people positively in the journey of entrepreneurship (Kigechi, et.al., 2013). Qualification of educators, their experiences, leadership and vision plays great role for the future of entrepreneurship (Vesper, 1999; Stevenson, 2000; Solomon, 2002) According to Kuratko (2005), educators should use their ability for leading, pioneering their universities into a new horizon. McMullan (et al., 2002) provide some evidence that these programs are successful in encouraging entrepreneurs to start businesses, or improve the performance of businesses. (Peterman and Kennedy, 2003:131).

## 2. Entrepreneurial Intention

Research on entrepreneurial intentions mainly depends on Ajzen's (1991) theory of planned behaviour (TPB), and Intentions-based models provide practical insight to any planned behaviour (Krueger and Carsrud 1993; Krueger, et al., 2000; Gelderen, et al., 2008; Wu and Li 2011), Entrepreneurial intentions, entrepreneurs' states of mind that direct attention, experience, and action toward a business concept, set the form and direction of organizations at their inception (Bird, 1988:442). Applied to the entrepreneurial context having stronger feeling, and intention on entrepreneurial activity, supports entrepreneurial activity (Kautonen et al. 2013) and entrepreneurial intention means someone who is willing to start a new business (Krueger, 1998). Entrepreneurial behaviour has become more and more common, calling for better entrepreneurial skills and abilities for dealing with current challenges and uncertain future (Heionen and Poikkijoki, 2006:81).

## 3. Entrepreneurship Education in Turkey

In Turkey entrepreneurship courses are given by Universities and in the coordination of KOSGEB (Republic of Turkey, Small and Medium Enterprises Development Organization) and Turkish Labour Agency. For technology oriented entrepreneurship TUBITAK (The Scientific and Technological Research Council of Turkey) has the authorization of organizing entrepreneurship courses.

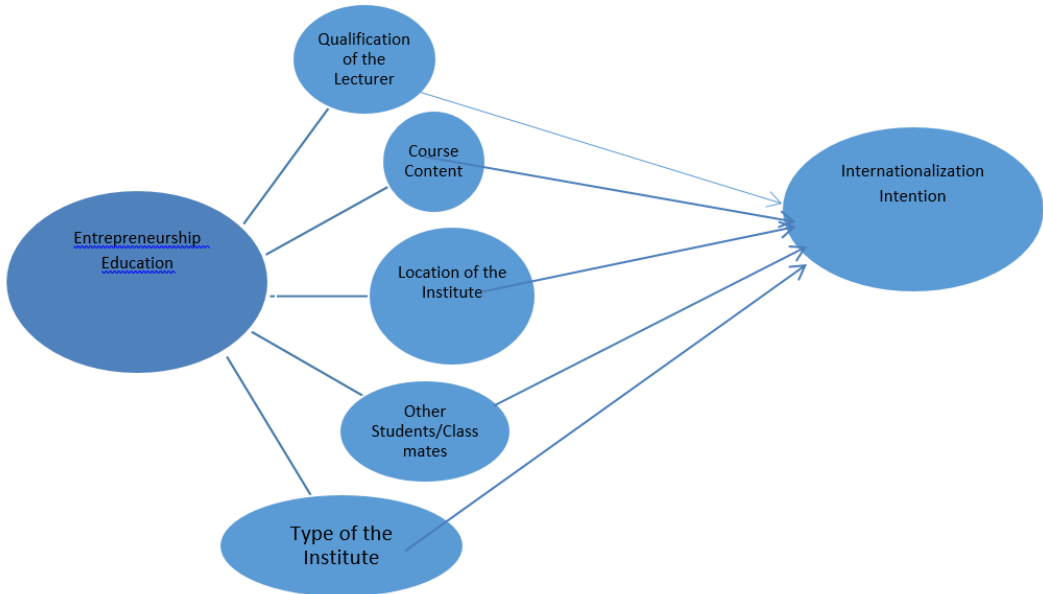
In universities this courses are especially designed for last year students of Business Administration as compulsory, for engineering students as elective and takes approximately 40 hours per one semester.

KOSGEB Entrepreneurship, includes training and workshop studies of minimum 70 hours (testing of entrepreneurship abilities, business idea exercises and business plan preparation) Applied Entrepreneurship Trainings can be organized by KOSGEB (or other foundations or institutes (universities, ISKUR, Turkish Labour Agency), professional organizations, municipalities etc.) Trainings are arranged for general and specific (young, women, and disadvantaged groups) target groups. TUBITAK mainly focuses on technology oriented start-ups and provides funds from the beginning of establishment till getting patents for developed new products.

## 4. Research Method

In this study interpretive and exploratory approach is used for understanding, the role of entrepreneurship education - not only by course content, but also other environmental and lecturer based issues-on internationalization intention of entrepreneur candidates. Research Sample was chosen by the population who have right to get certificate after 70 hours of course between May 2014-November 2014 in Izmir-Turkey, given by Universities, ISKUR (Turkish Labor Agency), Municipalities, Governor and Chambers Of Commerce (Organized by KOSGEB). There are 5 people from different institutes from different locations; totally 15 people was chosen for research. Totally 15 series of interviews made in 10 hours between 1st Dec. 2014-30th Dec. 2014. Comprehensive framework is developed for better understanding of internationalization intention after entrepreneurship education.





**Figure 1: Conceptual Framework**

#### 4.1. Findings

In this study, qualification of the lecturer, course content, location of the institute, classmates, type of the institute were found as basic determinants of entrepreneurship education, which were also effects internationalization intention of new candidates.

##### 4.1.1. Location

*“Our course centre was one of the small campuses of a university in the centre of Izmir. We were having lunch in restaurants where white collar staffs, businessmen and businesswomen went usually. This was really important for me, because observing them was motivating me” (Age 23, University Student, Woman, S.K.).*

*“We took this course in Chamber of Commerce in City Centre of Izmir, where high businessmen from different sectors is seen inside and outside. And after course times we are hanging out with classmates, during this period, we had chance to know each other, and share future plans, It was a great experience for me” (Age 27, Man, Bachelor Degree, GB).*

*“Our course centre was 80 km far from city centre, in a small town. I did not have chance hang out with my friends because there is no proper cafes, something like that around us. After course time we were leaving to go home. I wish I listened to my classmate’s projects after course times”(Woman, 34, Primary School Graduate F.E).*

According above data, it is not easy to find out the role of location on internationalization intention of entrepreneurship students. But it is clearly seen that, location affects, entrepreneurial motivation of entrepreneur candidates. Spending time together after course period, helps students to discuss entrepreneurial issues and providing network potential to them.

#### 4.1.2. Type of the Institute

*"In university during the break times, I saw students from different countries who are in the same age with my daughter. It was really exciting experience for me. I came this course for get incentive from KOSGEB for running coiffeur business. I have no chance, or qualification for doing business abroad. But I will motivate my daughter about focusing on international entrepreneurship for her future career, who is now university student" (Age 46, Woman, Secondary School Graduate, F.E.).*

*"We took this course in Chamber of Commerce in City Centre of Izmir, where high businessmen traffic is seen inside and outside. After I start my own business I will be there as businessman like others. Experiencing this atmosphere during the course is valuable"(Age,29, Woman, Bachelor Degree, I.C.).*

*"Our entrepreneurship courses organized by local businessmen association, which held in small conference room of primary school, but our lecturer was from an university. I preferred to be different place which will more suit us as entrepreneur candidates, future's businessmen and businesswomen. There were no motivational instruments, surrounded us" (Age 30, K.E.Woman, High School Graduate).*

Getting entrepreneurship education from universities has strong impact on becoming entrepreneurs (Peterman and Kennedy,2003;Saeed, et.al.,2013). According to Hamidi et.al., (2008) academic entrepreneurship programs provide higher intention to the audiences for starting their own business in the future. Our study also confirms that, universities which have international students has strong impact on entrepreneurial intention as well as internationalization. Chamber of Commerces because of providing experience of breathing same air with active businessmen or businesswomen, has significant impact on generating entrepreneurial intention.

#### 4.1.3. Classmates

*"80% of my classmates are older than me and they are not well educated. They came course for getting fund from KOSGEB and open a small restaurant , Café something like that. I did not see any innovative business project ". (Age 24 , Man, Bachelor Degree M.T)*

*"One of my friend from the class was thinking about glass jar import. She told, she found contacts who were in need for glass jar. When I heard profit margin, I was shocked. After entrepreneurship course I've started foreign trade course. Now I am thinking about importing promotional staff from China to my friends"(Age 41, Man, High School Degree,O.D. ).*

After these interpretations, we can refer to Brockhaus (2001), in entrepreneurship courses, student profiles are heterogeneous. Different education levels, different demographic structures can be seen in classes. Lans et al (2013), found that heterogeneity including disciplinary and cultural differences –contributed to learning within the groups but also caused confusion and misunderstandings. Segmentation among audiences is meaningful because of having different learning needs and own characteristics (Ghosh and Bloch, 1994). According to Rasmussen and Sorheim (2006), entrepreneurship programme may be generalising too much and contextualizing too little, and added an example "they are paying little attention to the selection and composition of the students".

#### 4.1.4. Course Content

*"I think 70 hours of course content was not enough. Especially for financial management part of that course is not satisfactory. As new entrepreneurs we should learn more details about financial statements, and we did not focused on preparing business plan so much" (Age 39, Woman , Bachelor Degree, N.A.).*

*"The course content is far from practical life. I have more than 10 years of business experience" I am not planning to establish holding company, those information given during classes are useless"(Age 33, Man, High School Degree, R.S).*

*"I attended to the entrepreneurship course, because i want to establish a company for exporting hazelnut oil to the UK. We learned basic issues of how to run a business, but in the course content there is no any special topic related with international business or internationalization" (Age 47, Women, Vocational School Degree, F.C.Y.).*

For effective learning, business plan plays crucial role. Focusing on business plan can provide experiential aspects to target audiences, which they will in need for their future's active business life (Timmons,et al.,1987; Hills,1988; Gibb,1997;Henry et.al., 2005).

Predictable and classical teaching methods can be boring for entrepreneurship students (Fiet, 2000a), instead of that kind of methods learning by doing methods, providing set of circumstances which entrepreneurs will encounter in the future will avoid risks of demotivation (Fiet, 2000b).

#### 4.1.5. Qualification Of The Lecturer

*“Our lecturer gave some examples from import-export business because of having experience in this area, multi-cultural nature of this business, attracting me” (Age 40, Woman, Bachelor Degree, B.C.).*

*Our Lecturer has 30 years of field experience, he is lecturing marketing and foreign trade courses in University as well. He lived in Australia, he has international view on entrepreneurship. He gave us practical and current examples, local and international basis (Age 28, Woman High School Degree, C.Y.).*

*“Our lecturer in Chamber of Commerce told us there is huge potential in the field of international business. %90 of Chamber of Commerce Members do not know anything about import and export, and they’re always seeking new markets” (Age 35, Man, Vocational School Degree, R.Y.).*

*“Our lecturer gave us an example about one his student from entrepreneurship course, 3 years ago she came to course for establishing a small production unit for baby textile. After the course, she went to the import-export course, and in the same year she exported organic fabric to the Germany. As English Literature graduate, it is hard for me to find a job as English Teacher in our country’s condition. After I heard that example, I made a decision that, I should become intermediary, who finds customer abroad for local manufacturers, our finding suppliers for local buyer” (Age 25, Man, Bachelor Degree, T.D).*

Vesper (1998) stated that, business general knowledge, venture general knowledge, opportunity specific knowledge and venture-specific knowledge are knowledge types which entrepreneurs need. For entrepreneurs there are mainly four kind of useful knowledge. First two can be provided by academic educators but the sensitive last two, should be given by who has experience in the field and easily provide information about existing markets and production technologies.

Educators can invoke intention models to better understand our students’ motivations and intentions, and thus provide better training (Krueger, et al., 2000b). Entrepreneurial learning process to be enhanced through the provision of role models (Jack and Anderson, 1999:117). Role models have influencing potential for choosing self-employment as a career (Sherer et al. 1989; Matthews and Moser 1995; Tkachev and Kolvereid, 1999). From this point of view, even having not so much experience in the field, teachers should invite someone to the classes who locally or internationally doing business.

## 5. Conclusion

Getting more share from the world trade is always stated as main objective by developing countries. However in Turkey as developing country, 40% of the company owners have primary school graduation and only %2 of SME’s are making Turkey’s %59,2 of export (<http://www.tuik.gov.tr/PreHaberBultenleri.do?id=18521>).

Current entrepreneurship educations should provide vision for internationalization. In Turkey, entrepreneurship educations has maximum ten years of past. And it is not easily said that standard methods using during the courses. Some courses are effective some are not.

Normally 70 hours of entrepreneurship educations are given by only one or two lecturers for KOSGEB Entrepreneurship Courses; in universities only one lecturer conducts entrepreneurship courses. But these courses have different modules; as entrepreneurial skills, marketing, production, finance, organization and management and business plan. Because of requiring more specialization, number and variation of lecturers (from academia and field) should be increased.

Interestingly during our interviews most of the people gave strong importance to the location of the institute and type of the institute. Most of the candidates even has primary school graduation has more motivation than the candidates even having undergraduate degree, who had the course far from the city centre. Courses given in Chamber of Commerce’s provide strong contribution to the intention of entrepreneur candidates because of seeing active businessmen during break times.

Universities which have international students also provide quite contribution to the vision of entrepreneur candidates. Different languages, different races attract them and this tends to thinking about international businesses.

Courses should be designed for the needs and qualification of entrepreneur candidates. In the first step of entrepreneurship education, general aspects of entrepreneurship and main business functions should be given with the business plan and Course content should have some international business issues inside. According to motivation and interests of the entrepreneurship candidates, the second step should contain details of international business. And these courses should be given by experienced lecturers, in main business areas of the cities.

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## Theories of Money Supply: The Relationship of Money Supply in a Period of Time T<sub>-1</sub> and Inflation in Period T- Empirical Evidence from Albania

PhD Cand. Sorina Koti

University "Fan S. Noli" Korce-Albania

sorinakoti@gmail.com

Tomi Bixho

Manager, National Bank of Greece, Korce- Albania

tomibixho@yahoo.com

### Abstract

*The aim of this paper is to present different approaches and theories, which are linked with money and inflation. Many studies are made to provide a high relationship of money and inflation. The changes in money supply always have affected the macroeconomic indicators such as inflation, unemployment, economic growth, trades and have let the governments to conduct the necessary fiscal and monetary policies, in order to react in an efficient way to reduce uncertainty and to build a sustainable economy. The paper analyses the theoretical links of money supply with unemployment, trade and exchange rate, taxes and wages. The regression analysis is conducted based on the theories of money. The analysis and the empirical results for Albania showed that money supply has strong relationship with economic growth, interest rate and inflation, but money supply has a negative sign toward inflation, by arguing that the case of Albania is specific, because of lack of money supply from banking system and money in circulation outside banks. From the results, we found that all money supplied by the financial system is fully absorbed by the private sector and individuals, without causing an increase on the inflation level. This may be argued from the financial crisis that affected Albania and the reduction of production, consumption, unemployment and delayed payments from the government toward business sector. Furthermore, there are suggested monetary policies for increasing the supply of money, and fiscal policies for increasing the demand for goods and services. The supply increases by the demand side, which need to be stimulated by production sector through fiscal policies and government development programs.*

**Keywords:** money supply, inflation, interest rate, gdp, trade

### 1. Introduction

*"Lenin is said to have declared that the best way to destroy the capitalist system was to debauch the currency. By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens". (J. M. Keynes)*

The effects of money in an economy are crucial points. The literature review that is presented in this paper gives the chronology of the theories and approaches in different periods of time from several economists. The studies have begun under the Classical frameworks, where it is said that money has no relationship with inflation. Then Fischer came with its Quantity Theory, where velocity is a constant element. To continue with the Cambridge Approach (Marshall and Pigou) and The Keynes theory, as a latest Cambridge Approach, gave a different view from the previous. They stated that interest rate influenced the money supply and Velocity is not constant. The research continuous with the post Keynesians (Moore and Kaldor, Ricardo, Marx and Eltis), where the important theory was The Labor Theory of value, where the economy works under a full employment resources. Finally, the paper concluded with the Modern Quantity of Money and New-Classical economists (Friedman, Laidler, etc).

The paper continuous with the effects of inflation in relation to unemployment, wages, taxes and exchange rates. From the studies is found out that changes in Inflation creates changes in the above factors. Furthermore, the paper is followed by

the empirical study, taking the Albanian's data from the year 1994-2015 for Money supply, GDP growth rate, Interest rate and Inflation. From the survey, the paper found that there is a strong relation between Inflation and the other variables. According to the money theories, money supply has a positive sign related to inflation, while in contradiction to the theory; the empirical results showed that money in Albania has a negative relationship with inflation, because of the lack of other financial markets. Albania has only the banking system and money is strongly linked to the interest rate and the macro development of the country. Without other financial and capital markets, the supplier of the money is done only by the banking system. Since the beginning of the financial crisis in 2008, Albania has been attached to crisis because of the strong connection of trade with European countries, especially Greece and Italy. During these difficult years, Albania has been accompanied by an increase of unemployment, reduction of production, consumption, trade and increase of budget deficit and public debt. The business and consumer transactions are shrunken only to the basic ones. Consumers do not spent more than the necessary products and businesses do not invest in new projects. All the supplied money is fully absorbed by the market and there is no free circulation of money, in order to cause inflation. Inflation is reduced year by year, by reaching the lowest level during these 25 years of transition. Albania is in a critical point of development and recession has caused a worse financial and economical situation. Consumption, trade and investments have been significantly reduced, by not giving a hint to the economic growth. The conclusion summarizes all the theoretical and empirical part of the paper with suggestions for better policies in the future.

## 2. Theories of Money

The classical theory of money developed the most important feature that interest rate has no effect on the demand for money. Fischer found from the examination of the relationship of the total quantity of money supply with the spending on goods, the equation of exchange *Quantity Theory of Money*  $MV=PY$ , which relates the nominal income with the quantity of money and velocity. According to the theory, velocity is a measure of what people use to buy their goods. Hence, if people use charge accounts than Money supply will decrease and velocity will increase, in contrast if people purchase with cash then money supply will increase. Fischer took in consideration the technology and he stated that velocity will be affected slowly in the short run. (Mishkin, 1998)

The classical Quantity of Money assumed that  $V$  and  $Y$  were constant and prices were flexible and in the long run the economy is predisposed to full employment, so this implies that if  $M$  doubles than  $P$  doubles two. The theory provided that changes in the quantity of money effect the changes in the price level. Also Fischer argued that the theory shows how much money is held for a given amount of money. In the same time, the *Cambridge Approach* appears with the same equation as the Fischer's equation, but differently argued. The economists, Marshall and Pigou, set the equation asking people how much they were able to hold without being bound by technology and institutions. The Cambridge economists suggested that the level of money is affected by wealth of people; as wealth increases then people tend to hold more money. They concluded that the demand for money is in proportion with income and  $k$  is the coefficient.  $M= k \times PY$ . The classical ruled out the role of interest rate on the demand for money, whereas the Cambridge approach proved the contrary. (Mishkin, 1998)

According to Cottrell (1997), there are two important points in the Quantity theory: 1) if the *ceteris paribus* (proportionality of  $M$  and  $P$ ) has any force, major deviation of  $V$  and  $Y$  must steam from basis independent of the quantity of money, any reliance must be slight and temporary. 2) Significant changes in the quantity of money led that money have to be exogenous. So, two independence ways were the sources of difference between  $M$  in one side and  $V$  and  $Y$  on the other side. The problem of the Quantity Theory has taken the structure of contradiction of one type of independence or the other. Keynes framework was born in that time. (Cottrell, 1997)

Keynes brought the *Liquidity Preference Theory*, which related the interest rate with the income. He affirmed that exogenous variation in money leans steadily to stimulate changes in both  $V$  and  $Y$ . Consequently, he argued that an increase in money tends to lower the interest rate by stimulating investments to grow. Also, the velocity will decrease. He rejected the idea that velocity is constant. Keynes stated that a normal state under employment, will increase the spending and the previous effects will be not temporary. So, inflation will be the case. (Batiz and Batiz, 1985)

According to Cottrell (1997), the modern *Post-Keynesian* approach was focused on the second point of the independence of the Quantity Theory. Kaldor and Moore rejected the arrugment that quantity of money has any independent fundamental



role. The endogenous theory stated that the Central Bank has indirect power and private sectors can increase the quantity of money by their transactions and velocity is fixed. Rogers stated: "In particular the role of money as cause or effect should be seen in terms of the distinction between commodity and bank money. Commodity money is clearly compatible with the classical quantity theory of money in which the quantity of money has a causal influence on the price level". (Rogers, 1989, p.175 as cited in Cottrell 1997).

The inapplicability of the Quantity Theory is given by Marx and Ricardo in their *Labor Theory of value*. Based on the Labor Theory of value, the value of each commodity depends on the quantity labor time required directly or indirectly to produce that commodity. Marx says: "The total quantity of money functioning during a given period as the circulating medium is determined by on the one hand the sum of prices of the commodities in circulation, and on the other hand by rapidity of alternation of the antithetical process of circulation". (Marx, 1976, pp 217-8 as cited in Cottrell 1997). This means that the commodities enter with a price and with a money value, so the speed of circulation brings the occurrence of inflation. Another post-Keynesian economist, Eltis, said that: "Monetary exogeneity is essential to Quantity Theory. A larger money supply must produce a higher price level: causation must run from money to prices, and not the other way round". (Eltis 1995, p.23 as cited in Cottrell 1997).

From the previous theories and arguments, it is promoted that Quantity theory is accepted as a short-run theory, where the classics argued that commodities go into without a price and money without a value, but the critics said that changes in money drive the prices, because they are alteration in the connection between "the unit of account and the money commodity". According to Marx and Ricardo money is endogenous and changes in money play an important role in price levels, under some conditions, so inflation is the result from the supply of money. (Cottrell 1997)

According to Laidler (2003), the *Modern Approaches* for money come from Friedman and other modern economists. Friedman was closer to the Keynes and Cambridge framework, and he applied the Portfolio Choice to Money. The theory indicates that the demand for money is based on people's wealth (permanent income). He based his research in more than one interest, and he argued that changes in interest rate will have not a great effect on the demand for money, because of any raise in return from the raise of interest rate will increase the return on money. The demand for money and velocity can be predicted. Inflation is seen as a result of cost-push and demand-pull influence. Friedman put more attention to monetary policies in the longer run, for money growth targeting and for "the imposition of quasi-constitutional rule for money supply growth". The rule was proposed to maintain low inflation, but different countries have to be aware of the benefits from inflation, developing countries need investments, more money in circulation (Rowe (2003, as cited in Laidler 2003).

According to Cantillon and Hume (as cited in Laidler 2003), inflation is about the value of money and the value of money is linked with the demand for it, and this relationship inform the monetary policies. However, the changes of money supply are not always matter of inflation, but it is to say that inflation is a matter of variations in demand and supply of money. Then, from monetarism approaches, the new-classical economics was born.

*The New-Classical* economics predicted that: "the price level would respond to changes in the money supply, and that the amount of that shift would be determined by the extent to which those changes had been anticipated in the first place, but it accounted for the fact of the price level's change with the simple observation that this was necessary to keep markets cleared". This means that any unexpected rate of inflation will affect negatively the money supply and the outputs in the market will not have a real value. They followed the "transmission mechanism" from Fischer effect that interest rates are related with money supply, and more money in circulation will cause inflation. (Laidler 2003)

Reviewing the monetary theories, we can state that the Classical theories have not given a clear vision of the relationship of money with inflation. The Quantity of Money and the Cambridge Approach suggested that Money supply is related with Inflation, taking into account the wealth of people, the level of income, and ruling out the interest rate effect. The Keynes theory put emphasize on the interest rate, saying that the Central Bank has the power to control the money supply through monetary policies. The Post-Keynesian said that velocity is fixed and Central Bank can not affect the money, but private sector can control it through transactions. Marx was the critter with his theory on Labor value. The Modern and New-Classics economics put attention to the monetary policies that inflation is caused by an increase of money supply and prices will determine this change. Almost all the theories that are treated in this paper have shown that is a relationship between money and inflation, taking in consideration other elements of macroeconomics as unemployment, income level etc.

### **3. Effects of Inflation**

#### **3.1 Inflation and Unemployment**

It is said that inflation and unemployment are two crucial points of the monetary policies. According to Mankiw (2005), "the inflation-unemployment tradeoff is inexorable, because it is impossible to make sense of the business cycle and in particular the short-run effects of monetary policy". This is the claim, that changes in monetary policies push these two variables in opposite directions". According to the business cycle theorist, a supply of money increases employment and then decreases the prices. They include the "price stickiness". According to sticky-wage theory, the nominal wages were difficult to be adjusted, so when the bank decreases the money supply, prices fell, real wages rose and unemployment rose too. This happens not because the wages per labor were high, but because the firms can not sell the amount of production that they wanted. Therefore, the relation between unemployment and inflation is a short-run tradeoff, because the government intervenes by increasing the money supply, and the cycle goes on (cost push effect). (Mankiw, 2005)

#### **3.2 Inflation and wages**

Many economists argued that, if wages are high then the level of employment is high, this brings an upward of inflation (demand pull effect). However, according to Johnsson and Palmqvist (2004), changes in wage in the short-run can not help the economists to predict the level of inflation. The first reason is that monetary can stabilize inflation and the effect of wages is small, while the second reason is that labor unions collaborate with businesses for setting the wages. Consequently, different unions and different business sectors can charge different wages, so the effect on inflation will be reduced. To conclude, as the wage-markup is exogenous, the changes on wages can cause inflation and not the other way. (Johnsson and Palmqvist, 2004)

#### **3.3 Inflation and Taxes**

The government put taxes in order to collect revenues for filling the budget deficit. If the taxes are high then investment will decrease. According to Ueda (2001), "inflation affects the resource allocation, because the government levies taxes proportionally or progressively on nominal income". The income is nominal so the effective tax changes according to the inflation rate. If inflation rises than the tax increases, this brings a decrease in revenue. Inflation affects the: 1) corporate depreciation; 2) corporate interest payments; 3) household interest receipts and 4) household holding stock. (Appendix A). (Ueda, 2001)

#### **3.4 Inflation and Exchange rates**

According to McKinnon (2005), sustained exchange rates reflect the monetary policies that a government takes: tight money brings an appreciation of the currency, which leads to deflation; easy money brings depreciation and inflation in the economy. Based on Ito and Sasaki and Sato (2005), a country with deflation (appreciation of the currency), its exports become expensive, whereas imports increase because they become cheaper. In contrast, a country with inflation (depreciation of the currency), loses competitiveness and financial crisis occur. In order to be flexible to this problem "the exchange rate can be crawling peg, namely the exchange rate depreciate by the rate approximately equal to the inflation differential".

### **4. Empirical study- Case of Albania**

Albania is a Western Balkan Country that is facing macro economical problems, but the governments are working hard for implementing policies and development programs to stimulate growth and promote stability. In order to achieve the EU requirements, Albania needs to stabilize the political and economic situation, through negotiations, preparing draft proposals according to the interest groups needs and to strongly implement the rule of law. After the completion of the requirements, then Albania will have a date for opening the negotiations for becoming an EU member, which it is still a long journey with hard work on the road to high fiscal consolidation and political discipline.

Albania is one the countries that even the financial crisis was present, its growth was still positive and slow. The main sectors that were affected were construction, exports and the inward processing industry. The government and private investments were strongly reduced, by creating an economic impasse. The level of unemployment was increased by causing a reduction in consumption spending. The positive growth came only from the exports of energy, minerals and

from the public investments done until the year 2013. After the year 2013, Albania is on a steady recession period, which needs fiscal policies and development programs to overpass this stagnation phase.

The aim of the study is to analyze the empirical findings for Albania and to discuss whether the theories of money are readily ascertainable or not. The study takes in analysis a range of years from 1994 to 2015, because historical data are not available before the transition years. Based on the Inflation function, the regression analysis studies the relationship of Inflation with Money Supply, GDP growth rate and Interest Rate. The study runs a Multiple Regression with three Independent Variables and one Dependent Variable.

The regression equation for the Multiple Regression is  $Y = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \varepsilon$

From the equation we find this information:

a – constant number (intercept)

b<sub>1</sub> – coefficient of Money supply

b<sub>2</sub> – coefficient of the interest rate

X<sub>1</sub> – Money supply variable

X<sub>2</sub> – Interest rate variable

b<sub>3</sub> – coefficient of GDP

X<sub>3</sub> – GDP growth rate variable.

We stated the null hypothesis and the alternate hypothesis.

The null hypothesis is: H<sub>0</sub>:  $\beta_1 = \beta_2 = \beta_3 = 0$  (insignificant relationship)

The alternate hypothesis is:

H<sub>1</sub>: Not all the  $\beta$ s are 0 (significant relationship)

After the statement of the regression equation, data were collected from the World Bank database and Ministry of Finance of Albania. The results from the test will show the Significance F of the model from the Regression Statistics. We will test the hypothesis at the 0, 05 level. If  $F < 0, 05$  we don't accept the H<sub>0</sub> (null hypothesis). Also we test all the coefficients in terms of t-statistics or p-value. The confidence Level is 95%, so if  $t > 1.96$  we reject the Null Hypothesis. If p-value is  $< 0.05$  then we reject the Null Hypothesis. After the test we see which of the independent variables has relationship with the dependent variable (inflation). The table below shows the results from running the regression analysis.

**Table 1: The summary of the regression analysis**

SUMMARY OUTPUT

<i>Regression Statistics</i>	
Multiple R	0.9479425
R Square	0.8985951
Adjusted R Square	0.8816943
Standard Error	3.2040443
Observations	22

## ANOVA

	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>Significance F</i>
Regression	3	1637.475168	545.825056	53.16874725	3.80866E-09
Residual	18	184.7862046	10.26590026		
Total	21	1822.261373			

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>
Intercept	28.43597083	7.29482039	3.898104314	0.001053859	13.11012192	43.76181974
gdp	0.635189177	0.285887607	2.221814308	0.039356837	0.034561602	1.235816751
real i	0.991317348	0.136155262	7.280786179	9.12492E-07	1.277368938	0.705265758
money1	0.254551165	0.097957439	2.598589407	0.018153122	0.460352108	0.048750221

**Source: Authors**

According to the F-value, which is  $3.81E-09 < 0.05$ , we reject the null hypothesis and accepting the alternative one, which means that there is a significant relationship between the dependent variable with the independent ones. Also, our model has a  $F=53$ , which shows a very significant model.

$R^2$  is an important coefficient. The coefficient of correlation measure the goodness of fit of the dependent variable (inflation) with the independent variables. It takes value from  $-1, 00$  to  $+1, 00$ . If  $R^2$  is  $-1, 00$  or  $+1, 00$  indicates a perfect correlation. In our study,  $R^2$  is equal to  $0.89$  and Adjusted R square is  $0.88$ . This means that Inflation has a high correlation with Money supply, Interest Rate and GDP.

Based on the p-value and t-value, we will see if the dependent variables are significant or not related to dependent variable.

P-value (Money) =  $0.01 < 0, 05$  (significant)

P-value (Interest rate) =  $9.12E-079 < 05$  (significant)

P-value (GDP) =  $0.03 < 0, 05$  (significant)

t-value (Money) =  $2.5 > 1.96$  (significance)

t-value (Interest rate) =  $|7.2| > 1.96$  (significance)

t-value (GDP) =  $2.22 > 1.96$  (significance)

then, we can re-write the equation as:

$$\pi = 28.43 - 0.25 \text{ Money supply} - 0.99 \text{ Interest Rate} + 0.63 \text{ GDP} + \varepsilon$$

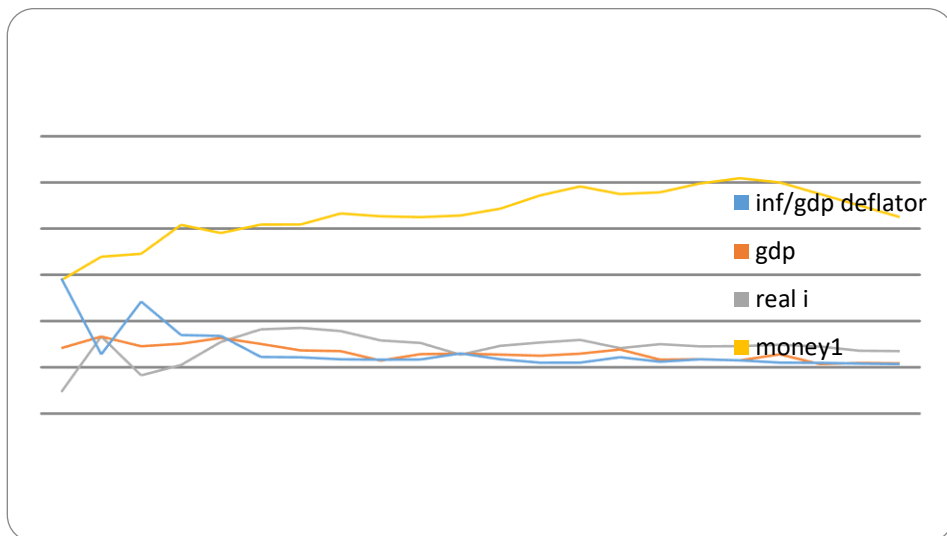
If 1% increase in growth rate of Money will cause a decrease of 0.25% growth rate of inflation.

If 1% increase in growth rate of Interest rate will cause a decrease of 0.99% growth rate of inflation.

If 1% increase in growth rate of GDP will cause an increase of 0.63% growth rate of inflation.

Hence, these results could be linked to the negative impacts that have *i* and *money supply* toward inflation. During recession and economic crisis periods, if the financial system increases the interest rate for deposits or loans, then more money will be deposited and fewer loans will be taken from the private sectors. Then, less supply of money will be in the market by causing a reduction of inflation. If, we see the graph below, Albania has passed an economic crisis caused from global crisis and especially the European one. The private sector reduced the demand for loans by reducing further the private investments, because of the reduction of the demand for goods and services. On the other side, individuals and small enterprises decided to increase savings, by reducing the level of money in circulations. The uncertainty of future government policies is high and businesses are afraid to start financing their projects.

**Graph 1: The relationship of inflation with M<sup>s</sup>, GDP, and interest rate**



In the Albanian case, the interest rate and the money supply are linked to each other, because the only supplier of money is the financial system. Albania has no active financial market and stock exchange institution. Furthermore, the increase of economical growth causes an increase of inflation, but during the last 5-6 years, the economic growth of Albania has been reduced steadily even with positive signs. Hence, with the reduction of economic growth, inflation has been reduced too, because the rhythm of development has been reduced through the reduction of demand from private sector and consumers.

From the empirical results, we can say that the Keynesian theory of money and the Modern Approach (Friedman framework) have been confirmed, where the demand and supply of money are based on the income of people. According to Keynes, since Albania is not in a full employment situation, there are no private and public investments, no consumption spending and then inflation is not the case. Furthermore, the Fischer effect is supported that interest rate is related to money supply. Moreover, the relationship of inflation and unemployment is short-run and not very strong, because of the interventions of the government. Here, we can say that since money supply has been reduced, then unemployment has been increased. That is the case of Albania, where changes in money supply do not play a very important role in price levels, by saying that the most important factors in the determination of prices are the demand and spending on goods and

services, by giving the income level and the wealth of people the most important role. Albania is the country with the lowest level of GDP/capita in the region and Europe.

Moreover, Albania has changed the tax system from proportional to progressive one at year 2014. This change was not positive towards businesses' investments and the reduced level of loans and money supplied came from the low possibilities of businesses to produce and to invest. Hence, governments should apply expansionary fiscal policies, by reducing the taxes and increasing the public investments. If the bureaucratic procedures will be reduced, corruption and fiscal evasion will be monitored and strongly controlled, then the government will extend the tax base. This extension will bring more money to the budget, by creating more possibilities for the government to pay the unpaid bills to the private sector. Furthermore, if the tax rates will be lower, then businesses will have more earnings, by stimulating investment and employment.

## Conclusion

The paper summarizes the Theories of Money and the effects of Inflation. It was proven theoretically and empirically that money supply is related with inflation. The initials were the classical that developed the aspect that interest rate has no effect on the demand for money. Fischer with the Quantity of Money assumed that  $V$  and  $Y$  were constant and prices were flexible and in the long run the economy is predisposed to full employment. The Cambridge economists suggest that the level of money is affected by wealth. Keynes brought the Liquidity Preference Theory, which was related the interest rate with the income. Keynes stated that a normal state under employment, will increase the spending and the previous effects will be not temporary. The modern post-Keynesian rejected that quantity of money has any independent fundamental role. The endogenous theory states that the Central Bank has indirect power and private sectors can increase the quantity of money by their transactions and velocity is fixed. Friedman argued that changes in interest rate will have not a great effect on the demand for money, because of any raise in return from the raise of interest rate will increase the return on money. New-Classical followed the "transmission mechanism" from Fischer effect that interest rates are related with money supply, and more money in circulation will cause inflation.

These theories are the base of further studies on money in different countries. The Effects of Inflation show the relation of Inflation with unemployment, wages, taxes and exchange. Countries with high inflation lose their competitiveness and suffer from instability.

The empirical part analyzed the theories of money and the relationship with inflation in Albania. The economic growth and interest rate have the correct signs based on the theory, while the money supply has the opposite one. This is the case, when the economic crisis has been reflected in the demand for money and investments. Furthermore, may be the case when the money supply is focused on investment and it is fully absorbed by the market, no free money is in circulation. Moreover, we can say that, there is a few supply of money, because the demand is low (from the private sector and consumers). Sometimes, the supply of money is less than demand, because of uncertainty and asymmetric information. In this situation, all the supplied money by banks is used for other purposes (payments of unpaid bills or accounts payables). From these results, the study shows that Albania has not enough money to stimulate growth, by causing a reduction in spending from the private sector and individuals. Financial crisis has brought a reduction of demand for goods and services, by consuming less and saving more. But, since Albania has the lowest GDP per capita, then even savings are very low. All the earned money are spent and absorbed by the system. To conclude, the model was significant and there is a correlation between Inflation and other variables (money supply, GDP and Interest Rates), by confirming the Modern framework of Friedman.

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## APPENDIX A

The passage is given as is cited in Ueda (2001). The inflation changes the effective tax rate in the nominal value of: 1) corporate depreciation; 2) corporate interest payments; 3) household interest receipts; 4) house holding stock.

- 1) To calculate the corporate tax, the depreciation is deducted from the taxable income. Because a rise (fall) in the inflation rate does not affect the nominal values of depreciation allowances, their real values become smaller (larger) and taxable income increases (decreases). When the inflation rate rises (falls), the effective tax rate rises (fall) and the post-tax real rate of return falls (rises).
- 2) On the assumption that a) the future inflation rate is perfectly foreseeable and b) both the nominal rate of return and the nominal interest rate change by the same amount as changes in the inflation rate (Fischer effect), corporate interest payments increase (decrease) and the taxable income decreases (increases), reflecting a rise (fall) in the inflation rate. Then the effective tax rate falls (rises) and the post-tax real rate of return rises (falls).
- 3) The rise (fall) in the inflation rate causes the nominal values of household interest receipts to increase (decrease). The effective tax rate on interest income rises (falls) and the post-tax rate of return falls (rises).
- 4) The rise (fall) in the inflation rate raises (reduces) stock prices. Even if the real values of households holding stock do not change, the nominal capital gains increase (decrease). The effective tax rate on capital gains rises (falls) and the post-tax real rate of return falls (rises). (Ueda, 2001)

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## Organizational Culture in Higher Education: Learning from the Best

**Adela Coman**

-Associate professor-

The University of Bucharest, Romania

[adela\\_coman2003@yahoo.com](mailto:adela_coman2003@yahoo.com)

**Catalina Bonciu**

-Professor-

The University of Bucharest, Romania

[catalina.bonciu@yahoo.com](mailto:catalina.bonciu@yahoo.com)

### Abstract

*In this paper we discuss organizational culture of higher education institutions whose components have been thoroughly described by authors such as Tierney (1988) and Valimaa (1998). We focused on the elements of organizational culture which outlines the identity of a higher education institution: why does the institution exist? How does the institution reach its goals and mission? What does the institution offer to its internal and external public? As such, we analyzed the mission, structure, governance and decision making processes, teaching and research in a comparative perspective: Harvard University (HU) and the University of Bucharest (UB), Romania. By looking into the organizational culture of the best, we learnt some lessons that may inspire, motivate and urge action if UB wants to progress so as to become one day a top leader in higher education worldwide.*

**Keywords:** organizational culture, mission, governance, values, teaching and research

### Introduction

Organizations today are knowledge-based and their success depends on flexibility and innovation. An effective reaction to these demands leads not only to changes in individuals and their behavior, but also to innovative changes in organizations to ensure their existence (Read, 1996). It appears that the rate of change is accelerating rapidly as new knowledge and its global diffusion increases (Senge et al, 1999). Creating innovative and adaptable frameworks have a role to play in this change process for survival. The result is that organizations and their leaders try to create an institutional framework in which new ways of motivating people and taking actions will be accepted as basic cultural norms in the midst of technological and societal change. Authors such as Ahmed (1998), Martell (1989), Pheysey (1993), Robbins (1996), Schuster (1986) have emphasized the importance of organizational culture in this context. Organizational culture seems to have an influence on how individuals perceive identity and openness to change in organizations, including higher education institutions.

Students come to believe in their university as the university communicates messages and interacts with them. When the university speaks of its mission, it speaks of helping students. Faculty members and administrators should start from the assumption that the student is a learner who should trust the institution where he/she studies and who should be encouraged to see the learning experience as a personal transformation; this process, at times, will challenge the tastes, desires and preconceived opinions they might have held up till that moment. The student is raw material during the learning process and progress toward a finished product, but a product of their own choosing.

An analysis of organizational culture endows administrators and faculty with information rather implicit about their institution which in turn may help solve some critical dilemmas: how can we design a more flexible structures and governance given



the rapidly changing environment and declining resources? How can we implement a system of decision making so as to diagnose problems, find solutions and offer programs enrichment to support academic innovation and excellence? How can we use values such as autonomy and freedom to design structures and practices to motivate academics reach their potential while helping students to find their way? The answer to these questions is a good start for managers and administrators who try to improve institutional performance.

To say that higher education institution has excellent results is similar today with acknowledging that it offers excellent research and teaching. An investigation of these activities is useful because they embed skills, qualifications but also symbols and meaning. From this perspective, teaching and research are carriers of organizational culture seen as an interconnected web whose components overlap and connect with one another. Moreover, increasing performance in both teaching and research sends the right message to students and the general public regarding to what the institution does to reach its mission and goals, solve critical problems and build trust in its capacity to do what it has promised.

This paper intends to offer some answers to questions related to organizational culture in higher education institutions. The paper starts with a literature review of organizational culture and its components. We then turned to what we believe is relevant for the identity of a higher education institution: mission, structure, governance and decision making as well as teaching and research. Each of the analyzed elements answers to some questions: why does the organization exist? (mission); how does the organization reach its goals? (structure, governance and decision making); what does the organization do (teaching and research) to effectively meet the needs of internal and external public? In search of answers we made use of a comparative approach, having as mentor Harvard University and as a disciple, the University of Bucharest, Romania. Some answers and lessons are learnt in the end as to how, why and what to improve in order to strengthen the organizational culture and help the disciple innovate and progress.

### **Organizational culture – a literature review**

Numerous definitions related to the organizational culture are dealt with in the literature. One of the most popular is “the way we do things around here” (Lundy and Cowling, 1996). Martins and Terblanche (2003) understand an organizational culture as the set of subconscious values and beliefs deeply seated in the organizational structure and shared by its members. According to Schein (1985), organizational culture also refers to a set of basic assumptions that worked well in the past and therefore they are accepted as valid assumptions that are maintained within an organization. Since these assumptions are continually tested in attitudes and behaviors and human interactions, we refer to the organizational culture as to the right/appropriate way for taking actions, understanding and solving problems within an organization. Beliefs, norms, values, philosophy, rules of the game and feelings, the components of routine behavior, all are part of organizational culture (Hellriegel et al, 1998).

An organizational culture is an integral part of the general functioning of an organization. A strong culture is based on shared values and beliefs that ensure that everyone in an organization is on the same track (Robbins, 1996). The role of an organizational culture may be inferred from the general functions and influences that organizational culture exerts on the organization's different processes.

According to Furnham and Gunter (1993), *the functions* of organizational cultures consist in internal integration and coordination. Internal integration refers to the new members' socializing processes, creating the boundaries of the organization, the feeling of identity and commitment of its members. The coordination function refers to creating a competitive edge, making sense of the environment in terms of acceptable behavior and social system stability which is the social glue that holds the organization together (Martins, 2000). Effective communication is based on shared meanings and beliefs. If the organizational cultures fail to fulfill these functions in an acceptable manner, most likely they may contribute to reducing the organizations' efficiency (Furnham and Gunter, 1999).

Organizations use different resources and processes to guide behavior and change. Managers use *rational tools and processes* such as setting strategic direction, goals, technology, structures and communication, decision making, cooperation and interpersonal relations meant to do things. Culture, on the other hand, describes *the character of an organization* and is expressed through symbols, feelings, meanings, behavior, physical settings and artifacts. Resources and processes are *tools* while culture is *thought* (Chiritescu, 2016). Therefore, organizational culture complements the rational managerial tools by playing an indirect role in shaping and influencing behavior. The expressive practice of culture

is rather a reflection of how an organization says things (Coffey et al, 1994). Moreover, the art of expressing why you do what you do, from an organizational culture perspective is a compelling indicator that the organization is on the right track (Sinek, 2009).

There is not abundant research into higher education institutions as organizational cultures. Burton Clarck, for example, has pioneered work on distinctive colleges as cultures (1970), the role of belief and loyalty in college organizations (1971) and organizational sagas as tools for institutional identity (1980). Earlier work has included the study of academic cultures (Becher, 1981; Freedman, 1979; Gaff, J. G. and Wilson, R., 1971), leadership (Chaffee, E. E. and Tierney, W. G., 1988; Tierney, W. G., 1988) and the system of higher education as a culture (Bourdieu, P., 1977; Clarck, B. R., 1984).

Higher education institutions are similar with business organizations in many ways. They have structures and processes, missions, goals and strategies to reach those goals. And, as in the case of business organizations, higher education institutions are influenced by powerful, external forces such as demographic, economic and political conditions; yet they are also shaped by strong forces that emanate from within (Tierney, 1988). This internal dynamic has its roots in the history of the organization and derives its force from its values, processes and goals. A higher education institution's culture is reflected in what is done, how it is done and who is involved in doing it. It concerns decisions, actions and communication, both on an instrumental and a symbolic level. It involves stories, special language, norms, institutional ideology and attitudes that emerge from individual and organizational behavior (Tierney, 1988).

According to Geertz, cultures are "webs...the analysis of it to be therefore not an experimental science in search of law, but an interpretive one in search of meaning" (Geertz, 1973, p. 5). Thus, an analysis of organizational culture of a university occurs as if the institution were an interconnected web that cannot be understood unless one looks not only at the structure and natural laws of that web, but also at the actors; interpretations of the web itself. Organizational culture then is the study of particular webs of significance within an organizational setting.

In universities, leaders and administrators often have only an intuitive grasp of the cultural conditions and influences that enter into their daily decision making. They have only a passive awareness of cultural codes, norms, symbols, beliefs and conventions and tend to recognize organizational culture only when conflicts are about to burst and adverse relationships manifest in a variety of forms. As a result, individuals find themselves dealing with organizational culture in an atmosphere of crisis instead of calm reflection and consensual change (Tierney, 1988).

Our lack of understanding of the role of organizational culture in improving management and institutional performance inhibits our ability to address the challenges that face higher education (Tierney, 1988). As decision making contexts grow in complexity, costs increase and resources become more difficult to allocate, leaders and administrators of higher education may benefit from understanding their institutions as cultural entities. As they make difficult decisions, these need not upscale conflicts. Instead, if they are properly informed by an awareness of culture, an administrator's decisions may contribute to creating a sense of purpose and identity within the institution. Moreover, to implement decisions, leaders and administrators need to understand the university's culture. Only then can they articulate decisions in a way that will speak to the needs of all actors and attract their support (Tierney, 1988).

It is important to understand that as much aware of organizational culture as one can be, recognizing its role and power is not a panacea for solving administrative problems. But a correct interpretation of the organization's culture may provide a critical insight into which of the many possible avenues one may choose from in search of in "one best way" to meet both the academics' needs and the goals of the institution.

### **Models of organizational culture**

Several authors have tried to describe the relationships between variables of organizational cultures using models: Sathe (1985), Schein (1985), Kreitner and Kinicki (1992).

Starting from the work of Schein (1985), Martins (1997) developed a model bearing in mind the ideal business organization and the role of leadership in creating the ideal organizational culture. Martins' model describes the interaction between the organizational subsystems (goals, values, structural, managerial, technological and psychological and sociological subsystems), the survival functions of external environment (social, industrial and corporate culture) and the internal systems (artifacts, values and basic assumptions) and the dimensions of culture. According to Martins (1997), these

dimensions of culture refer to the following: mission, external environment, means to achieve objectives, image of the organization, management processes, employees' needs and objectives, interpersonal relationships and leadership.

*Organizational mission* refers to how the institution's participants define the overarching ideology of the university. The mission of an organization is an interpretive act that provides meaning, direction and purpose (Tierney, 2008). In part, an organization's mission is defined by the history of the institution.

Further, to speak of any social institution is to speak of an organization that exists in an *environment*. As with the idea of organizational mission, however, how an institution's participants define the environment gets worked out within a cultural framework. That is, from a cultural perspective, the world is socially constructed and how concepts such as environment get defined is not so much a given fact but rather is something constantly considered, redefined and reinterpreted (Tierney, 1994).

*Leadership* is also a cultural construct that demands investigation when studying colleges and universities. Leaders enact scripts through an interpretive lens that enables them to act and communicate in one way in the organization and another in a different organization. Indeed, who the leaders are and whether the organization permits only formal leaders or relies on informal leaders is contingent on culture. Similarly, the manners in which the organization defines *strategy and information* are not fixed definitions irrespective of organizational type, but instead revolve around cultural interpretations of what the actors have come to expect about "how we do things around here". People come to believe in their institutions by the manner in which they interact and communicate with one another. Cultural norms surrounding such key issues as how *decisions* get made and by whom, who is privy to information and how information gets conveyed plays a key role in facilitating or impeding organizational change. Finally, *socialization* helps actors determine what is important to the organization. Indeed, how individuals learn about the organization and what they learn are key signals for newcomers about what the organization values and how they should act (Tierney, 2008).

All these elements are part of a university's organizational culture. We decided to discuss only a few in this paper, namely mission, structure, governance and decision making as well as teaching and research as they are relevant for the identity of a higher education institution. The design of selected elements answers to some questions: why does the organization exist? (mission); how does the organization reach its goals? (structure, governance and decision making); what does the organization do (teaching and research) to effectively meet the needs of internal and external audiences?

Our approach is a comparative one because we think that learning from the best is not only useful but also inspiring: a model of success makes people and institutions hope that if you find the correct answers to the fundamental questions of why, how and what, there is a chance to make it. In this case, our model is Harvard University (HU), ranked first in the world as the best higher education institution. The disciple is the University of Bucharest (UB) ranked first as in teaching and second in research in Romanian higher education (2014).

## Learning from the best

### Mission

As mentioned before, organizational mission refers to how the institution's participants define the ideology of the university. It is an act of interpretation (with roots in the organization's history) of what the organization stands for. A mission speaks to the internal and external public about its meaning, direction and purpose. It is (or should be) an answer to a question: why does this organization exist?

A good answer to the question "why" is that of Harvard University: "The mission of Harvard College is *to educate the citizens and citizen-leaders* for our society. We do this through our commitment to the transformative power of a liberal arts and sciences education. Beginning in the classroom with exposure to new ideas, new ways of understanding and new ways of knowing, students embark on a *journey of intellectual transformation*...From this we hope that students will begin to fashion their lives by *gaining a sense of what they want to do* with their gifts and talents, assessing their values and interests and learning how they can best serve the world" ([www.harvard.org](http://www.harvard.org)).

As anyone can easily notice, this mission is centered on the student: he/she needs to be educated so as to become a (trustful) citizen and citizen-leader; therefore, he/she is invited to embark on a journey of intellectual transformation. It is by

exposure to new ideas and ways of understanding along this journey that students become familiar with what happens in society and get a clearer picture of what they want to become in this life.

The mission of the UB is less clear: "The University is one of the leading higher education institutions in Romania and South-East Europe by actively contributing through research and teaching to the development and use of knowledge. The University's main objective is to offer high *quality academic programs* and *research facilities* and becoming a *forefront of research and teaching*. The University is an important academic institution, part of a global intellectual community working towards protecting and reinforcing academic values as well as towards promoting diversity and international collaboration" ([www.unibuc.ro](http://www.unibuc.ro)).

The mission of the UB is focused rather on *the institution itself*. There is no specific reference to students as the main beneficiaries of what the university has to offer, as if the academic programs and research facilities have one single, central and important objective: to serve the university so as to become a forefront of research and teaching. Moreover, it is stated that the university is an important institution (?) that promotes values, diversity and international collaboration as part of a global community. It may be an important institution but in what context? Compared to what? We believe that it may be useful to redefine the mission of the university as long as there is no doubt that institutions of higher education are meant first of all *to educate* students. How they do it or if they become important while they are doing it is rather a different story.

Unlike business organizations, higher education institutions do not work with products and services; instead, they work with people and their potential. By modeling this potential with specific tools, universities contribute directly to creating individual personalities and characters, professionals and citizens. This is the reason why we believe that the answer to the question why the university exists is important to be clearly stated in its mission. Second, because universities work with young people, we think that when sharing their mission, this should be a source of inspiration: we educate students and offer them everything they need to find their own identities and grow; in the end, it is these young educated people that will be in charge of tomorrow. We believe that a convincing answer to the question *why* may help universities build the foundation of trust, as a social glue that makes the system work (Tierney, 2008).

### **Structure, governance and decision-making**

Universities are entities that by definition should explicitly promote *values* such as autonomy and freedom, encourage *cooperation* between departments and faculties and support *access to information* and communication between administrators and faculty.

According to Armstrong (1995), an organizational culture has an influence on the *organizational structure* and operational systems within an organization. The structure seems to emphasize certain *values* such as flexibility, freedom and cooperative teamwork. It is especially the values of flexibility as opposed to rigidity and freedom as opposed to control that are emphasized in the literature (Arad et al, 1997). A high level of responsibility and adaptability in university structure also accompanies an organizational culture that allows for flexibility.

*Freedom* as a core value promoted by all institutions of higher education in general is manifested in autonomy, empowerment and decision making. This implies that academics are free to achieve their goals in an automatic and creative way within guidelines (Judge et al, 1997). Academics therefore have the freedom to do their work and determine procedures as they see fit within guidelines. Management should also encourage academics to be more creative and empower instead of control them (Judge et al, 1997). The degree to which they have freedom and authority to participate in decision making and in solving problems determines the level of empowerment which is positively related to the effectiveness and efficiency of higher education institutions (Arad et al, 1997).

*Cooperative teams* are identified by some authors as being essential for the degree to which creativity and innovation is promoted and sustained within universities. Well established teams which encompass diversity and individual talents that complement one another promote creativity in everything they do whether research or teaching (Arad et al, 1997, Mumford et al, 1997). Cross-functional teams which encourage social and technical interaction between its members can improve collective creativity which is further reflected in a course design or a project that opens a new line of research. In other words, a team's creativity depends on their way of making cooperation work with each other and other groups and sharing information. It is trust and mutual respect that make cooperation possible in a variety of forms. Again, trust as the social

glue of organizational culture has an influence upon institutional creativity (Tierney, 2008). Academics need to understand different opinions and styles of doing things, solve conflicts, communicate effectively and be open to new ideas and question them. Such effective teamwork is partly based on the team members' skills and abilities and partly on the shared values within the group (Tushman and O'Reilly, 1997).

If a university is compared to a business organization, most often than not we have to consider rather confusing relationships between administration and faculty as reflecting disorganization, willfulness or the pursuit of self-interest in preference to college interests. Corson (1960) was among the first to identify the administration of colleges and universities as presenting "a unique dualism in organizational structure" (p. 43). Corson saw the university as including two structures existing in parallel: the conventional administrative hierarchy and the structure through which faculty made decisions regarding those aspects of the institution over which they had jurisdiction. This dual system of control was further complicated by the fact that neither system had consistent patterns of structure or delegation. The faculty governance structure on every campus was different and each administration seemed to have been established "to meet specific situations in particular institutions or to reflect the strengths and weaknesses of individuals in various echelons" (p. 45).

Although Harvard University is top of list of higher education institutions, it has only a very small administrative group at the top. Harvard is significantly decentralized with activities occurring within a few square miles of Boston and Cambridge, Massachusetts. Most employees are housed in the university's four schools. Each school has its own dean and its endowment and, in accordance with Harvard's philosophy, "every tub on its own bottom", largely controls its own destiny.

Harvard is one of the few universities in which each school chooses its own academic calendar. Each school has its fiscal *autonomy* and *responsibility*. Individual professors also have enormous autonomy and discretion. In many schools, they have almost total control over courses they teach, research they do and which activities they pursue, if any. Faculty meetings are typically sparsely attended. If a dean or a department head wants a faculty member to chair a committee or offer a new course, the request is more often a humble entreaty than an authoritative command. Everybody expects each course at Harvard to be the unique creation of an individual professor. Two schools might offer courses with the same title, covering entirely different content with widely diverging teaching styles.

It is *autonomy* and *decentralization* that allows Harvard to be extremely flexible. Each school has its own administrative structure. Administrative staff is perceived rather as a support structure that is in charge with managing resources (money, buildings and other facilities) in order to support a school's activities: teaching, research and service. Each school is managed by a dean and his/her team. Decision making related to teaching and research activities is an extremely transparent process; it also involves participation of all faculty members.

The situation looks different at UB: the self-evaluation report of the UB in 2012 has revealed that governance structures and decision-making processes are not always clear, efficient and transparent. In some cases, similar administrative tasks are carried out in a variety of departments at various levels, resulting in inefficiencies and confusion for the users of their services (SER 2012).

Administrative and academic staff experience constraints due to bureaucracy which is often attributed to the numerous and constantly changing regulations from the governments. These changes often result in a waste of time and resources. Some examples of such consequences are: delayed implementation of projects; not being able to hire academic and administrative staff despite of the high number of students and research projects; rigid budgeting and public procurement procedures. However, following the Law on Education which issued some governance and human resources arrangements and procedures to universities, UB needs to address the internal governance and decision-making within its own organization more effectively.

There is a strong awareness of the necessity to rethink the balance of responsibility between the central and faculty level. The university aims to make its administration more efficient and transparent. It is important to draw up an overview of structure of the administration and its administrative processes. University governance structures and processes should be reviewed to see whether they are functional and should be adjusted accordingly, in order to at least reduce inefficiencies.

The university should have a more coherent administrative structure serving the university community in a simple, one-stop manner. For example, maintaining one central statistical database for all institutional information including teaching, research, services, students and staff, and providing necessary analysis upon request to inform its own decision-making processes is a precondition for well-informed and timely decision-making. Having institutional statistical data gathered and

kept in different departments and research units is not helpful for entering quality management processes or helping decision-making at the UB (SER 2012).

There should be a better distribution of academic responsibility and decision-making between the Rectorate and the faculties on the one hand while it should be investigated if some additional practical services should be provided by the central level, on the other hand. There is an example of this with the research office where one office is located centrally at the university and aims to assist academics with various grants. Research grant management is an important part of the academic work portfolio, but it is difficult to have just one central office without administrative staff in the faculties who can help academics to submit and administer external grants.

It is important to note that “governance” as well as management and administrative staff should serve and support teaching, research and service of the academic community at the UB.

## Teaching

HU developed Harvard Initiative for Learning and Teaching (HILT). This structure’s mission is to catalyze innovation and excellence in teaching and learning at Harvard. Its four goals are: to build on Harvard’s strengths in teaching and learning; to meet the educational needs of students (both technological and pedagogical); to strengthen the science of learning and to develop a robust network at Harvard around teaching and learning innovation. These challenges require the combined efforts of students, faculty and staff and the thoughtful coordination of programs, centers, departments and schools with each other and the University as a whole. As HILT’s President, Drew Faust, mentioned: “We must deploy Harvard’s exceptional scholarship to redefine teaching based on the ideas, evidence and technology of today’s world”.

Over the next ten years, HILT aims to have demonstrably seeded hundreds of local innovations and experiments; to facilitate the “institutionalization” of innovations and experiments that are successful such that they become self-sustaining; to have developed a large community of practice around teaching and learning excellence that involves all Harvard schools; to facilitate high quality research on learning and teaching that is used by Harvard instructors and students and beyond.

HILT uses a variety of tools for accomplishing its mission and goals. One of them is the Spark Grants, offered on a semester-basis. These are awards designed to help “spark” promising teaching and learning projects from idea to reality and position innovations for future success. To create the best 21<sup>st</sup> century learning and research environment at Harvard, the Office of the Vice Provost for Advances in Learning (VPAL) offers faculty and students support and services. The number of tools and means to support innovation that Harvard has already created is quite impressive and they are functional and efficient: Teaching and Learning Consortium network, HILT Spark Grants, Scholar to Practitioner Speaker Series (a web page for expert scholar speakers), Talking about Teaching Series (a seminar that explores pedagogical connections across disciplines and schools), University-wide video infrastructure support, to name just a few.

Teaching at HU is extremely challenging. For example, Harvard Business School (HBS) offers about 100 courses in economics. These courses are created by faculty and undergo discussions and improvement before their final approval. Only a small number of courses are obligatory; most of them are electives. And, if these courses are to survive along the way, students need to see these courses as new, useful and attractive; which makes cooperation between faculty and departments possible (because academics work together at course design and course improvement) as well as competition (only the most promising and attractive courses survive). In this case, both cooperation and competition are needed in order to support the university’s mission and performance.

At the UB, not even at faculty level can we speak of autonomy and freedom in decision making; therefore, teaching is not always easy. For example, creating and implementing a new course is a very long and complicated process. It may be a good course, new and attractive with a great value for students and an exquisite learning content. You can teach this course only within an existing specialization and only if the course is mentioned in the ARACIS guidelines. Besides, there is no prior process of peer review and content improvement. No one evaluates course novelty, usefulness and attractiveness; which in turn makes writing new courses a much less interesting activity as long as there are no mechanisms of support at management level (programs are already stuffed with courses); neither at department level (there are no teams to evaluate course content and offer feedback to the author (s)). Therefore, if there is no preoccupation and no mechanisms of support, creativity has little chance of manifesting itself so as to serve both students and university.

## Research culture and support

The Directors of Research at HU are responsible for fostering the university's intellectual community and research culture, encouraging research that addresses important global and multidisciplinary questions and supporting individual faculty in their research programs. For example, in response to the faculty culture report, the Directors of Research at Harvard Business School (HBS) engaged in a series of discussions of their aspirations for the HBS research culture and how to enhance that culture. They presented their aspirations and ideas to the faculty and held a series of 10 small group discussions during the fall 2013 to solicit feedback and additional ideas. During the spring term they held two focus group meetings with the faculty who organize research labs, engaged the Dean's Management Group and convened the School's Unit Heads for further discussions to help shape their ideas. In May 2014, the Senior Associate Dean for Research presented the outline of three experiments to all the faculty:

- Research coaches – providing additional support for faculty learning to publish in scholarly journals;
- Research labs – facilitating opportunities for faculty with shared interests to interact;
- Case writing support – including a case-study writing workshop for tenure track faculty and a working group focused on the craft of case-writing.

Additional activities to support research at HU in recent years have included:

- Increasing the visibility of inspirational research through an annual School-wide research symposium;
- Hosting the Course Development Research (CORE) seminar to provide a forum for faculty engaged in course development research to discuss early stage work with colleagues throughout the School;
- Sponsoring research conferences, many with a multidisciplinary focus, that academics and practitioners attend;
- Faculty Immersion Experience Programs (IXP) provide opportunities for faculty learning and, in the case of international IXPs, to reduce barriers to conduct international research;
- The Global Research Fellowship Program provides opportunities for faculty to pursue in-depth research and course development projects outside the US. The fellowships allow for a true immersion experience by providing funding for a one to nine month international stay;
- Faculty members are provided with an annual stipend as a supplement to their research budget that offers flexibility to cover research-related expenses that might not otherwise be covered by the research budget, such as technology purchases.

According to the UB's internal regulation, the research strategy at the university is drawn up normally by the Scientific Board. It is based on the integration of the yearly's programs of the university's research centers. The strategy has to be approved by the University's Senate (art. 7, UB Research Regulation).

Research at UB takes place in various units within the departments and faculties (art. 4, UB Research Regulation). Researchers are affiliated to both a research center and a faculty. According to the SER (2012), research is coordinated by a variety of structural arrangements, such as institutes (e.g. Institute of Classical Studies), laboratories, research centers, project units and consultancy centers. In some faculties, research centers create good conditions for research while in others, research centers do not seem to be functioning. This structure for research encompassing different entities may be too complicated to operate effectively and to properly manage. Therefore, the relationship between different research entities should be clarified to ensure reasonable responsibility.

Research management at UB is decentralized. The administrative and financial management of the research projects is carried out centrally at the university level by the Office of Research and Technology Transfer. According to a recent survey (2012), academics are concerned with project management procedures that are cumbersome and may sometimes jeopardize the success of research projects. The lines of communication and responsibilities are unclear; thus, a great deal of time is needed for academics to run a research project.

In some faculties, the doctoral and postdoctoral researchers are engaged in externally funded research projects, both nationally and internationally. Faculty members generally attend international conferences and organize various scholarly events. But, in some faculties, research activities are far from being impressive. Publishing in foreign language journals is always a challenge. For quite a few, publishing internationally is a new type of activity, the rules of which they need to learn, in addition to all their other responsibilities. Since the assessment of research has only recently started, academics feel an impetus to get involved in research projects and belong to research centers. But the limited resources at national level,

payment disruptions linked to the EU structural funds' schemes, restrictions to hire new staff as well as having very limited capital investments in infrastructure for the past few years have limited the research performance at the UB.

Given the limitations, the university should try to create more possibilities for research and support mechanisms, especially in faculties that have been less attractive so far.

Research opportunity is unevenly distributed across the university – in some disciplines there is more opportunity while in others opportunity is much less present. If the UB wants to offer research-based education, it needs to improve research in all fields, especially in the newer faculties. There should be an effort to create and increase research capacity in all faculties. Most faculties and faculty members need support mechanisms in this regard.

Although some examples of European-funded research projects can be found at the UB, it is important to make better use of available funding from outside the university and the Ministry of Education.

It is also vital to enhance the research development of young academic staff. Junior academics are generally overloaded with teaching responsibilities at the time when they should be given more room for research and publishing. Therefore, a redistribution of teaching loads across the different levels could be helpful. Perhaps more senior academics could increase their teaching loads to support upcoming talent. In several European countries, such as Germany and Denmark, but also in the US, junior academics have lower teaching loads than senior academics.

The quality of teaching and research depends, to a great extent, on the institutional support: money, buildings, infrastructure, networks, etc. In the case of HU 58% of faculty are very satisfied and 23% are satisfied with opportunities to innovate in teaching (2013 Harvard Faculty Climate Survey Results), in the case of UB only 15% of faculty are very satisfied and 13% are satisfied with the same opportunities. 48% of Harvard professors are very satisfied and 33% are satisfied with the quality of technical and research staff while at the UB only 19% declare that they are very satisfied and 14% declare satisfaction regarding the quality of technical and research personnel. It is also interesting to notice that at Harvard's, the quality of support and administrative staff is perceived as very satisfactory by 48% and satisfactory by 29% of professors. In the case of UB, only 9% of professors are declare high levels of satisfaction and 4% are satisfied with the quality of support and administrative personnel (Coman, 2016).

## Conclusions

Higher education institutions and business organizations have organizational cultures that differ in terms of mission, external environment, means to achieve objectives, image of the organization, management processes, interpersonal relationships and leadership.

We started with the idea that in higher education, to learn from the best means not necessarily to replicate a model of success, but rather to get inspired by and discover strategies, tools, attitudes and values that may contribute to building an organizational culture open to creativity and innovation. We decided to focus only on those elements of organizational culture that may offer answers that help the university shape its identity: the mission (why does the university exist?); structure, governance and decision making (how does it reach its mission and goals?); teaching and research (what does it offer?).

We discussed the answers to these questions in the specific cases of Harvard University as the leader in research and teaching in the academic world and the University of Bucharest, ranked first in teaching and second in research among higher education institutions in Romania.

What are the lessons that academics and administrators of UB may learn from the best? First, we need to reaffirm our determination to serve students, to educate them using all the necessary tools to help them find their way in life as self-accomplished individuals, professionals and citizens. To (re)affirm the reason why we exist as a higher education institution (the answer to the question "why") is part of the organizational culture. The answer to *why* may inspire students and helps us all develop trust as a social glue that holds the organization together.

Second, we should design better structures of governance and more flexible systems of communication and decision making. With structures and systems based on values such as autonomy and freedom, we should express this freedom in everything that is related to teaching and research, including hiring personnel, creating and implementing new courses,



easier access to university research grants. This is the answer to the question “how”: transparency in decision making, access to information and flexible administrative and management structures. In the case of UB, a convincing answer to the question “how” would be an indicator of an organizational culture prepared to face change; open to innovation; supportive in reaching organizational mission and goals.

Last but not least, we should learn that research and teaching need adequate mechanisms of support. While it is about new programs and fields of teaching, new national or international grants, new teaching and learning systems and personnel, all need mechanisms of implementation and support. Because if you lack adequate support, you cannot wait for outstanding results to happen. You cannot build trust unless you prove that where there is initiative and innovation, there is also a mechanism to support it; where there is opportunity, there are also tools to help that opportunity turn into something useful for students and faculty.

Inspiration, openness, support – these are the organizational coordinates that we should work on with determination and enthusiasm in the years to come; hopefully, we will make it to the top.

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## Organizational Change: Employees Reaction Towards It

**PhD.Cand. Gentisa Furxhi**

Faculty of Economy, University "Fan S.Noli", Korce, Albania  
gfurxhi@gmail.com

**Prof.as.dr.Sonela Stillo**

Faculty of Economy, University "Fan S.Noli", Korce, Albania  
sonelastillo@yahoo.com

**Doc. Marinela Teneqexhi**

Faculty of Economy, University "Fan S.Noli", Korce, Albania  
marinelapt@yahoo.com

### Abstract

*The organizations, in the present days, are facing a dynamic environment which makes that no organization is immune towards change. Technological changes, innovations in communication, movements in the job market, globalization, make the organization face continuous challenges regarding competition, general non-stability of the macro-environment, merging and re-engineering of the work processes. To face these challenges, the organization reassesses the strategies, structure, policies, actions, processes and their culture. So the organizational change (OC) is inevitable in the environment where the organizations operate. Organizational change can be a very small change (additional) or it can be fundamental (transformative). Regardless of the form, function or size that the organizational change can make, there is an agreement between the community of the researchers that the pace of the organizational change has never been as high as in our days and it must be considered as a "feature which is present in the organizational life both in the operational level as well as in the strategic level" (By, 2005). Researchers already see the organizational change as a feature, present and continuous of the organizational life, inconsistent with the previous conceptualism that viewed the organizations as relatively stable systems, which developed over time through additional planned changes, which took place in regular and predicted phases (Burnes, 2004; Cummings & Worley, 2009). The famous expression "organizations don't change, people do", creates the need for change agents to understand that employees have different reactions to change initiative, because they have different personal experiences, motivation levels, socio-demographic characteristics, knowledges, values and different behavior models.*

**Keywords:** Organizational change, change agents, readiness of the employees, resistance.

### 1. Introduction-Organizational change

The organizational change is defined as the implementation of the strategies, created to change job conduct of the employee in order to improve the organizational performance (Porras & Roberston, 1992) and that the change can be affected by internal and exterior factors; it can take different sizes and shapes, and can affect all the organizations of the industry. In the organization most of the problems and challenges are created because of the competition, advanced technology, merging, extensions, maintenance of the product quality, or the increasing of the efficiency of the employees on one hand, and the fast growth, new business ventures, interesting opportunities, innovations, and new management approaches on the other.

The organizational change is defined as a displacement from one stage to another, or the change deals with the breaking down of the existing structures and creating new ones (Chonko, 2004). Barnett and Carroll (1995) defined the change as a transformation between two points in time, to compare the organization before and after the transformation. The change can be small or large; it can be related with the improvement, variation, change or modification of something (Bennett, 2001). Sources of change are internal as well as external pressures associated with the business expansion or with their need to respond to challenges.

Internal factors of change are associated with the growth of the organizations, while the external factors are associated with such cases as the institutional and market instability (Barnett and Carroll, 2005). Despite the form, function or size that the organizational change can take, there is an agreement between the community of the researchers that the rhythm of the organizational change has never been as high as in the present days and it should be considered as a "feature which is present in the organizational life both in the operational level as well as in the strategic level" (By, 2005).

Researchers already see the organizational change as a feature, present and continuous of the organizational life, inconsistent with the previous conceptualism that viewed the organizations as relatively stable systems, which developed over time through additional planned changes, which took place in regular and predicted phases (Burnes, 2004; Cummings & Worley, 2009).

One of the models of organizational change that explain the difference between the three stages is the Lewin model. This model is created by the psychologist Kurt Lewin in the years 1940. He recognized three stages of change, which are widely spread even in the present day.

These stages are:

1. Unfreezing, the equilibrium and the current state of the organization.
2. Change, passing to the desired state through regulation and relocation of the old models of conduct
3. Re-freezing, the new conducts defining them as new stable conducts to create equilibrium and the new state of the organization.

Lewin (1947) suggested that the major part of the employees tend to be around some safe zones and they are hesitant towards change. These employees feel comfortable in a constant environment and they don't feel comfortable when a change happens, even a small one. According to Lewin, the organizational leaders should minimize or eliminate the clamping forces that lead to the opposition of change, through creating leading forces pro change, or through using the combinations and tactics that make the employee accept the actual state of the organization and the techniques that create opportunities that the employees will adapt toward organizational change.

According to Lewin, these are tactics mostly used by the organizational leaders (the agents of change) to motivate the employees to accept the change.

These techniques involve:

1. Creation of trust.
2. Clarifying the reason that the actual state of the organization is no longer suitable through a compelling vision for the future desired state.
3. Promotion of the involvement and active participation in design and implementation of the actions for organizational change.

Lewin's three phase model and the efforts of his colleagues was a trampoline for most of the future organizational models of the management process of change (Burnes, 2004; Burnes&Oswick 2011; Cummings & Worley 2009; Weick& Quinn 1999).

In fact these basic elements and tactics are still present in many recent models of leadership of the organizational change.

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Perhaps the most well-known is the model of John Kotter (1995-1996). He proposed an eight phase process, which should be followed by the organizational leaders to successfully implement the organizational change:

1. The increase of the urgency for change.
2. The creation of a group that deals with change.
3. The creation of the vision.
4. Communication.
5. Authorization.
6. The creation of short-term objectives.
7. Persistence.
8. Making a sustainable change.

Another process by Blanchard and his collaborators (2007), also suggests that the organizational leaders should follow a model of eight phases of change: 1. The expansion of the opportunities for inclusion and impact; 2. The explanation for the change; 3. The prediction of the future; 4. The experimentation to ensure harmonization; 5. Allowing and encouraging; 6. Commission and approval; 7. Collocation and extension; 8. The search for opportunities.

## 2. Employee's reactions toward organizational change

Numerous studies showed that there is a high percentage of failure in the initiatives for change (Beer and Nohria, 2000). As an answer to the high degree of failures of change, researchers have tried to discover the factors that can increase the chances to the successful implementation of the organizational change. Miller, Johnson and Grau (1994) argued that, the failure of the successful implementation of the change can be dedicated to many factors, some issues are as important as the behavior of the employees toward change. So, the agents of change must focus at the reactions of the employees toward change, which are positive (willingness toward change) or negative (resistance toward change).

Willingness for change is the most common positive attitude toward change, toward which, many studies have been undertaken in the literature of the organizational change. And actually, by reviewing the literature that Bouckenoghe (2010) wrote is concluded that 90% of the work about the attitudes toward change is defined as "beliefs, attitudes, and individual objectives, about the acceptances that how necessary are the changes and that how capable is the organization to successfully undertake these changes (Armenakis, Harris & Mossholder, 1993 pg 681)"<sup>1</sup>. Armenakis and Harris (2002), have discovered five beliefs that underline the individual willingness for change. Firstly, Armenakis and Harris argue that a message of change should create a feeling of *inconsistency* or a belief that the change is necessary. So, an individual must believe that the proposed change is *appropriate* toward a given situation. In addition, Armenakis and Harris argued that a message of change should create the feeling of *efficiency* that is referred to the abilities that an individual perceives that he has in order to implement an initiative of change (Oreg, Vakola & Armenakis, 2011). The fourth belief is *the initial support*, which evaluates the individual trust that the organization (supervisors, colleagues) will create support in terms of information and resources. This belief impacts the understanding of the efficiency of an individual about his ability to implement change. The last belief is *valence*, which has to do with the evaluation that an individual makes to the benefits and costs of a change.

Chawla and Kelloway (2004, pg 485)<sup>2</sup> define the resistance toward change as "participation in every attitude or behavior that prevents the objectives of the organizational changes". A passive reaction can be an expression of fear of losing something precious, a feeling of losing the control caused by fear of an unknown situation, and the fear of failure in the new situation which will probably cause the resistance to change (Tannenbaum and Hanna, 1985; Bridges, 1986; Jick, 1979; Dirks et al, 1996; Cheim, 2002).

In the literature, the resistance of the employee can be seen better as made of two components such as reactions of attitude and reactions of behavior to change. In the attitude of resistance to change, the reaction of the employee depends on the psychological rejection of change according to need; while the resistance of behavior maybe has to do with individual

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1 "Creating readiness for organizational change", Sage Journals, Human Relations June 1993, Vol

2 "Predicting openness and commitment to change", Leadership and organizational development Journal

behaviors that reflect the absence of will to support change or the absence of the will to stay with the organization during this troubled period (the absence of commitment for change) (Chawla and Kelloway, 2004). According to Dent and Goldberg (1999), people not necessary resist change, but meanwhile they resist the loss of status, payment or commodities that can be associated with it. The reaction that manifests itself as anger or fear constitutes the resistance to change. According to Bove and Hede (2001), resistance is created in an organization because the process of change involves the passing from a known situation in an unknown situation that makes the individuals unreliable. So the employee can develop different thoughts, beliefs and attitudes about the organizational changes. Many researchers have promoted the importance of the perceptions of the employees about the organizational changes (Kotter, 1995; Armenaki et al, 1999, Holt et al, 2007; Elias, 2009). They argue that most of the failures of the programs of change happen because of the human factors, which are directly related with the individual and workplace determinants. Through these factors, the employee can develop positive attitudes and behaviors that can show the pleasure of the employee toward the organization (Martin et al, 2006).

### 3. Case study

The main goal of our study was to see employee's reactions to changes organizations have taken during the past 10 years. Another goal of this study was to see if the factors that have affected employee's readiness or employee's resistance to change in developed countries were the same factors affecting attitudes to change to employees in Albania, as a developing country. We studied factors that influence employee's readiness or resistance to change in a sample of 1000 employees in 50 different business organizations (manufacturing, service organizations, banks) in Albania. Some of the most important findings from our collected data are shown at the figure 3.1.

As it is shown from the chart, all of organizations have taken changes in products/services they produce/offer. This is a domino effect of technological change, due to 90% of organizations have made changes in manufacturing, communicating technology, etc. Few changes were undertaken to organizational culture, because it is a change which needs longer time to occur.

Success rate of change initiatives is still low (30%), compared with change failure (70%), in Albanian business reality (fig.3.2). This high rate of change failure, has a significant link with negative reaction of employees to organizational change, 62% of them have not accepted change initiative as appropriate to organization (fig.3.3).

Reasons why employees have reacted in this manner, refusing organizational change, are shown in the figure 3.4.

Our study revealed that there were different factors that impacted employees resistance to change. Employees perceived organizational change as a threat to keep personal control to their work, 79% of them thought that they will lose personal control due to change initiative. One of the most important reasons why employees have not accepted organizational change was fear of losing their job, only 17% of employees believed that their job position was safe after change implementation. This uncertainty is due to the fact that major changes were changes in manufacturing technology. Employees who manifested readiness to accept organizational change, believed that change will create higher levels of autonomy at work (50% of them). Also they perceived that change initiative was appropriate with organization need for change (35%) and 37% of employees reported management support as a crucial factor to accept change. They had positive feelings to a regular change process which begins with a clear communication to change initiative and ends with necessary trainings.

### Conclusions

Organizational change is an integral part of business organizations. It is created as a result of a gap identification at organizational performance or as a result of new ideas creation. Change can be triggered by external or internal environmental organization factors. Every change is created to improve organizational performance. The success of change implementation and change management depends heavily on perceptions that employees have toward it. Employees have different reactions to change initiative, because they have different personal experiences, motivation levels, socio-demographic characteristics, knowledges, values and different behaviour models. They are more likely to be resistant to change when they feel uncertainty for their work position, when they lose work autonomy and when they are not involved at change initiative. Also, employees will react negatively, when they see there is no need for organization to

change, or when they perceive that change initiative is not appropriate to improve organizational change. On another hand, employees are ready to accept change when they are convinced that change is necessary to achieve a desired future condition; when they see that management support really exist; and when change is clearly communicated to them. So, when organization leaders treat employees as human beings and they stay closed to them during change process. Also, as far as employees perceive that the change will bring personal benefits to them (e.g., career growth, higher wages, etc.) they are more likely to accept organizational change. At the end, one of tactics that fosters employees to accept and to engage for a successful change management is employees involvement in change project.

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## Figures

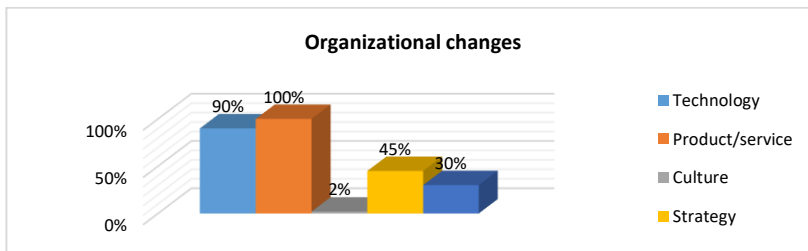


Fig 3.1: Organizational changes

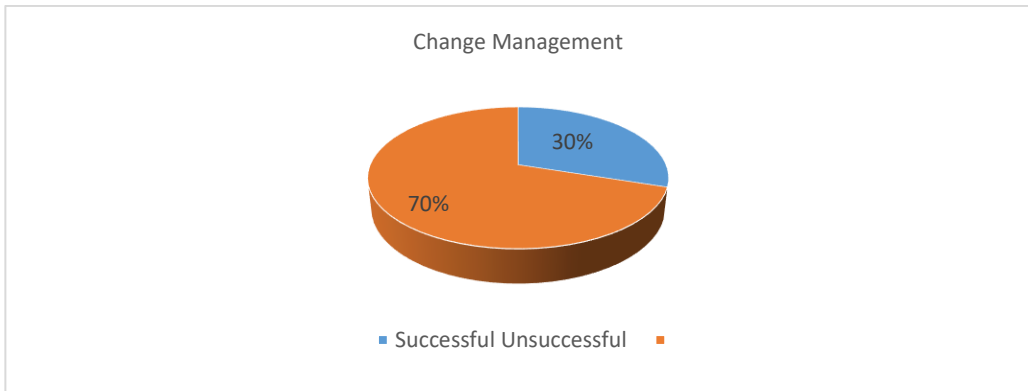


Fig 3.2: Change management effectiveness

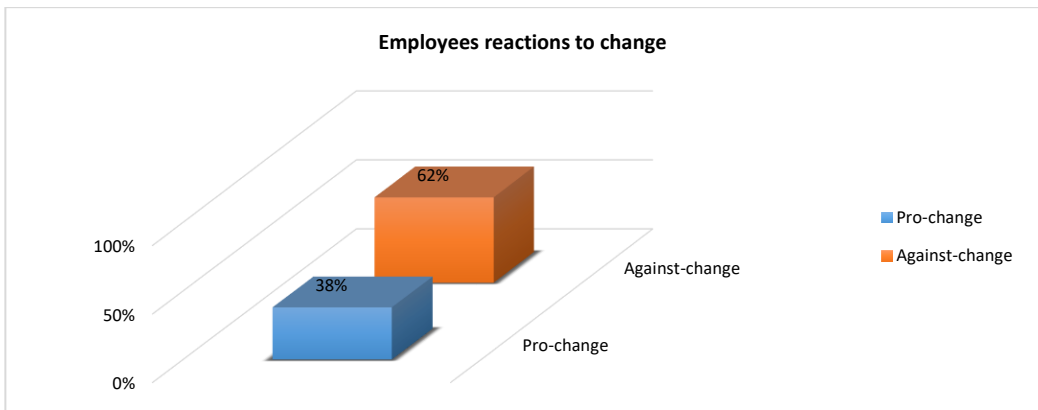


Fig 3.3: Employees reactions to organizational change

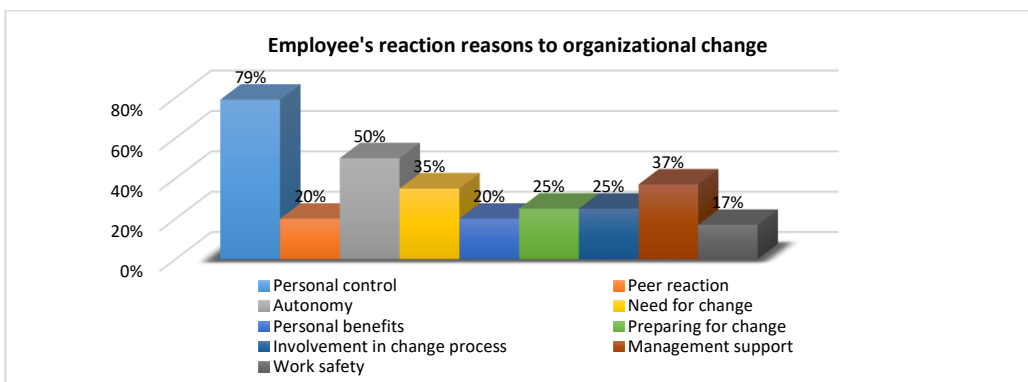


Fig 3.4: Reasons of employee reaction to organizational change



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## **Mytilus Galloprovincialis - a Valuable Resource of the Black Sea Ecosystem**

**Rodica Sirbu**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Stelian Paris**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Emin Cadar**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Melat Cherim**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Alef Mustafa**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Naliana Luascu**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Cristina-Luiza Erimia**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Constantin Lipsa**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

Corresponding Author: [Aspilconstantin@Yahoo.Fr](mailto:Aspilconstantin@Yahoo.Fr)

**Aneta Tomescu**

*Ovidius University of Constanta, Faculty of Medicine, Campus Corp B, University Alley No. 1, Constanta, Romania*

### **Abstract**

*The Bivalvia family has been traced back to the beginning of the Paleozoic Era (The Devonian age) and have survived to this day, with very small changes. While more common in the Mediterranean, the Black Sea has been penetrated by representatives of the family, most frequently along the coastal area. Representatives of the Mytilus genus, mussels are very common in the seas and oceans of the world. Mytilus Galloprovincialis Lamarck has long been considered as being only a*

variety of *Mytilus edulis* Linne. Anatomical studies have shown that there are sufficient differences in order to accurately distinguish the two species. This paper presents a characterization of the *Mytilus galloprovincialis* mussel, which is a valuable resource existing in the Black Sea ecosystem.

**Keywords:** molluscs, *Mytilus galloprovincialis*, *Mytilus edulis* Black Sea

## INTRODUCTION

The Bivalvia family has been traced back to the beginning of the Paleozoic Era (The Devonian Age) and, with slight changes, has survived until today. Current representatives are very wide spread, found especially in marine waters, with the exception of a few species that can be found in fresh water. Most species of the family live in usually numerous colonies, creating genuine banks at varying depths [1]. In general, they live free or they are set in rocks through byssus. More rarely, they form galleries in limestone cliffs, through the acidic secretion of the glands located in the mantle. Several genera, which are commonly found in the Mediterranean, have entered the Black Sea and are widely spread over the Romanian coastal zone [2].

## CHARACTERIZATION OF THE MUSSEL (*Mytilus galloprovincialis*) [1, 3]

**The Mussel - *Mytilus galloprovincialis*** - (LAMARCK 1819) - according to the grading system introduced by J. Piveteanu order and still using the nomenclature proposed by J. Theile for determinations of suprafamilies and subordinate level, is a Bivalve lamelibranhiated mollusc belonging to: MOLLUSCA phylum, ord. DYSODONTA, suprafam. MYTILACEA, fam. MYTILIDAE, gen. MYTILUS. Bivalvia species representative of the genus *Mytilus*, mussels are widespread in seas and oceans. They are spread from tropical to polar seas, usually at depths of 10 to 15 m, but can be found at higher depths, reaching up to 60-70 m, sometimes forming large areas referred to as "mussel banks" or "true facies with mussels".

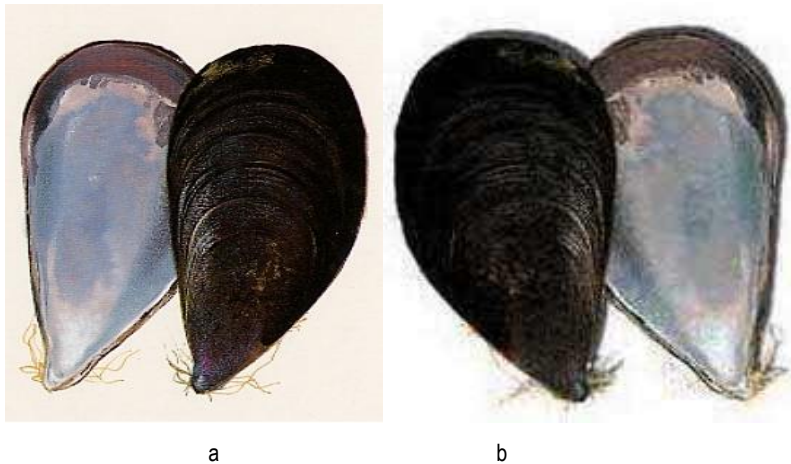


Fig. 1 - *Mytilus edulis* LINNE (a) and *Mytilus galloprovincialis* LAMARCK(b)

There are many species of *Mytilus* but only two of them are the object of exploitation in Europe: *Mytilus edulis* and *Mytilus galloprovincialis* Lamarck Linn. Fig. 1. [4]. *Mytilus edulis* lives in the northern regions and is found in the Baltic, North Sea and Atlantic Ocean all the way to Portugal, while *Mytilus galloprovincialis* is common in Mediterranean and Atlantic coasts by the Western Channel.

*Mytilus galloprovincialis* Lamarck has long been considered only as a variety of *Mytilus edulis* Linn. Anatomical research has established that there are enough differences that clearly separate these species. The main issue to solve is the

convergence due to the same factors – mainly salinity and temperature – which make the valves of these animals to exhibit numerous similarities and make both forms of *M. Galloprovincialis* to resemble *M. Edulis*. This has made numerous researchers, not only those studying the Mediterranean and Black Sea, to reconsider the existence of *M. Edulis* in these seas. What can still distinguish the two species are: biometric characters (in case the two species coexist in the same conditions), the height / length ratio for the species *M. edulis*, mantle edge color (yellow-brown for *M. edulis* and black-purple for *M. galloprovincialis*) and the presence for *M. edulis* or absence in *M. galloprovincialis* of longitudinal purple bands on the shell visible until the periostracum is removed. Lubert (1969) managed to hybrid the two species, obtaining viable larvae perfectly normal. He observed a number of identical chromosomes in the two species *M. edulis* and *M. galloprovincialis* but a different behaviour regarding sexual cycle. The author concluded that certain biological features (growth in height, sexual cycle) allow separating the two species - *galloprovincialis* - and - *edulis* - hampered by high variability identification of individuals (as valves). However likely, the same number of chromosomes and the possibility of hybridization emphasize the possibility of two distinct genetic races of the same species, differentiated by ecological conditions.

The rock mussels are found in rocky areas with shallow waters - less than 20 m and although they can be found in relatively large quantities they do not have a direct economic interest yet for at least two reasons: strong attachment to the hard substrate (cliffs, rock platforms, articulated concrete blocks) which means they cannot be harvested mechanically (harvesting by autonomous divers only) and by the fact they are heavily covered by a rich epibioses and contain a high percentage of foreign bodies inside them (sand, small fragments of valves, pearls, etc.) that do not give them a commercial aspect (or require a great deal of work for sale). However, rock mussels have an important role in maintaining a healthy quality of water near tourist beaches by strong water biofiltration action.

Deep mussels form a ring around the Black Sea, located on the continental shelf between isobates of 25 ÷ 55 m deep on the muddy bottoms. - The presence of mussels on the muddy bottoms of Black Sea - an exception in this world, is one of the basic features of the basin. - Mussels living in the muddy areas in 'nests' consisting of a few specimens caught with the byssus between them and the substrate, which forms a real "condensation" core, isolated specimens are rarely met. – The epibioses attached to mussels at higher depths is generally poor and the valves have a small percentage of foreign bodies.

### THE MAIN NUTRIENTS IN MUSSELS [1,3]

It is well known that, certain mussels, such as *Mytilus*, represent an appreciated food product in numerous European, Asian, and North American countries. Due to its nutritious qualities, this species has been the object of research for numerous marine laboratories around the world, where important attention is given to ecological, physiological, and biochemical research and analysis [1,3].

Biochemical analysis has shown that this species has superior nutritive qualities, comparable to food products obtained from terrestrial animals, while in what regards certain biochemical compounds, *Mytilus* are undeniably superior – vitamins and amino acids.

In the Romanian Black Sea sector, besides deep mussels banks that can be exploited there are specific opportunities on intensive mariculture installations. To determine the optimal period to harvest mussels for industrialization it is necessary to determine the seasonal dynamics of physiological parameters and nutritive value of major compounds in mussels. Meat is 30 ÷ 31% by weight, and valves 40 ÷ 41%, 24.0 ÷ 26.3% interstitial juice, so a full harvest would contribute to efficient cultivation of mussels. Biochemical composition of biologically active points attribute support - protein, carbohydrates, lipids and their distribution in different extracts (aqueous and organic solvents) and enzymatic events adjutant with anti-inflammatory qualities. Processing this raw material will bring changes in the microbial load and the relationship between biochemical constituents detected in meaning, amplify the effects of using products to achieve desired bioproducts. Concerns and recommends analysis results for mineral and organic component recovery shell - and juice recovery by appropriate processing procedures. The Romanian Black Sea coast is characterized by wide variations of the main environmental factors that have direct impact on physiological behaviour of organisms and the accumulation of biochemical components with nutritional value. Key dynamics biochemical compounds were correlated with environmental factors and annual ontogenetic stages of an organism. (Table 1 and 2). The ultimate aim of these biochemical tests was to specify the

annual biological cycle of major quantitative changes in biochemical components of food value and optimal timing of harvesting industry without jeopardizing the current stocks in the Romanian Black Sea coast. (Table 2).

Table 1. Physical and biological characteristics of aqueous extract of shellfish meat

pH	6,3 – 7,4
Electrical conductivity $\mu\text{S}$	8,3 – 8,5
Salinity ‰	2,1 – 2,5
Proteins mg/ml	7,5 – 7,8
Carbohydrates mg/ml	2,8 – 3,0
Uronic acid mg/ml	0,5
<b>Enzyme activity and enzyme inhibition</b>	
Superoxiddismutasa U/mg protein	2,20 – 2,24
Alkaline phosphatase m U/mg protein	3,9 – 5,7
Alkaline catalase $\mu\text{ mol H}_2\text{O}_2/\text{sec}$	0,65 – 0,70
Hyaluronidase% inhibition compared to incubation enzyme: protein 1:1, 2:1; 3:1	40 – 15

Biochemical composition of mussels in the Black Sea has some seasonal dynamics (Table 3). These variations may be caused by: normal and abnormal seasonal physical factors - sea of chemicals, the existing density and high food quality, depth and, in the case of mussel banks, age and annual physiological cycle of the animal. In cases with specific environmental factors, normal changes in season, area and depth of the habitat where mussels normally reside, trophic plankton elements show quantitative oscillations. These seasonal dynamic changes in mussels' biochemical composition are normal and vary according to the physiological cycle phase.

Table 2. Biochemical characterization of the lipid extract of mussels meat

Neutral Lipids	82,6 $\pm$ 0,3
Glicolipids	1,4 $\pm$ 0,1
Phospholipids of which:	17,0 $\pm$ 1,0
Fosfatidil ethanol amine and lizofosfatidil ethanol amine	31,5%
Fosfatidil colina and lizofosfatidil colina	30,2%
Fosfatidil inozitol	2,4%
Fosfatidil scrin	14,2%
Sfingomiclin	8,5%
Unidentified lipids	15,0%

**Table 3. Seasonal dynamics have major biochemical components in *Mytilus galloprovincialis* (averages)**

Quarter	Examined species	Biochemical analysis (expressed in g/100 g of fresh substance)								
		Total carbohydrate	Reducing carbohydrate	Glycogen	Total nitrogen	Total protein	Total fat	Mine ral	Water %	Dry matter %
I.	Deep mussels	1,5	0,2	1,2	1,3	8,5	2,7	0,9	72,2	12,8
	Rock mussels	1,0	0,2	0,9	1,5	9,5	2,5	0,7	69,9	13,80
II.	Deep mussels	1,7	0,2	1,5	1,5	9,6	1,1	0,6	70,6	13,2
	Rock mussels	1,5	0,2	1,5	1,7	11,2	2,1	0,8	67,7	13,3
III.	Deep mussels	1,5	0,2	1,3	1,5	9,2	1,3	0,8	71,5	12,7
	Rock mussels	1,6	0,2	1,4	1,7	10,5	1,7	0,8	69	14,8
IV.	Deep mussels	1,9	0,2	1,7	1,4	8,3	2,3	0,7	70	13,5
	Rock mussels	1,8	0,2	0,5	1,3	8,5	2,5	0,6	72,9	13,2

### GROWTH RHYTHM OF MIDIA IN THE BLACK SEA COASTAL AREA

In areas with a rocky aspect, the growth rhythm of new midia generations, where young species fixate on the pre-existing colony thus having to battle the laws of natural selection from the very beginning, is hampered by the limited space available for fixation [4, 5].

The domination of species under 4mm among midia colonies fixated on a hard substrate is overwhelming – 61.48%. This numeric domination is the expression of the ecological action of the substrate, which is essentially alive and incomparably larger than the denuded substrate, which is more or less smooth. For the immediate following size class, a very abrupt drop can be observed – 4.6% - which is proof of a very low survival rate. Given the age of the species with lengths between 4 and 24 mm, under 10 months, and in light of the above presented information, it can be concluded that their sum, reported to the average of the total number of population specimens – represents 77.4%. This enormous difference outlines an extremely high mortality rate between the population of the first and the second year, a mortality rate that can be explained by several factors:

- Young specimens, under 20 mm, are primarily consumed by predatory fish (*Gobiidae*);
- As they are fixed to the outer edge of the colony, young specimens are decimated primarily by the mechanic action of water (marine currents, ground swell, and so on);
- The growth of midia specimens is an allometric type of growth, as a result of the pressure created by the growth of older specimens, which completely obliterates smaller specimens, either by crushing or dislocation.

For midia which can be found at higher depths, to the lack of competition for substrate, the hierarchy of size classes among bank midia is completely different. The first and most important characteristic of these differences resides in the much reduced level of participation of the 4 mm size class – approximately 25% of the entire population.

On control surfaces – concrete tiles and chalk blocks – launched at depths of 3.5m, midia colony fixations has a particular dynamics. During one year, densities between 795-1,023/m<sup>2</sup> with lengths between 2.1 - 5.7 (average = 4.3 mm) can be registered. The artificial support intended for midia fixation on the mariculture installation is represented by artificial collectors, manufactured out of rhelon rope, suspended in the water mass.

Under normal hydrobiologic conditions, specific to reference seasons, the total and grouped quantity of existing organisms over one metre of natural fixation collectors – after spring reproduction – in the month of June is presented in Fig. 2. The total biomass of epibiosis organisms existing on artificial collectors 3 months after sea launch is 5.209kg/1collectorm (Fig.3).

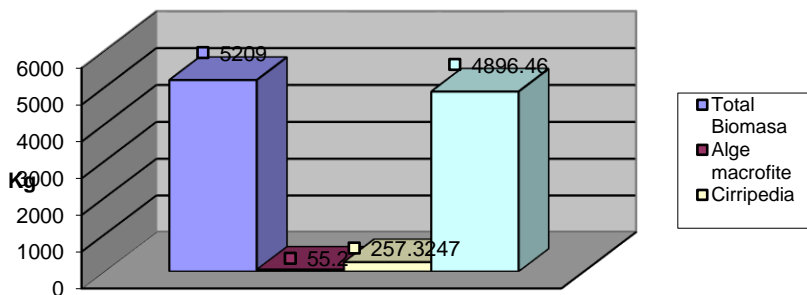


Fig. 2. Total and grouped live organism fixations on artificial collectors fixed to mariculture installations, 3 months after launch (June) [3]



Fig.3. Artificial collector, 7 months after immersion [4, 5]

Among the organisms living on collectors, the predominant population is represented by midia – which account for 94% of the total biomass – followed by cirripedia, with approximately 4,94% of the total. The remainder of the existing biomass – approximately 1% - is represented by macrophytic algae and other epibiosis invertebrates.

In what regards the collectors from mariculture installations, the predominant population is represented by midia, which account for 90% of the biomass, followed by cirripedia with about 8% of the total population. Seasonal algae represent about 1.5%, while the remainder of 0.5% of the total biomass is represented by invertebrate epibiosis organisms.

During the cold season, due to specific hydroclimatic changes characterizing the unsheltered marine areas of the Black Sea coast, high waves and particularly due to strong marine currents which influence the artificial collectors, approximately

80% of the fixated biological material is removed. In order to prevent these unwanted phenomena, the artificial collectors are picked out – 60% of the biomass is removed – and they are covered in rhelon net bags.

## CONCLUSIONS

- The biochemical content of the harvested midia from the Nordic areas of the shore is higher for all analysed parameters (proteins, sugars, lipids) than in midia harvested from Southern areas. These quantitative biochemical differences come to prove, once again, that our seashore is rich in physiological species with superior nutritious qualities.
- In what regards the biochemical content of midia, alongside elements with nutritious value, it is evidenced that they also have a high content of amino acid. The concentration of some essential amino acids in midia meat is net superior to numerous similar products, currently used for human consumptions.
- The high content of nutritious biochemical compounds (proteins, sugars, and lipids), to which one can add the presence of vitamins and amino acids, outlines the high nutritious value of midia from the Romanian coast of the Black Sea, but also the possibility of using them for extracting active principles with medical uses.

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## Research Concerning the Efficiency of *Aronia Melanocarpa* for Pharmaceutical Purpose

**Naliana Lupascu**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Emin Cadar**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Melat Cherim**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Cristina-Luiza Erimia**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Rodica Sirbu\***

*\*Corresponding Author: Rodica Sirbu, sirbu\_27@yahoo.com*

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

### Abstract

*The major impact of many types of disease on the human body have generated medical research orientation toward biotechnology identification and extraction of active principles from natural resources. The social problem to improve the health of the population, to maintain social balance of a healthy society oriented medical-pharmaceutical research for the use of other sources of pharmaceuticals from natural sources and not synthetic chemistry. On this line of work is also included the research wich orientates pharmaceutical medical studies by using new sources of bioactive compounds such as: anthocyanes, flavonoids, phenolic acids, chlorogenic acid, tannins, vitamin P,C, B2, B6 from the shrub Aronia Melanocarpa. Besides these compounds are also found in the fruits different cyanidin glycosides: 3-galactoside, 3-glucoside, 3-arabinoside and 3-xyloside. The rich content in bioactive forms makes possible the use in treating certain diseases by using internal use in household. For internal use are used by diabetics having hypoglycemic effect, astringent properties and very strong diuretics, they are cardiac tonic, regulates blood pressure and blood glucose, treatment of varicose veins and hemorrhoids, it has a good hepatoprotective effect due to its high iodine content , are effective in hyperthyroidism and can be consumed by sufferers of Alzheimer's disease and relieving symptoms slowig the aging processes.*

**Keywords:** antioxidant activity, anthocyanes, flavonoids, phenolic acids, chlorogenic acid, tannins, vitamin P, C, B2, B6

### INTRODUCTION

Of all the least studied species in our country and with strong antioxidant effect our attention was drawn to *Aronia melanocarpa*, multiyear shrub, native of North America but brought into the country a few years ago. Calling itself also the "miracle fruit" in our country is cultivated mainly for ornamental reasons, but in other countries like America, Serbia, Russia, Bulgaria, Poland, Germany it is part of tree programs. In addition to decorative purposes, there are industrial plantations of *Aronia* because the fruits are edible, and the high content of antioxidants (15 times more than blueberries), resveratrol and



vitamins may be a solid reason for establishing this culture in Romania, especially that the plant does not require heat, resistant to cold weather and frost, diseases or pests. There are shrubs with wonderful fruit crops in: Alexandria (Teleorman), Satu Mare, Craiova. The purpose of this paper is to study and characterize the species of *Aronia Melanocarpa* for use as feedstock for active principles of therapeutic interest.

## MEDICINAL HERBS

In Dobrogea the art of healing diseases was greatly expanded along monasteries, where monks were used to gathering and processing medicinal plants. In the same time in villages there were numerous healers to call on, if necessary, the majority of the population. By communion with nature, native people always loved plants and have used the gifts offered by them with great skill and wisdom. In practice folk weeds were gleaned during the optimal harvest time, dried and prepared as concoctions aqueous extract by soaking in an acid environment (wine, vinegar), alcohol extraction (brandy, liqueur) in oil or by preparation of some based ointments, cream, butter or sheep fat. [1]

## ARONIA MELANOCARPA

*Aronia Melanocarpa*, Family Rosaceae is grouped in Subfamily Maloideae with *Pyrus*, *Malus*, *Amelanchier*, *Sorbus* and *Photinia* and is included by some authors in *Pyrus* or *Photinia*. There are reports with (*Scorbus* spp) [2, 3] The genus *Aronia* (Rosaceae family, Maloideae subfamily) includes two species of deciduous North American shrubs: *A. melanocarpa* (Michx.) Ell., known as black chokeberry, and *Aronia arbutifolia* (L.) Pers. (red chokeberry) plus a purple chokeberry whose origin is a natural hybrid of the two. [4, 5]

**Red chokeberry**, *Aronia arbutifolia* (*Photinia pyrifolia*), grows to 2–4 m tall, rarely up to 6 m and 1-2 m wide. Leaves are 5–8 cm wide and densely pubescent on the underside. The flowers are white or pale pink, 1 cm wide, with glandular sepals. The fruit is red, 4–10 mm wide, persisting into winter.

**Black chokeberry**, *Aronia melanocarpa* (*Photinia melanocarpa*) [5,6] tends to be smaller, rarely exceeding 1 m tall and 3 m wide, and spreads readily by root sprouts. The leaves are smaller, not more than 6 cm wide, with terminal glands on leaf teeth and a glabrous underside. The flowers are white, 1.5 cm wide, with glabrous sepals. The fruit is black, 6–9 mm wide, not persisting into winter.

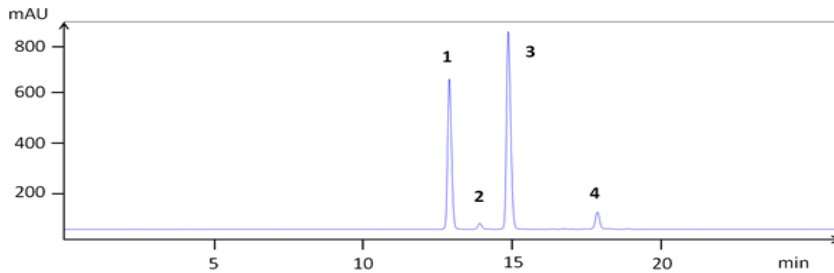
**Purple chokeberry**, *Aronia prunifolia* (*Photinia floribunda*) [5,7] apparently originated as a hybrid of the black and red chokeberries but might be more accurately considered a distinct species than a hybrid [4,5] (see also nothospecies). Leaves are moderately pubescent on the underside. Few to no glands are present on the sepal surface. The fruit is dark purple to black, 7–10 mm in width, not persisting into winter. There are purple chokeberry populations which seem to be self-sustaining independent of the two parent species [4]. The range of the purple chokeberry is roughly that of the black chokeberry.

## PHARMACOLOGICALLY CONSTITUENTS

### Anthocyanins in *aronia melanocarpa*

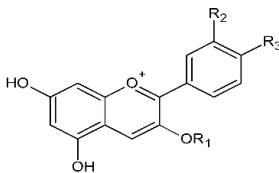
Much of the interest in *Aronia Melanocarpa* fruit is focused on its anthocyanin content. The juice from *Aronia melanocarpa* berries is a source of phenolic compounds with antioxidant properties: procyanidins, anthocyanins, (–)-epicatechin, chlorogenic acid, neochlorogenic acid. [8]

In chokeberry fruits, anthocyanins constitute the second largest group of phenolic compounds [4, 27]. The anthocyanins in *A. melanocarpa* are mainly a mixture of four cyanidin glycosides: 3-galactoside, 3-glucoside, 3-arabinoside and 3-xyloside, of which cyanidin 3-galactoside is the main one (Figure 1) [9, 10].



**Figure 1.** High-performance liquid chromatography (HPLC) chromatogram of the isolated anthocyanins: cyanidin 3-galactoside (1), cyanidin 3-glucoside (2), cyanidin 3-arabinoside (3) and cyanidin 3-xyloside (4). [9, 10].

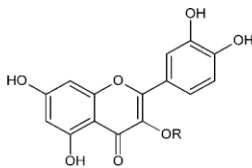
Other flavonoid compounds were also identified in both fruits and flowers of *A. Melanocarpa*.



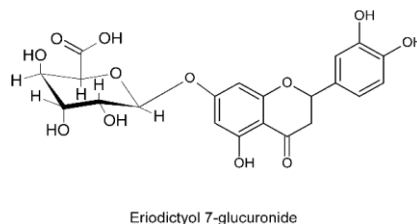
cyanidin-3-O-galactoside	R <sub>1</sub> = gal	R <sub>2</sub> = OH	R <sub>3</sub> = OH
cyanidin-3-O-glucoside	R <sub>1</sub> = glc	R <sub>2</sub> = OH	R <sub>3</sub> = OH
cyanidin-3-O-xyloside	R <sub>1</sub> = xyl	R <sub>2</sub> = OH	R <sub>3</sub> = OH
cyanidin-3-O-arabinoside	R <sub>1</sub> = ara	R <sub>2</sub> = OH	R <sub>3</sub> = OH
pelargonidin-3-O-arabinoside	R <sub>1</sub> = ara	R <sub>2</sub> = H	R <sub>3</sub> = OH
pelargonidin-3-O-galactoside	R <sub>1</sub> = gal	R <sub>2</sub> = H	R <sub>3</sub> = OH

**Fig. 2** Chemical structures of anthocyanins present in *A. melanocarpa*. [11]

Five flavonol–quercetin derivatives - 3-vicianoside (6''-O-b- arabinosyl-b-glucoside), 3-robinobioside (6''-a-rhamnosyl- b-galactoside), 3-rutinoside (6''-a-rhamnosyl-b glucoside), 3-b-galactoside, and 3-b-glucoside - were also identified in flower umbels of *A. melanocarpa* (Fig.2) [10,11]



R = 6''-O-β-arabinosyl-β-glucoside	= Quercetin 3-vicianoside
R = 6''-α-rhamnosyl-β-galactoside	= Quercetin 3-robinobioside
R = 6''-α-rhamnosyl-β-glucoside	= Quercetin 3-rutinoside
R = β-galactoside	= Quercetin 3-galactoside
R = β-glucoside	= Quercetin 3-glucoside



**Fig.3.** Chemical structures of quercetin glycosides and eriodictyol glucuronide present in *A. melanocarpa*.

**PHARMACOLOGICAL ACTIVITY****a) Antidiabetic activity**

Aronia melanocarpa fruit juice (AMFJ) is rich in phenolic antioxidants, especially flavonoids from the anthocyanin subclass.

In a study was researched the influence of AMFJ on plasma glucose and lipids in diabetic rats. Diabetes was induced by an intraperitoneal injection of streptozotocin (50 mg/kg). AMFJ was applied by gavage at doses of 10 and 20 ml/kg for 6 weeks to normal and diabetic rats. Streptozotocin caused a significant elevation of plasma glucose by 141% and of plasma triglycerides (TG) by 64% in comparison with normal control rats and induced statistically insignificant elevations of total cholesterol and LDL-cholesterol and a reduction of HDL-cholesterol.

**Table 1 . Chemical composition in Aronia Melanocarpa [12]**

CHEMICAL COMPOSITION Aronia melanocarpa			
	FRUITS	FRESH JUICE	PASTEURIZED JUICE
Constituents			
pH	3.3-3.7	3.6	3.3
Glucose g/L	41	41	40
Fructose g/L	40	38	37
Organic acids			
Malic Acid g/Kg	13.1	9.0	11.1
Citric Acid g/Kg	2.1	0.500	0.247
Minerals			
K mg/L	2850	2180	1969
Ca mg/L	322	150	185
Mg mg/L	162	140	160
Fe mg/L	9.3	4	0.4
Zn	1.47	1.3	0.6
Vitamins			
B1 Vitamin	180 mg/Kg	500 mg/L	NOT DETECTED
B2 Vitamin	200 mg/Kg	600 mg/L	NOT DETECTED
B6 Vitamin	280 mg/Kg	550 mg/L	NOT DETECTED
Pantotenic Acid	2790 mg/Kg	2200 mg/L	NOT DETECTED
C Vitamin	137 mg/kg	200 mg/L	NOT DETECTED

Applied to normal rats, AMFJ did not influence plasma glucose and lipid levels. Applied to diabetic rats, AMFJ (10 and 20 ml/kg) significantly reduced plasma glucose by 44% and 42% and TG by 35% and 39%, respectively, to levels that did not significantly differ from those of the normal control rats and counteracted the influence of streptozotocin on total cholesterol, LDL-cholesterol and HDL-cholesterol. In conclusion, AMFJ significantly decreased the streptozotocin-induced abnormalities in blood glucose and TG in diabetic rats and might be useful in prevention and control of diabetes mellitus and diabetes-associated complications.

The antidiabetic activity of *A. melanocarpa* juice was demonstrated in patients with diabetes mellitus. It was shown that daily ingestion of 200 mL of sugar-free black chokeberry juice over a 3-month period resulted in substantially lower fasting blood glucose levels in patients with non-insulin-dependent diabetes compared to the control group. The observed results indicate that supplementation of the diet with Aronia juice may exert beneficial supporting effects in diabetic patients. [13]

**b) Anti-inflammatory effects, antibacterial and antiviral activity**

Valcheva (2006) studied intensively anti-inflammatory effects and bacteriostatic activity of Aronia juice. Her investigation has demonstrated a remarkable hepatoprotective, a very good gastro protective and a pronounced anti-inflammatory effect

of Aronia melanocarpa fruit juice in rats as well as a bacteriostatic activity in vitro against Staphylococcus aureus and Escherichia coli and an antiviral activity against type A influenza virus. The properties of Aronia were attributed to two constituents, ellagic acid and myricetin. In an in vivo therapeutic mouse model, Aronia, ellagic acid, and myricetin protected mice against lethal challenge. Based on these results, we suggest that Aronia is a valuable source for antiviral agents and that ellagic acid and myricetin have potential as influenza therapeutics.[14]

Another research was made by Ohgami K, et al. (2005). This study shows the anti-inflammatory power of Aronia: "the anti-inflammatory effect of 100 mg Aronia extract was as strong as that of 10 mg prednisolone", "The anti-inflammatory action of Aronia extract was stronger than that of either quercetin or anthocyanin administered alone." [15]

The anti-inflammatory effects of the anthocyan flavonoids in the natural juice from Aronia melanocarpa and of rutin-magnesium complex, the water-soluble derivative of rutin were studied in comparison with rutin. Two experimental models of inflammation were used. Inflammation of rat hind paw was induced either by 0.5% solution of histamine or by 0.01% solution of serotonin. The results showed that the anthocyan flavonoids from the natural juice of Aronia melanocarpa exerted more pronounced effects as compared to rutin in both models of inflammation.

### c) Antioxidant activity

Aronia melanocarpa contain particularly high amounts of procyanidins, anthocyanins, and phenolic acids but the highest total phenolics and anthocyanin contents were found in chokeberry pomace with the values of 63.1 g per kg expressed as gallic acid equivalents, and 4.5 g per kg expressed as cyanidin-3-glucoside equivalents. [16]

The extract from A. melanocarpa (5-50 µg/mL) significantly inhibited platelet protein carbonylation (measured by ELISA method) and thiol oxidation estimated with 5,5'-dithio-bis(2-nitro-benzoic acid) (DTNB) induced by peroxynitrite (0.1 mM) (IC50 – 35 µg/mL for protein carbonylation, and IC50 – 33 µg/mL for protein thiol oxidation). The extract from A. melanocarpa seems to be also useful as an antioxidant in patients with breast cancer.[17]

The extract from A. melanocarpa (5-50 µg/mL) can play an important role as components of human diet in prevention of cardiovascular or inflammatory diseases, where blood platelets are involved. [15]

Also, A. melanocarpa berries exert significant anti-platelet effects ex vivo.[18]

### d) Anxiolytic activity

**Anxiolytic activity has been demonstrated by Valcheva (2009). She investigated** the effects of AMFJ (5 and 10 mL/kg) on anxiety using the social interaction test, on locomotor activity in the open field test and on working memory in the object recognition test in rats. AMFJ showed an anxiolytic-like effect which was demonstrated by a dose-dependent increase in the time of active social contacts between the test partners. The effects of both AMFJ doses were comparable to the effect of diazepam (1 mg/kg). AMFJ neither changed significantly horizontal and vertical locomotor activity, nor did it adversely affect working memory [19]

### e) Anticancer activity

In breast cancer patients (before and during anti-cancer therapy) oxidative/nitrative damage to various molecules is observed.

A. melanocarpa berries significantly reduced, in in vitro system, the oxidative/nitrative stress and hemostasis changes in plasma from breast cancer patients, after surgery and different phases of chemotherapy.[20]

In another study in acute lymphoblastic leukemia Aronia melanocarpa juice (AMJ) containing 7.15 g/L of polyphenols inhibited cell proliferation, which was associated with cell cycle arrest in G2/M phase, and caused the induction of apoptosis. AMJ significantly increased the formation of reactive oxygen species (ROS), decreased the mitochondrial membrane potential and caused the release of cytochrome c into the cytoplasm. AMJ treatment also induced apoptosis of different

human lymphoblastic leukemia cells (HSB-2, Molt-4 and CCRF-CEM). In addition, AMJ exerted a strong pro-apoptotic effect in human primary lymphoblastic leukemia cells but not in human normal primary T lymphocytes. AMJ has chemotherapeutic properties against acute lymphoblastic leukemia by selectively targeting lymphoblast derived tumor cells. [23]

A. melanocarpa juice was shown to strongly inhibit sulfoconjugation of 17 $\beta$ -estradiol in Caco-2 cells and also to exhibit an inhibitory effect on cytosolic sulfotransferase, the enzyme involved in estrogen deactivation, from human carcinoma cells in vitro. These results indicate that black chokeberry extracts might influence the growth of some breast and colon cancers through sulfotransferase inhibition, and therefore alter estrogen availability to their receptors. [20]

The effect of semipurified anthocyanin-rich was investigated extract from fruits of Aronia melanocarpa, on normal colon and colon cancer cell lines. A 24-h exposure to 50  $\mu$ g monomeric anthocyanin/ml of Aronia extract resulted in 60% growth inhibition of human HT-29 colon cancer cells. The treated cells showed a blockage at G1/G0 and G2/M phases of the cell cycle. The cell cycle arrest coincided with an increased expression of the p21WAF1 and p27KIP1 genes and decreased expression of cyclin A and B genes.

Prolonged exposure to the extract resulted in no further change in the cell number, indicating a cytostatic inhibition of cell growth. NCM460 normal colon cells demonstrated <10% growth inhibition at the highest concentration of 50  $\mu$ g/ml extract. A 35% decrease in the cyclooxygenase-2 gene expression was observed within 24 h of exposure of HT-29 cells but did not translate into decreased protein levels or protein activity. [21]

## CONCLUSIONS

- Modern pharmacological research presents A. melanocarpa as a plant with numerous Health – promoting activities. [11].
- Aronia melanocarpa contain particularly high amounts of procyanidins, anthocyanins, and phenolic acids. These antioxidants reduce the oxidative damage of human cells that can lead to cancer, heart disease, diabetes, hypertension, hypercholesterolemia. The black chokeberry may be used in the treatment and prevention of numerous civilization diseases. [22]
- The fruit of Aronia has proven to be one of nature's most powerful antioxidants, rich in nutrients and vitamins, offering extraordinary benefits to the ones that want to improve their health through healthy eating habits. Today Aronia fruit due to antioxidant phenols, are demanded on the world market as a quality dietary product, welcomed in daily food ration for strengthening the body and promote healthy lifestyles.

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## Mass Media and Their Relationship with Criminal Law in Albania

Rovena Kastrati, PhD Cand.

Faculty of Law, University of Tirana, Albania

rovena\_kastrati@hotmail.com

### Abstract

*Information is the currency of democracy. (Thomas Jefferson), Freedom of expression is part of the so-called "negative liberty" that imply their guarantee by the Constitution as inviolable and for their realization require non-interference by the state or by private entities. Media uses this freedom, to achieve its objectives where not rarely goes beyond violating the other rights and freedoms prescribed in the Constitution. The power that people gave to media has made it a powerful pressure weapon, but often also a victim of its "sacred" mission, that of informing public about everything that happens. The aim of this paper is to present media reports with criminal law, which are dualistic reports: approaching and contradictory. It will also be presented an overview of the situation in Albania, where the media and its influence play a significant role in people's opinion and in the progress of criminal proceedings. In the first part of the paper I have mentioned the central role of the media in democracy and the benefits that community and society receives from media's freedom. Furthermore, in the second part I have been focusing on the other side of the coin addressing key points in which the media is presented as violating the human rights and interfering in criminal proceedings. In the third and last part I have submitted the role of investigative journalism as an important link in the media but in Albania is still unconsolidated.*

**Keywords:** media, prevention of criminality, exceeding of powers, personal integrity violation, intrusion in the criminal process.

### Introduction

Today we live in the modern era of digitization where the information industry is one of the most powerful and influential in the world. Media is a powerful tool for strengthening and consolidation of democracy in a country and its independence is indicative of the emancipation of society itself. Its role is constructive and multidimensional and consists in: information, education, entertainment, prevention and monitoring. As such, it finds expression in many areas of everyday life: in politics, arts, culture, economy and justice, and is seen as an open encyclopedia where all have access.

From one side, the media through monitoring, information and mass coverage, gives people an image of reality in which they live, it reports in real-time political, social, cultural and criminal events. Furthermore, comparison of opinions and research of truth, often makes media an ally of justice in preventing crime through the denunciations of violations of officials, their power abuse in the various institutions.

The press and other mass media, often and particularly in societies in transition, exceed its authority by violating the progress of the criminal process, risking the investigation, infringing privacy, or publishing sensitive data. These violations contain in their self criminal elements, but their consequences are not only criminal, but also social and moral since the publication of these elements involve the personal and social integrity of the person.

#### 1. Media as a powerful tool in fighting against crime.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Universal Declaration of Human Rights, Article 19, 1948). The freedom of a particular society can be determined by the freedom of the press and media. The first step, that usually take authoritarian or dictatorial governments, is to curtail or abolish the freedom of expression and media.

Media have a central role in democracy to inform the public and to review management of the public affairs without fear that can be pursued, indicted or pressured (Boyle, 2000). It can rightly be said that knowledge and information are necessary conditions for enabling citizens, state bodies, and institutions to perform their social works.

The influence of the media has greatly increased in the recent years in regional range as well as in global range. In terms of social activation factor to fight against crime and anti-criminal social development, a special role belongs to the citizen's right to be informed about the phenomena of delinquent and criminal behavior in the environment.

Media exposure of crime and crime-related events can be an effective strategy for crime prevention, and useful tool for raising the awareness and educating the public about the social problems that are understated or overlooked. The role of crime prevention can be a source of information on the causes and trends of crime (Capobianco, 2008).

Various media campaigns on human trafficking, victim support, mobilization for the safety of women and children in cases of sexual abuse, etc., have contributed to the successful initiatives for crime prevention, for informing and raising public awareness about these negative phenomena (Capobianco, 2008). Especially social media is playing a key role in reporting the crime in connection with sex offenses where victims may be ashamed or afraid to talk face to face with the authorities (The Australian, 2012).

Media usually participates in the distribution of public information on the strategies of self-defense and security against crime. Websites of police departments and social media sites often provide excellent platforms to post advises on crime prevention and security against it. Through the establishment of blogs which are interactive, stimulate dialogue among public and police departments by providing an important feedback for the community (Dennis P. Rosenbaum; Amie M. Schuck; Lisa M. Graziano; Cody D. Stephens, 2007). Due to the impressive number of individuals who rely on the media for information about crime, media can be very effective for reporting certain types of crime as well as their strategies for prevention. Media campaigns for preventing theft of flats, road accidents and information on the dangers of illegal drug and alcohol usage, illustrate the ways in which the media can have an important role in crime prevention.

And finally, the media can play a democratic role when it comes to the question of crime prevention (Pekelsma, 2010). For more information that is made public, the media educates the population on certain issues, encouraging critical thinking of the population and promotes the responsibility of institutions, agencies, organizations and government. Media can enhance supervision or monitoring system for cases of police abuse and corruption, the judicial system in cases of arbitrary treatment and discrimination, as well as the education system.

## **2. Coverage of the criminal phenomenon and violation of principles of criminal law, a dualistic conflict.**

Media are considered to have a dual character. On one side, the media reports about violation of human rights, however, on the other side, they make violations of human rights by spreading untrue allegations or instigating hatred. At the same time, freedom of expression can be conflicting with other rights such as: the right to a fair trial, to respect the private life, of conscience and religion etc. which are guaranteed by the International Covenant on Human Rights, the Constitution or other laws.

Some of the offenses that the media makes frequently in everyday life and which contradict the principles of criminal law are:

### **a) Violation of the principle of presumption of innocence**

The Constitution of Albania, in article 30, determines that: "Everyone is innocent until his guiltiness is not proven by a court's final decision." (Constitution of the Republic of Albania, 1998). The right to be presumed innocent is used against the suspects before the appearance of the criminal charges, before the trial and is kept in use until the guilt of the accused is confirmed, after the final appeal. Transmission of information from the media on the offense by linking the personal characteristics of the individual who presumed or committed the offense, even when this feature does not determine the qualification of the offense, establishes a practice that indirectly discriminates against individuals or communities because of these characteristics.

The presumption of innocence is not only a procedural guarantee in criminal trials, but its role is much wider. It is about the protection of anyone of the treatment of the bodies and state officials as guilty in committing a criminal offense before such a thing is verified by the court. Official sources of the Prosecutor General's Office show that in 5 years, 959 people, a large part of them, arrested by the request of police and consent of the prosecution have won acquittal by court. They are people who have appeared in the newspapers and television screens as different perpetrators, people who are "punished" by the media, in the "language" of the prosecution bodies (police and prosecutors), who even though win institutional innocence, their public image remains vulnerable. (Bregu, 2012). The pressure of time and negligence to



respect until the end and fully professional standards and the language used by the media in such cases, leads us to the problem of violation of the presumption of innocence of citizens accused for offenses.

#### **b) Freedom of expression and independence of the judiciary**

The court must protect the confidentiality, provide information to the media, while the media should convey professionalism and honesty, without getting into the area that could be the courts barrier (Haxhaj, 2013). From the interaction of these two rights, in naturally way the conflict generates (inconsistency in appearance) between the need to protect the judicial activity to an "unnecessary external influence and protection of the right of information" (Kasmi, 2013) . The cases when the court holds the hearing behind closed doors, excluding the media and public participation are provided under Article 340 of the Criminal Procedure Code: "The court decides to hold the court examination or some of its actions in camera: a) when the publicity may damage the social morality or may divulge data to be kept secret for the interest of the state, if this is requested by the competent authority, b) in case of behaviours which impair the normal performance of the hearing, c) when it is necessary to protect the witnesses or the defendant, c) when necessary during the questioning of juveniles (Albania Law No. 7905 , 1995).

Independence in information is- as important as- the independence of the judiciary but not rarely during their reporting, media deviate from their information mission (Haxhaj, 2013). The courts are accepted as independent and impartial to ensure the rights and legal obligations for resolution of the relative differences between subjects, therefore, the public has respect and trust in the capacity of the courts to fulfill this function. For this reason, the consequences of an attack (or an apparent attack) on impartiality can also bring a damage to the authority of the court. What should be avoided are the opinions especially about Judicial Corps issues that are on a trial and without completing issuance of a final decision. There were times that the media has brought opinions of judges on duty, prosecutors on duty, and in media attempt to analyze rightly an event have come to the wrong conclusions. Also, often we notice that a judge, head of a justice, thanks to the good image offered by media, reaches career advancement, or the opposite, the destruction of his career.

#### **c) Publication of sensitive data and confidential aspects of the media**

In printed and electronic media often are published pictures of defendants and juvenile witnesses accused or damaged by different criminal offenses. Such publications are prohibited by the law. Concretely, article 103 par. 4 of the Criminal Procedure Code states: "It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence. The court may allow the publication only when the interest of the minor requires so or when the minor has reached the age of sixteen years" (Albania Law No. 7905 , 1995).

The respect for the provision of the above is very important since disregard this legal requirement may be associated with adverse effects of psychological character, social and familiar and also in special cases may violate the right to privacy.

Not rarely, media has been in the focus of criticism as a result of the publication of detailed data even very sensitive data, such as the contents of messages on mobile and pictures, tools which should be available by the prosecution and occasionally they are under investigation. It is worth noting that, under Article 279 of the Criminal Procedure Code, Investigative actions are generally confidential and only the prosecutor is allowed to publish them with a reasonable decision.

#### **d) (Do not) Care of media coverage of minors in conflict with criminal justice**

The media can often cause a "second victimization" on crime victims or survivors by increasing their feelings of violation, disruption, and loss of control. Concerns that victims express about the media include: interviewing survivors in an inadequate time; and their footage and photographs of the crime scene; full typing the name or address of the victim; the past investigation of the victim etc. The issue becomes even more sensitive when children are protagonist. The most recent case was the scandal of Kajtazi sisters, who poisoned their parents and burned the apartment to escape and search for a better life. Although underage, media published their personal data such as name, place of residence and their pictures (Nazarko, 2015).

Journalists should be familiar with specific ethical standards for media reporting on children, such as ethical guidelines of UNICEF, guidelines and principles of the International Federation of Journalists, and Reporting and Information Guidelines for Minors, BBC editorial principles for children (changing the name of the child, visual blurring the identity of the minor, also the identity of the minor should not be published as well as the place where they live etc.).

The interest of a state of physical and psychological well-being of an underage victim is so important that it justifies depriving the press and the public of their constitutional right to attend trials of criminal cases. For this reason, the court makes a decision, as appropriate, the development of closed-door trial is necessary to protect the welfare of minors from media exposure.

Bolivarian Republic of Venezuela, Law on "Protection of Children and Adolescents" said that: "To ensure respect for the best interest of the child, in case of a conflict between the rights and interests of a child or adolescent and the rights and interests of other equally legitimate, the former shall prevail" (Convention on the Rights of the Child, 2007).

United States in a number of decisions have accepted that the interest of a state in physical and psychological welfare of an underage victim is so important that justifies depriving the press and the public of their constitutional right to attend trials of criminal cases, when the court makes a decision, where appropriate, the development of closed-door trial is necessary to protect the welfare of minors (Prince v. Massachusetts, 1944).

### 3. Investigative journalism, as an analogue of the judiciary

Investigative journalism is a form of journalism in which reporters deeply investigate a single topic of public interest, often including crime, political corruption or abusive acts of large companies or corporations. An investigative journalist may spend months or years investigating and prepare a report and it is a very important source and main thing in detailed information. It requires the implementation of in-depth investigations, on matters that affect the interests of citizens, violated corruption that grounds the state administration followed later in all cells of social organization.

Investigative journalism is characterized by features which differentiate it from any other kind of journalism. It is an expression of the degree of democracy and professionalism. It is not blackmail, pressure in the interests of the moment, also it is not a party, individual or electoral scoop.

Investigative journalism should be careful of manipulation. It should always be suspicious of the facts that are served and which its aim is manipulation. Verification of sources - is a necessity. Journalists should feel protected, but also knows how to convince others in the integrity of the evidence submitted by him, should not be afraid to face the lies, when its instrument is the truth.

When it comes to conducting successful investigations, Albania has its own specific problems. Too often, information that by law should be available are simply inaccessible. This, of course, that discourages investigative journalism (News, 2013). Another difficult hurdle for a successful investigative journalism in Albania is the reluctance of the principal editors to publish or broadcast articles or investigative chronicle. This is partly due to fears that the items or chronicles investigated in detail, especially those related to crime or corruption can lead to negative consequences - political or financial pressure. An important concern are also the working conditions and lack of incentives for investigative journalists (News, 2013).

No matter how hard it is, journalism remains essential for a functioning of a democratic society. If the media is the "gatekeeper" of democracy - investigative journalism is the eyes and ears of this gatekeeper. An ethic of information is always necessary. Information should be accurate, should not be subject to certain interests, individuals, specific groups of economic or political. Before starting the investigation - to verify the complete case for a journalist - the person who becomes the object of his investigation is considered - innocent.

### Conclusions

Freedom of expression is considered as a precious legacy, as rightly considered even as a dangerous instrument. It constitutes one of the essential foundations of a democratic society and it is applicable not only for "information" and "ideas" that are favorably received or regarded as inoffensive but also those that offend, shock or disturb. These principles are of particular importance in terms of media. It can be a great source of strength, but, on the other hand, it is open to abuse.

In criminal law aspects is important because the press, radio, television, and other tools of public information and communication, not only that affected to a large number of people, but by their misuse can be done a number of offenses as for example: inciting hatred, incitement to aggressive war, war crimes or sexual crimes, severe forms of insult, defamation, disclosure or dissemination of personal or family data. These and other offenses that may be committed via the press and other means of public information, usually pose social threats. For this reason, the Criminal Code of the

Republic of Albania, some of these offenses committed by means of public information are for example: inciting hatred, discord or national discrimination, racial, religious or ethnic, insult, slander, etc., considers qualified forms of criminal offenses because the consequences that are caused are much more harmful than when they are performed in other tools and circumstances. In modern states, criminal legislation have been devised in various modes of criminal liability for offenses committed by public media. Most states have regulated this issue by special provisions of the criminal code.

Media through monitoring, information and mass coverage, gives the public an image of reality where he lives and beyond, makes an ally of justice through denunciations of officials violations, their abuses and abuses of various institutions, and this is the best part, but on the other hand, sometimes overcoming the limits of information or the inaccurate information leads to catastrophic consequences in the life of an individual or a society. For this reason it would be better to prosperous legal basis which allows the media to operate in Albania, by sanctioning the relevant provisions in criminal legislation and renewing existing ones, always without prejudice to the freedom of expression.

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## Collagen Sources and Areas of Use

**Melat Cherim**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Alef Mustafa**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Emin Cadar**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Naliana Lupaşcu**

*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*

**Rodica Sirbu**

Corresponding Author, [Sirbu\\_27@Yahoo.Com](mailto:Sirbu_27@Yahoo.Com)

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No.1, Constanta, Romania*

### Abstract

*Fibrillar collagen type I undenatured represent the major structural component of all organs and connective tissues, which due to low antigenicity and outstanding biocompatibility the possibility of controlling the time of biodegradation by crosslinking, the ease of forming composites with other natural polymers and synthetic, represents one of the most used natural biomaterials. Collagen biomaterials are successfully used in gene therapy for artificial implants. They are used as medical devices, scaffolds for tissue regeneration, supports for drug release. Collagen can be extracted from various sources considering that it is one of the most abundant proteins on earth. It can be extracted from almost every living animal, even including alligators and kangaroos. Nonetheless, common sources of collagen for tissue engineering applications include bovine skin and tendons, porcine skin and rat tail among others. Marine life forms are also a considerable source of collagen, which can be extracted from sponges, fish and jellyfish. These collagens are widely used in the industry, but less for research and clinical usage. All these collagen sources are worth investigating considering that collagen properties differ from one animal to another. Collagen can also be used in biomedical applications as a decellularized ECM serving as a scaffolding material for tissue regeneration. Although extractable from many different sources, the diversity of acellular. Due to these features and the possibility to be isolated in pure collagen, they are essential in areas such as medicine, cosmetics, food and pharmaceutical applications.*

**Keywords:** collagen type I, biomaterials, natural polymers, collagen sources.

## INTRODUCTION

The interest for collagen covers a historical long duration starting with leather processing, culinary uses and ending with pharmaceutical and biomedical applications. Behind the interest for collagen were the specific features and potential applications of collagen determining also the abundant data on this subject in scientific literature [1]. The benefits of using collagen in the biomedical and pharmacy area are coming from the fact that collagen is part of the architecture and functionality of the organism. On the human lifespan, collagen decreases quantitatively, with important consequences on the functioning of organs. It is estimated that after the age of 25, the decrease is 1.5% of the normal rate, which is not compensated by biosynthesis. Thus, collagen supplementation through diet or other ways is physiologically relevant for all organs and functions on whose regeneration to contribute [1].

About the diversity of data, selective approaches on issues have been adopted related to characterization, obtaining and exploitation of collagen in the biomedical-pharmaceutical field, which require conservation of certain biologically active features of native collagen. The presence of collagen in almost all organs and tissues, its structural and biochemical peculiarities and role in human sanogenesis justify the effort of scientists in finding collagen implications in normal or pathological processes of the human body.

## 2. The Collagen Molecule

### 2.1. Distribution, biosynthesis and molecular structure

The presence of collagen in all connective tissue makes it one of the most studied biomolecules of the extracellular matrix (ECM). This fibrous protein species is the major component of skin and bone and represents approximately 25% of the total dry weight of mammals [1]. To this day, 29 distinct collagen types have been characterized and all display a typical triple helix structure. Collagen types I, II, III, V and XI are known to form collagen fibers. Collagen molecules are comprised of three  $\alpha$  chains that assemble together due to their molecular structure. Every  $\alpha$  chain is composed of more than a thousand amino acids based on the sequence -Gly-X-Y-. The presence of glycine is essential at every third amino acid position in order to allow for a tight packaging of the three  $\alpha$  chains in the tropocollagen molecule and the X and Y positions are mostly filled by proline and 4-hydroxyproline [2, 3]

**Composition of Fish Waste** The composition of the fish varies according to the type of species, sex, age, nutritional status, time of year and health. Most of the fish contains 15-30% protein, 0-25% fat and 50-80% moisture [4, 5]. Suvanich et al. [6] reported that the composition of catfish, cod, flounder, mackerel and salmon varied according to the species (Table 1, Fig. 1). Mackerel had the highest fat content (11.7%) and cod had the lowest (0.1%). Salmon had the highest protein content (23.5%) and flounder had the lowest (14%). The moisture content of the five fishes varied between 69 and 84.6% but the ash content of all species was similar. The fish proteins are found in all parts of the fish. There are three types of proteins in fish: structural proteins, sarcoplasmic proteins and connective tissue proteins. The fish proteins can be extracted by chemical and enzymatic process.

## RESEARCH METHODS

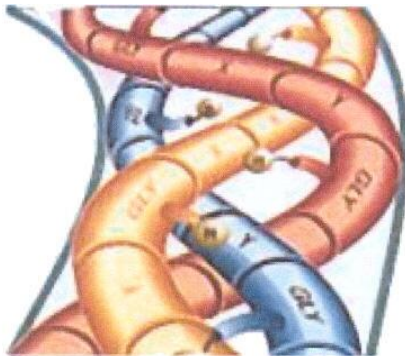
### SOURCES OF RAW MATERIALS. TREATMENTS TO OBTAIN EXTRACTS OF NATURAL COLLAGEN

The main source of fibrillar collagen type I is animal skin. Traditionally, collagen was isolated from the skin of animals such as cattle and swine. To these sources were added lately marine organisms, generally fish, with results in marine collagen. Even if it doesn't differ significantly from land collagen, it has certain commercial and technological advantages.

It is a known fact that in some countries, swine and cattle products are prohibited or difficult to access, so marine collagen represents an important source. Collagen is a typical animal derived. We mention this because in the commercialization of natural products a new collagen is used, and that is the vegetable collagen. Such products are actually mixtures, blends of collagen with different ingredients of vegetable origin or products based on soybean oil, which does not stand for the name of collagen.

Table I Collagen types, forms and distribution.

Type	Molecular Formula	Tissue
I	$[\alpha_1(I)]_2[\alpha_2(I)]$	Skin, Bones, Tendon
II	$[\alpha_1(II)]_3$	Tendons, cartilages
III	$[\alpha_1(III)]_3$	Skin, liver
IV	$[\alpha_1(IV)]_2[\alpha_2(IV)]$	Base membranes
V	$[\alpha_1(V)]_2[\alpha_2(V)]$	Amniotic membrane
VI	$[\alpha_1(VI)][\alpha_2(VI)][\alpha_3(VI)]$	Cornea
VII	$[\alpha_2(VII)]_3$	Sustaining fibres
VIII	$[\alpha_1(VIII)]_2[\alpha_2(VIII)]$	Endothelial cells
IX	$[\alpha_1(IX)][\alpha_2(IX)][\alpha_3(IX)]$	Cartilages
X	$[\alpha_1(X)]_3$	Bone-cartilages transition tissue
XI	$[\alpha_1(XI)][\alpha_2(XI)][\alpha_3(XI)]$	Cartilages
XII	$[\alpha_1(XII)]_3$	Skin bones
XIII	$[\alpha_1(XIII)]$	Muscles, cartilages
XIV	$[\alpha_1(XIV)]$	Skin, cartilages
XV	$[\alpha_1(XV)]$	Uterus, kidney

Figure 1. Schematization of a collagen  $\alpha$  chain triple helix segment.

### The fish proteins can be extracted by chemical and enzymatic process.

In the chemical method, salts (NaCl and LiCl) and solvents (isopropanol and azeotropic isopropanol) are used, whereas during the enzymatic extraction, enzymes (alcalase, neutrase, protex, protemax and flavorzyme) are used to extract proteins from fish. These fish proteins can be used as a functional ingredient in many food items because of their properties (water holding capacity, oil absorption, gelling activity, foaming capacity and emulsifying properties). They can also be used as milk replacers, bakery substitutes, soups and infant formulas. The amino acids are the building blocks of protein. There are 16-18 amino acids present in fish proteins.

The amino acids can be produced from fish protein by enzymatic or chemical processes. The enzymatic hydrolysis involves the use of direct protein substrates and enzymes such as alcalase, neutrase, carboxypeptidase, chymotrypsin, pepsin and trypsin.

In the chemical hydrolysis process, acid or alkali is used for the breakdown of protein to extract amino acids. The main disadvantage of this method is the complete destruction of tryptophan and cysteine and partial destruction of tyrosine, serine and threonine. The amino acids present in the fish can be utilized in animal feed in the form of fishmeal and sauce or can be used in the production of various pharmaceuticals.

### **Collagen and gelatin**

The fish skin waste is a good source for collagen and gelatin which are currently used in food, cosmetic and biomedical industries. Collagen and gelatin are two different forms of same macromolecule in which gelatin is a partially hydrolysed form of collagen. The collagen and gelatin are two unique and more significant forms of proteins in comparison to that of fish muscle proteins. The significance lies upon the amino acid content; more than 80% are non-polar amino acids such as glycine, alanine, valine and proline [7]. Heat denaturation of collagen easily converts it into gelatin. The collagen and gelatin extracted from bovine sources pose the risk of mad cow disease or bovine spongiform encephalopathy (BSE), whereas the collagen and gelatin extracted from fish skin eliminates these risks of BSE. The gelatin extracted enzymatically from fish skin has better biological activities as antioxidants and antihypertensive agents. The gelatin has a unique repeating sequence of glycine-proline-alanine in their structure compared to the peptides derived from fish muscle protein and it is the main reason behind the antioxidative property of gelatin [8, 9].

### **Chemical extraction of fish protein**

The most common extraction method used for the fish proteins is the solvent extraction method. The standard protocol for the solvent extraction of proteins reported by Sikorski and Naczek [10]. The whole fish is first ground and the protein is extracted using isopropanol. After grinding, the supernatant is collected and extracted three times. The first extraction is carried out at 20-30°C for 50 min in isopropanol. The second extraction is carried out at 75°C for 90 min with isopropanol. The third extraction is carried out at 75°C for 70 min with azeotropic isopropanol. The final supernatant fraction is collected, dried, milled and screened to separate out bone particles. Hermansson et al. [11] reported that the fish protein concentrate can also be produced at a temperature of 50°C but it will have lower emulsifying properties and poor solubility. The disadvantages of this method are poor functionality, off-flavours, high cost of production and traces of the solvent in the final product, making it commercially unsuccessful. Another chemical method for the production of fish protein concentrate and gelatin was reported by Arnesen and Gildberg [12].

2000 g of the Atlantic cod are added to 2000 mL of water and the pH is adjusted to 11 with 62 mL of 3 M NaOH. The first extraction is carried out for 15 min and the sample is centrifuged then suspended in 2000 mL and the pH is adjusted to 11 with 3 M NaOH (15 mL). The second extraction is carried out for 60 min and the sample is then centrifuged. The pellet is again suspended in 2000 mL of water and the pH is adjusted to 2 with 3M HCl (145 mL). The third extraction is carried out for 15 min and centrifuged. The supernatants from the three extracts are pooled together and the pH was adjusted to 7 with 3 M NaOH.

## **RESULTS OF COLLAGEN APPLICATIONS IN BIOMEDICAL AND PHARMACEUTICAL INDUSTRIES**

The collagen itself is considered a drug/active ingredient, being used – in various forms – as a hemostatic and dressing treatment of various types of injuries. Regenerative-inductive qualities determine the use of collagen as a substitute of skin of bone. The positive effects of collagen on tissue regeneration and its interaction with the cells are the main cause of interest of the local treatment of the affected tissue or the formation of new tissue, e.g., bone skin or nerves, using the scaffolds based of collagen. However the, natural protein, collagen alone can not cure an infected tissue alone, because the more there is the more bacteria can use it as a substrate.[13]

Due to the excellent biocompatibility and biodegradability, well-defined structure, biological characteristics and how it interacts with tissues, collagen is one of the most used biomaterials. Extracted as a aqueous solution or gel, collagen fibrillar type I, can be molded into various forms such as medical devices, artificial implants, supports for the disposal of drugs and skeletons(scaffolds) for regeneration of the tissue, with an important role in present medical practice.



In severe infections of the wound, systemic administration of drugs can lead to insufficient drug concentrations or drug side effects and/or systemic toxicity. This deficiency was solved successfully in local applications of drugs, thus developing delivery systems that have underlying collagen and as an antibiotic drug/antiseptic for infection control.[5]

Although intensely investigated worldwide, only a few controlled drug delivery systems (DDS) based on collagen were clinically tested and placed on the medical market. Their development is focusing on the so-called „smart systems” that are able to keep or dispose of controlled amount of medication. Moreover, with these developments there will be a better understanding of the great benefits derived from the local disposal of medicines, some of the new systems, collagen-drug, can replace standard systemic treatment with antibiotics.[3]

Recent research have as subject the development of drugs delivery systems, growth factor, proteins, hormones, enzymes etc.. Collagen, used as an adequate support for drugs, offers the advantage of being a natural biomaterial with astringent properties and wound healing. [14].

### Utilization of amino acids

Amino acids are the building blocks of proteins. They have wide nutritional value, taste, medicinal action and chemical properties. All amino acids are sold in different quantities each year. They are used as food additives, in pharmaceutical applications, feed and food supplements. The amino acids such as arginine, glycine, glutamate and histidine are used in protein pharmaceuticals as an excipient for drug development is shown. The largest consumer of amino acids is the food flavoring industry which uses monosodium glutamate, alanine, aspartate and arginine to improve the flavour of food. The second largest consumer of amino acids is the animal feed industry which uses lysine, methionine, threonine, tryptophan and others to improve the nutritional quality of animal feed. The amino acids can also be used in various pharmaceutical applications such as protein purification and formulations and production of antibiotics such as jadomycin [15]. The total amino acid market in 1996 was estimated to be \$4.5 billion. The market value of amino acids has drastically increased since 1996 [16]. Fermentation products in 2004 were estimated to be \$14.1 billion and \$17.8 billion and amino acids were the second most important category after antibiotics in 2009 [17].

Current applications worth mentioning:

In medical field: treatment for hypertension, urinary incontinence and pain associated with osteoarthritis, inhibition of atherogenic diseases, such as complications of diabetes, obesity and arthritis.[4]. Fish collagen is a product with a real potential to become a key element in the development of artificial bones and therapies made for this purpose [ 18]. In ophthalmology, researchers are trying to implant biodegradable collagen in glaucoma surgeries [19].

Pharmaceutical: they are used as excipients for various forms of drugs administration, vector systems for the controlled release of active substances emulsions, pastes, eye washes and various containers [13].

In the cosmetic field: base for emulsions and cosmetic creams, complex systems of chemical peels, used as a gel, cream, serum or injections, collagen improves the suppleness and elasticity of the skin, repairing the damage caused by age and exposure to UV radiation.

Marine collagen cannot be injected at this time, so its effect is limited to the creams and masks in which is used. It may be also administered orally. [20]. In its hydrolyzed form, collagen is used as a nutritional adjunct in beverages, pasta and bakery products. [13]

### CONCLUSIONS

- This scientific work achieves its informative purpose in providing inside the narrated documents with useful data for researches in the field.

- The presented information, open the possibility of valorizations of black sea domestic resources associated with technological options and drug delivery systems with particular originality potential applications based on a specific area.
- Towards this diversity of data, we adopted a carefull and selective approach on issues related to characterization, obtaining and exploitation of collagen in the biomedical-pharmaceutical fields, that require the use of certain feutures and attributes preserving biologically native active collagen.

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## The Reflection of Human Rights in the Health System from the Angle of Patients' Rights

**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*

**Emin Cadar**

*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*

**Stelian Paris**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

### Abstract

*Ever since the drafting of the principles for the promotion and implementation of patients' rights in European states member of the W.H.O., human values expressed in several intergovernmental instruments were reflected in health care systems. Given that patient rights are part of human rights and are intended to promote long-term patient autonomy, this article examines how human rights are respected from the angle of patient interaction with the health system. In the contemporary era, when the right to health is a human right and is based on its natural rights, European countries and the European Community have addressed the question of the rights of people who use health services. This article aims to present the reconsideration of the position of the patient in its interaction with the health system, which involves the statement and application of new rights and obligations. However, when exceptional limits are imposed on patients' rights, they must be consistent with human rights instruments and have a legal basis in national laws. The limitations that may be imposed on patients' rights, seen as individuals, may be subject to limitations or restrictions only when they are justified by a major interest, such as, for example, public health.*

**Keywords:** fundamental rights, the right to health, patients' rights, European legislation, public health, public policies, the European Union

### 1. Introduction

Throughout historical evolution, the patient has had many obligations, but no rights in the modern sense. For authorities, much more important than individual wellbeing was epidemic control, which is the underlying reason for public health care.

The findings of political democracy, along with economic and scientific progress, have changed the game of power.

In the decades that followed World War I, the progress of citizens' rights became the foundation for modern patients' rights. The introduction of the popular vote and the clear definition of citizens' rights created the foundation for articulating a desire

for various social services, including healthcare. In our opinion, scientific progress between the two world wars has highlighted the potential to treat a growing number of diseases, not only increasing the number of patients but also their expectations.

The idea of modern citizenship should not be limited to voting rights and participation in formal political decisions. In our view it must also offer rights in other spheres such as the right to work, to life, education, housing and healthcare.

In the contemporary era, when the right to health is a human right and is based on its natural rights, European countries and the European Community have addressed the question of the rights of people who use health services.

Patients' rights are part of human rights and are intended to promote long-term patient autonomy. These rights are often intertwined.

Although political statements, for example on human rights, are too general and imprecise to serve as a manual of patients' rights, their value as a source of ideological inspiration and ethics was significant.

## 2. Theory

Before the explicit advent of patients' rights, several generations were needed. The 1945 Charter of the United Nations and the Universal Declaration of Human Rights of 1948, followed in 1950 by the European Convention on Human Rights [1] have not addressed the problems of the patient, but several universal human rights.

These documents, together with the International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966) [2] and the European Social Charter (1961) [3] offered together a framework and a set of basic concepts that have been applied to patients' rights.

The legal regulation of patients' rights started with the European Consultation on the Rights of Patients of the W.H.O. (Amsterdam, 28 to 30 March 1994), which authorized the document "Principles of patients' rights in Europe: a common framework", which consists in a set of principles for the promotion and implementation of patients' rights in European states members of the World Health Organization. Subsequently, the Oviedo Convention [4] gave the patient a catalogue of rights and proclaimed his fundamental rights.

A result of these signals has been an increase in the national regulations on patients' rights in almost every European country, even though in some countries patients' rights had formal laws, applied relative to the political culture, such as the right of an individual to take legal action if a right is denied to a certain function or in cases of discrimination based on ethnic criteria or sexual behaviour.

In some systems, patients' rights are brought together in a general framework, in others there are numerous specialized legal documents.

In the context of the European Union, the affirmation of patients' rights had to take into account in particular the right to mobility of the citizens between EU states and the principle of equal opportunities, in the sense of the patient benefitting from quality services in both the countries of origin and the receiving countries and, particularly, to promote the implementation of these rights in all Member States.

## 3. Results And Discussions

One of the most important rights of patients is that of being informed. Patients' right to information is proclaimed in both international (the WHO Declaration, the Helsinki Declaration of the World Medical Association [5], the European Charter of Patients' Rights [6]) and in national documents, which represent the implementation of international legislation and in the field and of the European acquis.

The doctor can take the best therapeutic measures for the patient, but they must explain them to the understanding of the patient. Information about healthcare services and about the best way to use them should be publicly available, for the benefit of all those concerned.

It may be noted that at present, citizens, especially those from vulnerable groups, do not have basic information on their rights and obligations as patients. The lack of this information is due, on the one hand, to the lack of activity in the healthcare system in terms of communicating the minimum information on these rights and obligations, but also to a certain social inertia which has not hitherto led the interest of the Romanian patient in this matter [7]. Basically, citizens find out his rights and obligations in relation to the health system only when they have a problem in this area and get to use one or several services of the health system.

According to this principle, patients have the right to be fully informed about their health, including on the medical factors of their condition, about the proposed medical procedures, the potential risks and the benefits of each procedure, about alternatives to the proposed procedures, including the effect of non-treatment. Patients have the right to be fully informed about the diagnosis, prognosis and the progress of treatment.

Governments are obliged to provide information on health issues, information from both the state and private health service providers [8].

Transparency is an essential feature of an effective healthcare system, access to information also empowering citizens to participate effectively in political decisions taken at European, national and international levels.

For civil society it is necessary to monitor whether the state develops appropriate policies to promote access to health, so that individuals have access to information about the development and implementation of public health policies [9], without their fundamental rights being violated.

Information may be refused to patients, exceptionally, when there is good reason to believe that this information would cause them great harm, without any exception of possible positive effects. Such situation may be, for example, when a diagnosis with very grim prognosis must be communicated. Several issues ensue, both legal and ethical.

If the patient has the right to be informed about his health and has not explicitly requested not to be informed, can the doctor conceal the diagnosis on the grounds that it would cause greater harm? Medical practice in the field has shown that it is essential, both for the patient and for the health system, to have psychological support [10] for those patients who will be communicated unpleasant news regarding the diagnosis or treatment. Thus, a 2001 study [11] conducted on a group of 89 Canadian women with cancer, showed a 24% reduction in direct healthcare costs for those who received cognitive behavioural therapy. During the study the estimated savings amount to \$ 6,199. This saving would have been significantly greater if treatment had been provided by social psychologists rather than psychiatrists.

The main responsibility in the healthcare field lies with the states, in the obligation to ensure a proper promotion and protection of public health, for the improvement of the quality of life.

Pursuant to that principle, everyone is entitled to respect for his person as a human being, to self-determination, to physical and mental integrity and to the security of his/her own person.

Thus, a person cannot be treated medically without consent. Informed consent arose from the need for vulnerable people not to be exploited [12].

By free and informed consent is understood the patients' right to participate in decisions affecting them [13]. Before signing, patients must receive information, to understand and to remember them, to analyse the situation and make decisions. The patient will have to be able to explain to others, in simple terms, the procedure which he/she is subject to.

In terms of self-determination, we consider relevant to broach the patient's right to decide whether it wishes to be kept alive artificially.

This can be expressed earlier occurrence of such situations in the patient's medical condition or when this occurs and the patient is still conscious.

In terms of self-determination, we consider relevant to bring into question the patients' right to decide whether they wish to be kept alive artificially.

This option can be expressed prior to the occurrence of such situations in the patient's medical condition or when this occurs and the patient is still conscious.

If the patient is braindead, the decision rests with carers who have to decide taking into account the previously expressed wishes of the patient.

Eloquent in this respect is the case of Terri Schiavo, a legal battle in the United States relating to artificially maintaining vital functions, which lasted from 1990 to 2005 [14]. In this case the issue was whether to apply the decision of Maria Theresa “Terri” Schiavo’s husband and legal representative to remove the feeding tube that maintained Terri’s vital functions. Terri was diagnosed as being in a persistent vegetative state, although this diagnosis was disputed by her parents and the doctors employed by them. The highly publicized and prolonged series of legal challenges raised by her parents and the state and the lack of federal legislative intervention caused a delay of seven years before her supply tube was finally removed [15].

As another consequence of this principle, everyone is entitled to respect for their own confidentiality, to the respect of their private life.

There are certain areas in the health sector in which privacy acquires other dimensions, such as, for example, the medical services related to the sexual and reproductive health [16], particularly that of sexually active adolescents or of homosexuals [17]. These vulnerable groups often avoid to ask for professional help, on the one hand for fear their secret being disclosed and, on the other hand, for fear of being seen in a certain institution providing health services [18].

Although the obligation of medical confidentiality is guaranteed by all normative acts (international, European, national), there are situations where it can be surpassed by another obligation of public or general interest. This is the case of patients that could pose a danger to themselves, to the family and to others, where the legislation allows the information of “third parties” about certain aspects of the medical act. In the event that a patient would be a threat in terms of spreading sexually transmitted infections or HIV / AIDS due to unprotected intercourse, the doctors have the duty to ensure they protect third parties through adequate information or counselling [19]. Most of the times it is enough for the doctor to ensure that the patient has the real representation of the risk he/she poses and would take the right steps to protect their sexual partners or family from possible infection.

On the other hand, patients cannot claim the right to privacy in order not to alert medical staff on a number of risks that they themselves would have been required to prevent, such as, for example, if an HIV-positive patient who does not inform his/her dentist about his/her health. [20]

The patients’ right for their privacy to be respected has great applicability in healthcare especially when it comes to terminating a pregnancy, sexual and gynaecological diseases etc. In this respect are relevant the decisions of the European Court of Human Rights - ECHR.

Thus in the case *R.R. v. Poland* [21] the Court was again asked to rule on the highly sensitive issue of abortion, only a few months after a resounding rulings in the field [22].

Poland was convicted of breach of *Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect the private and family life)*, the Court expressing a paradoxical jurisprudence position. Although the Court expressed its position on granting the freedom of Member States to recognize or not the right to abortion, it also showed its growing will to ensure this right when it is protected internally. The laudable desire to protect pregnant women who want an abortion, resulting from the solution ruled in 2011, contrasts sharply with the refusal crystallized at the end of 2010 to grant a conventional autonomous right to abortion.

On art. 3 of the Convention, the Court held that it cannot be excluded that the acts and omissions of the authorities in the field of healthcare policy may engage, in certain circumstances, their liability under art. 3 because of their failure to provide appropriate medical treatment [23].

In this case, the Court found that, although the applicant should have had access to the genetic testing recommended by doctors, the whole period was marked by procrastination, confusion and lack of counselling, the applicant not being properly informed. She was admitted to a hospital by a subterfuge, as emergency.

National law imposed a duty on the State to ensure free access to prenatal information and tests, especially in cases of suspected genetic disease or developmental problems. However, there is no indication that the legal obligations of the state and medical staff about the patient’s rights were taken into account.

The Court noted that the applicant was in a state of great vulnerability. Like any pregnant woman in such a situation, she was deeply disturbed by the information that the foetus could be affected by some malformation. It was therefore natural for her to want to get as much information as possible to determine if the initial diagnosis was correct, and if so, what the nature of the disease was. Due to the delay on the part of health professionals, she had to endure weeks of painful uncertainty regarding the health of the foetus, her health and the future of her family in the perspective of raising a child suffering from an incurable disease, suffering which reached the minimum threshold in accordance with art. 3 of the Convention, on which the violation was found.

Regarding art. 8 of the Convention, firstly, the European Court confirmed the applicability of that article to the facts of the case, recalling that *"the decision of a pregnant woman to continue the pregnancy or not falls within the scope of private life and personal autonomy"*.

Undoubtedly, the legislation regulating abortion affects private life [24], and the state has a wide discretion to define the circumstances under which permits abortion, but once this decision is made, the legal framework designed for this purpose must be coherent and able to take account of the various legitimate interests at stake at an adequate level and in line with obligations under the Convention.

Analysing the procedural dimension of this Article, the Court held that prenatal genetic testing targets different purposes and cannot be regarded as an incentive for pregnant women to seek abortions, and that States are required to organize the health system to ensure the effective exercise of freedom of conscience of doctors, without being able to deny patients access to health services, in accordance with the applicable law, and the courts must provide an effective appeal to remedy situations such as that in which was the applicant.

From the human rights perspective, the patient has the right to have its own moral and cultural values and the right to be respected their philosophical and religious beliefs. Regarding the patient's refusal to give their consent to a medical intervention on religious grounds [25], we can take the example of Jehovah's Witnesses cult members. Witnesses are very categorical in this regard. They would rather die than receive a transfusion in case of an accident or an operation. This refusal also applies, of course, to underage children. Most witnesses carry a document signed both by themselves and by two witnesses establishing the refusal of transfusion and prohibiting medical personnel to perform it if unconscious. Jehovah's Witnesses organization shows that blood transfusion is the equivalent of eating blood because it resembles an intravenous feeding. A witness who accepts transfusion will be called before the committee of judges, behind closed doors, and will be excluded from cult [26].

In our view, we consider it necessary to make some remarks concerning the protection of religious freedom. As a universal human right, the right to freedom of thought, conscience, religion or belief, guarantees the respect for diversity. Its free exercise directly contributes to democracy, the rule of law and stability. The violation of this universal right may exacerbate intolerance and often is an early indicator of potential violence and conflict.

Everyone has the right to manifest religion or belief (individually or together with others, in public and in private), in worship, observance, practice and teaching, without fear of intimidation, discrimination, violence or attacks. People who change their religion, those who renounce religion and those adherents of non-theistic or atheistic beliefs must be protected equally. Violations or abuses against the freedom of religion or belief, committed both by state and non-state actors, are widespread and complex and affect people from all over the world, including in Europe.

In line with global and European standards on human rights, the EU and its Member States undertook to respect, protect and promote the freedom of religion within their borders. In Europe, the freedom of religion or belief is protected in particular by Article 9 of the European Convention on Human Rights [27] and Article 10 of the EU Charter of Fundamental Rights [20].

In contrast with the freedom to have a religion, to have a belief or disbelief, the freedom to manifest one's religion or belief may be subject to strictly regulated limitations, necessary to protect public safety, order, health or the morals or the fundamental rights and freedoms of others. These limitations shall be in accordance with international standards and must be interpreted strictly. Limitations on other grounds, such as national security, are not allowed. Any limitations on the freedom to manifest religion or belief must meet the following criteria: must be stipulated by law, are not applied in a manner which vitiate the rights guaranteed in Article 18, to be applied only for purposes for which they were intended, to be directly related and proportionate to the specific need for which they were created and may not be imposed for discriminatory



purposes or applied in a discriminatory manner.

Reaffirming its determination to promote, in its foreign policy on human rights, the freedom of religion or belief as a right that is exercised by any person anywhere, based on principles of equality, non-discrimination and universality, the European Union adopted the EU Guidelines on the promotion and protection of freedom of religion or belief [29]. By this document and in its foreign policy instruments, the EU intends to contribute to preventing and addressing in a timely, systematic and consistent manner, the violation of this right.

#### 4. Conclusions

Ever since 1948, various international bodies have presented various declarations and agreements on patient rights, of which some refer exclusively to health, such as Article 35 of the Charter of Nice, which guarantees a high standard for the protection of health, the right to security preventive health, or the right to benefit from medical treatment under conditions established by national laws and practices.

As regards the Council of Europe should be recalled, in particular, Recommendation Rec (2000) 5 on the development of structures for citizen and patient participation in the decision-making process affecting health care [30]. The recommendation reaffirms the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for people with disabilities to enjoy fully without any discrimination, these rights and freedoms.

The document took note of the failure to promote the rights of disabled citizens, for which inequality of opportunity is a violation of human dignity.

The Council of Europe, convinced that human rights must be addressed to ensure the integrative participation of persons with disabilities in society, recommends their incorporation into all relevant policy areas at international, national, regional and local level as ensuring equal opportunities for members of all groups in society contributes to strengthening democracy and social cohesion.

Patients' rights are part of human rights and are intended to promote long-term patient autonomy. These rights are often intertwined. From the same principle on human rights and values in healthcare, each citizen has the right to health protection, to the extent available, through adequate disease prevention and healthcare, and to the opportunity to pursue reaching the highest possible level of health.

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## The Patient – The Most Important Point of Medical System

**Stelian PARIS**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Rodica SÎRBU**

Corresponding Author, Sirbu\_27@Yahoo.Com

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Emin CADAR**

*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*

**Melat CHERIM**

*UMF Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Cristina-Luiza ERIMIA**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

### **Abstract**

The patient status is the main concern of doctors and the entire health system. The present paper shows more issues starting from the quality of a healthcare consumer and reaching patient behavior induced by the disease.

**Keywords:** the patient, health system, healthcare consumer

### **What is a patient?**

Usually, when dealing with a health problem, has taken a decision, answering the questions: should assess my health? Does the pain that I will or should go to a doctor? Do good product is presented on TV and for my pain?

A first step would be deciding to opt for a medical service and to observe the evolution of the state.

Consumer of medicines and medical services, the patient, can choose your doctor, pharmacist and finally, although the influence could be considered indirect, it causes all components of healthcare company. If self, consumer decision is

significant at the pharmacy, but this trend should not be encouraged by the pharmacist, regardless of the economic implications thereof.

**Alternatives patient in case of disturbing symptoms**, which must decide are: call a medical service or self.

### **Patient Motivation**

Psychological studies, whose results are used by the marketing in consumer knowledge, show that human activity including human behavior, are targeted to satisfy certain basic needs, for which there are common views between clinicians and psychologists, on the nature of those needs.

**Maslow** presents them in order of importance to most people as a scale, a normal guy trying to satisfy the needs of first base, after which, only, is free to focus their attention to other steps of the ladder.

### **Ladder rungs of Maslow:**

1. *Physiological needs* - are based, and they are hungry, thirsty, sleep, until they are satisfied, other needs are without significance for the individual.
2. *The need for safety (security)* - in modern society, these needs are not often reflected in the needs for economic security and social needs rather than physical safety.
3. *The need for belonging and love*. The need for relationships and individuals with the disease need to take a place in society, groups, clubs, associations etc.. is so important that its absence is a common cause of noncompliance.
4. *The need for discretion*. People need self appreciation (assessment of their own) and the estimation of others in the social. Full fulfilment of this need creates a sense of utility and self confidence before the world;
5. *The need is self-actualization desire* to achieve the maximum possible and, although it is present in each individual performance depends on its previous performance of other basic needs and economic and social conditions concrete.
6. *The need for knowledge* refers to the search of the meaning of things around us, in the literature are references to a certain instinct of curiosity present in humans.

In an effort knowledge of patient, consumer medicines, it is important to know that the disease is an altered state of health, which require a decision, a process that has several stages.

### **Stages of decision-making related to the disease:**

- was a change in health status - the amendment is significant
- need help
- preferably is a type of aid
- is a suitable remedy or treatment
- a degree of cooperation with the doctor is necessary.

### **Factors influencing the decision on the severity of patient symptoms are:**

- measures of interference with normal activities or characteristics,
- clarity of symptoms,
- the threshold of tolerance of the person presenting symptoms,
- severity of symptoms and familiarity;
- hypotheses on the cause;

- assumptions about forecasted;
- interpersonal influences;
- other moments of crisis in the life of the person presenting symptoms;
- assumptions on treatability;
- physical manifestations;
- impression management (organization, the order of impressions).

The patient is one who takes the decision to ask for help from those dealing with health care, unlike the cases of self-treatment or surrender to the disease.

In these studies led to the hierarchy of criteria involved in choosing the pharmacy:

- high professional competence,
- lower prices,
- personal attention shown by the pharmacy staff,
- a pharmacist who knows the doctor who prescribed;
- source of information about medicine, pharmacy well supplied with many types

### **Patient compliance**

Compliant (agreement, consent, approval) is a patient support of therapeutic success.

What factors influence compliance?

- Receive recipe from the first doctor is not related to compliance. Price limitation may be another factor, especially for those who have insufficient income. This may be the health insurance system;
- Price may be a factor in favor of compliance: if a drug is more expensive, patients will be treated with respect and will follow the scheme in May conscientious treatment.

Influence on medication cost compliance been studied in detail for the purpose of determining all factors that have a role in this. Were the following:

- prescription cost,
- cost of medication for one day of treatment,
- the reported cost of the entire prescription,
- the full cost of treatment,
- perceived cost, expected cost,
- the cost of past experiences,
- the cost based on ability to pay,
- opportunity cost (subsidy on purchase medicine)

### **Significance of medical prescription for sick**

It is possible that the prescription to be become a common thing so that we may have lost sight of some of its functions, being the focus of the interaction between pharmacy and medicine, while being the subject of conflict. In pharmaceutical practice, the prescription has a central place.

Prescription is to give more definition:

- limitation may relate to a product, issued pursuant to written order, so the patient enters the pharmacy with a prescription in hand and leaves the pharmacy with other prescription;

- as a form of verb "to prescribe" the term may refer also to the issue of orders by a licensed practitioner;
- as defined in the dictionary, the prescription may relate to the orders of drug administration, thus "taking a tablet three times daily" is also a prescription.

Prescription serves as a way to communicate with your patient and pharmacist, transmitting its recommendations related to medical therapy. According to author Smith, this is a legal authorization to spread myth of medicine, and after it was completed, serving as a therapeutic.

Obvious limitation of the functions are:

- means of communication,
- legal document,
- source documentation,
- therapeutic method,
- by means of medical therapy;
- mechanism for use of samples, means of clinical tests.

### **Characteristics of marketing consumer products and medical services and pharmaceuticals**

Consumer of medical services is the consumer of pharmaceutical services, because most processes include therapeutic medication given the patient. Those who provide medical services or pharmaceutical required to measure the market and its segments, with their characteristics, in order to understand individual consumers, how they see things, such as thinking and reacting. This concept of reality-oriented consumer.

### **Sources of information about health services:**

In terms of marketing, the sources of information consumers are divided into 4 groups:

- (1) Uncontrolled marketers personal (family, friends, personal physician of someone),
- (2) personal control marketers (representatives, sales agents)
- (3) non Uncontrolled marketeri (media, ambient),
- (4 ) non-marketer controlled (catalogs, brochures, spreadsheets).

The marketer task is to interview the consumer and to ask what sources of information accessed during the process of buying. On these data it can make a map that includes the most popular sources. A consumer may be exposed to all these sources. Certainly it can be a complex process. The buyer not only receives information from various sources, but he placed different values on each source of information.

### **Psychological characteristics of the patient**

Choice Decision medical service or product has a significant subjective component, and response to disease depends largely on the temperament and character.

### **Personalities and enhanced disease**

There are 4 types of personalities related to accentuate certain traits of character.

*Live demonstration of nature* in this more immediately, take hasty decisions, is recalcitrant about treatments. Demo rattled up medical leave, is advantageous to adapt to the weaknesses they listen. It is prone to breakdown and nervous exhaustion.

*Hiperexact nature suffers*, conversely, gaps in the ability of repression: the decision indecision, doubt, oscillations between interminable opinions, inhibitions and self excessively. It is very meticulous man with a jealous care for himself, developing a strong sense of fear. You can get to nervous, to obsessive neurosis. Fear of germs is often encountered, sometimes ablutomanie (obsessive tendency to wash), also nosofobia (fear of illness).

*Nature hiperperseverent substrate* has the abnormal persistence of disease. It resulted in susceptible people (easily offended, that he always injured), yellow, stubborn, ambitious and blame it on others hostile attitude. Certainly, anxiety and fear psychological colour painting. Ideas at the meeting, even fixed obsession with passages for paranoid psychopathy and neurosis to hypochondria.

The hiperseverent has its own ideas about his illness, which seeks to impose them.

*Nature fit is dominated by momentary impulses*, which contrasts with the apparent slow thinking, high-strung detailed to pedantry. Impulsive acts can be violent. Nature fit is commonly encountered in childhood, is worse at puberty. The patient is irritable, exploration and even questions the doctor is a damper, on the other hand, it is difficult to follow a lifestyle or diet.

#### **Individual reactions to the phenomenon of disease are:**

- Recognition of disease
- An emotionally balanced individual, with a satisfactory level of medical and health culture in the face of disorder of a somatic or psychic or arising without apparent wear adjusts its behavior through hygienic dietary provisional pending presentation to the doctor, as required.
- Ignore the state of disease is the absence of symptoms, neglect their cultural ignorance.
- State of denial by the underestimation of disease or, even if they recognize the disease, will not accept the disease, risking a worsening of symptoms. Denying a state of sickness, when the subject receives a series of symptoms show him that "something is not right" with the body or even his psyche may be based on two fundamental attitudes:
- delaying the decision vague hope in its transient nature, or lack of seriousness
- unconscious mechanisms of water

#### **Patient attitude towards the disease can be:**

- Combative attitude is own a significant number of patients in a state of relative equilibrium in mental illnesses and when equipped with a type of personality that allows an adequate adaptation to reality;
- attitude of resignation, of disregard to the fate of its own, usually a show with a sick feeling depressed more or less expressed, but other patients whose religious or concepts psihofizic with fatalistic iz predispose them to such reactions, the neighboring state of indifferentism (own particular Mystics);
- attitude refuge in sickness, caused by the secondary benefit that we have some patients with serious existential issues;
- attitude of recovery than the disease, the attitude that include all the side out of this impasse is a disease.
- attitude of "bad use" of the disease is reasonably required for very serious diseases and, inexcusably, the slight overestimate of disease. It consists of immersion in suffering, in the agitation and anxiety.

#### **Psychic and somatic discomfort imposed by illness**

- *Specific somatic disorders*. Besides the excruciating symptoms capable of exasperating patient (pain, dyspnea, fever, cough, vomiting, diarrhea, vertigo, etc.).



- Asthenia, dizziness standing increase due to the dietary and or side effects of medication are unnecessarily concerned about what symptoms the sick, which is related to &quot;halo&quot; psihofizic of the sick.
- *Somato-psychiatric disorders nonspecific*. Common are: insomnia, anxiety, mental asthenia, etc.

### **Behavioral changes induced by disease**

- *egocentrism* as a result of the restriction concerns outside of the disease, becoming the spotlight diet, digestion, excretion, and its related sensations or Sickness;
- *dependence*
- *emotional processes* of the type - outbursts of crying, anger or even jollification are frequently encountered in sick people
- *aggression*
- *anxiety*
- *depression*
- *magical way of thinking, illogical*- The patient believes passionately in the power of the doctor, drugs and even disease.

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## Determination of Purpose and Limits of Economic Analysis of Tourism

M.Sc. Arben Terpollari

Prof. Dr. Klodiana Gorica

Prof.As. Dr. Edmond Kadiu

a\_terpollari@yahoo.com

Faculty of Economics and Agribusiness, Agricultural University of Tirana

### Abstract

*The aim of this paper is to demonstrate that tourism is affected by economic analysis to a greater expansion than is suggested by current literature by using economic concepts to ensure a glance and critical evaluation of literature in a wide range of economic aspects of tourism management and to provide necessary guidelines for future research. Therefore, this paper is not conceived as simply a content that aims to introduce basic economic concepts and theories to the specialists of this field. This paper tries to go further by demonstrating the ability of the entity to reinforce the theoretical foundations for more descriptive, diffuse and pragmatic research on tourism and showing the economic potential to explain and predict the phenomenon of tourism. By examining tourism, using the methodologies of the main sources and alternative schools of economic analysis, it also contributes with innovative materials about an activity of major growing economic importance, which has so far been neglected in the literature of economic analysis to the study of tourism. This paper presents advanced applications of economic theory of tourism and so move further towards the presentation of the following principles: Tourist Consumer Decision-making, The structure of tourism markets and the nature of the decision making process in itself, the links between tourism companies, wide scope and effects of the foreign generation from tourism, contribution of environmental resources and their support.*

**Keywords:** Limits of the analysis, economic analysis of tourism, economic potential, tourism industry

### Economic Analysis of Tourism

Literature on the economic analysis of tourism management is curiously not balanced in many studies where several subjects have been taken especially on the demand, forecasting and numerous studies of the impact of tourism, whereas little attention is paid to other concepts. Demand and costs in tourism have been investigated for a wide variety of international origins and destinations. Demand investigation has generally included the assessment of specific variables, relatively important, which determine the level of the model of spending holidays, such as income, relative prices, exchange rates and transport costs. Numerous studies on tourism demand in different countries and time periods have examined access to tourist demand forecast. However, many of the tourism demand studies which have been undertaken, so far lack a clear theoretical foundation. In contrast to the literature on demand, supply is a significant gap in economic studies of tourism.

However, since there is no coherent theory of tourism supply and practically no quantitative research on its determinants, its own reaction to changes, or additions or substitutability of capital, labor and environmental inputs used in production. Accordingly, investigations have gone further than the description. A related area in which the analysis is schematic concerns the determination of prices, although hedonic pricing models have been trying to get the assessment of the complexity of tourism, as a composed product in price competitiveness of tourism packages. Official organizations are interested in economic development, such as United Nations Development Programme (UNDP), which is interested in the ability of tourism to produce income and employment in developing countries and have embodied the findings from a number of studies that have adopted the multiple model on their assessment of policy recommendations relevant for areas that have been taken into consideration.

A theoretical general equilibrium model of the tourism effects has been developed and evaluated a general equilibrium calculation, a model that shows a structural echo of tourism expansion. In 2007 it is estimated the economic impact of

tourism in Hawaii using CGE and input-outputs analysis. Attention have been paid to international aspects of tourism and other forms such as the role of multinational corporations and other forms of cross-border links between companies, terms of trade, instability of foreign exchange earnings from tourism and the relationship between tourism and economic development have had attention.

A key focus of research has been the contribution of tourism to the foreign exchange earnings and payment balance and the need for more accurate statistics and, therefore, more balance of the accounts of payments and few attention has been paid to the explanation of the flows of international tourism by using international trade theory.

Other aspects of tourism in which tourism economy has been involved with difficulty, are related to the environment, fiscal policies and rules. There is a growing literature related to tourism and the environment, but most studies lack a solid base of economic analysis, focusing on culture, physical and social aspects or business initiatives related to sustainability. Economists have tried to direct their attention towards recreation and leisure, stemming from research, especially the problem of evaluation of services and goods. The limited number of studies which explicitly focus on tourism have been focused on specific issues; for example: Examination of costs opportunities to reduce overcrowding of popular attractions and shortly afterwards evaluation of tourism resource costs. The developments in the environmental economy in terms of pollution, depleted resources, natural degradation and construction of facilities and sustainability that have generally made passing of reference towards the service sectors such as tourism.

Attention is focused on the evaluation of natural and artificial sources profits resulting in a wide literature on the most appropriate methods, such as contingent valuation, hedonic pricing and travel cost models. The public sector has virtually ignored the impact of tourism on local and national economies and the potential for local and national public financial policies to mitigate harmful effects on the environment or to finance the infrastructure and services required. However, there are several examples of research into viable forms of taxation. There have been contributions in accommodations taxes, types of taxes, and equity effects of of the hotel rooms occupancy, (sales) excise tax and entertainment. The idea of differentiated national tax has been investigating as national applications have been investigated. While costs increase tourism taxes, subsidies and grants may be used to stimulate supplies; in this context it has been examining the role of capital grants, ongoing operating subsidies and tax relief. Regulation is also a way to change the retreat of tourism. For example, negative effects of tourism on the environment can be significant and research has been done in the environmental field regarding the regulation between the ways concerning it. However, studies have been focused on manufacturing and the effectiveness of the regulation compared to the instruments of the base price, for example Tietenberg during the early 80s, reviewed the economic contribution to tourism analysis and identification of the main limitations of the methodological approach, such as the need for periodic and critical examination of economic hypotheses and assumptions, its theoretical weakness in the context of time and the need for research to be more systematic. It is also argued that the widespread tourism use of natural resources, and public services, just as the time changes of demand, raised questions about the effectiveness of the methods of economics. A further overview of the topics in tourism research was conducted by Aisabie (1988b), which focused mainly on tourism and the development of economics, its impact on communities, environment and the related implications for public policy.

The main shortcomings of tourism demand have been identified as a lack of depth and have been also argued that there is an insufficient linkage of proposals tested and accepted to allow the necessary generalizations. Being considered a number of issues as central (important) for the contributions of management economics to the analysis of tourism, i.e. the organization of production, the matching of supply and demand through the market, the formation of the price, the methodology of impact and spread of tourism in developing countries. However, it is passed on specific aspects which hinder the meaning of tourism, such as the difficulties created by the lack of clear definition, complicated by unreliable statistics, the complexity of the product characteristics, unstable demand, exceeded capacity, as the main problem of the load, pricing and marketing, in the context of incomplete information.

At this moment it has been informed that tourism is characterized by a market structure which is unique and which presents acute analytical difficulties, showing that although these issues are seemingly suited to the conventional analysis, research has failed to make a significant progress in this area. Little has changed from 1990-2000, although a lot of books have been published on the economy of tourism management, where no deep applications of conventional principles of tourism economy have been asserted.

## Conclusions

This article reflected and analyzed two basic issues, the economy and tourism. The approach is to consider the tourism supply and demand using alternative analytical frames before the tourism examination in an international and environmental context is done. Social context of the tourist as decision maker and developments outside the main theory should also be investigated, for example, the motivation to get vacation from economic psychology has been examined in a research. The models to be used to assess the responsibility of demand on changes in income, relative prices, exchange rates and an event such as export should be explained and critically examined in further studies.

Suggestions that further research should be done, especially at the microeconomic level, to analyze the tourism supply, knowing all the particulars as a service sector activity, a supply aspect that tends to be overlooked in the economy of the tourism management. This discussion introduces additional complexities in the analysis, considering tourism not anymore as a aggregate commodity and instead examine certain other components such as accommodation and transportation. We suggest that large sectors of accommodation, intermediaries (travel agencies and tour operators) and transportation must be examined as well as a number of features that characterize the tourism supply should be identified. It has been argued that these features and the complex structure of the tourism market demand explanations which were added to those provided by conventional analysis. We also consider that the economy of tourism studies should be deepened and extended to consider the tourism supply and demand in the international arena in relation to a country. Connecting the demand for a number of tourism products in imperfectly competitive markets, scale and scope economies, tourism product differentiation, competition with research and development methods and international interdependence of tourist companies should be analyzed subsequently.

Increasingly growing dominance of large multinational companies should be explained, such as international chain of hotels, through the examination of some of the economic effects of international tourism, including the income, employment growth, securing and increasing the foreign currency. We consider that an overview of the key environmental issues should be given to an economic perspective of stakeholders including the public sector, considering the increased use of the source and impact of tourism activity and key environmental issues should be identified.

In conclusion, we propose that the economic analysis of tourism should include aspects such as, labor markets, migration and population displacement, economic and tourism development as well as the effects of the tourism income distribution, marketing and management processes.

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## Brain Circulation, the Phenomenon and Challenges

Lajda Bana

University of Tirana, Faculty of Law

### Abstract

*The world of today which seeks globalization, while the economic inequality, corruption, political instability, and moreover wars prevail, it is always associated with the movement of people towards what might be called the 'best for their future'. This movement is not just a mechanical action, but is a phenomenon associated with social, economic and political consequences not only to the country of origin but also for the host country. The departure of the people from their land is a well-known and proven phenomenon mainly of the developing countries. This phenomenon includes also the so-called brain drain emigration, the departure of skilled people, professionals and researchers from their own country to other places. The brain drain is not only a phenomenon that belongs to developing countries, or former communist states, or those countries in war, but it can also affect the developed Western countries. Brain drain does not always constitute a brain gain in the host country. In most of the cases, people who have to leave the countries in political instability or former communist countries, even if they are qualified and holders of university degrees, they are obliged to work in humble jobs which can be simply exercised by persons without university qualifications. Consequently, the brain drain phenomenon is not automatically turned into a benefit 'brain gain' for the host country; on the contrary, it might even be turned into the so-called brain-waste. A social challenge in this context remains the turn of "brain drain" into "brain gain" or "brain circulation". Therefore, one of the current priorities for governments is to create effective economic and social conditions which would enhance the integration of the graduates, researchers and professionals into their national and regional markets*

**Keywords:** Brain drain, brain gain, fund of excellence, economic growth, development.

### 1. Introduction

This article will treat and examine the phenomenon of human capital flight or brain drain, a phenomenon which is widely encountered in developing countries as well as in the developed ones. It will also provide an analysis of the main factors, which lead to the phenomenon of brain drain and its crucial consequences. Skilled migration is nowadays a known trend of migration patterns, which seems fueled by the development of the economy and the emergence of a global labor market demanding for skilled professionals. Migration is also a major concern for the less developed countries, which experience mostly the concern of negative consequences of the loss of their citizens, who are professionally capable in terms of contributing to the economic and human development. Albania, as a developing country in its transitional period encountered this phenomenon for its first time, after 90'. During this period, a substantial part of the phenomenon of the national migration, it was consequently accompanied by the brain drain process. Many qualified people including university professors, decided to leave Albania and migrate to western countries. Since 1997, there have been continuous efforts to tackle this phenomenon and to facilitate the return of the brain, by creating incentives starting from the reduction of the bureaucratic recruiting procedures in public and private sectors, to the fund raising initiatives even from the state budget sources specifically to facilitate the brain circulation of scholars. It's worth mentioning, two of the Albanian Government's programs, that of Brain Gain program and the Fund of Excellence which will be further elaborated in this article.

### 2. General factors that lead to a brain drain occurrence

Among the main factors that could cause the phenomenon of brain drain is commonly the aspiration and choice of individuals to strive for new economic perspectives, broader spaces in their professional career and above all, attaining higher incomes and better living standards.

These factors have been categorized into two main types: first, there are the factors related to national context, the so-called internal factors of the country of origin which push toward immigration (i.e., push-factors), such as the lack of employment opportunities, low wages, economic instability and the aspiration to have a well-recognized qualification by a world-class system of higher education, and second type, those external factors which are related to the favorable conditions and level of the wellbeing of the host countries which frequently attract the immigrants.

The continuing increase of youth unemployment rate evidently in the countries of Southern and Eastern Europe pushes predominantly the university graduates of this region to seek professional opportunities primarily abroad. Brain drain causes serious consequences foremost for the central government, since it invests public money to provide further qualifications to the young people, in order to better respond to labor market demands and to contribute to the economic development of the country both, in the public and in private sector. So, this type of loss in this case can be called a crosscutting one which effects respectively: the economic, human and social aspects.

Brain drain, as a phenomenon across states, markets, and people should not be considered and cannot be analyzed solely as an economic issue and effecting only a given context. To this point, it appears that the brain drain is not only a problem for developing countries but it influences even the developed ones.

### 3. The elements that have contributed to the growth of brain drain phenomenon

#### *Economic Crisis (2007)*

The phenomenon of brain drain has been more vulnerable to Europe especially since 2007, when the economic crisis had its major effects in some Southern European countries like Greece, Spain and Portugal, accompanied by the integration of Romania and Bulgaria into the European Union. A considerable number of the well-qualified populations of these countries decided to move to other European countries. Consequently, the most effected regions by brain drain phenomenon remain the countries located in Southern Europe (Greece, Spain and Portugal) typically because of the high level of unemployment rate of educated and qualified individuals and in particular youth, followed by some countries in Eastern Europe, (Romania and Bulgaria), where principally the low salaries in education, research and medicine sector have caused exodus of the population towards western countries. In this context, Romania is significantly affected by the migration of doctors and nurses from its national health care system, subsequently bringing a reduction of qualified staff in this sector. Further, in Spain, the reduction of the state budget funds dedicated for education and research induced the dismissal of a large number of employed professionals and researchers. Concerning the negative consequences of this immigration on the Spanish economy and society, there was organized a meeting of 50 Rectors of Spanish Universities in December 2012, who appealed to the political class that if they would continue to cut the education budget, this would harm in return the future of the country and would leave thousands of young researches without a professional perspective thus, consecutively would lead to the deterioration of the Spanish economy's future. (Morel, 2013)

Regarding the Greece situation, it is definitely the case when it can be stated that it is the most affected country by the economic crisis, where its unemployment rate reached the highest figures of 56,8 %, in the period from March 2014. Therefore, the economic instability has turned brain drain into a real problem for the governmental structures in this country.

#### *Expansion of the European Union mainly with Balkan countries*

The expansion of the European Union with countries from Eastern Europe such as Bulgaria and Romania has caused the aggregate of the brain drain phenomenon towards the western countries. The consequent immigration in these cases undermines the respective future progress of these countries and their obligations to better respond to union duties. Good parts of the displaced population choose United Kingdom. In an article of «The Guardian» by Ivan Krastev (March 24, 2015), the author stated inter alia that immigration is damaging Bulgaria, at a time when this country needs qualified and professionals.

Here's a popular joke doing the rounds in Bulgaria at this period, which is extracted from the above mentioned article. "Three Bulgarian men, dressed in traditional Japanese costume and armed with swords, are walking down a street in Sofia. One of the passersby asks them who they are and what they want.

"We are the seven Samurai and we want to make this country a better place," say the men.

"Why are there only three of you then?"

"The other four are all working abroad<sup>1</sup> ."

The opening of borders was something considered good and bad. Mass migration of people aged between 25 and 50 years has severely damaged economic and political system of this country. A part of the young people, prefer to earn more by taking care for a family in London than to work with a low-paid to their country, and exercising their own professions. However, Bulgarians, but mostly not only them prefer to work abroad and alongside carry out their studies. Apart of the Chinese, the Bulgarians are the second largest community of foreign students in Germany. So, apparently, the most active and critical citizens left their country, leaving behind only 'three Samurais' to make a difference and the enhance progress in the country.

The brain drain is not a new phenomenon at a certain period of time. Over the years, professionals and scientists always have moved for centuries seeking better work conditions and opportunities, in the most developed countries. United States and Canada because of their legal frameworks concerning immigrants have been the most preferred destinations for foreign intellectuals. But, it is worth noting that in addition to that, the top level universities located in both countries have also attracted foreign students and keep doing so by offering professional development opportunities for future careers to all candidates.

Brain drain in the European Union (EU) is potentially possible and supported by the right of free movement and employment of citizens across European countries. The fundamental principle guiding these procedures allows these people to live and work wherever they want within the boundaries the EU.

It is very important for national authorities to find opportunities and effective tools to prevent the brain drain and adjust the ratio of the workforce with higher education qualification among all Member States of the European Union in order to ensure and stimulate sustainable economic growth within the union.

#### **4. Some data of Brain Gain phenomenon, according to the reports of international organizations <sup>2</sup>**

According to a recent report of the Organization for Economic Cooperation and Development (OECD) "Immigration World in Figures" (2013) emigration of professionals skills qualified (certified) is increasing rapidly, leading to figures of about 232 million migrants worldwide. The United States, Russia, Germany, Saudi Arabia, UAE, United Kingdom, France, Canada, Australia and Spain, according to the 2013 report were the host countries, where there have been placed more than half of the all international migrants. According to OECD-UNDESA, the number of migrants with tertiary education in the OECD increased to 70% in the past decade, reaching to 27 million migrants in 2010/2011. About 30% of all migrants in OECD countries were highly educated.

One in every 9 (nine) persons with higher education (university) born in Africa, lived in OECD countries in 2010/2011. The corresponding figures for Latin America and the Caribbean, Europe and Asia have been respectively 1 (one) to 13 (thirteen), and 1 (one) to 30 (thirty).

Brain drain is particularly acute in small countries and island states which part of Africa, Latin America and the Caribbean. In 2010, nearly 90% of people with higher education and training born in Guyana lived in the OECD countries. On the other hand, in contrast to this fact, most OECD countries as well as non OECD countries with large populations, including Brazil, China, India and the Russian Federation, had rather low emigration rates of highly-skilled population which was approximately less than 3.5%.

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1 <http://www.theguardian.com/commentisfree/2015/mar/24/britain-east-europe-brain-drain-bulgaria>

2 Immigration World in Figures" (2013) <http://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>

Over the past ten years, the emigration of highly-skilled workers has increased for some countries, while it has decreased in others. While the absolute number of migrants with tertiary education in OECD countries has increased, from all countries of origin, in some cases, the number of people with higher education in countries of origin, rose faster than the number of highly educated immigrants.

## 5. Negative and positive consequences of the brain drain

Brain drain as being studied today by a group of economic analysts, it does not only bring negative consequences, because some of those who had to emigrate, if returned to their country, they have gained more professional skills. In some other cases, displaced people are unemployed or employed not in their own profession in their country of origin, so their departure cannot be considered a great loss to the sending country.

On the one hand, the exodus of professionals, scientists, students, information technology engineers, medical staff and researchers from south to north and from east to west, has rather straight negative consequences on the economy and society of the countries of origin.

But in other cases, the departure of skilled workers from one country is offset by the arrival of skilled workers from other countries, as this phenomenon has been described in one of the Chapters of the OECD report "Trends in International Migration "(2004). The typical case of this domino effect is the movement of the medical professionals into the developed countries meanwhile this contingent of professional is being replaced with doctors coming from Cuba. For very poor countries, such as Cuba for example, prospects for emigration may enhance incentives to increase the level of education and qualifications enabling additional funds to be invested in the education sector. When the 'Brain Gain' within a country is higher than 'Brain Drain', the impact to strengthening of the welfare level and development of the country can be extremely positive. With the manifestation of brain drain, the education level and contribution of those who remain in the country may be higher than what it would be in case of no migration at all. Moreover, it is important to understand that the brain drain cannot only be used to tell that part of the story about the overall impact of immigration on the economy and society, but it also can result into other impacts such as remittances, inward investment, transfer technology, increasing the flow of trade, donations supported by diaspora community. Therefore, it should be considered and recognized that the impact of this phenomenon can somehow be positive too.

The negative effects of brain drain phenomenon are not only economic but also social ones. The countries with significant loss of the brain can experience decrease of production, lack of innovation and reduce of well-educated human capital, and increase in the number of overqualified employees. In the case of Eastern European countries, the brain drain has created a reduction of professionals in the labor market, mainly in the field of medicine, scientific research and information technology. On the other hand, there are several benefits associated with their countries of origin, such as remittances, creating scientific and business networks, as well as the possibility of potential returning of emigrants with more professional skills, earned abroad.

Remittances are very important for developing countries as in the case of Albania. Remittances are an important source of poverty reduction and economic growth. Remittances<sup>1</sup> in Albania had increased from \$ 377.9 million EUR in 1994 to \$ 780m in 2003 and to 951.7 million EUR in 2007. Further, the remittances have suffered a big drop, especially after the deepening economic crisis of Eurozone. During 2014, the remittances resulted in the figure of 592 million EUR, compared with 951.7 million EUR in 2007. These figures confirm the decline in the contribution of remittances in the national economy, as the economic crisis in Europe has significantly decreased in parallel their income.

## 6. Policies undertaken by the Albanian Government for the return of highly-skilled employees

The brain drain is not unknown for Albania. After the fall of the communist regime, thousands of Albanians fled to developed countries. During '90, almost 40% of lecturers and researchers left the country. Among them 66% were holders of an academic title "Doctor of Science" (Ph.D.). Equally, there are many cases of experts and students who chose to study in

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1 <http://open.data.al/sq/lajme/lajm/lang/sq/id/1443/Remitancat-2002-2014-origjina-sipas-vendeve>



different countries such as in Greece, Canada and Germany, among whom it is estimated that only 5% of them return. Albania is one of the Eastern European countries with a high level of brain drain, a phenomenon that has accompanied this country during its transition period. Albania has faced twice a massive brain departure, the first one in the early '90s mainly for economic reasons and the second one in the period of 1997-1999 due to the political instability caused by the so-called pyramid schemes.

According to a study conducted by the Center for Economic and Social Studies, supported by the Open Society Foundation for Albania, in the period 1991-1998 about 31.45% of experts with higher education level had left Albania, while 63% of the respondents in this study expressed the desire to emigrate. Each year about 2000 students leave the country to study abroad in foreign universities. The major reasons that drive Albanians to leave the country are not only the internal factors but as it has also been defined, the people are significantly influenced by the external factors. Albania is a country of the Western Balkans with a high rate of immigration where about 30% of families have members living abroad, serving to pull the rest of the family members. Similarly, the most attractive factors for the group of immigrants with high professional skills remain the necessity to ensure better knowledge and sharing of their academic and scientific work outputs. To respond to this phenomenon, constant measures have been undertaken by the Albanian Government in particular through its program called "Brain Gain" which aimed at returning of scholars and encouraging the return or bridging the stay specifically for the highly-skilled professionals and experts.

In 1997, Mr. George Soros donated \$ 1 million to support the development and modernization of public administration in Albania through the process of increasing the wages of those people who came to work in the administration with Master's degrees, earned abroad at foreign universities. This project lasted six years and was extended to public administration levels of the local government units. According to the data emerging from various studies, about 150 people have benefited from this program. These studies have shown that increases in wages (sometime doubling or tripling of salaries) of civil servants is not fully an effective tool for developing human resources in the state administration. These data are part of several studies and reports carried out by the Soros Foundation to evaluate the effectiveness of this financial scheme during 2005.

The "Strategy for the promotion of employment for students who are employed abroad" in 2004, defined several improvements of the legal framework in the field of recruitment to give more priority to those who had studied abroad. The document included provisions which facilitated procedures aiming at "... providing the best choices in favor of improving the recruitment process, which would give priority to employment of those candidates who had studied abroad, without prejudice to the principles of equality, trust and non-discrimination " and "...giving priority to people who belonged to this category, in the case of selecting three best candidates by the ad hoc committees on a base of the competition procedures... "

## 7. Brain Gain Program

The 'Brain Gain Programme' (BGP), is a cooperation program between the Government of Albania and United Nations Development Program (UNDP), which dates back to April 2006. BGP is an executive national project, funded by UNDP with about (40%) and the Albanian Government (60%). This program addresses the diaspora and graduates from recognized foreign higher education institutions with a Master and PhD degrees. Diaspora with Albanian origin established during the last decade of 20th Century and it is represented by a group of qualified individuals who contribute professionally in different sectors, to advances science and technology, in countries where they have emigrated. The contribution of the Diaspora in the development of country of origin is a proven reality and stands for the case of Albania. The income that entered in the country in form of remittances is a visible impact. In this context, the withdrawal of this group of people, to Albania remains a priority for the persistence of development of the country. The objective of BGP was i) to provide support to the government in creating and promoting elements of mechanisms of policy-making and ii) to effectively enhance the engagement of diaspora and skilled emigrants in the development of scientific research sectors, administrative and economic development.

During the period 2008-2011, the program has supported with reintegration financial package about 137 individuals who returned to Albania or have given their contribution as visiting professor at various academic institutions in the country. Diaspora as the intellectual capital of the highly qualified migrants returning to the country has been considered as a valuable asset for Albania in its path towards integration into the European Union. Despite their contribution in building the

human capital of Albania, these individuals have shown that they have appropriate professional potentials to stimulate research and development of technology in the country.

Brain Gain Program with its direct achievements to enable return and reduce loss of professionals, it has also made somehow possible to curb the Albanian Brain Drain. Additionally, with its encouraging schemes, this program has made possible the return of 137 individuals highly qualified in various sectors in the country. It has in some ways institutionalized the real opportunity of the return for other individuals and highly qualified candidates to come and be employed in various sectors in Albania.

Table:Data of the BG program beneficiaries (scientific level, the sectors of employment, etc.)

Institutions	Individuals	Female	Male	Female		Male	
				Master	PhD	Master	PhD
Public Administration	21	7	14	7	-	12	2
Public Universities	57	24	33	13	11	17	16
Private Universities	20	8	12	2	6	8	4
Visitor Professors	39	10	29	4	6	12	17
Total	137	49	88	26	23	49	39

The Albanian Government, in accordance with its development program, it has planned to reorganize the concept of this program in the Program of Brain Circulation by December 2016 aiming at enhancing the contribution of Diaspora by increasing the number of the returned professionals in the country.

## 8. Fund of Excellence Program

Fund of Excellence Program was created in 2007, as one of the Albanian State objective to financially support Albanian excellent students, who have been accepted for doctoral and post-doctoral studies abroad, or authors for their publications in journals with impact factor, prizes for the participation in international Olympiads. Periodically this program has been change. In 2010, the range of applicants to this program was expanded, including students who will attend the studies in top 15 universities in the world, at the level of Bachelor and Master. To respond to membership of the country in NATO in 2010, priority was given to specific fields such as National Security.

During 2012, the Council of Ministers has determined that the categories of beneficiary candidates will be the students who would enroll at Bachelor, Master and Doctorate programs. In July 2014, the Council of Ministers defined changes to the program determining the ranking of the host universities would refer to international classification published by Times Higher Education Ranking. Further, in the framework of capacity buildings within the public administration reform, this program included the category of civil servants, who can apply for financial support in case that they are admitted to perform master studies (duration of one year) at the top 300 universities according to the Times Higher Education Ranking in the following fields:

- Education policies;
- Health policies;
- Public policies;
- Urban development;
- Management and public finances;
- Administrative Law / Public;
- European Studies.

According to the Ministry of Education and Sports, in the framework of this program for the period 2007 - 2015 there have been financed about 200 individuals. The major fields, in which the successful candidates of this program have studied or continue to study, are Health, Economic Science, Engineering, Computer Science, Law etc.

The main obligation for the beneficiaries of this program is that after completion of studies they have to return and contribute to implement the competencies acquired, in the respective sectors, for at least 3 years. In those cases, when the beneficiaries are students of the first cycle or second cycle, this program allows the continuation of the studies at the next level to the end of all cycles of university studies. The categories of civil servants, at the accomplishment of their studies have to work in Albania for at least 4 (four) years in the Albanian institutions. The major objective of this program is to create excellence by funding the study of excellent students, supporting their education in the best universities and enable them to contribute in Albania, in public and private sector, by increasing the level of scientific research and innovation. Most of the beneficiaries of this program who have completed doctoral studies are currently employed and exercise their professions in the institutions of higher education.

The Albanian Government through the Ministry of Education and Sports has made available to Albanian excellent students a fund of 150,000,000 ALL per year according to the relevant decision of the Council of Ministers No 483, date 16.07.2014.

What might be called the challenges of this program today? The success of the program would be related to the employment of graduates in the respective sectors. Presently, apart from the obligation to return and work in Albania, there is no written regulation how to improve the procedures and create more possibilities in recruiting these young professionals.

The Prime Minister of Albania, Mr. Edi Rama, during his official visit to the United States in September 2015, had the opportunity to meet with activists of the Albanian - American community and partners of the Centre for International Development, Harvard, focusing on gaining further support to enhance joint studies between Albanian-American community and finding ways of involving experts from this community into the activities of political and social life in our country. In this context, the Albanian Government will work with all stakeholders to make possible the organization of the first Summit of the Albanian Diaspora around March 2016 in Tirana.

## Conclusions

Despite the fact that Albania has been affected by the phenomenon of brain drain, we need to recognize that we are a country with great desire and aspirations to be educated, to be eligible to prepare experts and young professionals who would be able to respond not only to the national labor market but to also be integrated into regional and European one.

In this context, it remains crucial to support the return of qualified Albanians living abroad and to better facilitate the cooperation with diaspora. Enhancing quality in higher education institutions to make Albanian diplomas competitive in the global market, and foster the modernization and internationalization of higher education institutions, in order to make it more attractive for young Albanians inside the country and abroad as well as for foreign students, remains a key element.

Albania as a country that has already got the status of candidate country for membership in the European Union, has an indispensable requirement to support the young Albanians who have been educated abroad, as well as to involve the qualified professionals, engaged abroad, to bring home their contribution in the preparing the legal framework in alignment with European Directives, by directly contributing to the development of key sectors of economy and technology. This would enable the real circulation of knowledge and science, the so-called 'brain circulation' by implementing the up-to-date experiences developed abroad, to support the realization of national reforms and the practical application of the legal framework across sectors.

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## Factors Determine Marketing Research Utilization Within Insurance Companies in Albania

**Assoc. Prof. Dr. Evelina Bazini**

Faculty of Economy, University "Ismail Qemali" Vlore

evelina.bazini@univlora.edu.al

### Abstract

*Doing business in today's competitive environment is becoming very difficult and one of the most important factors for success is considered marketing research. Market research can provide the necessary information about consumer's needs and expectations which is the first step on new product development and more market it. The aim of this paper is to give an overview of the factors that determine marketing research orientation in insurance companies in Albania, trying to understand of the role that marketing research information plays in management.*

**Keywords:** marketing research, insurance companies.

### Introduction

Marketing research, as the systematic and objective search of information and its analyses, provides decision makers the possibility to make better actions and decisions, and develop the right strategy. That's why many researcher of the field correlate it with the decision support system within the company which play a crucial role in decreasing the risk of uncertainty for the executives based on the research. Taking in consideration this, there is very important to pay attention to the process starting with the careful and clear statement of the problem to be researched, which is considered the first step.

### Research methodology

The instrument of primary data collection was questionnaire which was developed, based on the previous studies by the author and other work in the area. The information intended to collect through it was general characteristics and marketing research orientation used within the insurance companies. The questionnaire is used to determine the perceptions of respondents of the level of control exercised by insurance companies; the level of research activity performed by these companies and the cost and usefulness of marketing research. The first one was pretested with 15 marketing executives. Then questions about marketing research activities and techniques were shortened and reformulated to make them more relevant. The questions on marketing research department structure were moved in the begging of the questionnaire. The questions that were found not to clear and didn't provide meaningful response were discarded from the questionnaire. The questions about demographic information like revenue, number of employees, number of selling agents in the small areas (rural or urban), the age of the company, were moved to the end of the questionnaire. The reason was these questions gave the impression at some of the respondents as they were commercial sensitive questions. In the first section, some questions on organizational demographics (revenue, number of personnel, and the age of the organization) were moved towards the end of the questionnaire. This was principally because it was found that a number of respondents viewed the questions as commercially sensitive and their reaction influenced their decision to continue with the questionnaire. The final sample used in analysis consisted of 63 marketing executives from all the branches of the insurance companies that operate in Albania. The sample was probability.

Referring to literature review in the marketing research use for knowledge acquisition, we identified several variables which have the great impact in the marketing research use. These variables included the purpose of the research project, organizational structure of the firm, stage of the product life cycle.

Respondents were asked to indicate which of the specific marketing research activities they had performed, their frequency, and whether the research was developed and analysed internally or externally. Marketing research activities were

categorised under eight broad headings: A. Pricing Studies; B. Buying Behaviour Studies; C. Distribution and Sales Force Studies; D. Product Studies; E. Promotion Studies; F. Business / Economic and Corporate Studies; G. Internal Studies; and H. Other Studies.

Based on the literature review (Yaman, 2000), in order to characterize the marketing research orientation of the companies included in the research, the following research questions were raised:

- What are the marketing research activities and techniques used by companies?
- What are the relationship between the organizational characteristics of marketing executive and their marketing research orientation?
- What was the relationship between the individual characteristics of decision makers (such as their age, formal education and business specialization) and the marketing research orientation of the company?
- What were the perceptions of decision- makers of the company with regard to the cost and complexity of marketing research?

### Research results

Research results show that majority of marketing executive were satisfied with the quality and the outcomes of the marketing research activities performed by their companies. They thought that marketing research their companies performed was worth since it was cost effective. Even though the respondents evaluated somehow the factor marketing research education, the use of knowledge enhancing through marketing research, they had some reserves about it.

Only a few of them believed that marketing research was not used just for affective reasons. Regarding to the status report, nearly 94 % of the respondents answered that they viewed their company as highly centralized and the operational procedures highly formalized. Majority of the respondent's precipitation about the environment were their company operates as very competitive. One of the factors for such a high competitiveness was consider the technology. Regarding the effect that marketing research have on financial performance of the company, the majority of the respondents were of the opinion that the team spirit of the employees were positive and their moral in company were high too.

The research results show that the most important variables that affect most the marketing research utilization in the companies are the structure of the organization and the executive's orientation. A high scale of decentralization and formality in the firm provides a greater possibility for the research use.

Regarding marketing research activities performed by the company, nearly 78 % of the respondents reported that marketing research activities were undertaken to understand better the buying behavior of the customers. These research activities were followed by the them that intended to better understand the consumer motivation and attitudes, effectiveness of advertising and other marketing communication tools used by the company, public image, etc. Lower percentage got the product and pricing studies.

Regarding the use of marketing research techniques, in a total of 16 % of the respondents answered that they recognize the techniques listed in the questionnaire and used them, the other part either did not use such techniques or did not recognize the term. The list of techniques included research design, sampling procedures, data collection, measurement, data analysis. More than half of the respondents didn't recognized or used the most basic research design, descriptive ones.

Regarding the financial benefits of the marketing research, four questions were included in the questionnaire to determine the respondent's perception of the cost effectiveness of marketing research. These four questions referred to the most recent marketing research project in which the respondents had participated. In 91% of the cases the respondents agree that marketing research provided results that justified financial and time cost.

Regarding the form of utilization of marketing research, the questions included in this section intended to measure the scale of marketing research by the company in policy making, strategy decisions, knowledge development etc. Research results show that 89 % of the respondents have a highly positive perception of the usefulness of marketing research. In most of the cases it was used to confirm value for managers, to validate or confirm their understanding of something.

Regarding the manager's perception of the effect that marketing research have on company's performance, 94% of the respondents answered that they have a positive opinion about the effect of marketing research on their company' financial performance specially regarding to promotional activities and new product introduction.

## Conclusions

As the literature review reveals, any company that apply knowledge in a properly way, can profit from the competitive advantage. Research is considered as the best way to acquire and utilizes the knowledge. The findings that marketing research use provides positive financial outcomes, must serves as a good reason for marketing research use by companies in a competitive environment. This paper provided general understanding of the marketing research activities by the insurance companies in Albania. As the research results indicated some individual characteristics of the decision makers of the insurance companies in Albania were not related to the marketing research orientation of the company. The paper results indicated that manager's belief that they did not need to increase the research for the customer need recognition, that much that their companies conducted were enough.

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## Aggregate Impact of the Country in Concrete Durability, that Works in Normal Environmental Conditions

**Dr. Ing. Alma Golgota**

Engineering Science Dept, University of "A. Moisiu", Durres, Albania

almagolgota@uamd.edu.al, almagolgota@yahoo.com

**Mrs. Ark. BorianaVrusho**

PhD Cand. Epoka University of Tirana, Albania

### Abstract

*Production and use of durable concrete in reinforced concrete structures is a necessity in our country. In this article it was treated as affecting the characteristics of aggregates in durable concrete production, when they work in normal environmental conditions. To achieve this goal have produced concrete of class C35 / 45 with aggregate taken in careers mountain and river. The other components are the same in mix design concrete. Water-cement ratio is 0.5 and 0:35 realized. Comparisons are made of the resistance to compression and water penetration. Cubes of concrete had been produced and treated in terms shipyard. There have been comparisons of results and following. Today in Durres, even wider, buildings constructed with durable concrete are very few in now days. Geological studies show that the soil in foundation has low retaining capacity for this city due to high friction angle. This is also one of the other factors that Seismicity of the area is very high, up to level 9 ball of Rihter. The purpose of this article is the production of durable concrete with low permeability of water. The project is constructed in our country and in particular in Durres where groundwater level is higher and the use of space efficiently needs to build parking with underground floor.*

**Keywords:** Concrete durability, aggregate, permeability of durable concrete, strength concrete

### 1. INTRODUCTION

With the use of concrete durability we go further and ask that concrete have much longer life not only to the destruction but their work time or as called "lifetime" or the time before the repair, be much longer. This requires that we seek concrete durability and longevity of the structure reinforced concrete. For this purpose we must consider:

1. To obtain concrete durability in use should distinguish between possible life of concrete as a material to be used in specific environmental conditions and longevity of concrete factual deed therefore be taken into account that concrete properties in the composition of the structure.
2. The water impermeable concrete with a resistance to water penetration under ISO 7031-1994 standard specifications, or otherwise rely on standard EN 206-1, permeability should be up to 20 to 50 mm.

### 2. MATERIALS AND METHODOLOGY

Concrete components produced by Albanian standards S EN 206-1: 2003, with resistance class C35 / 45, taken in Fushe Kruje by concrete and Shkodra Vega by Mat River to Dry Stream

#### 2.1 Materials

##### 2.1.1 Cement

The details of the experimental program have been reported in this study. Concrete ingredients produced by the Albanian standard S SH EN 206-1:2003, with resistance class C35/45, were taken in Fushe Kruja from Vega concrete production

site. The concrete is produced in SAG concrete plant. Composition of Portland cement, CEM I 42.5 R, from ANTEA, type cement conforming EN 197-1 was used in this study.

**Table 2.1.1: Chemical Composition of CEM I 42.5 R TITAN cement**

No.	Chemical composition	Units	Test results	Standard limit based on EN 197-1 standard
1	SiO <sub>2</sub> (Min.)	%	18.01	-
2	Fe <sub>2</sub> O <sub>3</sub> (Min.)	%	2.69	-
3	Al <sub>2</sub> O <sub>3</sub> (Min.)	%	4.58	-
4	MgO (Max.)	%	1.80	5.00%
5	CaO (Min.)	%	61.23	10.00%
6	SO <sub>3</sub> (Max.)	%	2.67	3.50%
7	(Cl) (Max.)	%	-	0.10%
8	I.R (Max.)	%	0.3	5.00%

**Table 2.1.2: Physical Properties of CEM I 42.5 R TITAN Cement**

No.	Physical characteristics	Units	Test results	EN 197-1 Standard limit
1	Specific surface, Blaine	cm <sup>2</sup> /g	3842	± 200
2	Specific density	g/cm <sup>3</sup>	-	± 50
3	Standard consistency	%	28	-
4	Initial setting time	min	2h:30min	60
5	Final setting time	min	-	-
6	Loss on ignition (L.O.I)	%	-	≤5%
7	Expansion	mm	0	≤10 mm

**Table 2.1.3: Mechanical Properties of CEM I 42.5 R TITAN Cement**

No.	Mechanical characteristics	Units	Test results		
			2 Days	28 Days	EN 197-1 Standard limits
1	Compressive strength	MPa	26	48	2Days > 20 MPa 42.5 dhe ≤ 62.5MPa 28Days ≥
2	Flexural strength	MPa			

### 2.1.2 Aggregates

Coarse and fine aggregates obtained from Mat river Perroi i Thate and Fushe Kruja quarry units have been used for this study. Maximum size of coarse aggregate used is 25 mm and specific gravity of ranging from 2.6 - 2.7 kg/m<sup>3</sup> based on standard S SH 509:1987; bulk density 1484 kg/m<sup>3</sup> and fine modulus 6.07. For fine aggregates maximum size used is 5 mm and specific gravity of ranging from 2.687 kg/m<sup>3</sup> based on standard S SH 509:1987; and fine modulus 2.74.

sitat mm	peshat g	mbejtet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	0.0	0.00	100.00
8.0	0.0	0.00	100.00
4.0	10.3	0.70	99.30
2.0	391.2	26.70	73.30
1.00	867.3	59.20	40.80
0.50	1082.6	73.90	26.10
0.250	1201.3	82.00	18.00
0.125	1278.9	87.30	12.70
0.075	1322.9	90.30	9.70
Pesha fillestare gr		1465	

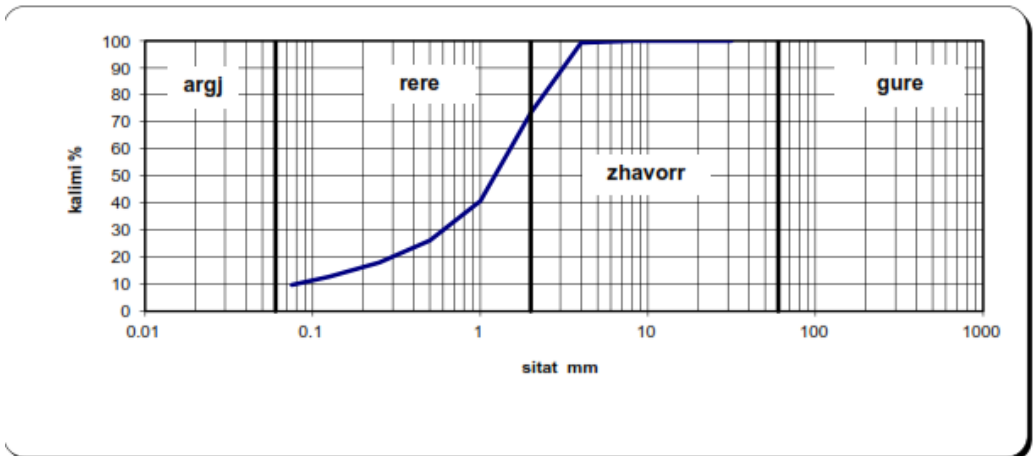


Figure 1: a) Coarse and b) fine aggregates PSD analysis river .

sitat mm	peshat g	mbejtet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	98.2	1.90	98.10
8.0	1849.4	35.80	64.20
4.0	5104.0	98.80	1.20
2.0	5109.2	98.90	1.10
1.00	5114.3	99.00	1.00
0.50	5119.5	99.10	0.90
0.250	5124.7	99.20	0.80
0.125	5129.8	99.30	0.70
0.075	5135.0	99.40	0.60
Pesha fillestare gr		5166	

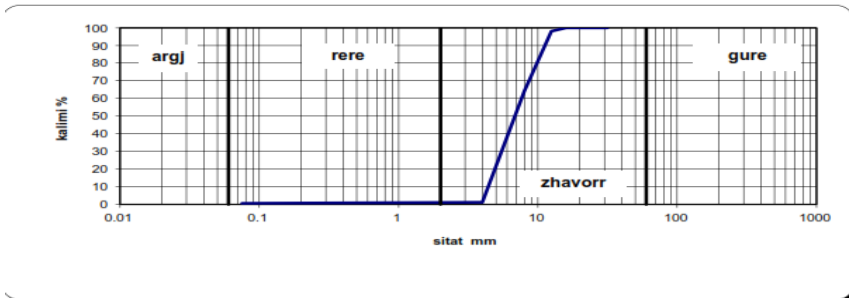


Figure 2: a) Coarse and b) fine aggregates PSD analysis river

sitat mm	peshat g	mbejtet %	kalimi %
31.5	0.0	0.00	100.00
25.0	0.0	0.00	100.00
16.0	0.0	0.00	100.00
12.5	3278.8	39.70	60.30
8.0	7234.9	87.60	12.40
4.0	8217.7	99.50	0.50
2.0	8242.5	99.80	0.20
1.00	8244.1	99.82	0.18
0.50	8246.6	99.85	0.15
0.250	8250.7	99.90	0.10
0.125	8251.6	99.91	0.09
0.075	8254.9	99.95	0.05
Pesha fillestare gr		8259	

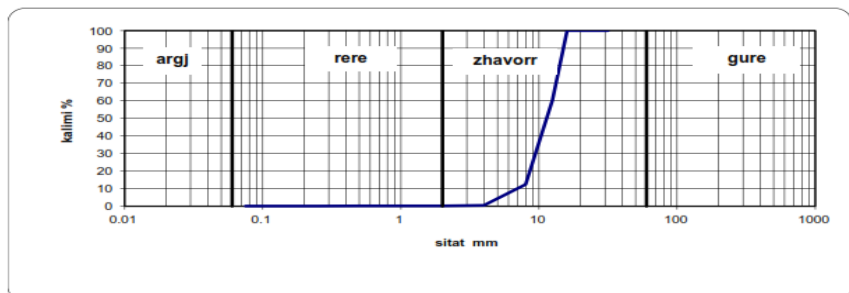


Figure 3: a) Coarse and b) fine aggregates PSD analysis river

Kamploni **Rere e lare lumi 00/08 mm**  
 Karriera **Prroi I thate**  
 Test Method : **EN 1097-6-2000( piknometre method )**

Nr	Pershkrimi	njesia	kamploni	
1	Madhesia e agregatit	mm	0-8	0-8
2	Temperatura	°C	20	20
3	Densiteti I ujit	g/cm3	0.9981	0.9981
4	Pesha e kamplonit te thate	g	50.41	50.24
5	Pyknometer No ( 250 ml)	ml	2	5
6	Pesha e piknometrit	g	150.21	163.67
7	Pesha e piknometrit + uje	g	466.72	480.08
8	Pesha e piknometrit + agregate	g	200.62	213.91
9	Pesha e piknometrit + agregate+ uje	g	498.73	512.21
10	Volumi I piknometrit	cm3	317.11	317.01
11	Pesha e kamplonit satured	g	51.31	50.99
12	Absorbimi I agregatit	%	1.785	1.493
13	<b>Mesatarja e absorbimit</b>	%	<b>1.639</b>	
14	Pesha specifike per cdo kamplion	g/cm3	2.612	2.664
15	<b>Mesatarja e peses Specifike</b>	g/cm3	<b>2.638</b>	

Figure 4: a) Coarse and b) fine aggregates PSD analysis river

Kamploni **Granil I thyer lumi 06/12,5 mm**  
 Karriera **Prroi I thate**  
 Test Method : **EN 1097-6-2000( piknometre method )**

Nr	Pershkrimi	njesia	kamploni	
1	Madhesia e agregatit	mm	"06-12,5	"06-12,5
2	Temperatura	°C	20	20
3	Densiteti I ujit	g/cm3	0.9981	0.9981
4	Pesha e kamplonit te thate	g	100.12	100.21
5	Pyknometer No ( 500 ml)	ml	6	7
6	Pesha e piknometrit	g	202.93	208.71
7	Pesha e piknometrit + uje	g	794.71	797.58
8	Pesha e piknometrit + agregate	g	303.05	308.92
9	Pesha e piknometrit + agregate+ uje	g	858.14	861.14
10	Volumi I piknometrit	cm3	592.89	589.98
11	Pesha e kamplonit satured	g	100.52	100.63
12	Absorbimi I agregatit	%	0.400	0.419
13	<b>Mesatarja e absorbimit</b>	%	<b>0.409</b>	
14	Pesha specifike per cdo kamplion	g/cm3	2.699	2.703
15	<b>Mesatarja e peses Specifike</b>	g/cm3	<b>2.701</b>	

Figure 5: a) Coarse and b) fine aggregates PSD analysis river

**Vega Fushe Kruje**

sieve mm	weight g	retained %	passing %
31.5	0.0	0.00	100.00
25	0.0	0.00	100.00
20	0.0	0.00	100.00
16	0.0	0.00	100.00
12.5	0.0	0.00	100.00
8	0.0	0.00	100.00
4	100.0	7.02	92.98
2	583.0	40.91	59.09
1	942.0	66.11	33.89
0.50	1191.0	83.58	16.42
0.250	1337.0	93.82	6.18
0.125	1393.0	97.75	2.25
0.075	1406.0	98.67	1.33
Initial Weight gr		1425	

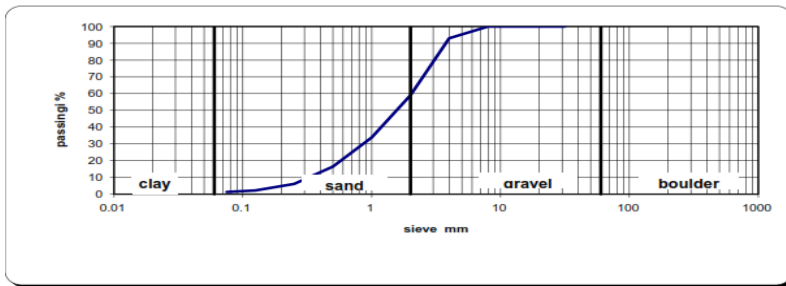


Figure 6: a) Coarse and b) fine aggregates PSD analysis river

Test Method: **EN 933-01**

sieve mm	weight g	retained %	passing %
31.5	0.0	0.00	100.00
25	0.0	0.00	100.00
20	0.0	0.00	100.00
16	0.0	0.00	100.00
12.5	15.0	0.61	99.39
8	1337.0	54.53	45.47
4	2442.0	99.59	0.41
2	2448.0	99.84	0.16
1	2449.0	99.88	0.12
0.50	2450.0	99.92	0.08
0.250	2450.0	99.92	0.08
0.125	2450.0	99.92	0.08
0.075	2450.0	99.92	0.08
Initial Weight gr		2452	

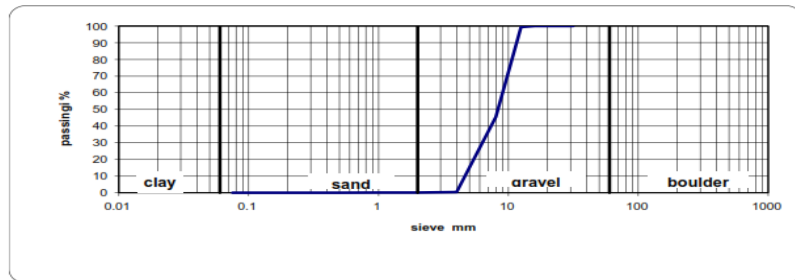


Figure 7: a) Coarse and b) fine aggregates PSD analysis river

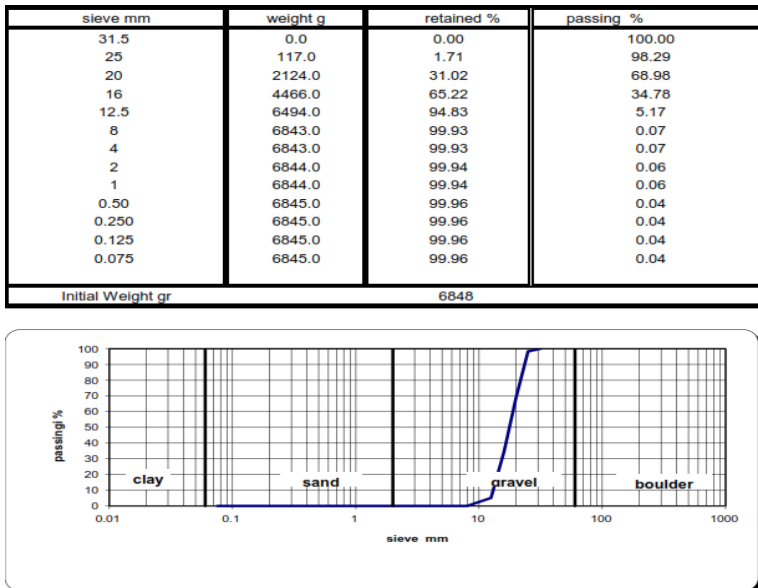


Figure 8: a) Coarse and b) fine aggregates PSD analysis river

**Table 2.3.1: The aggregate chemical composition**

Chemical composition of aggregates	Chemical composition in [%]			
	CaO	MgO	SiO <sub>2</sub>	Fe <sub>2</sub> O <sub>3</sub>
Vega Fushe Kruje (Mountain)	43.59	4.23	0.18	0.12
Perroi i Thate (Mat river)	5.36	15.98	48.36	5.89

Mount aggregates have been derived from carbonate rocks, with high content of limestone.

River aggregates are with originate volcanic and therefore have a high content of basalt.

### 2.1.3 Water

Potable tap water available production site was used for mixing and curing of concrete. The water is filtrate based on standard **S Sh** 2751:1987.

Table 2.1.3.1: Chemical analysis of water used in mix design

No.	Characteristics	Units	Test results	Standard limit EN 1008
1	Water resource		Well water	-
2	Colour		Transparent	-
3	Odour		None	-
4	Water density @ 190 C	kg/ l	1.0082	0.9982
5	Total hardness (CaCO <sub>3</sub> )	mg/l	2.91	-
6	Total dissolved solids at 180 °C	mg/l	3.82	≤4
7	pH value		7.61	≥4
8	Chloride content Cl <sup>-</sup>	mg/l	1241	≤ 1000
9	Sulphate content SO <sub>4</sub> <sup>-</sup>	mg/l	4996	≤ 2000
10	Salts content	mg/l	0.02	≤ 100

### 2.1.4 Concrete admixtures

Additives used in this project are; Chryso-Fluid Premia 180(superplasticizer) and in quantities 3 l/m<sup>3</sup> concrete. Additives were used to produce concrete class C 35/45 MPa and the result was decreasing the amount of water. The effect of using the lowest amount of water is increasing the durability and resistance of concrete.

## 2.2 Methodology

### 2.2.1. Durable concrete mix design

Mix design is a process of selecting suitable ingredients for concrete and determining their proportions which would produce, as economically as possible, a concrete that satisfies the Orion project requirements.

All mix designs data for durable concrete used in our project are represented in Table 2.2.1.1. In present study durable concrete class C35/45 was produced with river raw material. All mix designs are formulated based on specifications of EN 206-1:2003 standard. Date 10.10.2013

Table 2.2.1.1: Mix design of concrete from Kruja mountain

No.	Ingredients	Units/m <sup>3</sup>	Quantity
1	Crashed sand 0-04 mm	kg	895
2	Crashed river gravel 5-10 mm	kg	298
3	Crashed river gravel 10-25mm	kg	698
4	Cement CEM I 45.2 R/A-LL	kg	370
5	Additive Chryso-Fluid Premia 180 (superplasticizer) Reduction. 15%; Dosage 0.8 lit/100 kg cement)	lit/m <sup>3</sup>	3.32
6	Well water	lit	158
1	w/c ratio	-	0.4
2	Density	kg	2422
3	Temperature of fresh concrete	°c	19
4	Slump		S4

Date 27.11.2013



Table 2.2.1.1: Mix design of concrete from Mat river

No.	Ingredients	Units/m <sup>3</sup>	Quantity
1	Natural river sand 0-04 mm	kg	915
2	Natural river gravel 5-10 mm	kg	294
3	Natural river gravel 10-25mm	kg	695
4	Cement CEM I 45.2 R/A-LL	kg	380
5	Additive Chryso-Fluid Premia 180 (superplasticizer) Reduction. 15%; Dosage 0.8 lit/100 kg cement)	lit/m <sup>3</sup>	151
6	Well water	lit	3.56
1	w/c ratio	-	0.4
2	Density	kg	2440
3	Temperature of fresh concrete	°c	19
4	Slump		S4

The compressive strength of concrete is considered as the index of its quality. Therefore the mix designs are generally carried out for a particular compressive strength of concrete with adequate workability so that the fresh concrete can be properly mixed, placed and compacted.

After 28 days period of curing, the specimens were taken out of the curing tank and there were tested besides measuring the fresh properties (workability, air content and concrete temperature); following tests such as permeability of concrete cubes and chlorides contents are measured.

### 3. RESULTS & TABLES

#### 3.1 Compressive strength of concrete cubes

Compressive strength, of mixes was determined at various ages as per EN 12390-3:1999 and EN 12390-5:1999 are given in table 3.1. Cube Compressive strength at the age 7 and 28 days. After casting the specimens were covered with sheets to minimize the moisture loss from them. Specimens were demoulded after 24-hours and then cured in water at approximately room temperature till testing. Compressive strength tests for cubes were carried out at 28 days. All the specimens were tested in an automated compressive strength machine shown in Figure 3.1:

Table 3.1: Test results obtained from durable concrete produced with Mat river materials

No.	Normal water curing condition (Kruja Mountain crashed aggregates)			Normal water curing condition (Mat River aggregates)		
	Compressive strength	Water depth penetration	day	Compressive strength	Water depth penetration	
1	44.180	22.13	28	43.012	11.2	28
2	40.123	19.25	28	46.338	10.8	28
3	42.156	14.35	28	42.230	16.2	28
4	46.337	19.4	90	47.894	9.2	90
5	47.250	20.5	90	48.154	9.4	90
6	46.510	24.1	90	48.112	7.6	90

**Table 3.2: Test results obtained from durable concrete produced with Romanat materials****GRAFIKE****3.2 Durability of concrete**

The durability of concrete depends largely on the movement of water enters and moves through it. Permeability is a measure of flow of water under pressure in a saturated porous medium while Sorptivity is materials ability to absorb and transmit water through it by capillary suction. The porous structure of concrete is intimately related with its permeability. A low water/cement ratio results in concrete structures which are less permeable because they are characterized by having small pores which are not interconnected. The water penetration under pressure test is a standard test procedure (EN 12390-8).



Figure 3.2.1: Images of water penetration

**4. CONCLUSIONS**

Production and use of durable concrete is critical to increasing lifespan reinforced concrete structures. Durable concrete mechanical resistance also depends on the mineralogical composition of component aggregates. Broken Mountain aggregates, which have a high percentage of limestone, give us a rezistence concrete with almost the same as the aggregate of the river, but having a large water permeability. This is because using a greater quantity of water. They are more economical in the use of cement. River Aggregates, especially when they have high basalt backgrounds, are more compressed, give us concrete with high resistance, with low water permeability.

**ACKNOWLEDGMENTS**

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## Urban Land Markets in Durres

**Dr. Ing. Alma Golgota**

Engineering Science Dept. – University of “A. Moisiu”, Durres, Albania

almagolgota@uam.edu.al; almagolgota@yahoo.com

**PhD Cand. ark. Boriana Vrusho**

EPOKA University, Tirana, Albania

### Abstract

*After the fall of communist regime, Durres passed through an uncontrolled urban development and painful migration and emigration. Albania passed into process of transition from a centrally planned economy to a free-market based economy. Radical political, economic and social reforms had been undertaken. This means basic political and market institutions as well as the administrative, regulatory and policy frameworks required for a market economy had been developed. During the 1990's Albania went through a transformation of its entire economy that changed civil society, ownership structures and the labor market. As in other cases happen in transition, Durres experienced many problems with self-employment in the informal sector and small commerce and industries. The lack of formal job opportunities stimulated emigration of the working active population to neighboring countries, such as Greece and Italy. This explains the volume of remittances that are regularly sent into the country. Also thousands of farmers have chosen to abandon their villages and settlements and seek opportunities in the city of Durres. The city became the focus of mass emigrations from Albania. Many people migrated to Italy and other countries. Very large rates of growth among the 1990's, were result of increased movement of population to urban areas, which continued in high rates until 2003. The annual growth rate was 7%, but after 2003 it decreased in 1.4% per year. Unemployment remains a big issue for the city of Durres, despite the progress that has taken place. The official rate of unemployment is 11%, but due to many unemployed persons who do not register as such, the unemployment rate is much higher (around 25%). Data from Standard Measurement Survey Living (VMNJ) in 2002 show that poverty rate is about 25%.*

**Keywords:** land market, Infrastructure, urban areas, regional development, Albania

### Introduction

The urban growth process of Durres city reflects similar phenomena known elsewhere in the country. It is based on informal land development processes and illegally subdivided land mostly situated in peripheral areas of the city where new residents undertake illegal constructions. The process of informal land occupation has resulted in large-scale informal neighborhoods that are poorly serviced or lacking basic infrastructure and municipal services (like the area of Spitalla, Porto Romano and Kenata). The urban reality in Durres contains unplanned, subserviced and sprawling urban development process. Also, it is noticed a process of densification and illegal occupation of vacant spaces within the inner city. Available spaces within neighborhood blocks have been occupied by all sorts of constructions for residential and commercial purposes. Furthermore, it can be seen rooftop developments and vertical as well as horizontal extensions of apartments blocks (and social housing blocks) that further deteriorate urban environmental conditions. It is chaotic process of building activities that violates all existing regulations and norms.

After 1991 the Albanian government enacted several decrees and laws to privatize land that had been in the hands of the State and urban households received ownership rights. Different types of laws regulate the distribution of land to farmers, the return to former owners (before 1944), the concession to private entities or sale to investors and the release of land as part of compensations. Between 1990 and 1994, agricultural land from collective farms was distributed to member families. In about half the rural areas, distribution followed the legislative requirement of equal per capita shares. The head of household received the land and was responsible for distributing shares to family members. In the other half of rural areas, local leaders distributed former cooperative farmland based in large measure on pre-1945 landholdings. In the fertile lowlands, pre-1945 landowners were initially excluded from consideration for land distributions. In 1993, legislation granted the pre-1945 landowners rights to claim or be compensated for non-agricultural land, as well as agricultural land in holdings

up to 100 hectares. The resulting ambiguity in rights, coupled with limitations in the extent of land and amount of funds available for restitution and compensation, have combined to leave the majority of original landowners uncompensated. The distribution of agricultural land created a system of small, fragmented landholdings. Eighty-seven percent of urban housing is privately owned.

The property market in Durres is imperfect. The years 2000 to more transactions are made to move the state properties that are privatized. I am talking about small commercial units, small and large including warehouses and factories. While in the years 2000-2010 there was more privatization for large enterprises (ex the former Savings Bank, ALBTELECOM). Today this market is slow because a large number of the properties in Durres have been privatized. Multiple transactions of buying, selling and rent purchasing can be seen in today real estate market. Throughout the transition period until today, the real state sector is characterized by a continuous expansion either in terms of investment, both in terms of contribution it made to the growth and economic development.

### 1. The market of apartments prices of Durres

Land market in Durres is different by area of residence. Of these the most obvious ones are: areas of the hill near the cluster of King Zog and near Currila Elbow, the city center and seaside promenade "Taulantia", where land prices now reach up to 400 €/m<sup>2</sup> or a ratio up to 40% expressed in Exchange Contracts formulated with landowners. • Further away from the city center prices come down up to 220 €/m<sup>2</sup>. The level of infrastructure is still low in the peripheral zone. In the beach area land prices vary according to distinct areas where they are:

- The areas along the shoreline with a land price of 300 €/m<sup>2</sup>.
- The areas bordering the highway and railway land at a price up to € 170/m<sup>2</sup>.

In 2006 in the coastal city of Durres tourist apartments prices did not pass the maximum 500 €/m<sup>2</sup>, the minimum was 300 €/m<sup>2</sup>, in 2008 the prices of buildings that overlook the sea were about 900 €/m<sup>2</sup>, while the minimum is 450-500 €/m<sup>2</sup>. Nowadays the prices have gone visibly down with a rate of 30%-40% off. Until 2008 the market worked until the supply and demand requests. But later, especially in 2009 with the reduction of constructions due to lack of construction permits in the center (the lack of supply influenced lower prices), the lack of buyers (especially the investment of money from emigrants), and the real estate market was in a break. In the market of apartment sales in the city center is noted an increase of price each year which ranges from city center 900 €/m<sup>2</sup> up to 700 €/m<sup>2</sup> area outside the city center. Selling prices for service facilities outside the center are 3000 €/m<sup>2</sup> and in the center reach up to 6000 €/m<sup>2</sup>. Furthermore, purchases of foreigners in the real estate market in Durres, as in all country, have dropped significantly. The global crisis and resistance of real estate prices in Albania appears to restrain demand. "Since 2008 the demand of foreigners stopped and this continues even today," says Marin Le Corre, director of estate agency "Balkimo" (2010). According to him, sales to foreigners have fallen about 90% if compared with the positive period 2007-first half of 2008.

The rental market is still relatively underdeveloped; almost of the tenants are students or persons coming from peripheral districts. Rent has grown from year to year. So, this free, since 1996 until now, has constantly increased, but still not in high levels comparing to Tirana that is the capital city near to Durres. Along the Commercial road, which is located in the center of town and there are relatively old buildings, the rental prices of local service shops or ranging from 15 €/m<sup>2</sup> ÷ 24€/m<sup>2</sup>. These values from surveys conducted within a five-year period had almost not changed. Even close to road "Deshmoret" in the area of the city center in the old palaces existing, rental prices of local service shops or reach up to 25 €/m<sup>2</sup>. Rent for residential homes along Boulevard (in the center) are up to 220 €/m<sup>2</sup>. Just outside the city center prices of rent decline, from 540 €/m<sup>2</sup> in the city center to 430 €/m<sup>2</sup> in periphery.

Agricultural land market by purpose of use is classified into two categories, for agricultural and construction purposes. According to registration office's information, the market of agricultural land for farming purposes is not currently developed.

### 2. Analyzing the factors that influence in the urban land market in Durres city, I can distinguish:

- Geographical position, giving priority to Durres as a tourist and economic developed city.
- The partially development or infrastructure in various areas, especially drinking water supply and electricity.

- Changing in demand and supply. (Nowadays there are no purchases of immigrants as a result of the financial crisis in all countries, and lacks the flow of purchases of Albanians from Kosovo, Macedonia, etc).
- The large number of population in the city, a result that migration from all regions of the country. So the demand for houses is high.
- Increase the percentage of construction area that landowners take. In Durrës, as in all the country is developed an original form of the land for the construction market. As a result of no payment power value of the land area is converted into building area. In the city center land surfaces are limited. These increased the percentage of construction area the owners get (up 45% of construction area) and therefore increased the cost and value of apartments. This growth is also reflected in peripheral areas of city and suburban areas where new buildings are constructed, where the percentage of construction surface that owners receive has been increased in a rate of 25-30%.
- Residential buildings destination has changed in recent years. Buildings today, in addition to the residential area, have on average 2-3 floors with parking and services such as shops, offices, studio, etc., which increase the value of the investment amount, and reflects in the apartments and land price.
- Quality of materials and construction works. It should be noted that the quality of works in general is increasing. Construction materials are better in quality, more expensive and their values reflect in the cost of construction. In general it is observed an increase in the value of the materials that are used for construction and fuel price, so the cost of buildings being built today is higher than that of the three -four years ago.
- The lack of construction permits. Another reason is the malfunction institutions that approve building permits. Currently there is no new construction with permit because of the delayed legal procedures.
- Another reason that has influence in increasing the price is the strengthening of the fiscal system and the reduction of informality in employment. The last instruction of the Ministry of Finance on calculation the tax on ownership transfer will have direct impact on increasing the value of assets immovable property.
- Legalization and processes of property restitution and compensation. An influence on the growth of real estate value has been adoption of laws "On Property" and "Legalization". Assessment methodologies adopted by Parliament have oriented prices of land in different areas of cities, tourist sites etc. that are generally high, while the impact of legalization is difficult to measure, but is relied with security. It is natural that a titled property costs more expensive than an informal property.
- Besides the construction boom, another reason that influenced the changes of market was the non adequate infrastructure surrounding residential blocks especially in the beach area, lack of sufficient spaces, lack of drinking water, and in some cases the irregular power connections for many buildings.
- The main factor that has prevented foreigners to continue purchasing houses in Durrës is the lack of financing from banks. Banks in all developed countries, but also in Albania, have declined since 2009 to make loans. The situation which lasted until the first half of 2008-seems to have already ended. The same thing happens with loans and real estate sales.

### 3. Privatization of urban housing

Despite successful privatization of urban housing, demand for urban housing has overwhelmed supply. The slow rate of construction of formal residences has caused housing shortages and growth of informal settlements, most of which are on public land. Informal land violations created confusing land ownership problems, multiple claims involving different actors for one single plot. The town is divided in non-homogeneous parts such as the central area, the informal city, the port and the urbanized coastline which is occupied mainly by tourist flats.

With the beginning of land reform, the Albanian laws have provided two methods for assessment of land and property. For transactions between private parties, their agreements negotiated in freedom can set the price of the sale or lease. For transactions involving state land acquisition by state or private land through expropriation or taking temporary, evaluation established by the decree of the Council of Ministers will be applied. State assessment method was defined in a decree the 2000. This decree stipulates that the IPRS

database will record the prices of the sales and buys, leases or other transaction values, and leads experts representing a state agency to undertake a transaction to collect a group sales and buys like that have happened recently from these data.

Market value can be defined as "the amount of money that can be taken by a person or persons willing and able to buy an item when the latter was offered for sale by a seller voluntary". Deficiency increases the value and generally when the deficiency increases also the value increases. If the supply of a particular property type increases, the market value decreases and vice versa. The concept of value is very important because every time the value of a land price indicates the price for which demand and supply are equal, the price for which buyer and seller are prepared to buy is the same. In the actual fact, the price of land is determined by both supply and demand, depending on economic circumstances (Evans, 2004). Without planning controls, land markets acts like neoclassical situation. According to neoclassic, the price of apartments is high because the rent of land is high. The supply of land changes in time. But this was the city's tragedy, because everyone thought that could have enough land to build. This brought to an uncontrolled situation, informal settlements, poor infrastructure, environmental problems and lack of public supplies. Nowadays the legislation has changed and the State is stronger. Planning controls have stopped this rampant development, affecting the land market. In this case, the land market acts like in Ricardo theory. According to Ricardo the land is scarce and the supply of land is fixed (because of planning regulations). The price determines the demand, and the demand determines the rent. This is what is happening not only in Durres but in most of Albanian cities.

#### 4. Albania's Civil Code legislation

Under Albania's Civil Code, land tenure systems are private tenure system, public tenure system (state land or municipality land) and informal tenure systems. Land that is privately owned may be freely bought, sold or leased, and landowners have the right to possession, disposing and joy. According to Law 8743, dated 22.2.2001. State land can be leased to private individuals and communities and authority to manage and use the land devolved to local governments. State agricultural land can be leased for periods of up to 10 years for most crops; up to 30 years for livestock. Low forest, and protected land; and up to 99 years for tourism development, fruit trees, and high forest.

Albania legislation recognizes both individual and family landownership rights. Some legislation such as the Civil Code (1994) and the Private Property Law (1991) recognizes private and individual property and the right of all citizens to own and inherit property. Family landownership was tacitly established, as we saw, in the Law on Land. In addition, the Civil Code classifies agricultural land as family landownership (Article 222), not to be subdivided among family members except under specific conditions (Articles 226–228).

In 1994, the Law on Registration of Immovable Property was approved and is the basis for the current title registration system. The immovable property registration system is directed by the chief registrar who is appointed by and directly responsible to the Council of Ministers. The IPRS combines in a single system all property in Albania, whether rural or urban, public or private.

Albania's formal law allows people to access to land through inheritance, purchase, gift, and government land allocations. Most landholders obtain their land rights through: government land distributions; inheritance; purchase or lease on the informal market; occupation of plots in informal settlements; or use rights granted by local governments. Foreigners can purchase private residential land and commercial land, so long as the proposed investment is at least three times the value of the land. Foreigners are prohibited from buying agricultural land but can obtain 99-year leases. The problem in Durres and in all Albania was the receiving either rural land or urban apartments during the land reform process in the early 1990s. Durres suffered from wide-spread illegal occupation of land and illegal buildings due to the rapid internal migration and the inability of the state to efficiently provide or assign land to meet demand near the city.

Article 41 of the 1998 Constitution protects private property from expropriation; the state can expropriate land only when the taking is in the public interest and fair compensation is paid to the landholder. Landholders have the right to contest the amount of compensation paid. The 1999 Law on Expropriations and Temporary Takings of Private Property for a Public Interest (No. 8561) defines public interest to include: public projects and investments; protection of historical, archaeological and cultural monuments; and protection of public health and safety. If the project for which the expropriation was made does not commence within three months of the expropriation, the expropriation is deemed invalid and the land returned to the landholder. In that event, the landholder must return any compensation paid. What happen nowadays in Durres is that the "formal" informal settlers have the security that their houses are not going to be taken by the state, because of the

process of legalization and registration of land. This has made them to invest in their houses to improve their life conditions. As Geoffrey Payne said, their house is not more a “dead” capital. This has raised the value of their property, affecting land markets. Although local government cannot collect taxes from them, their improvements have good influences in the social area of the community. However, their security doesn't help them to take bank loans. Even if they have got full title and they are poor, bank doesn't give them loans. So, full tenure doesn't necessary mean and of poverty. There is a difference between formal legal property rights and de facto or customary property rights. Of course, they can sell their property, to a richer person but this still doesn't mean and of poverty. This is why security and legality are different concepts.

Civil Code defines the main ways of providing ownership, like: by contract, by prescription, with the good faith of movable items, by the merger, mixture, and processing, ownership of lost or found items, and on no owner things, by invasion, by expropriation, on the fruits of the property, by inheritance. Property subject are physical persons, legal person sand state. In Albania Civil Law, is known public ownership. State or other civil entities do not have ownership rights on these items. For these types of properties, the entities mentioned above, may have the right of enjoyment and possession, but not disposition. In the the property arrangements of owner's right to enjoy, own and freely dispose his property respond to the obligation of an unlimited number of people that do no have the right to violate it.

##### 5. Analyze the contract of entrepreneurship

I will analyze the contract of entrepreneurship the main stakeholders are the entrepreneur and the requester. The legal framework includes Civil Law, Chapter VII. Rights and obligations:

Requester can make changes to the project, in condition that their size does not exceed one sixth of the total fixed price. The entrepreneur has the right to be compensated for the main works carried out, although the price is fixed in total offense. Requester has the right to control the execution of works and their status at their own expense. When, during the conference, is detected that their conduct does not continue under certain conditions and standards in the contract, the requester may set a deadline within which the entrepreneur must comply with those conditions. When the fixed time has passed without bringing any benefit, the contract is terminated, without prejudice to the right of the requester to pay the claims. Requester, before taking over the work done, has the right to control it. Control must be performed by requester; entrepreneur just create appropriate conditions for control. If, despite the invitation of entrepreneurs, the requester fails to control without reasonable grounds, or when the outcome of the audit reports within a short time, the object is accepted. If the requester receives the submitted work without any reservations, it is considered acceptable although there is the control. The entrepreneur has the right to ask to be paid with the value assigned when the work is accepted by the requester, unless there is agreement to the contrary.

The ordering party may withdraw from the contract, even when the implementation of the work or performance of service has begun providing, with condition compensating the entrepreneur for expenses, for work done and for loss of profits. The contract may terminate because the implementation of the work has become impossible due to a cause that cannot be attributed to any party, the requester pays the past of the object to the limits within which it is useful for, in proportion to the certain price for all the work. The contract may terminate when the material given to entrepreneur by the requester, or when the work of preparing this material is lost or damaged, as and when the end of the object becomes impossible through no fault of any of them, but in any case after the entrepreneur is late in submitting the work, this is bound to reward the requester the value of the material and no right to ask him to pay the work done.

##### 6. Concluding remarks

Concluding the analysis, the city of Durres has been relatively stable since the 1997 collapse of the pyramid schemes. However, there are conflicts over the failure of the government to properly implement restitution and compensation programs, especially in the coastal areas where the land is very valuable due to potential tourism development. The historical owners dispute the post-1991 privatization of agricultural land to workers of the cooperatives and state farms and the state has not adequately implemented the restitution laws for forests and pastures. In addition, there are many other property disputes which arise from overlapping privatizations and restitution decisions. In some cases the ownership of the land is different than the ownership of the buildings, creating conflicts between the two parties. As mentioned above, illegal occupation of both state and private land has caused social and political tensions, and the squatters have blocked the national roads on various occasions, demanding infrastructure services and legalization. Land conflicts are frequent and constitute about half of all cases in civil courts. Conflicts are generally of two types. The first type relates to overlapping



claims to a piece of land, boundary disputes or conflicts about road access. In these cases, parties generally try to resolve their disputes on a personal level before turning to official channels of conflict resolution. The second type of conflict involves restitution and compensation claims of former owners.

Property rights in Durres, as in Albanian state, are still a fragile bundle of rights. Many “sticks” have been putted in, but they are still not good regularized. Law framework is still not strong and the Urban Development Plan has still to be reviewed and approved. Many conflicts have been raised between current owners and former owners. There are inefficient plans because of the fragmented land.

The consolidation of property rights may decrease the land transaction costs, provide better incentives for land sale — for those who are ready to move out of agriculture — and facilitate the enlargement of market-oriented farms without destroying the social and economic equilibrium in rural areas. Resolving agriculture land property rights is a key step to promote agriculture growth, investments and efficiency in Durres, thus more attention from the policy-makers for this issue and more research can contribute to the future of the sector. Furthermore, it would be important to combat inefficiencies arising from small plots by supporting the development of farmer associations, improving irrigation infrastructure, supporting modernization of equipment and distribution of high-quality inputs and investing in the development of agricultural knowledge and skills. Another important issue is the improvement of laws on land use and transfer; institutional strengthening of land management; and improvement of integrated land management. Local authorities that are already working together with a local partner e.g. NGO, should have an incipient experience with public-private partnership arrangements in urban development. The participation of civil society organisations in local processes and decision making should be strengthened by the city-wide initiative but the responsiveness of a local authority will depend on the existence of a local leadership, an active middle management staff that can mobilise confidence and support from inside the organisations.

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## Road Investment and Regional Development Some Evidencies from Albania

**Dr. Ing. Alma Golgota**

Engineering Science Dept. – University of “A. Moisiu”, Durres, Albania

almalgolgota@uam.edu.al; almagolgota@yahoo.com

**Phd Cand. ing. Diana Bardhi**

Politecnice University, Tirana, Albania

### Abstract

*The purpose of this paper is to present an overview of current regional development and the forecast of the economic impact of transport (roads). Investment in Infrastructure (especially Roads) has for sure a very positive impact on regional development. The most common classification economic indicator of a country is Gross National Product per Capita. In fact income is an important criterion with the respect of the regional development. Investment in transport lead to general changes, which should be easily determine as direct and indirect benefit like reducing travel time, operating cost, increasing transport safety, but the contribution to regional development as a whole is subject of certain debates. There are some basically opinions about relation which exist between transport infrastructure and regional development. The first one states that infrastructure hardly influence the regional economic development. The second opinion is maybe the most acceptable one, that interaction between infrastructure and economic development is not a “linear” relationship. The third one is that regional development could be influenced easily by infrastructure investment. When analyzing recent development strategies, it can be accepted that the Republic of Albania is supporting the thesis that building infrastructure network is a prerequisite of regional development. In that context, Government investments in the regional and rural program are elaborated with expected positive effects on reduction of poverty and regional development. In this paper the case study of the “Kukes- Morine ” road that will improve transport connections is selected in order to determine whether or not there is a justification for such belief.*

**Keywords:** Infrastructure, transport, regional development, Albania

### Introduction

The provision of good quality infrastructure<sup>1</sup> is often cited as the most important factor of local and regional development, through which the adequate conditions for the growth of new business and attraction of firms to less developed areas are provided. At the same time, the impact of infrastructure development on local and regional development is the subject of various discussions. For a long time, in a relevant literature there was a generally accepted belief that this relationship has a positive direction, i.e. “it happened after it was built so it must be because of it” (Judge, 1998). But recent studies, such as Goodwin’s (2000) demonstrate that this argument is questionable and that, especially in the context of the European Union’s (EU) regional policy, a revision of this assertion is needed. The aim of this paper is to present a theoretical approach to the link between transport infrastructure and regional development, followed by empirical evidence based on the Albanian example. In the first part we focus on the relationship between regional development and infrastructure. The second part is devoted to a narrower description of transport infrastructure and its potential effects on the encompassing area. The example of the interaction between transport infrastructure and regional development in the case of motorway building and the Kukes region is provided in the third part. The paper ends with concluding remarks.

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## 1. Infrastructure and Regional Development

Regional inequalities with diversified regional development are foreseen as a reality of all national as well as European Union policies<sup>2</sup>. Traditionally, regional economics has explained income differences on the basis of differences between regions in their endowments of natural resources, factors of production, infrastructure and technology. In that context, the removal of obstacles to the movement of goods and factors would itself cause convergence of factor returns and living standards. Underdeveloped infrastructure can be considered as important obstacle to the regional development, and its improvements should spur the economic growth in the region.

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1. Infrastructure is usually understood as basic public infrastructure, which forms the foundation for society and economics. As it is mentioned in World Bank report (2004): infrastructure is an umbrella term for many activities, it plays a very important role for industrial and overall economy.

2 Nearly one quarter of the EU citizens live in regions eligible to receive assistance under Objective 1 of the Structural Funds, the main instrument of the EU regional policy. Recent analyses demonstrate that convergence.

This notion is well recognized in the relevant theoretical literature.

Richardson and Jensen (2000) indicate that spatial differences in the EU cannot be reduced without a fundamental improvement of transport infrastructure and services to and within the regions where a lack of access to transport and communications infrastructure restricts economic development. Improvements of accessibility are seen as a critical priority in the development of the polycentric urban systems<sup>3</sup> and precondition for inclusion of economic development within an overall spatial strategy of harmonization.

At the beginning of the 1980s a scientific approach to infrastructure in the frame of economic development was initiated<sup>4</sup>. The reason for this is that standard cost benefit analysis (CBA), as an evaluation tool, considered only the direct benefits of infrastructure investments omitting a whole set of externalities. Additionally, many initiatives undertaken by the World Bank and similar organizations and institutions that promote economic development by investing into infrastructure projects have fulfilled their goals, although those investments did not achieve all the foreseen results.

Many project-oriented studies were undertaken to investigate the role of economic and social impacts of transport infrastructure on the monitored area. To mention some of them, Harris (1974) performed a study on the impact of alternative motorway routes in regional development. Delayque (1969) conducted a study on the impact of motorway building on the development of the Rhone valley and Simmons (1991) on the impact of the Channel Tunnel on regions in France and England.

A study by Goodwin (2000) is among the first that thoroughly investigated the role of investment in transport infrastructure and the benefits accruing from them. Goodwin has analyzed reports from The Standing Advisory Committee on Trunk Road Assessment (SACTRA) and concluded the following:

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3 The European Spatial Development Perspective (ESDP) has found polycentricity as an answer to the more balanced development. The ESDP promotes polycentricity at the EU level, firstly, to ensure a more regionally balanced development and, secondly, to enhance the EU competitiveness in the world market.

4 An overview of research dedicated on the effectiveness of public infrastructure *versus* private initiatives and its impact on regional development through production function can be found in a paper written by Rovolis and Spence (1998). See also Biehl (1986), Batten and Karlsson (1996), Banister and Berechman (2000) and Rietveld and Bruinsma (1998).

- There are no automatic economic or employment benefits from new transport projects.

Actually, some projects may even be harmful;

- For projects that produce economic benefits, the more economically deprived end of the link may still experience greater economic costs than benefits;
- Cost benefit analysis as currently undertaken fails to elaborate the true economic impacts;
- The link between transport growth and economic growth can be broken and especially in the cases when charges (tools) are levied to correct market distortions.

Based on Goodwin's research it can be generally concluded that while taking an infrastructure investment it is incorrect to intuitively assume positive interaction with regional development.

For the future of the EU infrastructure projects, the EU (2002) has issued a revised edition of its guidance on the application of CBA to infrastructure projects that is more thoroughly requesting analysis, among other, upon impacts on regional development.

### 1.1. Complexity of Infrastructure and Development

As it was stated in the previous part, it is unequivocal that infrastructure has an impact on economic development. According to Padjen (1996) there are three theories that explore the relationship between infrastructure and development:

- Development through a surplus of infrastructure;
- Development through a deficit of infrastructure;
- Balanced development.

When infrastructure capacity is higher than production, it is assumed that infrastructure will have an initial and inductive role in economic development. The rationale behind this approach is that the existence of infrastructure is a prerequisite for the development of other activities. This concept is still used in less developed countries, as well as in Albania, which will be elaborated in the forthcoming parts. However, experience has shown that physical infrastructure, i.e. objects may guarantee economic development.

If economic growth is based on development, the growth of production, as a logical link a pressure to invest into new infrastructure, will be created. The idea is that production will speed up investments into infrastructure and create growth potentials. Of course, a minimum of existing infrastructure is requested. This approach is usually applied in developed countries.

Balanced development is focused on the idea that only the simultaneous development of infrastructure and production is sustainable, explaining that infrastructure is an integral part of production chain and its function is economic growth.

These theories also provide the framework for analyzing the link between the transport infrastructure development and regional development. We thereby proceed with reviewing the literature on indicators of transport infrastructure.

## 2. Transport Infrastructure

Transport infrastructure has a specific role in regional development. For a long time it was assumed that transport infrastructure has only a positive impact on regional development.

However, the role of transport infrastructure on regional development is evaluated through direct but also indirect effects, albeit whether they are positive or negative ones. Here, we only briefly discuss direct and indirect effects.

### 2.1. Direct Effects

Building of transport infrastructure directly influences transport costs<sup>5</sup>. These changes are followed by a decrease in fuel consumption, capital consumption as well as a decrease of the related compensations for employees. Changes are

followed by changes in transport mode, transport route, time horizon and accessibility of movements within the region. (Ladavac, 1999)

Reduction of transport costs combined with migration changes of households and business location leads to the increased productivity of the regions. Within households, decrease in travel times leads to the achievement of the same level of productivity but also consumption in a shorter time. It also stimulates elasticity relating to the migration process. Within the business sector, transport improvements lead to the effectiveness of production and positive impact on the 'just in time' principle. In the labour market, commuting time is significantly reduced.

Reduction of transport costs also leads to the increased accessibility of the region. Increased productivity and increased regional accessibility could impose an increase of economic activity. Vickerman (1991) summarizes such effects into two groups: 1. Objectively measured effects, reflecting changes in inputs and outputs of industries due to the changes in transport and 2. Subjective effects referring to changes in the perception of a region.

## 2.2. Indirect Effects

Indirect impact of building of transport infrastructure can be analyzed through changes of attractiveness of the monitored region, size of movement of goods and services and changes in the size of transport costs, i.e. changes in relative competitiveness of the regions. In addition to these changes, indirect effects also refer to changes in the environment, i.e. noise, air pollution, changes in the landscape, etc.

If the region is less developed, under indirect effects another two categories of impacts are considered; impacts on income and impacts on capacity.

*Impacts on income* are impacts derived from the time travel savings and reductions in vehicle operating costs, which directly influences the size of transportation costs. Within this category alone indirect benefits from the development changes within the region are considered, such as improvements from the building of new or improved existing infrastructure.

*Impacts on capacity* refer to the increase of regional production capacities. For example, increased transport capacity can increase the export potential of the monitored regions.

Within developed regions, changes in transport may bring only marginal benefits so transport improvements have the greatest impact when they remove a former bottleneck. (EC, 1996)

5. The traditional approach to the evaluation of the building of a new motorway usually focuses on reductions in journey times, increased safety and reduction in vehicle operating costs.

Nijkamp et al (2002) have summarized the basic effects of motorway building as shown in the following Table 1:

Table 1. Impacts of motorway building

Transport economics	Effects on environment and landscape	Effects on regional development
increased travel safety increased in journey travel increased in travel comfort	landscape air pollution water pollution	development employment increase effects on trade , industry and tourism
reduced operating costs lower maintenance cost	vibration change landscape	

user benefits	conservation of nature Land development	
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Source: Nijkamp, P., Ubbels, B., Verhoef, E. (2002): "Transport Investment Appraisal and the Environment", Tinbergen Institute Discussion Paper TI 2002-104/3.

In 1996, the European Commission Directorate General for Transport issued a manual on methodologies for transport impact assessment that also includes impact on regional development (EC, 1996). According to this, APAS methodology (Action de Promotion, d'Accompagnement et Suivi et autres activités), impacts of transport infrastructure on regional development can be seen through:

- direct effects - analyzed through changes in employment,
- induced effects - changes in the accessibility character of a region, and
- catalyst effects - impact on other policy instruments.

All three effects are analyzed on different spatial levels, time framework and sectors (see Table 2-4).

**Table 2 Socio-economic impacts of new motorway on different spatial levels**

	Local level	Regional level	National level
<b>Direct Effects</b>	Increased Employment in Construction Sector	Wide service sector employment due to multiplier effect	
<b>Induced Effects</b>	Increased office rents close to new interchanges	Decentralization of households into areas with enhanced accessibility	Increased competitiveness of firms because of reduced travel costs
<b>Catalyst Effects</b>	Increased business employment due to enhanced perception of		

Source: European Commission (1996): "APAS - Methodologies for transport impact assessment". Luxembourg: Office for Official Publications of the European Communities.

Table 3 Socio-economic impacts of new motorway at different temporal levels

	Short term	Medium term	Long term
Direct Effects	Increased Employment in Construction Sector		
Induced Effects	Some anticipatory relocation of households into improved corridors	Some agglomeration of firms close to interchanges	Further movements of firms and households, away from area due to congestion and high rents
Catalyst Effects	Additional employment in landscaping projects		

Source: European Commission (1996): "APAS - Methodologies for transport impact assessment". Luxembourg: Office for Official Publications of the European Communities.

Based on the APAS methodology, in the following part of the paper we will analyze the impact of the motorway construction on the regional development in the case of Albania.

### 3. An Albanian Case Study

Before 1990s Albania didn't use appraisal techniques to assess the impacts of transport infrastructure on development. In 1994, the first study on the social and economic impacts of motorway building in Albania was produced, while nine years later methods of capital budgeting for road building were systematized and obligatory applied in a project analysis. In 2003 a project called "Motorway Kukes- Morine " was the first study that included indirect benefits assessment of its building, and it also investigated demographic and economic factors. Another important year was 2008 when a classification of rural and regional roads, based on RED (road economical decision) in Albania was produced by ADF in co-operation with Roughton Int company, and with the approval of the World Bank. In the following years, studies on the direct and indirect impacts of road building have become an integral part of technical documentation.

In 2009 the Albanian Development Fund and the Roughton Int, have produced a study on cost benefit analysis of 3000 km regional and rural roads, which also set up a framework for the implementation of them as model in Albania. Today, a revision of the CBA study has being made.

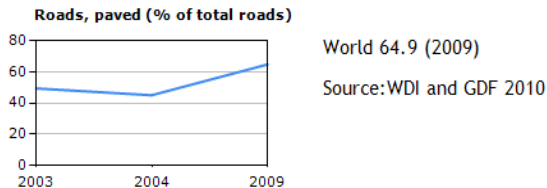
On gaining its independence, the Albanian transport system could be described as recuperated after 2005, being linked, but showing some maintained infrastructure problems.

**Fig. 1 Distribution Map of the regional and rural roads to be financed by WB, EIB, IBRD, OPEC, OFID, KfW, IPA and Albanian Government**





However, transport development strategies attitude towards the role of transport infrastructure, and in particular road infrastructure in the context of regional development, has significantly changed. Today, building of road infrastructure and transport policy in general is seen as a main factor for the cohesion of Albania territory, within European space. As an example, the action plan for motorway and regional roads building and their maintenance (Kukes Morine 2009) are explicitly proclaiming that intensive investments in building of motorway - regional roads network which are seen as the main factor that will improve territorial cohesion of Albania.



### 3.1 Kukes Morine Motorway

Since the end of the Kosovo War of 1999, hundreds of thousands of Albanians have passed through the poor old mountain road to get to Albania's beaches. Building a highway would "crystallize a year-round tourism industry and double the size of the Albanian market", while allowing both communities to rationalize agriculture. Travel times are expected to be lowered to two and a half hours or less, down from seven.

Once finalized, the project will link the Adriatic Sea with the Pan-European corridor X at the E80 near the town of Merdar between the contested Kosovo-Serbia border.

In 2009 the highway Kukes Morine were substantially completed. During summer 2011 the whole project was finished. It is expected that the motorway will become a toll highway to cover the costs of maintenance.

This road provides Kosovo with Albania and the Adriatic coast. It was also associated with a similar project in Kosovo, Merdare highway Vermicelli, currently under development.

Kukes is an important district on north- east of Albania, and Durres the most popular touristic place in Albania which has been used from Kosovo population, so a high quality transport network is a major priority.

The construction of the motorway has started in 2007. It is a four lane highway being built since 2007 by the American-Turkish consortium Bechtel-ENKA between Albania and Kosovo. At present, the highway starts at Thumane, Albania and ends at Duhel, Kosovo. Ultimately, the highway will start at Lezhe, Albania and end at the E75/Corridor X in Doljevac near Nis, Serbia as part of the South-East European Route 7. Once the Kosovo part of the project is completed, the motorway will link the Adriatic Sea ports of Durres and Shengjin in Albania with the Pan-European corridor X in Serbia through Pristina, Kosovo.

Dubbed the "patriotic highway," the project links Albanians in Kosovo and Albania, helping to boost cultural and economic ties. The project is Albania's largest in decades, costing 826 billion euros the highway and 280 billion euro the longest tunnel 5.6 km in Balkan, making travel and trade easier for the hundreds of thousands of Kosovo Albanians vacationing in Albania during the summer holidays and for business. It was projected for a 1500 vehicles to be loaded daily, but during the summer passed around 12 000 vehicles.

Generally, the motorway Kukes- Morine reduces the distance from many Kosovo towns to Albania. As the presented data reveal tourist did not come more to the region just because of the infrastructure improvement. In addition, when tourists make decisions about destinations, there are many different factors that might have impact on their choice. If we analyze only the recent years, the index of tourist arrivals from Belgium, Denmark, France, the Netherlands, countries that are quite far away from Albania, were higher than average; thereby we can conclude that the motorway had a positive impact on the tourism sector, particularly for tourists from distant countries. New roads also augment attractiveness of undiscovered country coast for neighbours primarily, Italian Slovenian, Czech, English tourists who come for one – two days<sup>11</sup>

11 For the more detailed research we need additional data that are not available at the moment.

Due to that situation I performed a small research on terrain and found that some mountain houses turned into hotels or restaurants are increasing their activity and in some villages inside Kukes, Tropoja town after the building of the motorway. However, since those data are not officially published and substantiated by the longer research studies, we consider them only as a preliminary confirmation of my assumptions, and not as firm evidence.

In my opinion, new infrastructure also increases the attractiveness of the entire county, because the prices of real estate on the coast have been growing approximately 8 % per year, while inside the region, the mentioned index was increased by 150% and more during last seven years. Although, many data which can prove the statement of the positive impact of the motorway on the Kukes Morine tourism sector are not official, we consider that there is an intensive and favorable relationship.

#### 4. Concluding Remarks

With a general assumption that building of motorway network has an impact on the region that is encompasses, the aim of this paper was to envisage to what extent this assumption can be validate in the Albania case.

We have chosen to analyze the case of motorway Kukes Morine, because effects of its construction are dominantly distributed on all touristic regions of Albania. Before motorway building, existing road network was such that there wasn't a good connection between cities in the County. However, during the summer there were severe congestion problems and, even more, problems regarding, long time of journey, security of pedestrians since the main regional road was going along the mountains, far away from tourist destinations of the Adriatic- Jon coast line and the Ports. In that context it was to build a new road – motorway, with the two main goals: the first shorten the distance and the time of the tourist to reach the Albanian coast and the second one to increase accessibility of other Eastern Country to stimulate the movement of vehicles by road to Durres seaport. Construction of the motorway has started with the project since in 2003 up to 2009-2011 170 km out of 170 kilometers have been built and put into operation. After a decade a general conclusion is that the building of the motorway Kukes- Morine has directly contributed to the reduction in the journey time and in that sense reduction in the vehicle operating costs. Regarding number of accidents it is also notable that building of the new motorway has contributed to the significant reduction in the number of accidents.

As our analysis has confirmed, and based on the APAS methodology, building of motorway has an impact on the employment and especially within the construction sector. Furthermore, a positive interaction related to better accessibility through motorway network and tourism is verified. There are also particular trends, such as a huge increase of real estate prices but it is very difficult to extract to which extent it is due to the perception of better transport accessibility or to the exceptional increase in demand.

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## Rule of Law: Its Impact on Quality of Life

Noor Fariahah Mohd Noor

College of Government, Law and International Studies (COLGIS),  
University Utara Malaysia,  
06010, Sintok, Kedah Darul Aman, Malaysia  
fariahah@uum.edu.my

### Abstract

*Quality of life has very much to do with justice. Even though justice is hard to define but the basic idea remains that what is right is good and what is oppressive, is bad. So applying the same formula to all set of circumstances be it economy, social, and politics, will invigorate justice. The failure of world monetary system due to the crave for money and power has led the seekers to abuse and oppress the weaklings. The govt, financial institutions and commercial industries are no exception. Since justice is seen as obstacles to fast money and power, accountability have been regarded as a nuisance and justice is sidestepped and suppressed. Notion of Rule of Law emerge due to the need to address all these wrongdoings. Thus this paper seeks to discuss the problem underlying the situation and the means of overcoming it. One way is by imposing accountability and Rule of Law. Closely related to this issue too is the quality of life. Despite the increase standard of living; we still witnessed the glaring economic disparity between the rich and poor countries. Do this indicator project better living standard? Or it is measured from the view of the rich and the elite only? Hence this paper seeks to discuss that to implement justice there must be distribution of wealth and resources. What sensible person would deem as right, thus good. Apart from the western system that promotes Rule of Law, what is just and unjust has been clearly underlined by Islam. Man become just when they are able to restrict themselves from oppressing and tormenting others and Islam provide complete guidance to the existing crisis we faced now. Nevertheless we saw failures everywhere. They are due to the refusal of the followers to follow it, not the fault of the religion. It is attributed by their ignorance. This paper is important to show economy and social as well as quality of life devoid of justice stemming from manipulative capitalism and greed, are unsustainable and destructive. Unless and until this is understood, economic, political, environmental and social imbalances will never subside.*

**Keywords:** Justice; Rule of Law, Accountability, Good Governance

### Quality of life: a sign of Rule of Law

Many studies have shown that qualities of life were decoupled due to the monetary system that is destructive. The high cost of living all point out to the need to improve the situation. It has been shown that the monetary system that focuses on maximum profits has domino effects that incapacitated the society. The report revealed the following

In a report by The Financial Times, co-head of Asian economic research at HSBC Hong Kong Frederic Neumann said, "Household debt is a growth problem. The report warned that if debt became unsustainable and households deleveraged, it would affect consumer confidence and positive momentum, leading to a negative effect on economic growth (The Malaysian Insider, 2016). "If you look at primary market transaction, there'll be less launches this year, take-up rate will be lower, the oversupply that is in the property market, the overhang, will build up if you talk to the banks more auction and foreclosures of properties this year," Wong said during a press conference here today. National House Buyers Association (HBA) honorary secretary-general Chang Kim Loong also says Demographia's report house prices, especially in the urban and sub-urban areas, have risen beyond the reach of many average Malaysians (Malay mail, 2016)

Is quality of life simply measured by the standard of the rich or the opposite? Given such accountability and Rule of Law (ROL) are inevitable. It is popular principles to address the problem of inequality and disparity between the authorities and the subject as well as the rich and poor. It offers the people with the fair quality of life they deserve.

For a country to have better quality of life there must be Rule of law. Rule of law not only demand legal justice to the community but extended beyond that. The govt owed a duty to provide its inhabitants with the proper quality of life. In order

to achieve that, the govt must be held accountable for their actions. ROL exert accountability and impliedly restraint the govt from misusing the power. Powers more often were used to protect the rich and not the poor. Whilst in others impede public complaint of bad administration (The Malaysian Insider, 2016). This method of running a state has affected also the price of propriety to rise tremendously and tarnish the quality of life. Therefore, this paper will explain the danger of power that impedes accountability to be acquired and the role of ROL in limiting govt abusive conduct which is often eluded due to its capacity to cripple government's arbitrary power. It is the harm of unguided power and the rejection of any form of despotic government that gave rise to ROL and justice.

### **Standard of Rule of Law**

ROL is synonym with justice. Justice lies in a subjective domain. No mention has been made on how this subjectivity can be maximized to increase or improved, the level of justice. Nevertheless despite the difficulties Australia has been seen to come up with initiatives to raise their standard of justice, whereas United Kingdom and United States likewise have made the requirements to be fair, a legal matter. The standard portrayed by other advance country shows that there is ROL. Apart from legal and social aspect, providing economic justice is also a reflection of ROL which illuminates the quality of life. Subsidies given to the people purportedly to the unfortunates are one way of addressing the problem. Question is, is it sufficient? The gap between the rich and poor are still prevalent in fact were getting wider and wider. The global financial fiascos were attributed to among others flawed credit rating agencies and blind regulators as well as avaricious, bonus-hungry bankers (The Guardian, 2016). How to narrow it down? Justice hence cannot be ignored when speaking of these economic gaps.

Given the above, not only in economy, justice is gravely needed and how regulators manage the financial system is also within public domain thus merits control. Justice is also marred in public setting. This obstacle is achieved by having a controlling body that scrutinizes any abuses of power. In legal sense manifestation of justice in UK and Australia is done via ombudsman. The wide power of ombudsman can be seen not only in reviewing legal error but actions that are unjust and in all circumstances, wrong. These are a reflection of broad content of administrative justice. Even actions and policies that are against Rule of Law can be subject to examination by the Ombudsman. It is sometimes inevitable that even proper conformity with law produces unacceptable result as it is not always easy to deal appropriately with constant changes of circumstances. That's why such power is given to the ombudsman to ensure accesses to justice are wide, supported and protected.

Trevor Buck and Richard Kirkham demonstrated that administrative justice has been extensively exercised in UK since 1967 inter alia through the establishment of ombudsman (Trevor buck, Richard Kirkham et al, 2011). The process has been ongoing since then. They asserted that administrative justice has been important to overall system of justice and because of that there is official faith in the ombudsman enterprise. With various review undertaken, proposal drawn up and reforms introduced, ombudsman enterprise was ignited. The development of admin justice apparatus inter alia can be seen from Lord Woolf's influential Access to Justice report (1996), The Leggatt Review of Tribunals (2001), the crucial government's white paper Transforming Public Service: Complaints redress and Tribunals (2004) and the transformation of the Council on Tribunals into the Administrative Justice and Tribunal Councils (AJTC) under the Tribunals, Courts and Enforcement Act 2007. Reforms continue to take place to complaint-handling arrangements as recommended in reports such as the Independent Review of Regulations and Inspection and Complaint Handling of public services in Scotland (Trevor buck, Richard Kirkham et al, 2011).

The same with Australia, all states in Australia have their own Ombudsman which thrives to incorporate the idea of admin justice more comprehensively. To name a few there are Commonwealth Ombudsman Act 1976, Australia Capital Territory Ombudsman Act 1989, New South Wales Ombudsman Act 1974, Northern Territory Ombudsman Act 2001, Queensland Ombudsman Act 2001, South Australia Ombudsman Act 1972, Tasmania Ombudsman Act 1978, Victoria Ombudsman Act 1993 and Western Australia Parliamentary Commissioner 1971 (Trevor buck, Richard Kirkham et al, 2011).

The above illustrations provide brief understanding to the ways public powers are exercised and how concept of restricted government works to prevent the oppression. This information would inform us on how to deal appropriately with public flaws that spread across all level of government administration. The underlying governmental operations that bypass justice and accountability become the source of arbitrariness. These phenomena if allowed to flourish would inevitably lead to public deprivation and injustices. To combat this danger, the idea of restricted government embraced in the Rule of Just Law provides the people the right to encounter government unacceptable conducts. It is repugnant for government to deny

this reality. These understandings are important to the government, not only in acquiring legitimacy and accountability but in securing its continuity.

### **Rule of Law**

Many scholars have defined Rule of law in various angles. Some in ethical while others in legal sense. The root of Rule of law is actually divine in nature. Findings have shown that Rule of law has a divine standing. From divinity stems public good and ethics which later bred to more constitutional principles. This account was made by Aristotle. He claimed that law guided by divine rule will lead man to righteousness and reasons, unlike law by men, if unguided by just principles, are beastly.

Now absolute monarch and arbitrary rule of sovereign over all citizens in a city which consist of equals, is thought by some to be quite contrary to the nature ...that is why it is thought to be just that among equals everyone be ruled as well as rule and therefore that all should have their. And the Rule of law, it is argued, is preferable to that of any individual. On the same principle even if it be better for certain individuals to govern, they should be made only guardian of the law ...therefore he who bid the law rule may be deemed to bid God and reason alone rule, but he who bids man rule adds an element of beast; for desire is a wild beast and passion perverts the minds of rulers; even when they are the best of men. The law is reason unaffected by desire (Brian Z. Tamanaha, 2004).

Both Plato and Aristotle asserted law should further the good and enhance moral virtues of all citizens. Plato insists that law devoid of good and justice is bogus law. What is just is lawful and what is unjust is unlawful (Brian Z. Tamanaha, 2004). Thus for government, to be lawful it must be just, not the opposite. Justice is the prerequisite to accountability. Without accountability, justice is blind. That's why the passage of justice is founded in the divine nature which no man can construct without true guidance. A man is accountable when he is just and righteous. Justice is a subtle concept, controversial yet very useful to the people. Through justice, only can accountability deficit be addressed. Aristotle thus taught us to differentiate between just government and unjust government. He draw the line that, "true government will have just laws but bad government will have unjust laws".

Plato emphasized that law devoid of justice is a reflection of tyrannical government (Brian Z. Tamanaha, 2004). Government will be ruled by the best man not by rule of law. As a result, the law becomes rigid and meaningless to address clear or hidden injustices etc. Law in absence of just principles thus, is bad and repressive. It is justice that will steer the laws towards righteousness at all times. In fact to Plato where a good king rules, law is a hindrance standing in the way of justice like an obstinate and ignorant man. For Plato to avoid unjustness, Rule of law is needed to fill the human weaknesses of corruption and tyrannies.

### **Harm of power that affects the quality of life**

The philosophy behind what justice stand for has led us the need to curb tyranny power. Undoubtedly the government exercises wide discretionary powers, in administering the state. Discretionary powers are inevitable. Its use is important for a modern government to function effectively. Characteristic of discretionary power are laid out in the statutes, express and implied. The statute books shows how wide ranging are the activities of states in matters of social welfare, public order, land use and resources planning, economic affairs and licensing. In all this matters increased discretionary power is displayed (DJ Galligan, 1986). Problems arise when these powers are abused. These disturbing trends are affirmed and agreed by many scholars. Many factors contribute to these flaws. Within this discretionary power lie policy choices. Policy choices are mostly unjust because choices are exercised within the rules not outside it. Joel Handler asserts that abuse happens when officials often conceal their choices behind the excuse of rules. Officials have a lot of choices (Joel Handler, 1992). Choices are made within legal boundaries to abuse, not to dispense justice. They exercise the conferred discretion often abusively. It is argued that it is the discretion that allowed the bargaining away of publicly defined normative standards and these will further disadvantage the weak and the powerless.

Shad Saleem Faruqi in the same tone admits that the levels of accountability deficit are alarming. Control mechanisms to measure accountability are not always effective. A wide gap exists between theory and reality, between promise and performance. In the legislative field, parliament legitimates government policies not legislate them (Shad Saleem Faruqi, 1995). Their controls on national expenditure are really inadequate because executives were allowed to spend large amounts of unauthorized public expenditure at will. The immunity of financial institution from scrutiny by Public Account Committee of the Dewan Rakyat and Parliamentary techniques of scrutinizing government administration are not sufficient

be it on statutory bodies or privatized project. Privatized project receiving soft loans from the government and civil servant protected by doctrine of ministerial responsibility are abundant. In executive discretion, principle of openness and transparency are largely absent. Home Ministers power to grant licenses and permits for printing presses and publication and to impose "such condition as he deems fit", the grant of planning permission and alienation of state land to private individuals, grants of forest and sand concession, allocation of shares in government all are freely conferred without serious control.

Absolute power that corrupts, as such led to huge accountability deficit. Joel Handler thus asserted that without procedural protection on the poor and the weak, government agencies are prone to exploit the rules and create unfair advantage (Joel Handler, 1992). Many literatures as illustrated above showed exercise of discretionary power were unfairly exercised. Everyone is assumed to be relatively equal. Whereas everyone cannot be treated the same when discretion itself is unfairly applied. Discretion gave the official the choice to decide unfairly. In fact this is the main factor that causes discretion to be abused. Thus, this part will explain on how choices are manipulated in government administration.

Choices should work normatively through careful weighing of conflicting interest and needs, by giving regards to public concern. Discretion demands official to deal with the public especially the less dominant and the weak using values and norms so that they will not be unfairly disadvantaged. Yet, this is not what happened. The less dominant group are often badly disadvantaged as they lack the information, skills and power to persuade the authority. According to Joel Handler, this is "one among numerous forms of informal injustice." To him, neglecting and omission to account to the plight of unskilled and disadvantage person often produce injustice in an indirect or informal way. The officials can exercise unfair advantage because they can choose to consider the need of the powerful over the less fortunate group. It is a symbol of indirect oppression (Joel Handler, 1992). No doubt discretion is inevitable especially in human services agencies but it should be used to nurture public interest not manipulated to achieve private end. To avoid exploiting power advantages, there must be effective bargaining involving all parties especially the less dominant. Unfortunately powers are seldom exercised to uphold justice but exercised to suppress the weak. Joel Handler even claimed that poor clients get poor service and rich clients get better service.

This tendency is also affirmed by Norman Lewis and Patrick Birkinshaw (Norman Lewis and Patrick Birkinshaw, 1993). They asserted that if the dissatisfied client is persistent enough then he will get himself heard. On the other hand, if the poor and uninformed citizens approached, they will be told nothing of the opportunity of review of decision. Since decision for this type of group was rather low, therefore chances to have their case considered become slim too (Norman Lewis and Patrick Birkinshaw, 1993).

MP Jain also asserts that the poor onslaught of the government against the people is mirrored in how weak the citizen can be in the hand of the mighty government (MP Jain, 1997). The government has certain powers and privileges that put them above the citizen. Government can do a lot of good but at the same time a lot of damages too. It can choose to become a welfare state or a totalitarian state. So the question is not so much about the need for the state to have power but how to control them.

All these show accountability is a petite subject that can be manipulated at will. Thus, knowing what accountability stand for can help to improve justice and eventually increase the quality of life.

### **Accountability increase quality of life**

Accountability and justice is synonym. Put it another way, in order to get justice the govt must be accountable. It is vague yet very important to all of us. Both terms are pertinently precious to man in order to lead a meaningful life. Justice is putting things at its rightful place. In administrative law context Trevor Buck et al expounded that "justice is 'setting it right', to resolve dispute with the view to 'putting it right' and where failures in administration have been identified, to contribute to the process of 'getting it right' first time around by feeding back the public authorities knowledge and advice on good administration." (Trevor buck, Richard Kirkham et al, 2011). Besides the above suggestion, there are also other guidelines to be follow, to know what is rightful to do and not. There is no single method to pursue, so long as it create justice or the right equilibrium, it can be followed. The guiding principles that can be relied upon are numerous. For instance, besides accountability standards, admin law and the constitution provides principles and doctrines that can be used to gauge the extent of injustices espoused or justice omitted. There is no hard and fast rule to gauge injustices but indicator of abuse can be measured by the extent of corruptness, unfairness and unscrupulousness in public dealings. Making them

accountable for such administrative flaws is what makes it just and fair. In other word, to be just one must be accountable. So if accountability promote justice then whatever means that is crucial to achieving accountability must be supported. If being responsive to the public cry is just then resolving it effectively constitutes accountability. Likewise if the purpose of complaint handling system is accessibility then providing easy access and effective remedy to the aggrieved denote justice. The two ideas are inseparable. To be just one must be accountable and to be accountable one must be just. This is how the two ideas merge together. The upshot is that they are significant in containing arbitrariness.

The guiding principles thus can be wide- ranging too and attempt to discuss everything under this part would be impossible. It is sufficient to show some background picture of what accountability stands for and the guiding principles it poses. If Prof Shad Saleem Faruqi claimed that controlling the government without crippling it, is the purpose of law, it is the same with Royal Commission investigation on commercial activities of government in Australia, to them accountability standards are not meant to prevent government from governing (Shad Saleem Faruqi, 1995). It would defeat the very purpose of power given by the constitution to the government, public officials and government agencies, to rule. The whole idea of imposing accountability standards to government, public officials and government agencies thus are to hold them responsible for their manner of stewardship (Robin Creyke and John McMillan, 2005). Even though power is given to the government to govern but it must not be misunderstood as being unbridled. The power is trust given by the people to the elected government. Accountability thus provides the test of that trusteeship (Robin Creyke and John McMillan, 2005).

Other guiding principle to make government answerable for their actions is that accountability must become the essentials to all public service. The methods of discharging accountability may vary but the core conditions of accountability i.e. justice remains. The rational is that when government is entrusted with public power to lead, the public is likewise entitled to reasonably expect from the government machineries, proper management and just use of powers. The expectation varies over time but the basic norms remains similar like compliance with the constitution; compliance with appropriate standard of official conducts, its justice, its efficacy, its economy, its effectiveness, its equity etc. All these expectations if appropriately address led to meaningful accountability.

The Australian Senate Select Committee gave its view of the guiding principle, though it is complex to translate them. It asserted that accountability is multi-faceted thus hard to define. Accountability is a notoriously imprecise term. It must be approached as a multi-level faceted problem encompassing more than one meaning. Balancing accountability with flexibility thus is the toughest challenge to public administration nowadays. Accountability requires rigidities yet in that rigidity, flexibility is needed so that justice can be dispensed with appropriately. For example, in order to innovate, take reasonable risks, and learn from mistakes, administrators need a degree of discretion and flexibility to act. Yet accountability for too many or unneeded rules and procedures can impede innovation and lead to inefficiency, ineffectiveness, and frustration. Certain basic rules and regulations, laws, and guidelines are indispensable to sound administration and accountability but they should be few, easily understandable, and consistently applied.

The Australian Senate Select Committee also gave a brilliant insight of what accountability should inter alia embrace. It asserted that public department must account for their performance and to achieve that they must be responsive to the legitimate interest of the affected parties. In other words, there is a duty of care. The citizens have the right to information about expenditure of public funds, how decisions are made as well as the capacity to question those decisions if it is ineffective.

In fact the need of accountability as the guiding principle is rooted from the higher law which is above parliamentary sovereignty as substantiated by Justice R Finkelstein,

Judicial review is more or less the enforcement of the Rule of law over executive actions. Like most of the common law, those statements go back at least to the writings of Edward Coke. In fact, Coke would have gone even further by promoting the idea (long since abandoned) that fundamental laws are superior to the kings (or in our case the legislatures) and that government answers to a 'higher authority.' (Justice R Finkelstein, 2006).

All the illustrations above show common attitude towards accountability though their focus differ from government to the aggrieved and from public to private rights but the spirit is the same i.e. to uphold justice. Accountability seeks not only to empower the government towards good administration but pertinently to help safeguard the people from the tyranny and oppressive conducts. The underlying idea is to uphold incorruptibility, accountability and fairness. In order to achieve such standard, the guiding principles of accountability expands also to values among others like openness, fairness, public

participation, accountability, consistency, rationality, legality and morality must be instilled. Accountability thus involves wide scope of government responsibilities towards the people.

### Facets of ROL

Since ROL promote justice thus ROL is the sign for better life. This is because the more just a govt is the more contented the people will be. Contentment reflects that the standard of govt service and product are satisfactory and pleasing. This part will demonstrate how ombudsman in Australia has led to better govt accountability and improved the quality of life of its people.

Australia ombudsman has projected how to uphold admin justice standard. Below are some of the report that reflects the sensitivity and high awareness of admin justice culture in Australia. The advance standard of admin justice in Australia was projected in 2005 and 2006 ( Ombudsman Australia, 2005) The standard in 2012 is certainly much more sophisticated and advance. Table 1.1 is the report by Ombudsman office in 2005 and 2006 which indicate high observance of justice in Australia.

Table 1.1

Problem areas in government decision making

#### UNHELPFUL LEGALISM

Australian Government administration is bound by a large and growing volume of complex legislation. Lawyers and legal considerations will therefore have a role in resolving many disputed issues. Given that all administrators have a duty to act lawfully, they will often need legal guidance.

On the other hand, there is a growing risk that in the complex legal environment of government, legal approaches will overshadow the important role of administrative discretion and judgment in finding a practical resolution to problems. Although lawyers can make a positive contribution to administrative decision making, this does not mean that the more lawyers involved, the better the decision-making process.

The Ombudsman's office has often had cause to criticise unnecessary or unhelpful legalism by agencies. When agency lawyers become closely involved in deciding how to respond to the Ombudsman's office, there is a greater chance that jurisdictional and technical issues will be raised. Such issues include the scope of the Ombudsman's jurisdiction to investigate, the relevance of the **Privacy Act 1988** to disclosure of information to the Ombudsman's office, the legal obstacles that would confront the agency in varying the decision about which a complaint has been made, or the broader ramifications for the agency of varying that decision. Those issues all have a role to play, but when they become the focus of discussion between the Ombudsman's office and an agency, more time can be spent discussing how to address a complaint than the complaint itself. The attention given to finer points and procedural issues can be at the expense of the whole picture and a discussion of outcomes and solutions.

'The Ombudsman's office has often had cause to criticise unnecessary or unhelpful legalism by agencies.'

There is a danger of a trend towards unhelpful legalism. There has been a steady increase in the number of lawyers in and outside government; all aspects of government are regulated to a greater extent by laws of increasing complexity; and legal considerations are intertwined with other social trends, such as an emphasis on risk management and human rights protection.

It is not easy to reduce the emphasis that agencies (and society generally) put on legal solutions and approaches. In a system based on the rule of law, there is no alternative to acknowledging and dealing with relevant legal issues raised in complaints or by agencies.

Nevertheless, our experience is that there is much to be gained by a readiness to stand back from any problem and to put legal issues to one side while discussion proceeds on other aspects of the problem. Sometimes, for example, a person's complaint about the correctness of a decision might in fact stem from some other dissatisfaction with an agency. Or there



may be an acceptable way of working around the problem, or finding a remedy that will satisfy the complainant (such as an apology, a conciliation meeting, or payment of administrative compensation).

We have also found that some agencies are more likely than others to emphasise legal issues and limitations. Conversely, some agencies have been prepared to change their style of response to the Ombudsman's office when we have been critical of a trend towards legalism in the agency. This experience suggests that there is scope for agencies to adjust the emphasis they put on legal considerations in deciding how to resolve problems encountered by members of the public.

Similar concerns have at times been expressed by the Ombudsman's office to lawyers who have complained, either personally or on behalf of clients. Sometimes we find that lawyers' advocacy of complaints can be unduly strident or too focused on legal niceties. This can impede rather than assist the sensible and effective resolution of a complaint.

This is how justice is translated in Australia that impacted on good governance and ultimately, better quality of life of its people.

### Capitalism vs justice

As mentioned above, accountability in Australia has been shown a success to the delivery of justice. If accountability standard has been satisfied, there is yet another puzzled that strikes our mind. How could high cost of living effect quality of life when it is these high cost that made the rich, richer? If so accountability standard are satisfying why is there rising cost of living. In fact it never decreases yet mounting nonstop. The high cost of life in reality was driven by the capitalist system. The capitalist system, for instance, is created with a purpose only to benefit the elite group. This in turn has caused a big gap between the rich and the poor. The so-called economic developments have caused more havoc than tranquility (Nik Mustapha, 2012). Among the many negative impacts were environmental degradation and unsystematic ways of managing nature and huge waste. The clearing of forests too has caused natural disaster like floods and global warming. Thus, when developments disregard nature, destruction ensues. To achieve justice therefore, man must uphold what is right and avoid evil (Nik Mustapha, 2012).

The damages can be seen again from the financial crisis we encountered today. The fall of Lehman brothers was contributed by the greed for money and competitiveness in business. In fact these have led to world crisis where USA controls the world's currency. Due to the drive of being super rich, Lehman has use LBO (leverage buyout) to prey on the victim. The insider of Lehman bro, Lawrence mc Donald revealed that there was too many leverage in the company that camouflage the failure and gave the false impression of its strength ( Lawrence Mc Donald, 2009). He asserted, 'money that was not real money, home price that were not real prices, mortgages that were not grounded in any definition of reality with which it is acquitted.' All this were due to false and unacceptable means of stimulating the economy. Unacceptable because they are demonstrably false and they are powerful because they make everyone feel richer and people believe they are richer. - the Lehman brothers for eg was buying 300 thousand mortgages package and making it into collateralise bond - 1% commission for 3 billion bundle of collateralised debts - this enable Lehman to obtain 1% commission for every sale made and those mortgages keep increasing. The harm arose when mortgage holder were unable to afford payment. The money was not founded on real means with which it is supposed to be thus the collapse.

The greed does not end there. Being the legions for home owners is not enough, Lehman took the chance of taking-over debts or leverage loan and trying to buy overweight US corporation. And there are powerful demands for leverage loans globally. The common victim targeted is corporation that were claimed as weak in management, unable to maximise profit and evoked for bad management. Leverage buyout takeovers are often predators and hostile. The buyer armed with borrowed cash from firm such as Lehman start buying up the stock in enormous quantities until they gain control of the shares. They then take over the company private and start selling off the asset and repay both the interest and the loan from the profit of the original corporation which could be saved and did not need change of ownership in the first place. For eg Leverage Buyout of Mervyns' department stores for 1.2 billion which they had force up 800 million debt on the company as soon as it was purchase and paid 400 million to themselves as dividend. But no one knew about it (Lawrence Mc Donald, 2009).

These unjust and inhumane patterns of managing money have spread to other parts of the world. Malaysia is no exception. All these have led to severe rise of cost in all aspect of life that resulted in ruining the quality of life of the less fortunate and the like. The suffering is also felt by middle income group equally. Unless proper system is in place the quality of life of people especially the destitute will remain the same, in fact worsen.

## Reform

Thus there must be morality in law governing the monetary system. That's why Costaz Douzinas opposed that legal structure is the only expression of ethical values as if justice is self-embedded in the law, whereas it is not. That's why Douzinas criticized when values are replaced with blanket certification of forms, "normativity has forfeited its claim to substance and values." (Costas Douzinas & Adam Gearey, 2005).

Alexander Solzhennitsyn at Harvard also agreed that laws without justice are barren and empty. In fact Islam is the one that promote the morality of law. He forcefully averted that

Islamic values system stress on truth, justice, brotherhood. The real success is through hard work. This is the truth. The desire for a short cut thru unethical means does not satisfy the demand of truth. A society based on letter of laws will never reach any higher because it fail to take advantage of full human possibilities. A letter of law is too cold and formal to have beneficial in society. Whenever the tissue of life is woven with legalistic relationship it creates an atmosphere of spiritual mediocrity that paralyzes men noble impulses (Nik Mustapha, 2012).

Robert Baldwin also concurred that the use of rules only strengthens abuse not otherwise. Rules may increase level of discretion and choices. When wide choices are given to the administrators, abusive choices are free and uncontrolled. It is unlikely the outcome of regulatory process will lead to efficiency because resources are displace and disproportionately distributed due to abusive and partial choices (D.J Galligan, 1986).

Given the above scenario and since the conventional system has bring about hardship to mankind especially to the poor and underprivileged, turning to Islam might shed light to overcoming the misery of the people in the world. The basic aim of Islam is to ensure well-being (Falah) of its followers in this world and in the Hereafter, and also to establish brotherhood among the members of the Muslim community (Ummah). This aim cannot be achieved if distribution of wealth among the members of Muslim community is uneven, the gulf between the rich and the poor is very wide and class conflict exists in the society. Therefore, the economic system of Islam tries to establish fair and equitable distribution of wealth among the members of the Muslim community by taking very effective measures. Al-Qur'an, the revealed book of Islam, declared in unequivocal terms: "That it (wealth) become not a commodity between the rich among you." (59:7). It means that the wealth should not form a circuit among the rich only, rather it should remain in circulation amongst all the members of the community meeting the genuine needs of all. That is why the Quran has strongly condemned, with threats of punishment, those who hoard wealth. "They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings (O Muhammad) of a painful doom." (9:34) (Muhammad Sharif Chaudhry, 1999).

The means of Equitable Distribution among others is zakat, which is compulsory levy or tax collected from rich by the Islamic state or the community and distributed to or spent on the poor. The relevant verses of the Qur'an pertaining zakat is in (Chapter 2, v 43). Establish worship, pay the poor-due, and bow your heads with those who bow (in worship). The hadith of Muhammad (PBUH) also strengthen this, Abdullah-bin-Amr reported that the Messenger of Allah said: Zakat is not lawful for the rich, nor for one possessing health and strength (Tirmizi Abu Daud). Here it is clear the money of the rich is to be shared and support the less wealthy. One way among others is to narrow the gap between the rich and poor hence refining the quality of life of all living soul.

In summary for the monetary system to be effective it must be just to all types of people especially to the poor. If the law governing the public and private fiscal fail to address this, in there lies the harmful effect. Returning back only to the original state of justice will ensure social, economic and political sustainability that will finally improve the quality of life.

## Conclusion

The basic working of ROL and justice have been portray. The upshot is that the accountability standard is imperative. The better it is implemented the better the quality of life of the people. This paper is unique as it has highlighted the importance of justice in stimulating good governance that ultimately improves the quality of life of not just the rich but the poor. It is a good indicator to show that the more rigorous justice principles are applied the higher the quality of life. It also indicates that for the law to be effective it must be just. It is not a vehicle of the rich and powerful to oppress the people. Even though Islam has laid the appropriate measures to address the problem but we are still witnessing the problem and failures. This is due to the ignorance of its followers to translate them. Man become just when they are able to restrict themselves from oppressing and tormenting others. Unless and until this is understood, economic, political, environmental and social disaster will never subside. It is not surprising to find the quality of life as empty and worthless, they are the reactions of man's own doing, and their greed and selfishness spurred from unbalance economic system, lack of justice and accountability and unbridled capitalism.

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## Assessment of the Capital Structure and Cost of Capital Using Financial Indicators, the Case of Large Businesses in Albania

**Prof. Assoc. Dr Edlira Luçi**

Faculty of Economy, University of Tirana,  
edliraluci@feut.edu.al

**Phd Cand. Llesh Lleshaj**

Faculty of Economy, University of Tirana,  
lleshlleshaj@feut.edu.al

### Abstract

*The assessment of capital cost and capital structure is a complex field of financial activities, integrating all long term decisions of financial funding. Difficulties arise especially when financial markets are not liquid, as in the case of Albania, in terms of a new market that is economically, politically, legally, and fiscally fragile. The purpose of this paper is to assess the capital structure and cost of capital for large businesses in Albania that have a 100% Albanian ownership. Financial analyzes are based on the 2013-2014 financial statements of 50 companies, within 5 most representative sectors of the economy. The performed analyzes are based on multivariate regressions and the application of financial formulas. According to estimates in Albania, it results that companies do not have an optimal structure of capital, and furthermore the diversification of capital structure is merely a theoretical concept. Therefore, businesses face a high cost of capital. Even their level of systemic risk "beta" ranks them with more risk. Consequently, these businesses will not be able to achieve exports of goods and services to compete in international markets.*

**Keywords:** optimal capital structure, cost of capital

**JEL classification codes:** C58, G12 and G32

### A. Introduction and literature review

The financial crisis of 2008 which included capital markets in developed economies initially in USA and Europe and then in other countries of the world, had major consequences not only in the global financial sector but also in the real economy. Even nowadays many countries still continue to suffer the consequences of this crisis. Many economic experts link the current economic crisis in Europe with the financial crisis of 2008-2009.

The first effects of financial crisis included the reduction of debt levels and consequently reduction of equity financing to businesses. This phenomenon led to the beginning of the economic recession in the USA, then Europe and worldwide. With the bankruptcy of several financial institutions like Lehman Brothers, many other financial institutions limited the volume of financing, increased control and coercive measures against debtors. Businesses began to experience the first significant financial constraints globally. Although the "Troubled Asset Relief Program" succeeded in preventing the growth of the financial crisis in USA, this program did not result as it was expected in increasing lending by financial institutions. In this context, many scholars of the financial crisis, such as Fosberg (2012), analyzed how the financial crisis of 2008 led to the reduction of emission of companies securities and reduction of loans (and other forms of borrowing) from financial institutions. But also due to the decrease in the market value of shares in the stock exchange, the capital structure ratio changed significantly, increasing the weight of debt and the financial risk of these companies. In these circumstances, many businesses experienced changes in capital structure, apart from the optimal structure of financial theories.

Finding the optimal level of capital structure means to achieve the goal of value maximization regarding risk and profits. In financial literature there is an open debate since the late 50-s to nowadays, whether there exists an optimal structure of capital. Those who think that there exists an optimal capital structure support the traditional theory, stating that the capital

structure is optimal when the cost of capital is minimal. While objectors to this theory, started with Modigliani-Miller model in 1958, which will be analyzed below.

One of the most important financial and managerial challenges of a company is determining the optimal structure of capital, which in fact as any other financial optimization is a problem with many variables and conditioning (external macroeconomic factors and internal factors of the company). However it is accepted that in an economy, or branch of economy, the leading companies are those companies that have managed to optimize their capital structure and also to minimize the average cost of capital. If we analyze the economy, companies with higher performance and greater level of sets, performing as the best companies in the market for a long time, it is observed that they could managed to optimize their financial structure. Understandably, other companies in the market will want to follow these leaders or will tend to imitate them.

The relationship between capital structure and the company value was first observed by Modigliani and Miller (1958, 1963). Later studies on capital structure of companies were assessed by Leland and Pyle (1977), Rajan and Zingales (1995), La Porta, Lopez-de-Silanes, Shleifer and Vishny (1996, 1997, 1999), etc. Optimal capital structure means finding the debt ratio and equity ratio in order to maximize the company's value with minimal risk (Myers, 1984). Based on Modigliani-Miller model and by correcting the information asymmetry, Heinkel (1982) argued that the optimal levels and balance of capital structure are related to expectations of investors. However there are other factors affecting the capital structure, such as ownership of the managers in the company, etc. (Dewatripont and Triola, 1994). To analyze the determinants of capital structure, a comprehensive study was conducted by Rajan and Zingales (1995) who analyzed the panel data of companies for the period 1990-1996 in Canada, Denmark, Germany, Italy, Sweden, UK and USA. Models of these authors will be subject of analysis application for large businesses in Albania, further in this paper.

The benefits and risks of companies are treated in many dimensions and profiles. There are some financial indicators that make the analysis possible, such as: capital level, return on equity, earnings per share, operating profit margin, financial leverage and total leverage, etc. A significant indicator to determine the discount rate of the company's stocks is the financial indicator ROE ( $ROE = \text{Net profit} / \text{Average equity}$ ), (Velez-Pareja, 2000). It is also observed that there is a stable and statistically significant relationship between ROE and the discount rate of stocks for companies listed on the stock exchange (Hever, 2014). Assessing the profitability of shares listed on the stock exchange is based on the capital asset pricing model (CAPM), where the asset is evaluated based on the risk-return relationship (Traynor, 1961; Sharpe, Lintner 1964, 1965). The CAPM model application is impossible in countries that do not have capital markets or where the markets are not liquid (as the case of Albania). However, the ratio ROE is a good indicator of the discount rate valuation for stocks, in the absence of CAPM model application, (Hever, 2014). Many financial consultants in countries with developed financial markets initially refer to the ratio ROE as a comfortable and approximate method of assessment, to make estimates derived from CAPM model (Graham and Harvey, 2001).

The purpose of this study is to analyze the capital structure of Albanian companies and to assess the optimal level of capital cost in the private market in Albania. There are no previous quantitative studies of this field in our country. Our analysis will focus only on one financial reporting period (financial statements of one year) for companies with 100% Albanian capital and that do not offer financial services (bank, insurance company or financial institution are excluded from the study). The analysis includes 50 leading companies in the country, with the higher financial performance for the period 2013-2014 (Directorate General of Taxation in Albania, 2015). Companies are distributed in all major sectors of the economy and at the same time representing the real economy. This sampling represents 50 out of 830 large companies in Albania (6%); it is a very representative selection of companies with the highest potential of capital structure diversification in the market. At the same time, by finding the optimal capital structure of our selection and by evaluating the capital cost, we can indicate the level of wealth maximization that the Albanian market offers for the investors.

## B. Methodology and data

Initially in this paper we will present the techniques and analysis of linear regression model building to assess the relationship of several independent variables that are indicative of the financial performance and structure of companies in our research, determining the debt ratio of companies as the dependent variable. So the analysis will start with finding statistically significant variables in the model:

$$y = b_0 + b_1 * x_1 + b_2 * x_2 + \dots + b_n * x_n + \epsilon$$

The model includes the indicators as following:

$y$  = the dependent variable (in our paper we have only one independent variable which is the debt ratio).

$x_i$  = is the independent variable for  $i = 1, 2, \dots, n$  are financial indicators of companies that will be explained further in this study.

$b_i$  = model parameters, or coefficients of independent variables in the model, for  $i = 1, 2, \dots, n$  (in our regression analysis the change in dependent variable  $\Delta y$  is explained with regard to coefficients  $b_i$ , under "ceteris paribus" assumption).

$\varepsilon$  = regression residual or error term, is the only variable that is not provided and must be stochastic.

To evaluate the parameters  $b_i$ , we will use the usual method of least squares (Gujarati, 2004), minimizing any error term:

$$\min \left\{ \sum_i^n (y_i - \hat{y}_i)^2 \right\} = \min \left\{ \sum_i^n (\varepsilon_i)^2 \right\} \quad \text{observations } i = 1, 2, \dots, n$$

The observed value of the dependent variable is  $y_i$ , whereas  $\hat{y}_i$  is the value of the dependent variable obtained from the regression.

The following financial analysis to assess the rate of return that will be used to discount gains on equity in the developed capital markets is based on the capital asset pricing model (CAPM). According to this model, the expected return (or discount) rate of a financial asset " $k_i$ " is given by the formula:

$$k_i = r_F + \beta[r_M - r_F]$$

- Beta " $\beta$ " represents the level of systematic risk (that can't be diversified by the composition of financial securities in a portfolio of securities, for the market  $\beta = 1$ ).

-  $r_F$  is the risk free rate, in the case of Albania we have used the interest rates of treasury bills with maturity of 12 months, (but according to Hever (2014), the risk-free interest rate is based on the treasury bond rate). However, in our study we have taken account of treasury bills with a maturity of 12 months, as this is the rate applied in indexing titles and financial contracts elsewhere in the country (as treasury bonds with variable coupon, interest rates on loans, etc. ).

-  $r_M$  is the rate of return on market. In this study, the market rate is expressed as the level of the average ROE, in the absence of a stock exchange market in the country (return on equity rate from 2013 to 2014 has a value of 18%). The last step of the analysis coincides with estimating the cost of capital for companies included in the study. WACC formula in this case is explained as follows (Gitman and ZUTTER, 2010):

$$WACC = W_E \cdot K_E + W_D \cdot (1 - t) \cdot K_D$$

$W_E$  - the weight of equity in the company's total capital.

$W_D$  - the weight of debt component in the company's capital structure.

$K_E$  - the discount rate of capital of the company, in our study we have considered the financial rate ROE.

$K_D$  - the cost of debt for the company which is calculated as: rate of treasury bill with maturity of 12 months + credit risk premium = 3.415% + 5.55% = 8.965%.

$t$  - the rate of income tax to businesses in Albania, which is currently 15%.

The analyzed data in this study are financial data derived from financial statements of 50 companies with 100% Albanian capital, which resulted in 2013-2014 as companies with the highest level of sales. Additional data are taken from World Bank and the Bank of Albania publications. Companies taken into account operate in sectors of the economy, such as retail, petroleum, industry, construction, energy, transport and telecommunications. The variables included in the model of optimal structure evaluation are integrated financial indicators. We have presented a summary table reflecting the description of these variables and the authors who support the presence of these financial indicators in assessing the optimal capital structure.

### C. Variables and their meaning

In the following table we have summarized the financial indicators of companies and their relation with the optimal capital structure, by explaining the meaning of the ratio and the expected direction of the relationship according to financial theories of Yinghong Chen and Klaus Hammes (2003), Gitman and Zutter, and other authors as follows:

Table 1: Interpretation of capital structure variables

Code	Financial Indicator	The formula of financial indicator and its interpretation	Expected direction	References (authors)
BV	Book value = (Total Gross Debt)/(Total Assets)	Known as the debt ratio, this indicator of the company's capital structure measures the company's financial risk. In our model, this indicator will be used as the dependent variable.		Ross & Westerfield & Jaffe (2002)
T	Tangibility = (Net fix Assets/Total Assets)	This indicator retains the value of the company, since non-fixed assets such as goodwill can easily lose value, whereas fixed assets are more stable (specifically when the company is in financial difficulty). Fixed assets are part of a long-term investment.	Positive relation "+"	Harris & Raviv (1990)
P	Profitability = (EBIT/Total Assets)	This indicator measures the level of profit before interest and tax, standardized in relation to the company's assets. Mayers (1977) states that companies prefer the retained earnings more than debt and stock issuance, to finance their investments. According to this argument it is very important to analyze this indicator in the capital structure.	Negative relation "-"	Rajan & Zingales (1995) Fama & French (2012)
R	Risk = Standard Deviation (EBIT)/Average (EBIT)	EBIT = earnings before interest and tax. It is measured as an average of the market for financial time series data. This indicator measures the risk of business activity.	Positive relation "+"	Rajan & Zingales (1995)
G	Growth = (Total Assets – Equity + Market Value of Shares)/ Total Assets	This indicator is also a form of external growth and market valuation for the company, which significantly affects the structure of the company. In countries like Albania with no stock exchange, market value of shares is impossible to assess.	Negative relation "-"	Rajan & Zingales (1995)
S	Size = Ln(sales) or Ln(assets)	It is an indicator used to measure the company size. It serves to analyze the relationship between the size of the business and its risk level. The larger the company size, the lower the business risk level. Small companies can't afford to be financed with bonds and other alternative forms of financing, so they are limited in changes of capital structure.	Positive relation "+"	Titman & Wessels (1988) Whited (2012) Rajan & Zingales (1995)

Source: Literature review from the authors

According to econometric analysis for the panel data of at least 5 year series (quarterly data), the authors as referred in the above table, agree that the determination of optimal capital structure is obtained by the regression equation:

$$BV = b_0 + b_1*T + b_2*P + b_3*R + b_4*G + b_5*S + \varepsilon$$



The "Risk" variable is analyzed as a time series variable, but in our study the analyzed data are dashboard. So the financial risk variable will be replaced with the degree of financial leverage (Gitman and ZUTTER, 2010). Degree of financial leverage  $DFL = EBIT / [EBIT - Interest - (dividends) / (1 - tax\ profit)]$ .

#### D. Analysis of optimal capital structure

The capital structure of companies is a complex area of financial activities. Capital structure integrates all long-term financing decisions. In this context, the capital structure is influenced by many variables, especially in countries like Albania. The main factors that hinder or limit this calculation are as follows:

Firstly, finding the optimal capital structure means solving a problem of optimization with many variables and conditions. In the mathematical context, it is a difficult and delicate procedure of expressing reality in equations and functions.

Secondly, data taken into analysis are in the framework of the business's financial statements. The profitability of the companies in Albania has been and continuous to be affected by the economic informality and tax evasion, this factor increases the error margin during the calculation of values.

Thirdly, data of companies in Albania are only those taken from the financial statements; meaning they are static data with a periodicity of one year (lacking a dynamic measurement). In Albania the stock exchange is still non-existent, so the companies can't be quoted in the market.

Fourth, after 1990 Albania transitioned into free economy and free trade development (before 1990 Albania was part of the communist regime). Businesses in Albania are new and continue to experience market entry phase or lack specialized management and specific departments to consider diversification of capital structure.

Finally, as a result of a non developed market, the alternatives for financing companies are limited in Albania. This includes the business financing culture; most companies find credible only the banking sector. On the other hand the legal infrastructure has often been an obstacle to the development of new financing instruments.

Taking into account these limitations deriving from real factors of the Albanian economy, we have used the EViews 7 program and built a regression equation to calculate debt ratio (capital structure), as follows:

Table 2. Statistical assessment of capital structure parameters

Model's variables	Quantitative parameters of the model
Dependent variable:	BV
Independent variable:	
Coefficient = $b_0$	0.496373
DFL	0.020159
P	-1.874070*
S	0.017928
T	-0.595703*
Coefficient of determination $R^2$	63.79%

Source: Authors' calculations in Eviews 7.

The "\*" index indicates that the regression coefficients are statistically significant at  $p < 5\%$  based on t-test and the statistical significance is also determined at this level according to F test. The coefficient of determination of the variables is 63.78%, and the multiple regression equation is:

$$BV = 0.496373 + 0.020159 * DFL - 1.874070 * P + 0.017928 * S - 0.595703 * T + \epsilon$$

The parameters of this model are statistically significant and demonstrate a negative relationship between the capital structure of the company with the profitability indicators and the sustainability of value. According to many authors, there is

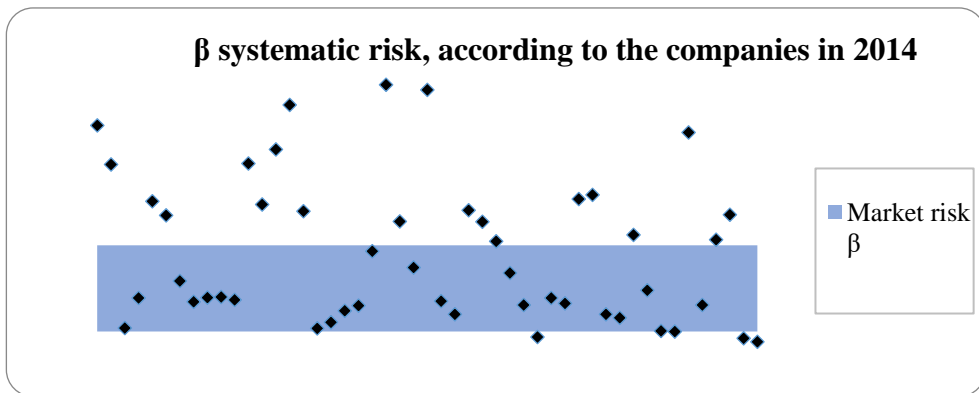
a positive relationship between capital structure and the sustainability of value (Net fix Assets/Total Assets), which is adverse to the relationship identified for the Albanian companies. This is mostly related to the lack of equilibrium in using the long term financing sources by companies.

### C. Analysis of the optimal cost of capital (WACC)

We have analysed 50 leading companies in Albania and based on calculations, we found out that the rate of return on equity is 18%, which will be used as the market return of their shares for the year 2014 (as long as there is no stock exchange in this country and consequently the CAPM model cannot be used). Based on data published by the World Bank and the Bank of Albania, the rate of the Albanian Treasury Bills with 12 months maturity in 2014 was 3.415%. This value represents the risk-free rate in the economy. According to the CAPM model formula, for each company we can calculate an approximate value of their systematic risk in the market:

$$k_i = r_F + \beta_i[r_M - r_F] \Rightarrow \beta_i = \frac{k_i - r_F}{r_M - r_F}$$

We obtained diffused results from calculations and if we compare the systemic risks of these companies to the market risk ( $\beta = 1$ ), we obtain the distribution shown in *Figure 1* below:



Source: Authors' calculations in Excel

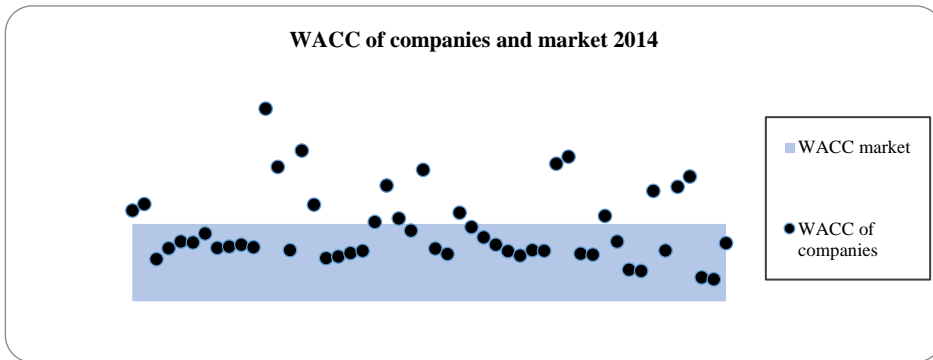
*Figure 1. The heterogeneity of β risk*

Although the sample obtained in the study refers to 50 companies with the highest performance (the highest level of annual sales for 2013-2014), 28 from these companies have the beta coefficient of their return on equity smaller than the beta of the market, meaning that some of the companies have continued following economic and financial strategies used in the past and have not undertaken any risks to change. Nevertheless this is an expected result as the market is represented only by these 50 companies. The most obvious element identified in the above figure is the high level of diffusion of "beta" parameter, which means that the analysed companies demonstrate different attitudes towards the relation risk-return, although being the leaders in the market. This indicates that companies do not have an optimal capital structure, or the capital structure of businesses in Albania is influenced not only by market forces, but rather by internal factors of the company (financial and managerial).

Based on the debt ratio of our study sample, the average capital structure of all companies is composed by 60% debt and 40% equity. Now let's analyze the cost of capital of companies taking into account this capital structure:

$$WACC = 0.4 \cdot 18\% + 0.6 \cdot (1 - 0.15) \cdot 8.965\% \approx 11.77\%$$

The calculations indicate that businesses in Albania face a cost of capital from 8.965% to 18%, depending on the capital structure. If we analyse each company individually, we obtain a distribution of WACC as given in *Figure 2* below:



Source: Authors' calculations in Excel

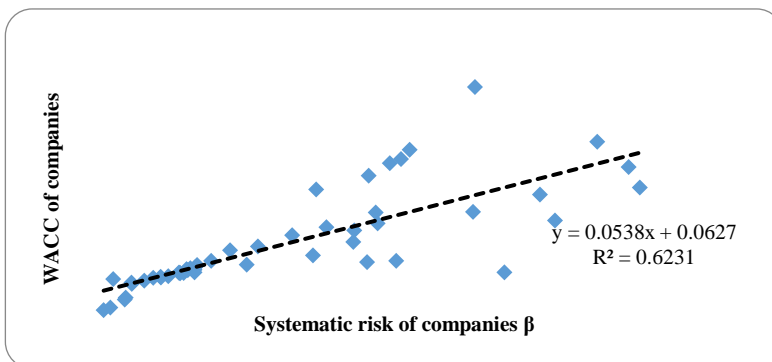
Figure 2. The heterogeneity of WACC

The graph shows that businesses in Albania face different costs of capital. This refers to two main reasons:

- *First*, different sectors of the economy have different costs of capital, but in our analysis we have grouped all the companies into 5 sectors, which does not justify such distribution.
- *Second*, the different distribution of the values of the capital costs of the companies shows that companies either do not have an optimal capital structure, or the capital structure of business in Albania does not demonstrate a model of optimisation. So, businesses are mostly oriented in accomplishing the traditional financing principle of profit maximization and not value maximization. The diversification of the capital structure is not subject of valuation by businesses or it is evaluated in short-term periods.

If we compare the degree of heterogeneity shown in Figure 1 and Figure 2, we can conclude that the cost of capital is characterized by a more regular behavior than systematic risk  $\beta$ . This emphasizes again the fact that the financial policies of businesses in Albania are mostly oriented to costs minimization or profits maximization, and do not consider the risk. Because of the lack of interrelation between risk and return in the Albanian market, the hypothesis that the capital structure of business in Albania is optimal, it is indirectly rejected.

We can better understand if the capital structure is diversified or not by referring to the Figure 3 given below, based on systematic risk assessment of companies and their WACC:



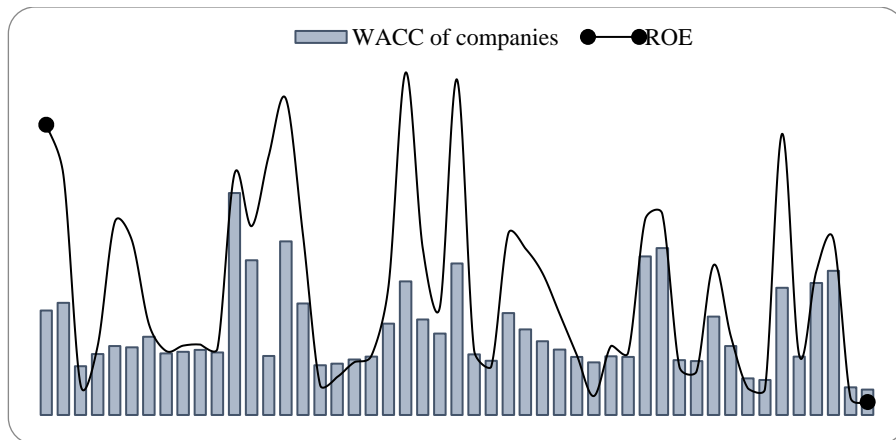
Source: Authors. calculations in Excel

Figure 3. Correlative analysis of the WACC

Figure 3 reflects an interesting effect in the relationship of WACC with the  $\beta$  risk, which are positively correlated. The coefficient of determination is 62.3%, almost to the same extent with the coefficient of determination of the regression of the optimal capital structure. These parameters can be used as a guide to the financial managers of Albanian large companies in calculation of capital structure.

All the above financial and graphical analysis emphasize the fact that the Albanian companies do not have an optimal capital structure, therefore they cannot be competitive in the market in the long-term, and they are unable to export goods and services to compete in international markets. This shows that companies financed 100% by Albanian capital are destined to operate locally.

However, if companies in Albania have not achieved the objective of value maximization (explained by the capital structure), then the question that arises is: have they fulfilled the objective of profit maximization? The answer to this question will initially be provided by the Figure 4:



Source: Authors' calculations in Excel

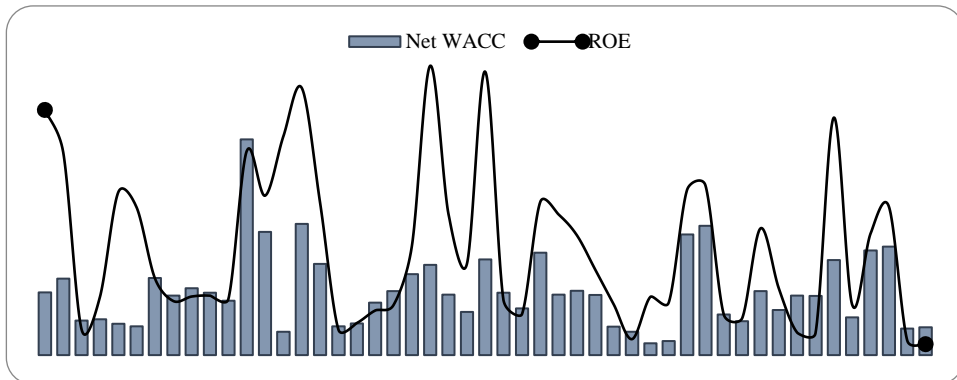
Figure 4. Cost-Benefit analysis of the companies.

We can see from the Figure 4 that half of the companies included in this study, although being considered with high financial performance (based on the level of annual sales), continue to have a cost of capital higher than the return on equity. This shows that profit maximization is not achieved, since many of the surveyed companies do not add capital value to their business. This phenomenon will lead to financial difficulties or financing restrictions in future, meaning that their long-term financial strategies are not working. This demonstrates that the domestic market has substantial business development problems and businesses face high costs associated with them. The diversification of the capital structure and its cost remain just a theoretical concept for these businesses. In such conditions, the needs for financial advice, financial specialization, separation of ownership and management are emergent action that should be undertaken. We should also mention some important factors which have significant effects on values of the Figure 4: the existence of the informal financial data, the development of not profitable projects by companies, or the lack of analysis on granting concessions from the Government of Albania to private enterprises.

Financing decisions of Albanian businesses are also oriented towards the use of short-term financial sources, such as: suppliers, payments in advance from customers, etc. Companies do not pay costs for these funding sources; therefore we should eliminate them from our analysis of capital structure. In this case, the debt ratio of our sample will change to 45%. Referring to this structure, we can calculate the cost of capital as follows:

$$WACC = 0.4 \cdot 18\% + 0.45 \cdot (1 - 0.15) \cdot 8.965\% \approx 10.63\%$$

As we can see, the value of the adjusted WACC (Net WACC) in this case is reduced, meaning that the internal cost of capital structure of large companies in Albania is lower than the cost calculated based on the debt ratio.



Source: Authors' calculations in Excel

Figure 5. Analysis of adjusted WACC and ROE of companies.

Referring to the above figure, we see an improved relationship WACC-ROE (compared to Figure 4), which gives a more realistic view of the market. Consequently we suggest that the 10.63% is the appropriate cost of capital rate that can be used by companies in Albanian market to discount future budgeted cash flows. On the other hand, the banking sector should accept to finance those projects with future financial benefits above Net WACC value.

#### D. Conclusions

The analysis of the capital structure and capital cost evaluation is very complex, especially for companies operating in undeveloped financial markets. In this paper we aimed to establish a clear methodology which can be applied for the financial evaluation of the cost of capital in the Albanian market. Due to a number of restrictions mostly related to the lack of a stock exchange in the country, we have conducted the analysis considering a certain margin of error.

Most of businesses in Albania, especially large businesses, have been developed during the last 20 year and still continue their operations in conditions of a fragile economic, political, fiscal and social market. The capital structure of the Albanian businesses is not optimal, due to:

- The lack of separation of ownership and management at companies' level;
- The restrictions of business financing from the banking sector,
- The alternation of financial and investment sources,
- The impact of creditors in business control and monitoring,
- The asset structure and the economic value sustainability,
- The economic life of companies and the need for additional debt financing,
- The level of profitability and profit reinvestment in the business, etc.

We have assessed the financial reports of the largest companies in Albania, financed by local capital, and established the model for the evaluation of optimal capital structure. The parameters of this model are statistically significant and show a negative relationship between the capital structure of the company with the profitability indicators and the sustainability of value. The correlation analysis indicates also the lack of equilibrium in using long-term financing sources by the Albanian businesses.

We have also performed analysis in the context of systematic risk, and found out that large companies in Albania are characterized by a high heterogeneity of "beta" indicator, which means that companies demonstrate different attitudes in the relation risk-return, although being the leaders in the market. Meanwhile, this emphasizes that these businesses do not have an optimal capital structure. This conclusion is also supported by the calculated values of the cost of capital, which provide additional evidence that Albanian businesses are mostly oriented towards the accomplishment of the traditional objective of profit maximization instead of value maximization, and that the diversification of capital structure is merely a theoretical concept.

Bazuar në lidhjen korrelative të kostos së kapitalit me riskun sistematik në tregjet shqiptare, hipoteza që struktura e kapitalit të bizneseve të mëdha në Shqipëri është në kushte optimale, bie poshtë. Rrjedhimisht këta biznese nuk janë në pozita konkurruese afatgjata në treg dhe të afta të realizojnë eksporte të të mirave dhe shërbimeve për të konkurruar në tregjet ndërkombëtare. Kjo tregon që vizioni financiar i bizneseve me pronësi 100% shqiptare është e destinuar për të qenë kompani me shtrirje lokale.

Based on the correlative relationship between the cost of capital and the systematic risk in Albanian market, the hypothesis that the capital structure of business in Albania is optimal, it is rejected. Consequently these businesses cannot be competitive in the market in the long-term, and are unable to export goods and services to compete in international markets. This shows that companies with 100% Albanian capital are destined to operate locally.

The cost of capital of the Albanian companies is about 11% according to the numerical analysis done (the value is adjusted referring to the characteristics of the Albanian market). This value is often higher than the return on equity of the companies, meaning that the profit maximization has not been achieved. Based on these results, we conclude that Albanian businesses face serious problems related to their capital structure.

After all these numerical findings, we suggest the financial managers of the companies financed by Albanian capital to use these parameters in determination of the optimal capital structure and in financial policies decision-making. Other actions that should be undertaken by the companies are the separation of ownership and management and the consultancy with financial experts. On the other hand, the creditors of such businesses should be more focused on providing financial analysis on the debtor's projects when applying for funds. Considering all the findings of this study, which can be used by financial advisors, policymakers, etc., we conclude that businesses in Albania face high levels of the cost of capital.

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## Factors Affecting the Profitability of Insurance Companies in Albania

**Assoc. Prof. Dr. Dorina Kripa**

University of Tirana

Faculty of Economy

dorinakripa@feut.edu.al

**Msc. Dorina Ajasllari**

Deloitte Albania

dorina.ajasllari@gmail.com

### Abstract

*Good performance of a company determines the position of the company in its market and the growth and consolidation of the market, giving as result the development of the economy as a whole. The importance of this topic further enhanced when dealing with insurance companies because: 1) insurance companies' transfers risk in the economy 2) provide a mechanism to promote savings 3) promote investment activities. The growing importance of insurance companies in Albania and the importance of profitability as one of the key performance metrics of a company are the reasons why we decide to write this paper. The variation of profits between insurance companies over the years, within a country, leads to believe that internal factors play a major role in determining profitability. We have taken under study the impact of growth rate, liabilities, liquidity, fixed assets, volume of capital and company size on the profitability of insurance companies. The methodology used is based on quantitative methods and the data are provided by reliable sources such as annual reports of insurance companies<sup>1</sup>, FSA<sup>1</sup> reports and NRC<sup>2</sup>. We have taken under study 7 companies, including non-life and life insurance companies, from 2008-2013. The results of the paper show that factors such as growth rate, liabilities, liquidity and fixed assets are the main factors affecting the profitability of insurers, where the growth rate is positively associated with profitability, while liabilities, liquidity and fixed assets are negatively correlated. Company size and the volume of capital are positively correlated with the profitability of insurance companies<sup>1</sup>, but their impact is statistically insignificant.*

**Keywords:** Insurance, profitability, correlation

### Introduction

It is necessary that insurance companies operate with profitability, so that the whole system can get the required development, taking into consideration the structure of the financial system in our country and the challenges faced by the insurance companies during the process of the development and consolidation of the financial nonbank system. Measuring the financial performance of the insurance market and the factors affecting its performance is a very interesting topic, theoretically and practically, to financial researches and to insurers. Profitability is one of the most important objectives of financial management, since one of the main tasks and goals of financial management is to increase shareholders wealth. At this point profitability is one of the main determinants of the performance of a company (Malik, 2011)

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1 Financial Supervisory Authority

2 National Registration Center



**Which are the factors affecting the profitability of the insurance market in Albania** is the main question of this paper. Factors, which might affect the profitability of insurance companies, can be internal or external factors. This paper will focus on the impact of internal factors in the profitability of the insurance market, in order to try to determinate how factors depending upon insurance companies' decision affect their own profitability.

The second question, which will be raised in this paper, is **how these factors affect the profitability of companies operating in the insurance market**. The answer to this question cannot be given only through logical reasoning, but it requires a quantitative assessment by building a suitable model for this purpose. Finding reasonable answers to these questions is the focus of this paper. The answer to these questions and arguments to these answers together with the recommendations in this paper are intended to provide a clear framework of factors affecting the profitability of insurance companies.

## LITERATURE REVIEW

### The role and the importance of insurance companies in the economy

Recent research (Naveed, Zulfqar, & Ahmad, 2011) have shown that the efficiency of financial intermediaries and risk transfer, may affect economic growth, while at the same time the lack of their solvability lead to systemic crisis, which bring adverse consequences for the whole economy. In this way, we can say that today's business world would be unstable, without financial institutions like insurance companies. That because on one hand, it is a normal phenomenon that some business units are surplus and some are in deficit and on the other hand, businesses do not have the capacity to assume all risks with which they face in the uncertain environment in which they operate.

Renbao Chen (Chen & Wong, 2004) stated that high profits provide both the tools (bigger availability of funds), and the incentive for new investment (higher rate of return). Insurance companies have a dual responsibility, they must be profitable in order to be able to make new investments and they must be profitable in order to have the necessary solvability to convert other parts of the economy in previous state after the occurrence of damage.

### Factors affecting the profitability of insurance companies

The variation of profits between insurance companies over the years, within a country, leads to believe that internal factors or specific factors of a firm play a major role in determining profitability. Authors like Sylwester Kozak in Poland (2011), Jay Angoff Roger Brown in the United States (2007), Al-Shami in UAE (2013), Swiss Re in Egypt (2008), etc. have studied the factors that influence profitability of non-life insurance company. Other authors like Adams, Hardwick of Zou in the UK (2008), Sandra Liang in Canada (2007), Wright in United States (1992) etc. have studied the factors affecting the profitability of life insurance companies. Most of these researchers, as for life insurance companies, as well as for non-life insurance company, focus on internal factors, where most used factors are the company age, company size, liabilities ratio, the volume of capital, fixed assets and liquidity ratio.

### The company size

The company size can be expressed by many variables such as number of employees, number of branches, or total assets. Most researchers of the field use total assets to express the size of the company (Omondi & Muturi, 2013); (Burca & Batrinca, 2014); (Al-Shami, 2013); (Swiss Re, 2008); (Çekrezi, 2015); (Malik, 2011). The size of the company is considered as an influential factor because it shows that larger companies are better positioned in the market, operate with economies of scale, and thus enjoy higher benefits (Flamini, McDonald, & Schumacher, 2015). Most studies conclude that there is a statistically significant positive correlation between the size of the company and its profitability, expressed by ROA (Swiss Re, 2008); (Malik, 2011); (Al-Shami, 2013). However, there are discussions about the optimal size of the company, which positively affects profitability. A growth in assets that extends an optimal ratio may have negative effects, due to increased bureaucracy (Yuqi, 2007)

## Liquidity

Liquidity for insurance companies shows the ability of insurers to pay current liabilities, which have the nature of operating expenses or payment of compensation in case of damage. For the insurer primary sources of liquidity are cash flow from net premiums, investment returns and liquidation of assets (Chen & Wong, 2004). Most studies in this field treat liquidity as a factor affecting profitability, representing it by the current ratio (current assets / current liabilities). Regarding the relationship between liquidity and profitability of insurance companies, the results of different studies have been different. Some studies have concluded that there is a statistically insignificant link between liquidity and profitability for insurance companies (Naveed, Zulfqar, & Ahmad, 2011) while other studies suggest that there are statistically significant negative links between liquidity and profitability of the insurer (Chen & Wong, 2004).

## Liabilities

Total liabilities are the sum of borrowed funds, used to finance the operation of a company. Researchers use ratio of liabilities to equity, to express this factor in analyzing the impact of liabilities on the profitability of insurance companies. Taking into account the effect of financial leverage, i.e. the use of debt to increase benefits, we must assume a positive relationship between liabilities and profitability. Companies driven to the use of liabilities due to tax incentives. Theories of optimal capital structures indicate that profitability increases as the level of debts increase to the optimal ratio and then falls if the debts continue to grow beyond this point. Increasing debts beyond a certain point, increase company risks and depreciate company value (Chen & Wong, 2004). However, studies related to this topic (Omondi & Muturi, 2013); (Burca & Batrinca, 2014); (Chen & Wong, 2004); (Malik, 2011) show that there is a statistically significant negative relation between liabilities and profitability of insurance companies. Titman and Wessels (1988) concluded that there was a statistically significant negative relation between the profitability of insurance companies in the US and the level of liabilities. We explained this conclusion by the fact that the theories of capital structure argue that insurance companies with high rates of liabilities have lower ROA, but higher ROE (Harrington, 2005)

## The volume of capital

The capital of a company is expressed by the basic accounting equation as the difference between total assets with total liabilities. In studies related to factors affecting the profitability of insurance companies, the size of capital as a factor is represented by the ratio of shareholder equity to total assets, but this factor can be expressed by the carrying amount of capital insurance companies. These studies have shown that there is a statistically significant positive relation between the volume of capital insurance companies with their profitability, expressed by ROA (Al-Shami, 2013); (Malik, 2011).

## Fixed assets

Fixed assets are represented by the ratio between fixed assets to total assets. Results of various studies on the impact of fixed assets in the profitability of insurance companies have been contradictory. Hifza Malik (2011) in his study of the factors affecting the profitability of insurance companies in Pakistan in 2011 shows that there is a statistically significant relationship between fixed assets and profitability of companies. He argues that due to the fact that the greater the weight of fixed assets in total assets, the greater is the insurance company, profitability will be even greater. However, a study conducted in the UK by Yuqi Li (2007) shows that there is no statistically significant relationship between fixed assets and profitability of insurance companies.

## The growth rate of the company.

The growth rate for companies are generally expressed through the change in percentage of total assets of the company from year to year. In particular, for insurance companies growth rate expresses the percentage change in the total amounts of signed premiums from insurance companies. Studies related to these field show that there is a statistically significant positive correlation between the growth rate of the company and its profitability (Malik, 2011); (Yuqi, 2007); (Curak, Pepur, & Poposki, 2011). It is also argued about the fact that a company always has to increase its resources to have a better performance, and consequently to be more profitable. However, the relationship between the growth rate of the company and its profitability may not be positive, as it is expected to be, because in some cases, a greater growth rate could expose an insurance company to a higher risk and that means that the company needs to increase its technical reserves (Burca & Batrinca, 2014).

## Factors analysis and results

In this section, we present the analysis of factors affecting the profitability of insurance companies in Albania. These factors are subject to descriptive and correlation analysis. The conducted tests and their results are shown below.

### Descriptive analysis

The following table shows descriptive statistics for the factors affecting the profitability of insurance companies, as well as for the profitability itself, represented by ROA.

**Table 3: Descriptive analysis**

	Fixed assets	Liabilities	Company size	Volume of capital	Liquidity	Growth rate	ROA
<b>Average</b>	0.125827	1.305064	21.57140	20.78488	6.337284	0.135458	-0.002638
<b>Median</b>	0.123355	1.132017	21.32095	20.46779	5.662618	0.133821	0.020224
<b>Max</b>	0.412115	3.462019	23.06227	22.02148	27.82843	0.743296	0.081380
<b>Min</b>	0.022285	0.353759	20.28591	19.80254	0.440913	-0.173673	-0.500410
<b>Standard Deviation</b>	0.099577	0.789245	0.884033	0.811577	6.530994	0.184907	0.106779
<b>Number of observations</b>	29	29	29	29	29	22	28

Source: Generated from e-Views7

Over the past 5 years, the average rate of the profitability of insurance companies in our country has been (0.003%) with a standard deviation of 0.1%. These data indicate that there is a moderate variation between the profitability of insurance companies taken into study. Table 1 also presents data on the average, median, maximum and minimum value and standard deviation. Overall fixed assets of 0.12 indicates that fixed assets comprise on average 12% of the total assets of insurance companies in the study. Standard deviation of 0.099 indicates that the variation of fixed assets between companies is moderate. The average 1.31 on liabilities shows that insurance companies' liabilities taken under study exceed by 1.31 times companies capital. Standard deviation of 0.78 indicates that there is significant variation among the companies surveyed for this factor. The factor company size has an average of 21.57, which means that the total assets of the companies under consideration is on average 2.3 billion ALL and the standard deviation of 0.88 indicates that there is significant variation between companies in the study related to this factor. The volume of capital has an average of 20.78, indicating that the average volume of insurance companies' capital is 1.06 billion ALL and the standard deviation of 0.81 indicates that this factor has a significant variation between companies in the study. Liquidity factor has an average of 6.34, which shows that short-term liabilities can be payed three times from current assets. Standard deviation of 6.53 indicates that there is a high variation among insurance companies to this factor. Growth rate has an average of 0.14, which shows that the total premiums of the insurance companies taken under study have increased by 14% over the period 2008- 2014. Standard deviation of 0.18 shows that exist a sensitive variation among companies related to this factor.

### Correlation analysis

Pearson correlation indicates the strength and the nature of the linear relationship between two variables. The correlation coefficient takes values between -1 and 1. Below is shown the table of correlation between ROA (dependent factor) and independent factors

**Table 4: Correlation between ROA and independent factors**

	Fixed assets	Liabilities	Company size	Volume of capital	Liquidity	Growth rate	ROA
Fixed assets	1.000000	-0.265591	-0.290740	-0.201964	-0.054042	0.493112	-0.041875
Liabilities	-0.265591	1.000000	0.225706	-0.086315	-0.690919	-0.453095	-0.597070
Company size	-0.290740	0.225706	1.000000	0.950119	-0.467403	-0.151585	0.168505
Volume of capital	-0.201964	-0.086315	0.950119	1.000000	-0.245335	-0.002019	0.352124
Liquidity	-0.054042	-0.690919	-0.467403	-0.245335	1.000000	0.179353	0.239642
Growth rate	0.493112	-0.453095	-0.151585	0.352124	0.179353	1.000000	0.383001
ROA	-0.041875	-0.597070	0.168505	0.376661	0.239642	0.383001	1.000000

Source: Generated from E-Views7

The table above shows that there is a negative correlation between liabilities and fixed assets with profitability and that there is a positive correlation between company size, volume of capital, growth rate and liquidity with profitability. From the table above, we realize that there is a strong negative relation between liabilities and ROA, where the correlation coefficients is respectively (0.59). The correlation coefficient of 0.38 indicates that there is a significant positive correlation between ROA and the growth rate. It is important to notice that there is a strong positive relationship between two of the independent variables such as company size and the volume of capital, showed by the correlation coefficient of 0.95. This relationship can be explained by the fact that total assets represent the company size and the volume of capital is represented by the difference between total assets and total liabilities. A significant correlation between independent variables exist even between liquidity and growth rate (0.45), as well as between liquidity and liabilities (-0.47). Below, we will test the relationship between dependent variables and ROA, through student statistics (statistics t) and the level of significance (probability p)

**H1: There is a positive relationship between company size and the profitability of insurance companies in Albania**

**Table 5: Correlation between company size and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Company size	0.153604	0.695190	0.4949

Source: Generated from E-Views7

From the table above we can see that there is a positive relationship between company size and profitability. Even though statistics t and profitability p show that this relationship is not significant

**H2: There is a positive relationship between the volume of capital and the profitability of insurance companies in Albania.**

**Table 6: Correlation between the volume of capital and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Volume of capital	0.376661	1.818400	0.0840

Source: Generated from E-views7

The coefficient correlation shows that there is a strong, positive relationship between the volume of capital and profitability. With a reliability coefficient of 15%, this relationship is statistically significant, which means that we accept hypotheses 2 as true.

**H3: There is a negative relationship between liabilities and profitability of insurance companies in Albania****Table 7: Correlation between Liabilities and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Liabilities	-0.676004	-4.102575	0.0006

Source: Generated from E-views7

Statistics t and probability p show that there a significant negative relationship between liabilities and profitability. As a result, we accept hypotheses 3 to be true. The coefficient correlation of (0.597) shows that there is as strong relationship between these two factors.

**H4: There is a positive relationship between fixed assets and profitability of insurance companies in Albania.****Table 8: Correlation between fixed assets and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Fixed assets	-0.180412	-0.820286	0.4217

Source: Generated from E-views7

Statistics t and probability p show that the relationship between fixed assets and the profitability of insurance companies is not statistically significant. We cannot accept hypotheses 4.

**H5: There is a negative relationship between liquidity and profitability of insurance companies in Albania****Table 9: Correlation between liquidity and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Liquidity	-0.505287	-2.618588	0.0165

Source: Generated from E-views7

The coefficient correlation of 0.24 shows that the relationship between liquidity and profitability is positive, but not significant. This result means that we cannot accept hypotheses 5.

**H6: There is a positive relationship between growth rate and profitability of insurance companies in Albania****Table 10: Correlation between growth rate and ROA**

Independent factor	Correlation coefficient	Statistics t	P
Growth rate	-0.693335	-4.302831	0.0003

Source: Generated from E-views7

The table above shows that the relationship between growth rate and ROA is positive and strong, with a correlation coefficient of 0.38. Statistics t and probability p show that this positive relationship is statistically significant. We accept hypotheses 8 as true.

**Discussion of results**

Descriptive analysis showed that the average profitability of insurance companies surveyed for the period 2008- 2013 was -0.3%. Insurance companies in Albania operate with an negative average profitability, at a time where maximum profitability for the period does not go further than 8% and where the minimum profitability for the period was -50%, a very negative result. On the other hand, the standard deviation of 0.1 indicates that the variation in profitability among the Albanian

insurance companies in the study is moderate, so we do not expect significant differences between their profitability. The main reason for this result is that the insurance market in Albania is still underdeveloped, modest and concentrated on compulsory insurance (Sharku & Bajrami, 2008). The insurance market in our country still suffers from phenomena such as unfair competition, pricing below cost to artificially boost companies market share, the administrative costs for the legal process are too high, marketing abuses, which express their influence on the negative performance of insurers profitability (Petraj, 2013).

#### ***Size company impact on profitability of insurance companies in Albania***

Correlation analysis showed that company size factor had a positive impact, however insignificant in the profitability of insurance companies in our country. Other international studies on the impact of company size on the profitability of companies in general have also reached the same result or outcome that the impact of the size of the company is negatively related to profitability (Niresh & Velnampy, 2014); (Velnampy & Nimalathasan, 2010). One explanation for this result is the fact that financial sector companies, which include insurance companies, are less affected by the size of the company in their profitability, compared to industrial companies. However, the conclusion reached by the study is consistent by the results reached by Çekrezi (2015) on the impact of company size on the profitability of insurance companies in Albania

#### ***Volume of capital impact on profitability of insurance companies in Albania***

Correlation analysis showed that the volume of capital had a positive statistically significant impact on the profitability of insurance companies in our country. Regression analysis confirmed the positive nature of the relationship between the volume of capital and ROA, but it resulted in statistically irrelevant links. The early hypothesis of the paper was that the capital has a positive impact on the profitability of insurance companies, as a greater capital enables insurance companies to seize opportunities quickly and react quickly in case of loss. We can say that the impact of the volume of capital factor in the profitability of insurance companies could be subject to macroeconomic factors specific to each country, which are not considered in this study

#### ***Liabilities impact on profitability of insurance companies in Albania***

The result of correlation analysis showed that there is a statistically significant negative relationship between liabilities and profitability of insurance companies in our country. Result is consistent with the hypothesis raised at the beginning of the paper. Correlation analysis showed that the relationship between liability and insurance companies in our country in the study was a strong negative correlation coefficient of -0.6. The findings coincide with the results of international studies about the impact factor in profitability liabilities of insurance companies as (Chen & Wong, 2004); (Malik, 2011); (Burca & Batrinca, 2014); (Onaolapo & Kajola, 2010); (Titman & Wessels, 1988).

#### ***Fixed assets impact on profitability of insurance companies in Albania***

Correlation analysis showed that the link between fixed assets and profitability of insurance companies was a weak, with a correlation coefficient of (0.04), but negative. Regression analysis also showed that an increase in fixed assets variable brings a decline in the profitability of insurance companies. The result achieved rejects the hypothesis raised at the beginning of the paper. However, the above result is in accordance with the results achieved by Yuqi Li (Yuqi, 2007). The reason for this result can be explained by the fact that the increase in fixed assets beyond an optimal level does not affect positively the profitability of a company (Yuqi, 2007).

#### ***Liquidity impact on profitability of insurance companies in Albania***

The result of regression analysis confirmed the hypothesis raised at the beginning of the paper, so there is a statistically significant negative correlation between the profitability of insurance companies in our country and their profitability. The reason for this result is explained by the fact that the greater is the current ratio (through which represented liquidity) the smaller is the profitability (Chen & Wong, 2004), as funds held in the form of liquidity can be invested and ensure higher profitability (Chen & Wong, 2004).

### **Growth rate impact on profitability of insurance companies**

The result of correlation analysis showed that the impact of the growth rate of the insurance companies in their profitability is positive and statistically significant. This result agrees hypothesis raised at the beginning of the paper, where we assumed that there was a positive correlation between the growth rate and profitability of insurance companies. The result is explained that by the idea that by collecting more premiums insurance companies provide more funds to carry out investment, have more capacity to respond to complaints in case of damage, manage to increase their market share, which reflected positively on profitability. The above conclusion is also consistent with the conclusions reached by international scholars (Malik, 2011); (Yuqi, 2007); (Naveed, Zulfqar, & Ahmad, 2011) about the impact of the rate of growth in the profitability of insurers.

### **Recommendation**

In accordance with the results of the study carried out in this paper, we can give the following recommendations:

Albanian insurance companies operate with a negative average profitability. Taking in consideration the nature of influence of the above factors on the profitability of insurance companies it is recommended that:

- Insurance companies in our country should avoid the very high levels of debts, as they have a negative impact on their profitability. On the other hand, high levels of debts could lead to bankruptcy due to inability to pay these liabilities.
- The negative impact of liquidity on the profitability of insurance companies leads to the recommendation that the optimal level of liquidity holding is an important issue for financial decision-making insurance companies. They must find a balance between the need to keep funds in the form of liquidity to pay their short-term liabilities and those that may engage in investment.
- The growth rate of insurance companies, reflecting the change in the level of gross premiums from one year to another, has a positive impact on the profitability of insurance companies. However, the increase in premiums must be accompanied by investing capacity, providing suitable products for both businesses and individuals, education and advice to the public about the importance of insurance, whether mandatory or voluntary, and not through price competition between companies operating in the market.
- Fixed assets negative have a negatively impact on the profitability of insurance companies, so insurers should not hold high levels of fixed assets. Insurance companies, as if financial institutions do not need many fixed assets, so they should be prudent in relation to the level of fixed assets.

This paper took under study 6 internal variables to explain the profitability of insurance companies in our country. Including other variables external nature and would enrich the macroeconomic framework of the paper and will give a complete view of factors that affect the profitability of insurance companies, which operate in our country.

### **Further research**

In a further study, we will discuss about the implications of the above mention factors in a multiple regression model with panel data, in order to determine the nature of influence of these factors on the profitability of insurance companies in Albania. The regression model helps on understanding how changes on independent factors, in our case growth rate, volume of capital, company size, liquidity, liabilities and fixed assets, affects profitability of insurance companies. This way, we can give suitable recommendation for the improvement of profitability of insurance companies in our country.

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## Polyelectrolyte Complexes Based on Chitosan and Natural Polymers

**Alef Mustafa**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Traian Vuia Str. Nr. 6, Sector 2, Bucharest, Romania*

**Aneta Tomescu**

*"Ovidius" University of Constanța, Faculty of Medicine, Campus Corp B, University Alley, Nr. 1, Constanta, Romania*

**Emin Cadar**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Traian Vuia Str. Nr. 6, Sector 2, Bucharest, Romania*

**Melat Cherim**

*Umf Carol Davila Bucharest, Faculty of Pharmacy, Traian Vuia Str. Nr. 6, Sector 2, Bucharest, Romania*

**Rodica Sirbu**

*"Ovidius" University of Constanța, Faculty of Pharmacy, Campus Corp B, University Alley, Nr. 1, Constanta, Romania*

*Corresponding author: Rodica Sirbu; sirbu\_27@yahoo.com*

### Abstract

*For many years chitosan has been the subject of interest for its use in different medical fields due to its appealing properties such as biocompatibility, biodegradability, low toxicity and relatively low production cost from abundant natural sources. Chitosan is positively charged at low pH values, so it is spontaneously associated with negatively charged polyions in solution to form polyelectrolyte complexes. These chitosan based polyelectrolyte complexes exhibit favourable physicochemical properties with preservation of chitosan's biocompatible characteristics. These chitosan based complexes are a good candidate for excipient materials for the design of different types of dosage forms. The aim of this review is to describe polyelectrolyte complexes of chitosan with selected natural polyanions and also to indicate some of the factors that influence the formation and stability of these formed complexes.*

**Keywords:** chitosan; polyelectrolyte complex; natural polymers

### INTRODUCTION

Chitosan is a combination of a series of polymers that are deacetylated derivatives of chitin, a natural polysaccharide, and presents different degrees of deacetylation and molecular weights. It consists of deacetylated units of  $\beta$ -1,4-linked glucosamine and acetylated units of *N*-acetyl-D-glucosamine (Figure 1). Chitosan presents typical degrees of deacetylation between 70 and 95% and molecular weights between 10 and 1,000 kDa [1,2]. It was reported that highly refined grades of chitosan have been used in pharmaceutical formulations as a release-controlling agent [3].

It was shown that the cationic amino groups on the C2 position of the repeating glucopyranose units of chitosan can interact electrostatically with the anionic groups (usually carboxylic acid groups) of other polyions to form polyelectrolyte complexes. Many different polyanions from natural origin (e.g. pectin, alginate, carrageenan, xanthan gum, carboxymethyl cellulose, chondroitin sulphate, dextran sulphate, hyaluronic acid) or synthetic origin (e.g., poly (acrylic acid)), polyphosphoric acid, poly (L-lactide) have been used to form polyelectrolyte complexes with chitosan in order to provide the required physicochemical properties for the design of specific pharmaceutical formulations [4].

Throughout the years chitosan complexes have been used in a wide range of pharmaceutical applications such as complexes formed between chitosan and anionic polymers for use as biosensors, scaffolds in tissue engineering, for wastewater treatment and for drug delivery in different forms [5,6].

Most of the investigated and studied polycomplexes that involve chitosan are those formed with other polysaccharides, which are divided into natural polysaccharides (including phytopolysaccharides, zoopolysaccharides and microorganism polysaccharides) and synthetic polysaccharides [7]

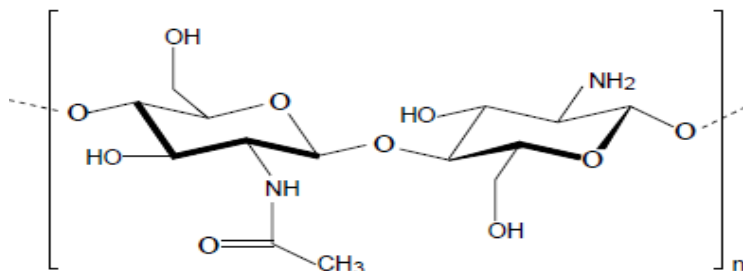


Figure 1. Chemical structure of chitosan consisting of *N*-acetyl-D-glucosamine and glucosamine units.

## RESEARCH METHODS

Natural polymers are widely used in the regenerative field of medicine, for wounds and burns dressing because of their unique properties such as biocompatibility, biodegradability and similarity to macromolecules recognized by the human body.

The selection of the natural polymers in this review was based on the complexing capacity with chitosan. The structural characteristics are presented, as well as the therapeutical effects and data on the biodegradability of these complexes in comparison with data from other reseaches and specialty literature.

## RESULTS AND DISCUSSIONS

### Polyelectrolyte Complexes between Chitosan and Natural Polymers

#### 1. *Chitosan-alginate polyelectrolyte complex*

Alginate is a natural, linear, unbranched, biodegradable polysaccharide and it consists of 1,4-linked  $\beta$ -D-mannuronic acid and  $\alpha$ -L-guluronic acid monomers in varying proportions (Figure 2). Alginates are extracted from brown seaweeds and marine algae such as *Laminaria hyperborea*, *Ascophyllum nodosum* and *Macrocystis pyrifera* [8,9].

In order to form a polyelectrolyte complex, the negatively charged carboxylic acid groups of manuronic and guluronic acid units in alginate interact electrostatically with the positively charged amino groups of chitosan.

Due to the biodegradability and biocompatibility of the polyelectrolyte complex formed between these two polymers, alginate is one of the most studied anionic polyelectrolytes in complexation with chitosan. This polyelectrolyte complex is mechanically stronger at lower pH values where chitosan dissolves [10]. A study on the biodegradation of chitosan-alginate polyelectrolyte complexes showed that while chitosan alone, with a low degree of deacetylation, was effectively degraded by lysozymes, the effect of these enzymes on the polyelectrolyte complex was negligible. The ability of the polyelectrolyte

complex of lysozyme absorption was high, but enzymatic degradation was hindered by the strong interaction between the chitosan and alginate polymeric chains.

Since it was demonstrated that the rate of biodegradation may be regulated by changing the polymer ratio, it indicates that this particular polyelectrolyte complex has a high potential in tissue engineering for scaffolds and support materials [11].

Chitosan-alginate polyelectrolyte complex fibers showed promising results for controlling the release of charged molecules and exhibited high encapsulation efficiencies of these molecules [12].

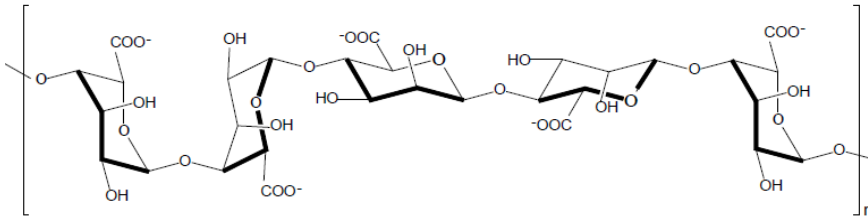


Figure 2. Chemical structure of alginate

## 2. Chitosan-carrageenan polyelectrolyte complex

Carrageenan is the generic name for a family of high molecular weight sulphated polysaccharides obtained from certain species of red seaweeds. There are three basic types of carrageenan, namely kappa ( $\kappa$ ), iota ( $\iota$ ) and lambda ( $\lambda$ ) carrageenan (Figure 3) [13,14].

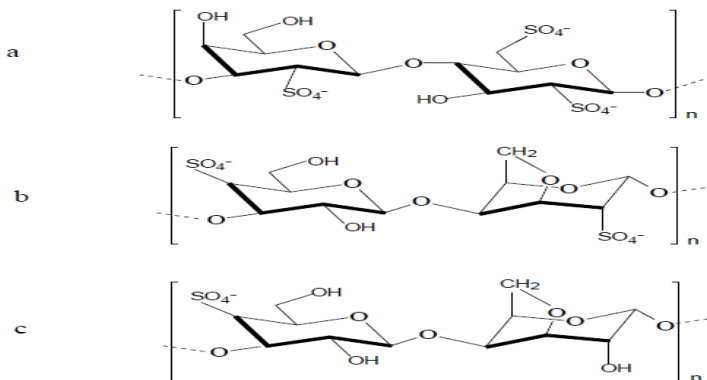


Figure 3. Chemical structures of (a)  $\lambda$ -carrageenan, (b)  $\iota$ -carrageenan and (c)  $\kappa$ -carrageenan

Recent reports have shown that the nature or type of carrageenan considerably influence the characteristics of the polyelectrolyte complex that is formed with chitosan. The mechanical strength of polyelectrolyte complex gels formed

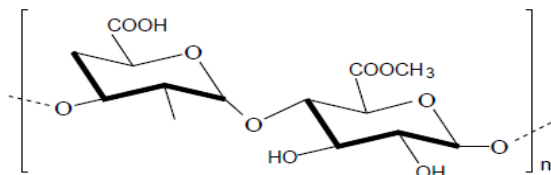
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between chitosan and different carrageenans were in the order  $\lambda$ - >  $\iota$ - >  $\kappa$ - carrageenan. The gels obtained for  $\iota$ - and  $\kappa$ - carrageenan were temperature sensitive because of the helix-coil conformational transitions in their molecules [15].

### 3. Chitosan-pectin polyelectrolyte complex

*Pectin is a linear polysaccharide composed of  $\alpha$ -1,4-linked D-galacturonic acid units, however, this linear structure is interrupted with highly branched regions in the polymer chain (Figure 4). The composition of the pectin molecule varies from source to source, e.g. pectin from citrus fruit contains less neutral sugars and has a smaller molecular size than pectin from apples [16, 17]. A homogenous solution is obtained when acidic chitosan and pectin solutions are mixed without any ionic interactions between the two polymers. At a value of pH of 5.5 the electrostatic interactions between the*

negatively charged carboxylic acid groups of pectin and the positively charged amino groups of chitosan can occur. Furthermore, by adjusting the pH of this mixture a polyelectrolyte complex could be obtained.



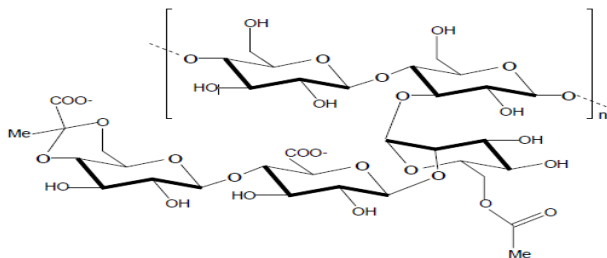
**Figure 4.** Chemical structure of pectin.

As expected, the extent of this interaction depended on the pH of the surrounding medium which determined the extent of ionization of the polymers [6].

#### 4. Chitosan-xanthan gum polyelectrolyte complex

Xanthan gum is an exopolysaccharide secreted from *Xanthomonas campestris*.

It consists of  $\beta$ -(1,4)-D-glucopyranose glucan, a cellulosic backbone, and presents on every second glucose residue a trisaccharide side chain, namely (3,1)- $\alpha$ -D-mannopyranose-(2,1)- $\beta$ -D-glucuronic acid-(4,1)- $\beta$ -D-mannopyranose, (Figure 5) [18].

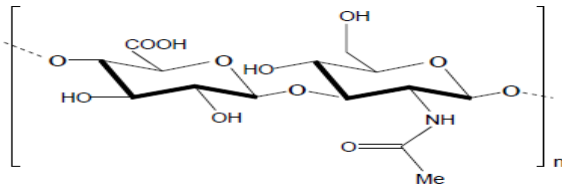


**Figure 5.** Chemical structure of xanthan gum

Results obtained from a modulated differential scanning calorimetry analysis and the swelling degree of microcapsules prepared from chitosan-xanthan gum polyelectrolyte complexes indicated that the cross-linking density was interdependent on xanthan concentration, chitosan concentration and chitosan solution pH [19].

#### 5. Chitosan-hyaluronic acid polyelectrolyte complex

Hyaluronic acid or hyaluronan or hyaluronate is the only nonsulfated glycosaminoglycan found in the extracellular matrix throughout connective, epithelial and neural tissues.



**Figure 6.** Chemical structure of hyaluronic acid.

Hyaluronic acid is a linear anionic polysaccharide with high molecular weight that consists of  $\beta$ -(1,3)-*N*-acetyl-D-glucosamine and  $\alpha$ -(1,4)-D-glucuronic acid repeating units linked by  $\beta$  (1 $\rightarrow$ 3) bonds (Figure 6).

It is produced by bacterial fermentation of streptococcus species or by extraction processes from rooster combs, umbilical cords, synovial fluids or vitreous humour for commercial purposes. Hyaluronic acid has many applications in the medical field being used in ophthalmic surgery, arthritis treatment, in tissue engineering, a component of scaffolds for wound healing and implant devices [2,20,21]. Recent studies have shown that the polyelectrolyte complex between chitosan and hyaluronic acid protected hyaluronic acid against enzymatic hydrolysis, but only at pH values different from the optimal pH of the enzyme. The results from this studies revealed that the chitosan-hyaluronic acid polyelectrolyte complex unfortunately had less cell proliferation and wound healing effects compared to chitosan alone [22].

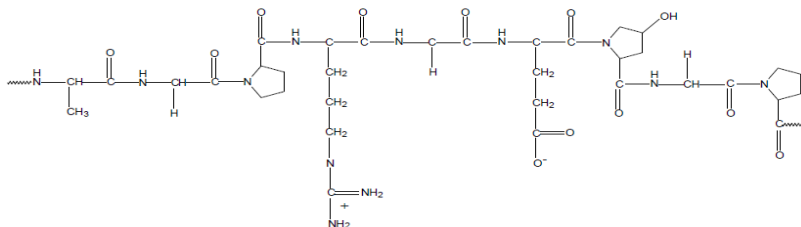
#### 6. *Chitosan-gelatine polyelectrolyte complex*

Gelatine is a heterogeneous mixture of protein fractions consisting of single or multi-stranded polypeptides (Figure 7). The process of obtaining gelatine is by partial hydrolysis of animal collagen derived from skin, white connective tissues and bones. There are two types of gelatine: type A and type B. Type A gelatine is derived from pig skin by using acid hydrolysis and type B gelatine is obtained by alkaline hydrolysis of cattle hides and bones [23].

It was shown that the polyelectrolyte complex between chitosan and gelatine can only occur at a pH value above 4.7 and below 6.2. Above this value the net charge on gelatine type B is negative. A pH value of 4.7 represents the isoelectric point of gelatin. Above a pH value of 6.2 chitosan starts to precipitate out of solution. [24].

Natural polymers are involved in the repair of damaged tissues and in skin regeneration by inducing and stimulating the wound healing process. Biomaterial hydrogels are engaged in the pharmaceutical and biomedical area, due to their

three-dimensional cross-linked polymeric networks that are soaked with water or biological fluids, and are used especially for wound management, tissue engineering, drug delivery, and organ transplant.



**Figure 7.** Typical structure of gelatin.

Hydrogels containing crosslinked natural polymers and polyelectrolyte complexes can be used for wounds and burns dressing.

## CONCLUSION

Polyelectrolyte complexes combine unique physico-chemical properties of different polymers with the advantage of retaining high biocompatibility. It is therefore not surprising that polyelectrolyte complexes are gaining importance in modern pharmaceutical technology. In the management of wounds and burns dressings play an important role. The use of three-dimensional polymeric scaffolds for cell targeting is already a common strategy for tissue engineering. Recent studies upon the properties of natural polymers (biocompatibility and biodegradability) will lead to a substantial development of novel types of wound dressings and to outstanding applications for regenerative medicine.

In the present, the most promising materials for wounds and burns dressing are still based on natural polymers such as polysaccharides (alginates, chitin, chitosan), proteoglycans and proteins (collagen, gelatin, fibrin, keratin, silk fibroin, eggshell membrane).

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## Foundation of Joint Stock Companies in Kosovo

Mehdi Pllashniku, MA.Sc., PhD.Cand.

### Abstract

*Through this abstract I will try to present this work that needs a scientific treatment. Since new circumstances were created after the war, there was an immediate need to create a new mentality for the Foundation of Joint Stock Companies. Joint Stock Companies have played an important role in economy in the past and nowadays, be that national or global. In Kosovo the Foundation of Joint Stock Companies is regulated with the Law No.02/L-123 for Trading Companies. Since 2000, when the registration of businesses has started until 30.12.2015, 141323 businesses have been registered in the Kosova Business Registration Agency and 0.3% (450) of those have been J.S.C. The work will be structured in two parts: In the first part, the elaboration of the respective legislation of Kosovo related to the Founding Capital, Rules will be done. In the second part, it will be talked about Stockholders and Stockholders Meetings, and in the end there will be a tabular conclusion where types of businesses registered according to municipalities will be presented.*

**Keywords:** KBRA, Law, Capital, JSC, Statute, Stockholders

### Introduction

Law No. 02/L-123 for Trading Associations regulates five (5) forms of organizing businesses, one of the more advanced forms in Kosovo is Shareholding Association. According to this law: Shareholding Association is a judicial person in the ownership of its shareholders but is judicially separated from the shareholders. The shareholder of the shareholding association is not co-owner and does not have a transferable interest in the company's property or assets. A shareholding association can have only one shareholder. Shares in a shareholding association are the units according to which owning interests are divided in the association. Shares in the shareholding association are owned by the shareholder. According to the Law for Trading Associations, shares can be easily transferred, partially or completely from a shareholder to any person or association. Regardless of the Article 126.5 and 126.4, statute can set limitations in the transfer, including but not being limited, in an absolute stoppage to transferring shares, limitations in requesting the approval of the directors or shareholders to transfer the rights with which is guaranteed when a shareholder transfers his/her shares, then others also have the right to do the same. Every transfer done in contradiction with these rules is invalid and does not have any effect towards the association. In the Article 126 or in this law, nothing can be interpreted or implemented in a way that damages the implementation of the demands (conditions) defined from another basic normative act of Kosovo which regulates the transactions of valuable papers. (Law No.02/L-123 on Business Organizations, Article126, Pristina 17.05.2008)

### Founding Capital

The initial founding capital of a Shareholding Association has to be at least 10000 Euros or another bigger amount if this is demanded according to the Article 153. (Law No. 04/L-006 on Amending and Supplementing of the Law No.02/L-123 on Business Organisations, Pristina, 08.07.2011). The initial founding capital has to be paid to the association according to conditions defined in the Article 153. The Shareholding Association is responsible for all the debts and other liabilities with all its assets and wealth. No person, trading association or other association is responsible for the liabilities of the shareholding association just for being a shareholder in that company. The founding capital presents the minimal sum that is available for fulfilling creditors' claims.

If the founding capital for banks, financial institutions or security institutions which are organized as shareholding associations, has to be higher according to another law or ordinance, then Article 153.1 is not implemented.

Shareholding associations can emit shares with a higher value in nominal values, in these cases the surplus is not a founding capital but will be as a premium of the share which is registered from the company in the premiums account of the company. The association cannot emit shares the value of which is lower than the nominal value.

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Unless the founding capital has been paid completely, not a single public offer can be made for shares of the shareholding association.

### **Increase of the Founding Capital**

The association can increase its founding capital by increasing the nominal value of its shares or by emitting extra shares for compensation. The association can increase its founding capital only after the initial founding capital has been fully paid. (Law No.02/L-123 on Business Organizations, Article154.1, Pristina 17.05.2008).

The nominal value of the emitted shares can be increased without increasing the respective compensation from the shareholders, if there is enough capital in the premium account of the share. The premium share account of the association is then reduced in the same sum with the decrease of the nominal value.

The decision to increase the share capital, setting the number, time and other conditions of emitting, can be done only from the shareholders of the company, unless and only to the degree with which by the statute or ordinance or with the shareholders' decision this authorization can be performed from the board of directors. When the board of directors is given the authorization to increase the capital (by statute or shareholder's decision) then this authorization cannot have a longer validity than five (5) years. This authorization can be extended one or more times from the shareholders. When this authorization is transferred to the board of directors according to a decision of the shareholders, then a separate voting will be held from all categories of shareholders which are affected from this transfer.

If the increase is not completely prepaid, the capital will increase from the received prepaid value, only if is defined and allowed in the emitting conditions.

Increase of the authorized shares or the nominal values of the authorized or emitted shares has to be defined with a change and completion of the company's statute and enters to power only after submitting and registering the changed and completed statute in KBRA.

Laws and ordinances for banks, financial institutions and security ones which are organized as shareholding associations can define other procedures to increase their founding capital which are different from those defined with this law.

Every increase of the founding capital has to be subject of official publication from KBRA.

### **Decrease of the Founding Capital**

The company can decrease its prepaid capital through decreasing the nominal value of the prepaid shares or through rebuying and cancelling the shares or eliminating the founding capital which was mirrored in these shares. Unless in case the decrease comes from the Employees Shares Scheme, such decrease can be done only with: I-a decision from the Court which should be in accordance with the interest of all the shareholders including the different treatment of the shareholders categories and creditors' interests and being able to pay the company or II- with the two-thirds of the shareholders with a right of vote. There will be a separate voting for each category of the shareholders affected from this transaction.

Every capital decrease will be published at least 60 days in advance, twice a week in at least 2 widely spread newspapers in Kosovo in order to notify creditors whose claims have preceded the decrease. These creditors will have at least 21 days to head to the association to demand extra valuable papers or to demand that the company to not decrease the capital. If a creditor is unsatisfied because of the decrease, then he/she can head to the court for reimbursement of his/her debt. The Court can decide that this reimbursement is not necessary if it concludes that: I-the company is able to pay and II- the company assets are enough to pay these and other debts of the company from the equal order of the valuable papers.

Until the court does not come with a decision in accordance with the demand based on the article 156.2, no reduction will be approved and no distribution will be given to the shareholders.

The association can cancel the shareholders liability to completely pay the partially prepaid shares in relation with the reduction of the founding capital, unless if the company wants to pay the creditors, whose claims precede the decision for the reduction of the founding capital.

In any circumstances the reduction in the prepayment for the capital will not lead for the founding capital to be less than 10.000 euros for more than two days.

If the worth of net wealth of the company after the second year or any coming financial year is smaller than it founding capital, the company can take adequate measures to reduce its founding capital. If the worth of the net wealth, set in accordance with the implemented standards of the accountability, is in any time less than the minimum of the founding capital according to the article 153.1 or less than the half of the company's founding capital at that time, the company has to convoke a meeting of the shareholders to review the decision for the dissolution of the association and the liquidation of its wealth according to the article 229, unless the new corresponding capital can be invested. In any case, the company is responsible for the creditors' rights according to the implemented law for bankruptcy. (Law No.02/L-123 on Business Organizations, Article 155.5, Pristina 17.05.2008)

Companies do not need to follow the aforementioned procedures for the reduction of the founding capital if the aim of this reduction is to eliminate losses and the reduced capital is put in to a reserve which after the reduction is not more than 10% of the founding reduced capital and this reserve is not distributed to shareholders in any way and it cannot be used to free the shareholders from the obligation to pay.

When repurchasing or the obligated revoke of the shares is defined by the statute or the ordinance, then no matter from what is said in the statute or ordinance, no repurchase or revoke can be done if the aforementioned rules are not followed for capital reduction, if the repurchase or revoke affects the capital reduction.

The reduction in the founding capital has to be defined with a change and completion of the company's statute and is valid only after submission and registration of the changed and completed statute in KBRA.

### **Founders Responsibilities for the Preregistration Actions**

If one or more founders and/or other people undertake actions in the name of the shareholding association before the registration (Including but not limited in, opening bank accounts, buying and renting properties, signing contracts or undertaking other duties), these people who undertake these actions are mutually and individually responsible for the claims and obligation which come as a result of these actions, unless it is otherwise agreed with the third parties. After the company is registered, the company can take the responsibility for these claims and obligations, in cases like these the company is the only subject responsible for claims and obligations. (Law No.02/L-123 on Business Organizations, Article129, Pristina 17.05.2008)

Shareholding association can have one or more persons, trading associations and other shareholding associations.

The shareholding association has the necessary competences to perform its activities that include but do not limit only in competences to: I- to sue or be sued; II- to sign contracts, to loan money and be subject to debts and other obligations; III- to earn, possess, loan, mortgage, or in any other way to dispose or work with its wealth; IV- to earn, possess, loan, mortgage, vote, sell or in any other way to dispose the shares and other property interests of the partnership in another association; V- to determine, name or engage officers, employees and company's agents and to set the duties and their compensations.

Duration of the shareholding association is not limited, unless there has been a shorter deadline defined in its statute. If the duration of the shareholding association is extended, KBRA has to be notified and this has to be published from KBRA in its database.

## **Statute**

The shareholding association can be founded only after the registration of its statute according to the article 35 of the Law No.02/L-123 for Trading Associations. The statute is the founding and constitutive document of the shareholding association. Changes and completions in the statute have judicial effect if they are approved from the shareholders and are submitted to KBRA in accordance with this law.

## **Ordinances**

The shareholding association must have a set of ordinances that include dispositions for the management and functionalization of the association. For example, but without limiting, ordinances that include dispositions about: I- setting the time, place and procedures for the shareholders and board of directors meetings, II- rights and procedures that have to be followed from the association during the voting of shareholders and directors in the meeting, III- titles and specific obligations of the officers and directors of the association, IV- forms for shareholders certificates. (Law No.02/L-123 on Business Organizations, Article138.1, Pristina 17.05.2008)

Ordinances can be approved, changed or revoked from the shareholders or the board of directors, unless these authorizations are reserved only for shareholders in the company's statute. No approved ordinance from shareholders can be changed or revoked from the board of directors, unless it is otherwise defined in the ordinance.

If there is a conflict between the statute and the ordinance of the company, the statute prevails. In such cases, respective dispositions of the ordinance are considered revoked or changed at the necessary length to eliminate mismatching.

Right after the registration of the shareholding association, starting directors, named in the statute, have to organize an organizational meeting to complete the organization of the association through selecting starting officers and performing their respective duties under their authorization.

## **Shareholders and Shareholders Meetings**

According to the Law No.02/L-123 for Trading Associations there are three shareholders meetings: Annual Meeting of Shareholders, Extraordinary Meetings of Shareholders, Shareholders Meetings from a Court Order.

### **Annual Shareholders Meeting**

Every company has to have an annual shareholders meeting, which will be recognized as the annual meeting.

The annual meeting is held no later than 60 days after the submission of the audited financial report for every financial year to the board of directors or 90 days after end of the financial year of the company, so that the shareholders are given at least 30 days to analyze the audited financial declaration. (Law No.02/L-123 on Business Organizations, Article189.2, Pristina 17.05.2008)

Date and time, or the method of deciding the date and time, is defined in the statute or ordinances of the company or will be decided from the board of directors.

The annual meeting of the company is held in the place decided according to the statute or ordinances or at a place selected from the board of directors, only if it not defined in the statute or ordinances, the place of the annual meeting has to be in Kosovo. If the location of the annual meeting is not defined in the statute or ordinances or it is not set from the board of directors, then the meeting will take place in the company's headquarters.

If the annual meeting does not take place in the time defined by law, this will not affect the legal activities of the association.

### Extraordinary Meetings of Shareholders

The association organizes extraordinary meetings of shareholders:

- a. With the request of the board of directors or with the request of an authorized person in the statute for this cause.
- b. If the owners of at least 10% of all the valid votes sign, decide a date and submit a written request for a meeting to the association. In the request for a meeting they have to highlight their name, address and the number of the shares they hold, purpose or purposes for which the meeting will take place and the agenda of the meeting.

Within 15 days after accepting the request from the company, the board of directors has to approve the verdict whether to appoint or reject the meeting. Within 5 days of approving this verdict, the board of directors has to send a notification to people who submitted the request in the address set in the request, together with a copy of the verdict. If the request for appointing an extraordinary meeting is rejected, then the verdict of rejection has to give the reasons for the rejection of this meeting. The verdict for the rejection of the meeting can be approved only if the procedures set in the point (b) of article 190.1 are not fulfilled, or if the shareholders who have submitted the request do not have a sufficient number of votes that are required according to this point, or if none of the issues proposed in the request for the meeting are in the competences of the shareholders meeting.

Appointing the date for setting the list of shareholders who have a right to request for an extraordinary meeting is the date which the first shareholders has signed the request.

Extraordinary meeting takes place in the place defined by the statute or in a location which is selected by the board of directors in accordance with the company's statute. If the location of the meeting is not defined in the statute or by the board of directors then the meeting will take place in the company's headquarters.

Only issues that are mentioned within the purpose or purposes noted in the notification for the meeting, can be discussed during the extraordinary meeting.

### Shareholders Meeting from a Court Order

If the annual meeting of shareholders does not take place within the first 6 months after the end of the company's financial year, or 14 months after the last annual shareholders meeting (or 12 months after the first registration of the company, if a previous meeting did not take place), the respective Court can come with a verdict to organize a meeting after the request of any of the directors or shareholders who has a right to participate and vote in the respective meeting. If the extraordinary meeting does not take place within 30 days after the submission of the request to organize a meeting, the Court can issue a verdict to organize an extraordinary meeting according to the request of any of the shareholders who signed the request.

The Court can issue other respective verdicts necessary to achieve the aim of the meeting, including the verdict for setting a meeting and naming who is going to lead that meeting if the board of directors refuses to do so, or verdicts about the place and time of the meeting, setting the date for selecting shareholders with a right of vote, or defining the forms and content of the meeting notification. (Law No.02/L-123 on Business Organizations, Article191.1, Pristina 17.05.2008)

### Competences of the Shareholders Meeting

These matter are exclusively in the competence of shareholders and can be decided only from shareholders:

- a. Change and completion of the statute or ordinances of the company,
- b. Hiring or firing directors
- c. Fusion authorization or big transactions according to article 211,
- d. Company's dissolution according to article 229,
- e. Naming independent auditors of the association,
- f. Approving the annual financial declarations of the association,
- g. Issues that are in the exclusive competence of shareholders and cannot be decided from the board of directors, managing organ or another organ of the association.

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(Law No.02/L-123 on Business Organizations, Article192.1, Pristina 17.05.2008).

### **Notification for the Shareholders Meeting**

According to the Law No.02/L-123 for Trading Associations, the written notification for the annual meeting of shareholders has to be submitted no less than 30 days and not more than 60 days after the date when the annual meeting took place and the written notification for the extraordinary meeting of shareholders has to be submitted not less than 20 days and not more than 30 days after the extraordinary meeting takes place. The notification is submitted from or with the directive of the head of the board or another member of the board of directors who has called for the meeting and is sent to all the shareholders with a right of vote in the meeting. (Law No.02/L-123 on Business Organizations, Article193.1, Pristina 17.05.2008)

The notification for the annual meeting has to contain the date, time and place where the meeting will take place, the agenda and a list of issues to be voted in the meeting (including the list of the proposed candidates to be named in the board of directors), and all the other issues that have to be included in the notification according to the statute or ordinances of the company. The notification should also include the annual report of the company, annual accounts, annual profit and loss and any auditor's report, or if these documents are not included then a declaration about how and when that will be sent or to be in disposition of shareholders before the annual meeting. These documents have to be available at least 30 days before the meeting.

The notification for the extraordinary meeting has to contain the date, time and location where the meeting will take place, a description of the purpose of this meeting, the agenda that has been proposed from the submitter of the request for organizing this meeting.

Beside the aforementioned notification, the shareholding association has to also publish the aforementioned notification. The association is considered to have fulfilled its obligation of this article if, not less than 21 days before the defined date for the meeting to take place, has published a notification with the time, location and the agenda of the meeting in a widely spread newspaper in Prishtina, in the respective official languages of Kosovo. This notification has to at least be as big as the 10% of the printed page.

### **The Agenda of the Meeting**

The shareholder or the shareholders who have at least 10% of all the votes with a right to participate in the board of directors of the company in the annual meeting have the right to present two (but not more than two) issues for the agenda in this meeting and also have the right to propose the candidates for selection in the board of directors, so that the number of the proposed candidates does not exceed the general number of the board members. All such proposals have to be written, include the name and the number of the votes of each proposer, to be sent to the company to the address of its board of directors and to the address of the headquarters of the company, not more than 14 days before the appointment of the meeting. (Law No.02/L-123 on Business Organizations, Article195.2, Pristina 17.05.2008)

### **Appointing the Meeting**

The association's statute can decide the way of appointing the meeting related to the definition of the list of shareholders who have the right to be notified about the meeting, to request for an extraordinary meeting, to vote, or to undertake any other action. (Law No.02/L-123 on Business Organizations, Article196.1, Pristina 17.05.2008)

If the company's statute does not set or define the way of deciding on when to appoint the meeting, the board of directors can appoint it to another date as the official date of the meeting. If the date of the meeting is not defined in the statute nor from the board of directors for an annual meeting, then the meeting will take place in the first date that

the notification was sent or was defined in the article 193 of the Law for Trading Associations. If the date of the meeting is not defined in the statute nor from the board of directors about the extraordinary meeting, then the meeting will take place on the date in which the first request for the meeting was signed by one of the shareholders. The date of the meeting should not, in any circumstances, be more than 60 days or less than 10 days before the meeting or the actions that need the approval of the shareholders.

### **Steering of the Meeting**

The meeting is led by the chairman. The chairman is named according to the statute of the company or from the board of directors. The chairman decides about the way of how the meeting will go and can set rules and the work ordinance of the meeting, which are rights for shareholders.

### **The Availability Shareholders' List for the Meeting**

Not more than 10 days before the meeting, the list of all the shareholders with a right of vote in the meeting and all the shareholders to whom a notification has been sent, should be made available for inspection and copying for each shareholder from the company. This list has to be available in the registered office of the company and to be available for shareholders during the meeting.

### **The Protocol of the Meeting**

Each shareholders meeting's protocol has to be ready right after the meeting and has to be signed from the chairman and the secretary of the meeting who is responsible for the accuracy of the protocol. The protocol includes: I- Date, time and place of the meeting, II- the agenda, III- the quorum, IV- ballots and other voting procedures, V- the number of shareholders votes and their representatives in the meeting, VI- the name of the chairman of the meeting and every secretary of the meeting, VII- issues voted and voting results, VIII- a summary of the speeches and discussions (including speeches related to a negative vote or abstention), IX- a list of verdicts from the meeting.

### **Change of Statute**

The company's statute can be changed from the board of directors and shareholders in these cases:

- a. The board of directors, or shareholders approve a written verdict that includes proposed amendments and supplements and that directs the verdict to be handed in the shareholders meeting, a meeting which can be an annual or extraordinary meeting.
- b. The text of the proposed amendment and supplement has to be included in the notification for the meeting which is sent to the shareholders who are eligible to participate in the meeting.
- c. During the meeting, the proposed amendment is approved with the positive voting of at least two-thirds of the shareholders, unless if according to the statute a higher number than two-thirds is required for approving an amendment and supplement, then the voting has to be done according to the statute.

**Business registered according to municipalities from year 200 until 30.12.2015**

Municipality	I.B	O.P.	L.P.	L.L.C.	J.S.C.	Foreign Company	TOTAL
1.Deçan	1871	23	0	102	4	1	2001
2.Gjakovë	6386	127	24	600	35	8	7180
3.Glogovc	3119	37	1	166	3	8	3334
4.Gjilan	8028	157	2	672	16	18	8893
5.Dragash	1105	11	0	29	1	0	1145
6.Istog	2241	27	0	170	4	3	2245
7.Kaçanik	2415	58	3	131	1	6	2614
8.Klinë	2233	41	2	101	9	2	2388
9.F.Kosovë	3091	77	3	516	13	25	3725
10.Kamenicë	2209	50	0	95	1	1	2357
11.Mitrovicë	5879	143	1	343	58	10	6434
12.Leposaviq	1072	61	4	77	6	0	1220
13.Lipjan	3469	103	2	273	3	22	3872
14.NovoBërdë	240	4	0	17	0	0	261
15.Obiliq	1211	15	0	124	8	8	1366
16.Rahovec	2600	49	2	208	3	5	2867
17.Pejë	7427	215	6	556	12	14	8230
18.Podujevë	4045	58	2	217	4	2	4329
19.Prishtinë	25473	1413	27	7823	200	501	35451
20.Prizren	10938	270	4	798	9	29	12048
21.Skenderaj	2073	47	0	88	2	1	2216
22.Shtime	1492	29	0	93	1	0	1615
23.Shtërpce	670	4	1	44	1	0	720
24.Suharekë	2305	33	0	232	6	3	2579
25.Ferizaj	9503	293	2	863	24	18	10703
26.Viti	3159	92	0	172	8	6	3437
27.Vushtri	3382	45	0	178	1	4	3610
28.ZubinPotok	510	19	0	19	2	3	553
29.Zveqan	647	15	2	35	8	1	708
30.Malishevë	1907	29	0	177	5	5	2049
31.Graçanicë	387	10	0	3	0	0	584



32.MitrovicëVer.	289	0	0	50	0	0	339
33.Hani I Elezit	52	1	0	17			70
Totale	121428	3556	88	15093	450	708	141323

From the total number of businesses registered **141323** in KBRA. **0.3%** are J.S.C.

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## The Role of Education for Identity Formation Among Albanians and Serbs of Kosovo: the Application of the *Difference-Blinded Approach* for Establishing Citizenship Regime in a Multi-Cultural Society

Ardian Kastrati, MA, PhD Cand.

*Department of Political Sciences, University of Prishtina*

*ardian.kastrati@uni-pr.edu*

### Abstract

As a result of striving accession to the EU, all states in southeast Europe have as precondition to solve inter ethnic conflicts and to balance the system in a way that makes the relations between dominant group and minorities one of the mutual respect, based upon the principle of non discrimination. In Western Balkans some of the most controversial issues in the past decade have revolved around the educational rights. The fragile society of Kosovo faces many challenges, and the system of education is just one of them. The ongoing dialogue between Serbia and Kosovo and painful process of state building often overshadows important educational issues. The educational system of Kosovo is segregated, extremely divisive and highly politicized. It is widely accepted that education has strong impact on individual's identity formation. In this context ethnicity, nationality and citizenship constitute just a few of the possible identities within the individual's self-conception being the most relevant to the relationship between citizen and the state. In the analyses of the theoretical foundations of multiculturalism the role of education in a culturally diverse society is very important for identity formation based on the concept of the citizenship as identity. By constitution Kosovo is a multicultural society but the meanings and expressions of this are contested both within the dominant Albanian majority and Serbian minority. Conceiving comprehensive discussions if Albanians and Serbs of Kosovo in the future could potentially accept to identify themselves through the citizenship of the new state before their ethnic and national based identities (cross linked with Albania respectively Serbia), it is a broad topic and beyond the scope of this paper, but for the purpose of this study the concept of the citizenship as identity is considered only in a narrower context - that of the role of education in identity formation.

**Keywords:** education, identity, recognition, citizenship, multiculturalism.

### 1. Introduction

The road to an active and diversified civil society can be especially long and arduous where the legacies of communism are reinforced by the deliberate manipulation of nationalism. Kosovo illustrates well the important role that nationalism and myths play in shaping human behavior. The negative nationalism that characterized the Balkans during the 1990s promoted authoritarianism, which fostered an intolerant political culture. The Serbian myth known as Kosovo battle fought in 1389 marked the beginning of the collapse of ex-Yugoslavia. The history of myths was served to younger generations for decades through school curriculums and state media. Hatred and segregation was reflected in every segment of Kosovo public system of education, affecting the joint education system, which had been in place since the World War II.

Historically, school curriculums were designed from outside of Kosovo. History falsification and the impact of myths throughout school curriculums in Kosovo have had a serious impact on the education of new generations. Since the fall of communism in the 90s the Western Balkans had been undergoing fundamental and multiple transformations. 'These transformations are complex in their nature and difficult to explain by a single paradigm or model. Such a complex transformation, where democratization and transition take place in conjunction with nation-and state-building and European integration, usually comes at the expense of a truncated picture of the region' (Jano, 2008).

During the complex process of transformation the legacies of communism and nationalism in Kosovo had a crucial role in designing the educational system in Kosovo. This paper aims to explore the impact of education for the ethnic and national identity formation of both Albanians and Serbs in Kosovo, to the extent that such alternative is considered threatening for the future of Kosovo and its EU Integration process. The study presents the legacies of nationalism and communism in

shaping the human and political behavior by discussing historical and current levels of segregation in Kosovo's system of education.

## **2.0 The history and development of the Kosovo's education system**

### **2.1. Education for ethnic Albanians during the Ottoman Empire and Serbia's rule**

Kosovo cannot be proud for the tradition on education during the 500 year occupation under Ottoman Empire and the period under Serbia's rule until the World War II. Living most of the time in the circumstances of discrimination, repression and wars it was difficult for the Albanian majority population in Kosovo to establish schools in their own language. The first document in written Albanian dates from the 16th century. The first written document of the modern Albanian language is of the year 1462. The book "Meshari" by Gjon Buzuku was published in 1555.

Under the Ottoman Empire rule no Albanian schools were allowed to be established independently. Institutionally only the religious schools were operational under the control of the empire through their local representatives. Educational battles of Albanians continued but it was difficult to set up a system of schools in which there would be minimum ottoman impact." Clandestine efforts aimed at promoting the Albanian sense of nationhood in religious schools were taking place alongside the institutional struggle for the Albanian schools. A demand for Albanian language schooling was voiced in the parliament by Albanian members of Xhemijet, the party representing Muslims in Sandjak, Kosovo and Macedonia. However they also developed an underground activity and helped to revive secret schools. Secret schools were entirely secular, while secular and religious teaching content was combined in the religious schools. Albanian nationalist from Kosovo staunchly opposed the education of Albanians in Serbian schools, for as Hasan Prishtina said; they teach something other than what we wish our lads to learn." (Kostovicova, 2005). Albanian culture and Albanian nationhood was mainly developed through Islamic institutions like mektebs, medreses and tekkes.

There was not either a proper and institutional organized system of education in Kosovo in between two world wars. Serbian influence in those rarely established schools in which Albanians could attend classes was prevailing. Some of the attempts to establish schools in Albanian did not survive and after the establishment of some schools under the system of Serb, Croat and Slovene Kingdom it was almost difficult to see Albanians from Kosovo having access in them. Although there were few schools established, they were all in Serbian and on the other hand denying to Albanians to establish their schools in their own language. This contributed to their illiteracy until the World War II was finished.

### **2.2 System of education for Albanians in Yugoslavia (1945-1974)**

After WWII the education system for the majority Albanian population did not substantially improve. Between 1946- 1968 today's Kosovo was officially a district called Kosovo and Metohija (Constitution of PFRY-1946). With the new constitution of 1963 the Peoples Federative Republic of Yugoslavia (PFRY) became the Socialist Federative Republic of Yugoslavia (SFRY) and Kosovo gained the status of Autonomous Province while Albanians from the notion "national minority" were defined into "nationality". Regardless of these changes there was no essential improvement of the quality of life for Albanians in Kosovo. In the years to come, Kosovo-Albanians were marked by repression and discrimination in almost all aspects of public life. Following constitutional amendments initiated by the federation and coupled with the student demonstrations of 1968, the treatment of the Albanian majority population of Kosovo started to move in a positive direction. In this context mass education for Albanians in socialist Yugoslavia saw some progress. One of the main reasons was the fall of Aleksandar Rankovic, a high Serbian official of secret police who was well known for his repressive policies against Albanians. 'The fall of Rankovic came after a failure of his behind-the-scenes attempt to overthrow Tito and re-establish a Serb dominated centralized state similar to the one that prevailed during the period 1948- 63 1965.' (Lukic, 1996).

After Rankovic's fall, Serbian law began to devolve some control over educational issues to Kosovo; however, this still did not allow young Albanian intellectuals to independently develop their national culture. During this period education became one of the top priorities of Kosovo's Communist Party, noted by a qualitative advance in the years to come. 'The opening of the University of Pristina in 1970, with Serbian and Albanian languages enjoying equal standings, paved the way for mass education of the Albanian student' (Kostovicova, 2005). This situation was better when compared to the Rankovic era, but despite these improvements, the overall situation in Kosovo did not substantially improve. Being aware of that,

Yugoslav authorities tried to soften the standard of living in the province. Substantial investments in the province, mostly in mines, energy, and large automated industries, created few jobs and did little to reduce unemployment. Unemployment remained high.

### **2.2.1. Education system between 1974-1981**

The spread of Albanian education reached its peak with the new constitution of the SFRY in 1974. The new Constitution of 1974 upgraded Kosovo's legal status. Two constituent parts of Serbia (Kosovo and Vojvodina) were established as autonomous provinces but also with their right as federal units. The 1974 Constitution provided full equality to republics and autonomous provinces, allowing participation in the new collective presidency. This consisted of 9 members: the President of Yugoslavia, representatives from the six republics and those from the autonomous provinces. 'The 1974 constitution formally defines the autonomous provinces as constituent members of the federation. 65 Kosovo and Vojvodina are granted de facto the status of sovereign republics in almost all respects, differing from the other six republics insofar as they are not granted the right to secede from the federation.' (Mertus, 1999). The years 1974 – 1980, marked the 'late Titoism' period. This period allowed Albanians in Kosovo space to develop their cultural, political and national identity within the new education system. Despite this advance, there were consistent problems, as many federal mechanisms were in place to keep the education within the Yugoslav ideological contexts. Serbian authorities constantly fought against the idea of having an independent system of education for Kosovo-Albanians, accusing Albanians of developing the so-called irredentism and separatism movement in Kosovo schools. The Serbian government insisted that Kosovo returned to the pre 1974 situation. In order to do this, the Government had to cause obstructions at the federal level. 'With the constitutional devolution of 1974, republics and provinces 66 became masters of their educational policy and decided on the network and structure of the schools and curricula. However, general guidelines for the educational policy were subject to an agreement in the federal level.' (Kostovicova, 2005). In order to achieve its political aims, Serbian authorities insisted upon a return of its legal control over Kosovo schools and the university. This led to a consistent confrontation between the authorities and ethnic Albanians over the Kosovo education system. Many Albanian political prisoners came from Kosovo schools and the university. At that time, Kosovo had the highest number of the political prisoners at the federal level. 'From 1971 to 1981, public expression of political dissent was suppressed in all parts of Yugoslavia, but the greatest percentages of political prisoners were Kosovo Albanians.' (Mertus, 1999). After Tito's death and between 1981-1989, several officials planned on how to strengthen the power of the Yugoslav 67 federation. These attempts were developed in continuity from Belgrade, as Serb leaders saw their chance to take power from the other republics at the federal level. Yugoslavia became a fragile society full of animosities and mixed feelings, starting with those who predicted injustice coming back for them, to those who were encouraging ethno-nationalist leaders to go ahead with their plans.

### **2.2.2 Abrogation of Kosovo's autonomy (1989- 1999)**

Milosevic's policy to reconquest Kosovo had begun in 1988, with a powerful propaganda campaign launched against Albanian 'nationalists and separatists'. He prepared the situation on the ground by raising tensions on his visits to Kosovo by feeding animosity between the Serbian population and their Albanian neighbors. The promotion of Serbian hegemony started in Kosovo in 1988. Over a four -week period during the February and March of 1989, Milosevic crushed Kosovo's autonomy by initiating violent demonstrations that claimed the lives of over one hundred Albanians (Sell, 2003). Simultaneously, he began to prepare his tactics in political and legal contexts. In meetings with communist chiefs of the other Yugoslav republics Milosevic made it clear that he intended to revoke Kosovo's autonomy. In order to do that legally, he had first to amend Constitution of Republic of Serbia. According to 1974 Constitution, amendments related to the status of Kosovo and Vojvodina as autonomous provinces could not be passed in Serbia's assembly without prior vote of both Kosovo and Vojvodina assemblies.

Determined against Milosevic's initiative the majority of Albanian delegates of the Kosovo assembly refused to vote proposed amendments. Feeling under pressure and intimidated by the presence of the Serbian police who had surrounded the Kosovo Assembly building with special police units, and tanks, they were unable to stop the passage of this act. 'In a state of emergency, without the required quorum, without counting votes and by voting of persons that were found in the hall but who were not delegates, the Serb president of the Assembly of Kosova, proclaimed on March 23, 1989 the approval

of the constitutional amendments.' (Bieber, Daskalovski, 2003). It can be argued that any act passed under a threat, denying the real will of the people, can and should be void. Therefore the decision of the assembly of Serbia, which passed on March 28, 1989, was considered invalid by Albanian delegates. As a response, on 2nd of July 1990 the Albanian delegates, comprising of the majority of Kosovo's Assembly approved the declaration of independence of Kosova. 'Being denied from Serbian police to access the assembly building this act was passed at the gates outside the assembly building. This preceded the Constitution of the Republic of Kosovo, which was approved on September 7, 1990.' (Bieber, Daskalovski 2003). Abrogation of Kosovo's autonomy and living under the Milosevic's repressive regime was unacceptable for Kosovo Albanians. Consequently, they started to organize the so-called 'civil resistance' against the Milosevic's regime.

### 2.2.3. Albanian 'parallel' system of education

One of the most repressive actions of Milosevic's regime was the dismissal of all Albanian education personnel. Albanians rejected the Serbian curriculum that had been adopted by the Serbian Educational Council. This was the pretext for the regime to use Serbian police forces to forbid Albanian access to their schools. Thousands of Albanian professors and students from primary to university level were dismissed, only Serbs were allowed to have access to the public schools. The 'Serbianization' of the Kosovo police force was a strong clue as to the future look of Kosovo's schools. This repressive situation pushed the Albanian community to look for other alternatives. As a form of their civil resistance to Serbia, Albanians created their own system of education out of the public facilities. 'Self-financed post autonomy graduates in Kosovo were the generations of the Kosovo Republic. They no longer studied the people's heroes who had fought for 'brotherhood and unity' of Yugoslav nations and nationalities' (Schwandner –Sievers and Jurgen Fischer, 2002).

Education was organized in private houses and garages, especially for high schools and University of Prishtina (UP). New curricula were enacted with an aim to promote the Albanian national identity. 'This came to be known as parallel education. It was the cause that galvanized the entire Albanian community in Kosovo into action, triggering its unprecedented homogenization. Albanian parallel education in Kosovo emerged as an embodiment of the Albanian civil and peaceful resistance, and an argument used to prove the existence of the Albanian independent state in Kosovo' (Kostovicova, 2005). Schools and the University were the most important institutions where the Serb and Albanian communities mixed to some degree, before 1990 in Kosovo.

After the Albanians were forced into a completely separate social life, walls of division appeared between the two communities, and Kosovo developed two extremely segregated systems of education, which have remained almost the same into the present. Albanians contributed to this system by giving their houses free of charge for Kosovo schools and paying taxes to Kosovo's Government in exile from 1991 to 1998 in order to maintain the parallel educational system. 'Attempts to convene an Albanian parliament in Kosovo or establish a police force were thwarted, whilst the Government of the self proclaimed Kosovo Republic had to seek safety in exile' (Waller, Drezov, Gökay, 2001). Parallel institutions became a point of national pride and motivation for further solidification among Albanians for their statehood. The launch of the parallel system was also a gesture by Albanians to show to the international community 'the independent Kosovo'. LDK leadership used this model of success as an important symbol and proof of Albanian statehood in Kosovo. 'One Albanian analyst suggested that Ibrahim Rugova should more accurately be called "President of the parallel schools of Kosovo" than 'The President of Republic of Kosovo', his official title. This very same education system, in private house, inadequate cellars and garages, helped sustain the metaphor of Kosovo as a prison' (Waller, Drezov, Gökay, 2001). Because of the development and continuity of the educational and health care system after 1991 and some other aspects of civil resistance, K-Albanians were able to maintain to some degree a parallel political sphere independent of Serbia. As outlined above civil society in Kosovo emerged and took its form within the context of non-violent civil resistance led from LDK and Mr.Rugova. 'The nonviolence movement became part of the modern Albanian identity that drew together both village patriarchs and urban intelligentsia in a common effort to avoid a tragedy' (Clark, 2000). Certain strategic goals were clear as to why Albanians named their movement as non-violent and peaceful: first, to avoid offering a pretext for Serbian police and military forces for brutal interventions (although there was a systematic repression of Albanian civilians during 1990s), second, the importance of involving international support both in political and humanitarian aspect, and third, to strengthen the limited social space by fulfilling basic social needs for Albanian population, such as medical care and education. Non-violent civil resistance represents the first phase of the development of the civil society in Kosovo (Clark, 2000). While in much of the communist bloc, peaceful transition from totalitarian and one-party rule to plural and democratic

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regimes, buttressed by civil society contributions, was made possible, Kosovo's civil society experienced a different kind of development (Khdr, 2008).

### **3.0 History of partition from opposing perspectives and its effects on the state building and EU integration processes**

Parallel system of education for Albanians on one side and Serbia's state curriculums imposed for Kosovo Serbs on the other side during the 1990's have had a direct impact in establishing a completely segregated and divisive education system in Kosovo after the war of 1998-1999.

Today Kosovo has two parallel systems of education, the dominant education system organized by Kosovo institutions attended from the Albanian majority and some non-Serb minorities, and education institutions funded by Serbian Government attended from Serbs and some other minorities. Nowhere in Europe is there such segregation in schools as in Kosovo. Kosovo institutions and international community have failed to offer an integrated and homogenous school curriculum both for Kosovo Albanians and Serbs. On the other side, minority Serbs are constantly prevented from Belgrade for their minimum integration in Kosovo's education system. Consequently, the formation of ethnically based identity among younger generations remains a natural alternative and as a result both ethnic and national identities play important roles in guiding their political behavior.

History of education has played a particularly important role in communicating the national narrative to younger generations and fostering the development of those identities. Today, both sides teach their children about Kosovo's history from two completely opposing perspectives, each country's national narrative vilifies the other producing mutual hatred among younger generations from both sides.

This model of teaching the national history through two different systems of education within Kosovo's territory promotes and reinforces the national and ethnical identity among the new generations from both sides. Serbs neither want nor see a need to participate in designing school curriculums considering them to belong to self-declared state of Kosovo. Albanians governing with the majority of educational institutions in the country prefer to implement curriculum not always in the spirit of the Constitution of Kosovo which defines Kosovo as multiethnic state. This kind of rejection from both sides produces what is called the stateness problem by harming the state-building process. Simultaneously Kosovo's EU integration perspectives that should encourage and promote tolerance between different ethnic groups in a multicultural society are harmed - elements those guaranteed by the Constitution of the Republic of Kosovo based on the concept of the citizenship as identity. Consequently, number of individuals who could potentially identify themselves with the new state of Kosovo based on the values of the citizenship as identity is less compared to the ethnocentric individuals who identify strongly with their ethnicity and maintain a belief that only their ethnic group is centrally important. Many of us have witnessed that ethnocentric arguments have justified many horrific events in the history of Balkans, including genocide and ethnic cleansing.

Therefore the failure of democratization in Kosovo among other reasons can be attributed to the system of education with full of contradictions where the strength of the national and ethnic identity prevails. As more ethnically divided schools are, the more difficult it is for democratization to succeed and even more difficult to link Albanians and Serbs with the new state of Kosovo.

Given the foregoing discussion, one can ask what kind of roles should education play in a multicultural society that has yet to achieve its ideals and if it is possible at all to recognize and develop a positive bicultural identity for minority Serbs in the future?

### **4. Conclusions**

Kosovo and Serbia delegations during the dialogue in Brussels have reached agreement on mutual recognition of diplomas in both countries. It is only an agreement of technical nature allowing those with a diploma from both sides to apply for a job and potentially work in these two respective countries in the future. In fact the ongoing dialogue between Serbia and

Kosovo and painful process of state building overshadows the core of the educational issues discussed in this paper. The educational system of Kosovo remains segregated and extremely politicized.

The issue here is not of doing reforms in legislation by designing and redesigning policies and strategies for various levels of the system of education. As Terrice Bassler describes, the context of education in South East Europe is diverse and full of contradictions. There are breakthroughs and occasional triumphs, such as peace agreement or an election that heralds a better time, a national education reform process launched or legislation passed, a new project or program approved, a textbook or training delivered. There are twist and turns in the Ministry of Education-or an entire Government, for that matter (Bassler, 2005). Kosovo makes no exception in doing similar experiments sponsored from the international community and local institutions on behalf of reforming education system in Kosovo.

In fact the problem doesn't rely in such reforms. The essence of the problem is that the education in continuity was conducted in extreme nationalist spirit impacting and strengthening ethnic and nationalist identity among younger generations, it therefore cannot be changed with the sort of reforms that are more of a technical, formal and of a quantitative nature. This problem as pointed out in this paper is rooted deeply after the World War II , during the Yugoslav times , continuing under the regime of Milosevic and the concept survived and was even incarnated under UNMIK administration and now in independent Kosovo. This is mostly because the international community wrongly invested in improving relations between the Albanian majority and the Serb minority in Kosovo. Although most of it looked organized while designing policy papers and legislation for education, in fact, the main action was missing. This action had to be followed by the international community. International community under the UNMIK administration was focused mostly on designing policy papers in cooperation with the local authorities but it never had the right approach to the problem. The core of the problem that many internationals in Kosovo never understood was how Albanians thought they were perceived from Serbs (and visa versa) because this had a significant influence on how both sides came to understand themselves who they are. The process of identity formation involves dialogic negotiation with others and this is what was lacking for many years after the war.

For instance UNMIK never used the educational institutions and schools in order to support youths' development toward a positive sense of ethnic identity by organizing several programs that can build up their sense of interaction among the ethnicities improving their understanding on other ethnicities. If students from both sides were allowed for the minimum interaction they would have better understanding of the ethnic identity, they would become more tolerate and respect on other ethnic groups. Instead, under UNMIK the separation/traditional type of education isolated from the mainstream society was allowed to be established among the Serbian community and the concept of the multiethnic Kosovo in fact it was only a farce promoted in the bill-boards all over Kosovo.

Identity is negotiated between the people who live in the same space and recognition from others as they develop their own identity is very significant. Modern democratic societies are characterized by the increased importance of recognition. As such, recognition has become increasingly significant for the development of self identity and the recognition of others has gained a new importance for our modern identity. As a result, in our modern society misrecognition or lack of recognition during the process of negotiation can mean oppression. Misrecognition means denial of one's worth as a human being and this is likely to result in lack of self-esteem (Taylor, 1994).

More concretely, today's misrecognition between Albanian and Serb youngsters is exclusively a product of the wrong approach of the international community applied while building and developing the education system in Kosovo after the war of 1998-1999. International community in Kosovo without some thorough analyses and in attempt to respect individuals equally, regardless of their cultural particularities have applied the so-called *difference-blinded* approach where collective differences have been treated as if they did not exist. With this approach, equal respect means that individuals are treated exactly the same way, universally meaning same rights as anyone else, regardless of race, religion, or gender. The principle of this recognition is very simple: an equal treatment regardless of cultural and social differences (Taylor, 1995). Kymlicka recognizes the significance of culture for developing our sense of self. He argues that cultural membership has a considerable significance for achieving the sense of belonging to a cultural structure and history (Kymlicka, 1989).

The institutional design of Kosovo as civic and multiethnic state with elements of individual liberalism where all of its individual citizens are equal before the law (Albanians, Serbs, Turks, Roma, etc) to some degree referred to the Christian Joppke's concept of citizenship as rights and as identity somehow was introduced in Kosovo's case ( Jopke, 2007). The problem though relies on the fact that universal legal rights of citizenship were offered only through the official policies,

papers, strategies and finally in the constitution. In other words through the *difference-blinded* approach which may work well in societies where there are no cultural differences but in cases like Kosovo it continued to produce misrecognition between younger generations from both sides. Misrecognition as a concept incarnated in the education system established after the WWII survives these days as in both curricula that of Kosovo (implemented by the majority of Albanians) and Serbia (implemented in Kosovo by local Serbian minority) younger generations continue to be educated in the spirit of nationalism by demonizing the other side. Mainly youngsters from both sides are taught that their race is superior compared to the other and that is why ethnocentrism is present in every aspect of public life. Consequently, Serbs continue to reject the state of Kosovo creating the stateness problem in the territories where they live, while the majority of Albanians contribute to the contested statehood of Kosovo by refusing its civic and multiethnic character.

As a result, tension between civic and multicultural concept of citizenship on one side, and ethno-national concept on the other side is high as a number of people question the legitimacy of the state of Kosovo as a new polity.

The situation wouldn't be different if Albanians and Serbs would be asked for instance to design the character of the new Kosovo's state symbols, as one option would be the Serbian nationalist royalist flag with two dangerous looking white eagles on black background and the other option would be the double black headed eagle on the red background. Still, excluding the minimum cultural particularities while offering to establish a citizenship regime undermines the consolidation of Kosovo's civic and multiethnic state itself. Today in 'civic and multiethnic' state of Kosovo, for instance ethnic Serbian schools (tolerated and supported from UNMIK) continue to enhance a social life segregated from Kosovo by developing strong political ties with Serbia. Segregated education influences the formation of national and ethnic identity among new generations, interlinked with Albania and Serbia. This kind of political climate is not in favor of the future Kosovo's EU perspective as long as out there we have thousands of young Albanians and Serbs waiting for their moment in history to show all possible hatred out of their ultranationalist kitchens that has fed them for years within the two segregated systems of education. Segregated system of education in Kosovo will continue to shape the personality of the youth by cultivating their national and ethnic identity and the sense of belonging to the nation before providing educational skills and knowledge for the potential labor markets of the future.

As both ethnic and national identities play important roles in guiding political behavior it is important for Serbs to struggle to maintain ethnic identity and culture but by trying models of coexistence with the dominant culture in Kosovo. The integration of bicultural type that speaks both languages and is accepted by the mainstream society, without losing the tie to their cultural community is the best model for Serbs of Kosovo to be considered. On the other side Kosovo's institution especially Ministry of Education must endeavor to start a public dialogue through which cultural particularities of the other side should be recognized publicly and within the context of school curriculums. Although this sounds way to utopist it is the only hope that one day in the future Serbs could be integrated into Kosovo's education system by simultaneously recognizing the cultural particularities of the dominant group. Otherwise such a situation is nothing more or less than what the constitution of Kosovo and criteria's for EU integration require. This remains the only solution in lack of clear strategy from the Kosovo Government to attract and integrate Kosovo Serbs through economy, an offer that wouldn't be rejected because social welfare is always a better option rather than the option of cheering ultranationalist songs with the empty stomach. As long as we have this level of corruption in Kosovo this is equally an utopist option and it is not imaginable to see such a vision to be implemented from Kosovo Government. Thus having such weak starting positions due to the high degree of corruption the government of Kosovo is one of the rare governments in Europe that negotiates the rights of its citizens ( in this case of Kosovo Serbs ) with another state ( in this case with Serbia).

Education is one of the strongest means of bringing about a change in society. It is considered to be the foundation of society as it brings social prosperity and political stability. Good education helps contribute to the development of good human beings, which is why education is a major aspect of any developing society. In attempting to realize an ideal multi-cultural society intercultural understanding is very important. Although it is hard to be achieved it is not impossible if engaged dialogue can be promoted in classrooms by introducing various perspectives on a controversial issues to students from both communities. It remains to be seen if Kosovo institutions will succeed to change the role of education in the "post-national" era. On the other side, in a world of global markets and supranational political organizations only time will show how distinctive will national education systems of Kosovo and Serbia will remain against pressures for international convergence.



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One thing is for sure that with current attitudes Kosovo can be defined as a state with institutionalized civic identity but hidden behind the uniform of nationalist and ethnic identities always threatening with death to the Kosovan citizenship and keeping Kosovo's statehood unfinished.

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## 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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.

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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 21<sup>st</sup> 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 21<sup>st</sup> 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).

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## Strategies for Prevention: Mental Health Nurse Burnout and Stress

**Violeta Sadiku(Alterziu)**

Lecturer at the Department of Psychology  
Faculty of Educational Sciences  
University of Elbasan "A.Xhuvani"

### Abstract

*The aim of this critical review was to identify prevention strategies that may be effective in the reduction of stress and burnout among mental health nurses. Diminished staff wellbeing, due to high levels of stress and burnout, has significant consequences at both the individual and the service level. Therefore, identifying effective prevention strategies may be beneficial in raising recruitment of mental health nurses, in prolonging retention, and may also have a positive impact on patient care. A search of the literature was undertaken utilising selected systematic review techniques, which identified seven articles as suitable for review. The results of the review found that three main prevention strategies were being utilised: clinical supervision, psychosocial intervention and social support. While all these strategies had the aim of minimising or preventing stress and/or burnout, they were all somewhat different in their focus and in their outcome measures. This factor, coupled with the paucity of high quality randomised intervention studies, makes it difficult to draw definitive conclusions concerning which intervention is most effective. The best currently available evidence suggests that prolonged clinical supervision is probably the best of the three options for the reduction of stress and burnout among mental health nurses, given the lack of high quality evidence and the magnitude and potential impact of this problem.*

**Keywords:** Prevention, Stress, Burnout, Mental Health Nursing

### Introduction

Employee stress and burnout commonly lead to myriad health-related problems that result in significant organizational consequences. Stress-related physical illnesses include heart disease, migraines, hypertension, irritable bowel syndrome, muscle, back and joint pain, duodenal ulcers, and mental health problems such as anxiety, depression, insomnia, and feelings of inadequacy, all of which can directly contribute toward absenteeism, decreased work performance, and ultimately, burnout. Nurses, en countering ongoing stress, are also more likely to eat poorly, smoke cigarettes, and abuse alcohol and drugs, all of which can lead to negative health conditions affecting personal well-being and subsequently, the quality and efficacy of patient care<sup>1</sup>.

The consequences of these conditions can have a significant impact on individual nurses and the ability to accomplish tasks; specifically, poor decision making, lack of concentration, apathy, decreased motivation, and anxiety may impair job performance, possibly resulting in lethal threats to patient safety. In addition, absenteeism due to stress-related problems requires the administrative use of unplanned and expensive replacement staff from agencies, or mandatory overtime for staff nurses, which further contributes toward an environment of stress and burnout. Interpersonal difficulties commonly stemming from stressful situations may compromise group cohesion, thus impacting the efficient functioning of the complex work units within the health care organization, and ultimately adding work to the already over-burdened middle and senior management teams.

When base staffing levels are low, due to high attrition rates, hospitals are forced to increase use of overtime or contract personnel. These labor costs are "forced costs" and generally are higher since they are of a staffing crisis intervention nature rather than a negotiated or strategically planned expense. With the current national situation of greater demand than

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1 Barling, J. *Drowning not waving: Burnout and mental health nursing*. *Contemporary Nurse*, (2001) 11(2-3), 247-259.

supply of nurses, stress-related attrition simply adds greater labor costs to health care organizations, which are not recoverable from private or public insurance sources, and threatens safe patient care.

Low job satisfaction, controversial issues related to mandatory overtime, and poor staffing patterns create a ready culture for unionization. Consequently, additional costs to organizations will be incurred to deal with the union representatives, convene educational and public-hearing and community-relations related meetings, as well as manage the related distraction from the routine daily business of patient care. Union nurses are more willing to decline overtime and schedule changes to accommodate organizational demands resulting in less flexibility in staffing plans and more use of unplanned and expensive replacement staff from agencies. As such, interventions to prevent stress and burnout and retain nurses are critically necessary to ensure efficient and quality patient care and to potentially save hospital organizations billions of dollars annually<sup>1</sup>.

### Clinical Supervision

Clinical supervision is a formal process of professional support and learning (Edwards et al., 2006, p. 1008). Edwards et al. (2006) conducted a study to assess the effectiveness of clinical supervision involving Community Mental Health Nurses (CMHNs) working in eleven National Health Service (NHS) Trusts in Wales. The authors found that out of 260 respondents surveyed, 73 per cent ( $n = 189$ ) had experienced six or more sessions of clinical supervision in their present position (p.1011). Significantly lower levels of emotional exhaustion and depersonalisation were reported among CMHNs who had received six sessions or more of clinical supervision. The authors of this study believe that this indicates a potential correlation between clinical supervision and a reduction in burnout rates. They also found that CMHNs who were younger, male and who had not experienced six or more sessions of clinical supervision showed higher depersonalisation scores<sup>2</sup>.

However, as the response rate was only 32 per cent of the CMHN's population within Wales, it is unlikely that the participants in this study were a representative sample. Another study by Hyrkas (2005), in which participants who had undergone a minimum of six months clinical supervision were surveyed, found similar results to Edwards et al. (2006) in terms of factors that influenced the effectiveness of the clinical supervision. Young, male nurses with a varied shift roster showed the least response to clinical supervision and least improvement in burnout scores (Edwards et al., 2006, p. 1012; Hyrkas, 2005, p. 540). This similarity in findings highlights a possible correlation between gender, age, the duration of clinical supervision, and its effectiveness, especially considering the fact that Hyrkas (2005) had an 85 per cent ( $n = 569$ ) response rate across 14 sites, representing a wide geographical and professional spread (p. 540). A survey of mental health nurses, by White and Roche (2006) and the critical review by Edwards and Burnard (2003) also found that clinical supervision had a positive effect on the levels of stress and overall sense of well being experienced by mental health nurses. The three studies reviewed by Edwards and Burnard (2003) in their systematic review found that one year of clinical supervision significantly decreased the self-reported stress levels of mental health nurses. Furthermore, each of those studies had bias possibilities identified, limitations clearly defined and high response rates (average 82 per cent), thus supporting the findings of Edwards and Burnard (2003, p. 194). However, the survey conducted by White and Roche (2006) had a very low response rate of 21.2 per cent ( $n = 601$ ), of which only one third had received clinical supervision for one year on a fortnightly or monthly basis, for between one and two hours per session. Nevertheless, of the respondents who did receive clinical supervision, 65 per cent self reported via questionnaire that they felt more developed professionally and personally, and hence felt less stressed (White & Roche, 2006, p. 213).

### Psychosocial Interventions

Psychosocial intervention (PSI) training aims to assist nurses to view patients' problems in a more empathetic way, whilst providing them with the skills required to intervene effectively in problematic situations (Edwards & Burnard, 2003, p. 193).

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1 Ewers, P., Bradshaw, T., McGovern, J., & Ewers, B. *Does training in psychosocial interventions reduce burnout rates in forensic nurses?* (2002) *Journal of Advanced Nursing*, 37(5), 470-476.

2 Edwards, D., & Burnard, P. *A systematic review of stress and stress management interventions for mental health nurses.* (2003) *Journal of Advanced Nursing*, 42(2), 169-200.

Some typical components of PSIs are relapse prevention, cognitive behavioural therapy and family interventions (Doyle, Kelly, Clarke and Braynion, 2007, p. 16). The studies conducted by Doyle et al. (2007) and Ewers, Bradshaw, McGovern and Ewers (2002) examined the impact of PSI training on burnout rates in mental health nurses. Ewers et al. (2002) found that after completing the 20-day PSI training course there were significant positive changes, with the control group showing very little change (Ewers et al., 2002, p. 474). For example, in the intervention group, emotional exhaustion scores decreased by an average of three points and depersonalisation by four points, with personal achievement showing an average increase of four points when measured post-PSI training (Ewers et al., 2002, p. 475). Although these results indicated a correlation between PSI training and a reduction in burnout, the small sample size and potential bias, due to the principal researcher working in the secure unit, delivering most of the training and collecting the data, need to be taken into account when drawing conclusions from the results (Ewers et al., 2002, p. 475).

Doyle et al. (2007) conducted a similar study to Ewers et al. (2002), with participants representing all areas and disciplines being selected randomly and then allocated to either a control or training group. However, the same positive effects on burnout did not occur when PSI training was implemented, with no significant variation between the control and training groups in pre and post-testing (Doyle et al., 2007, p. 18). This difference in findings could have been due to the shorter intervention duration in the latter study, or that the Ewers et al. (2002) study sample incorporated both unqualified and qualified staff. Another possible reason is that Doyle et al. (2007) did not have the same representation of gender within each group that Ewers et al. (2002) did. Furthermore, both the studies used sample sizes of fewer than thirty participants, which is another reason to view these findings with caution.

### **Social Support**

Jenkins and Elliot (2004) conducted a study in which a convenience sample of nursing staff from eleven acute adult mental health wards at four hospitals in London were assessed to identify the impact of social support on burnout. Social support was defined for the purpose of the study as support from co-workers, supervisors, spouse/partner, relatives and friends. The social support intervention involved substantial assistance and help with either a work task or emotional situation, such as listening sympathetically or the action of caring<sup>1</sup>. This study found a significant inverse correlation between co-worker support and MBI emotional exhaustion scores. Furthermore, support from supervisors was only half as effective in reducing emotional exhaustion as that from coworkers, with support from friends/relatives and spouse/ partner showing no significant change in emotional exhaustion scores. These significant differences in outcomes depending on who was delivering the support are notable. They could possibly be attributed to the fact that co-workers are more equipped to deal with work-related problems than people who are more distant from the real life context that mental health nurses are experiencing, or who are (in the case of supervisors) generally less accessible (Jenkins & Elliott, 2004, p. 628). However, due to the low response rate of 39 per cent, the use of convenience sampling and self-selection, the findings may not be representative and therefore no definitive statements can yet be made about the relationship between social support and the levels of burnout in mental health nurses (Jenkins & Elliott, 2004, p. 628). In addition, the reviews by Edwards and Burnard (2003) found that social support programs offered no significant advantage in the reduction of burnout. Moreover, a test six months after the intervention found that emotional exhaustion scores had returned to pre-intervention levels, highlighting an obvious need for social support to be ongoing in order to maintain effectiveness (Edwards & Burnard, 2003, p. 191).

### **Discussion**

The research into strategies to reduce the stress and burnout being experienced by mental health nurses focuses on three main interventions: clinical supervision, psychosocial interventions and social support. The findings of the studies in this area are conflicting. This is in no small measure due to the fact that interventions, while fitting into broad categorical definitions, differ significantly in the nature of their specifics, their duration, and in the use of both comparison groups and

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1 Tully, A. *Stress, sources of stress and ways of coping among psychiatric nursing students* (2004). *Journal of Psychiatric & Mental Health Nursing*, 11(1), 43-7.

pre and post-testing. The research, apart from a few exceptions, is also characterised by low response rates, so it is difficult to conclude definitively that any one of the interventions is more effective.

However, some findings are suggestive. Of all three interventions, long duration clinical supervision currently has the best available evidence in support of its effectiveness. In order to establish better evidence for this, more studies need to be conducted to assess the exact length, delivery type and content of clinical supervision that is most beneficial. PSI training showed mixed results for reducing burnout. Therefore it would be reasonable to conclude at present that burnout in mental health nurses cannot be addressed effectively by implementing courses of this type until such time as further studies can be undertaken. The relationship between coworker support and reduced emotional exhaustion indicates that peer social (but not supervisor or family) support could also be influential in alleviating some of the effects of occupational stress, but again the lack of a body of research in this area makes it difficult to draw definitive conclusions about the effectiveness of this intervention.

All of the studies assessed for this review, except for Hyrkas (2005), used convenience sampling to select participants, thus raising the possibility of selection bias. This could operate in two ways. Participants could have chosen to participate as a way of making their feelings known or due to feeling particularly stressed or burnt out, which may have led to inflated levels of reported stress or burnout. An alternative possibility is that the most stressed or burnt out nurses may have felt too exhausted and dissatisfied to participate, resulting in an underestimation of the real trends. Furthermore, the variance and lack of standardisation in sample sizes, duration of interventions and assessment tools used in the studies all contribute to problems with rigour and ability to generalize from the reported outcomes.

## Conclusion

The most effective strategies for reducing the prevalence of stress and burnout in mental health nurses are yet to be identified. The complexity of the issue, with different clinical environments, different interventions and different outcome measures, makes it difficult to identify a single clearly effective strategy or set of strategies. Given these factors, and the relatively small volume of research in the area, it may be some time before this can be done. Further studies in the area need to address the identified areas of methodological deficiency, particularly lack of defined specificity for interventions and small non-randomly selected sample sizes. Until these gaps in the evidence are addressed, the current best available evidence is that prolonged clinical supervision may be effective in alleviating the effects of stress and burnout for mental health nurses, and is the best option that we have at present for addressing this significant problem in mental health nursing practice.

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## Personal Security Measures. An Analyze of the Albanian Legislation

Nikolin Hasani, PhD

University "Ismail Qemali" Vlore

Faculty of Human Sciences, Department of Law

[nikolin.hasani@univlora.edu.al](mailto:nikolin.hasani@univlora.edu.al)

### Abstract

*The personal security measures are directed against the suspected person of the committing a criminal offense depriving of some rights charging him with specific obligations. Referred to Criminal Procedure Code of Republic of Albania personal security measures are divided into coercive measures and prohibitive measures. The Supreme Court by an unifying decision is expressed that<sup>1</sup> "The distinction between coercive measures and prohibitive measures consists on the fact that in different from coercive measures, they prohibitive can be implemented not for all criminal offenses, but only when is proceeding for criminal offenses for which the law sets a punishment of imprisonment higher in maximum than a year, and the fact that the only purpose of taking these measures is preventive". The aim of this paper is to make an analyze of the Albanian legislation about the personal security measures.*

**Keywords:** security measures, personal security measures, legislation.

### 9. Introduction

One of the reasons of assignment and implementation of personal security measures is the need to guarantee in continuity the presence of the defendant in penal proceeding in his charge, as to ensure the normality of the investigation and the trial in the case against him, the need to avoid the risk of committing further offenses by him, as well as to ensure that he does not leave, hide but to undergo to execution so to suffer the sentence when the decision has become final. The security measure set in every stage of proceeding has no connection with the defendant's right to not be present personally at the hearing, or to leave it on his own free. The needs of security are set for the other purposes, they have not any connection or influence on allowing or limiting of the right of defendant to participate in the trial that is held against him. To the defendants with or without security measure is guaranteed the right to participate in the judgment of accusation against him.

### 10. Types of coercive measures according to Albanian legislation

In article 232 of Criminal procedure Code are determined the types of coercive measures. They are:

- Prohibition to leave the country;
- The obligation to appear before the Judicial Police;
- The prohibition and the obligation to stay in a certain location;
- Property guarantee;
- House arrest;
- Arrest in prison;
- Temporary hospitalization in a psychiatric hospital

Some of the personal security measures intended to restrict the right of free movement within and abroad. Such are: the prohibition to leave the country, the obligation to appear before the Judicial Police and the prohibition and obligation to stay

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<sup>1</sup> Look the decision no.3 date 27 September 2009 of Supreme Court

in a certain location. How can we interpret this ranking of coercive measures, a chronological order or simply as a random order?

## 11. Criteria for setting of personal security measures according to the Albanian Legislation

The security measures are setting when:

- There exist important reasons that put in danger the obtaining or the truthfulness of evidence.
- The defendant has leave or exist the risk that he may leave.
- For the reason of circumstances of fact and of personality of defendant exist the risk that he may commit serious crimes or of the same type with which it proceeded.

*Exist important reasons that put in danger the obtaining or the truthfulness of evidence* - The evaluation of circumstances on existence or not of the risk for "poisoning" of evidences, is made step by step. Among the other things, can be evidenced the verification that makes the court to the circumstance on the time that has passed from the moment of notifying of the defendant for criminal proceedings against him, in connection with the circumstance if he has committed or may commit any action or behavior that "risks" the process of obtaining and truthfulness of evidence.

In this context, in principle, the right of silence of the defendant as a strategy of his defense does not constitute "risk" that can serve as motivation to request appointment of a security measure against him. However, this circumstance can be evaluated in harmony and in connection with other his behaviors on offense that he has committed and the started criminal proceeding, which could lead the court in the conviction that exists a doubt based on the evidences that the defendant if will be left free he will poison the evidence and the process of verification, such as search, obtaining, authenticity and preservation of evidence and sources of evidence by the defendant.

When the defendant has left or exist the risk that may leave - Relating to this condition for the assignment of security measure, while "escape" "leaving" of defendant is a matter of fact, is the to highlight that the acceptance by the court of the existence of the possibility, so "the risk of leaving", must be motivated, based on concrete elements, on facts and objective circumstances. For the effect of motivation of assignment of security measure, one of cases that constitutes objective element to lead the court in conclusions on leaving or risk of leaving, is the case of leaving without trace of the defendant.

This situation, in itself, embodies logically and legally the defendant's tendency to infringe and not implement security measures, his being permanently in the position of illegal disobedience before the law, the tendency to avoid investigation and trial, and the suffering of punishment. This risk situation normally remain the same even if the defendant declared gone, after shows his availability to be present or when he is presented voluntarily before the authorities of proceeding. If it deems not to participate in the hearing, he is free to not appear or to leave the room, but if he is under the security measure of home arrest or arrest in prison, the defendant necessarily stays or returns to its isolation.

When for the reason of circumstances of fact and of personality of defendant exist the risk that he may commit serious crimes or of the same type with which it proceeded – The content of this disposition relates to the need for the appointment of a security measure to fulfill the special preventive function of state for guarantee of public order and public security, the inviolability of life, health, property and interests and other legal rights from committing of other criminal acts by the defendants. In this regard, to legitimize the restriction of the freedom of the defendant the appointment of security measure, among others, the object of the judgment is the verification of the specific circumstances of fact which serve to the court to assess and to conclude on the risk of author and on the other hand to determine the criminal offenses that can be committed by him.

In this sense, to accept the existence of appropriate security of the concrete risk to the community, the violation of public order and public security, which justify the appointment of security measure under this disposition, subject to judicial investigation should be concrete evaluation of the circumstances of the fact, drawing by the whole behavior of defendant valid concrete elements on which to base the decision giving.



Based on the evaluation of evidences on existence of concrete elements of circumstances of fact and of the personality of the defendant, not necessarily cumulative, the court concludes that if exist the reasonable suspect about his the dangerousness of and the need to guarantee the inviolability of community, if exist the real possibility that the defendant in the future, being free can commit serious criminal offenses or of the same type as that for which it is proceeded.

“Serious crimes” in the meaning of the letter “c” of paragraph 3 of Article 228 of the Criminal Procedure Code include not only those for which there is competence of Court for Serious Crimes, as well as other serious criminal offenses, which, for their self-danger and consequences, are recognized as such in our judicial practice even before the creation of these court

Article 229 “The criteria for the assignment of security measures” of Criminal Procedure Code:

In the assignment of security measure the court takes in consideration the suitability of each of them to the degree of security needs that must be taken in concrete case.

- Every measure must be in proportion to the importance of the fact and to the punishment provided for the offense in question. Are taken into account the continuity, repetition, and the mitigating and aggravating circumstances provided by the Criminal Code.
- When the defendant is a minor, the court shall consider the request to not interrupting the concrete educational processes.

Article 230 “Special criteria for assignment of measure of arrest in prison” of Criminal Procedure Code:

- Arrest in prison can be set when any other measure is inappropriate for the reason of special the dangerousness of the offense and of defendant. Of course, in evaluating of this criterion may have shown of the subjectivity due to overestimation or not understanding of certain aspects of the case therefore the caution should be special, especially by courts that examine the appeals against measures.
- Cannot be set arrest in prison against a woman who is pregnant or breastfeeding, against a person who is in an especially heavy health or has passed the age of seventy years or to a drug addict or alcoholic, for which is applied a therapeutic program in a special institution. In this disposition come out the human character that characterized the penal law in some cases. It is understood that the definition of pregnancy, serious illness or age must be proven with documents and expertise and justified in given decision. Likewise, when these factors are not taken into account, should be explaining the reasons that make necessary the arrest and the sanction of disposition that provides the criminal offense attributed to the defendant.
- In the cases provided in point 2, the arrest in prison can be set only when there are reasons of a special importance for crimes punishable in maximum not less than ten years imprisonment.

Article 231 “Replacement or merger of personal security measures” of Criminal Procedure Code:

- In case of violation of obligations related to a security measure, the court may decide replacing or merging with another measure heavier, taking into account the importance, motives and circumstances of the offense. For the violation of the obligations related to a prohibitive measure, the court may decide the replacement or merger with a coercive measure.

## Conclusions

Referred to article 228 “the conditions and criteria for assignment of security measures” of Criminal Procedure Code: No one shall be subjected to personal security measures if in his charge does not exist a reasonable suspicion, based on evidences. Through the right analysis and interpretation of this disposition, in particular of the expression “reasonable suspicion, based on evidences”, in harmony with the other procedural institutes, can be distinguished and reached to the right conclusions, not only regarding to the prerequisites conditions for setting a security measure but also why this measure can be set in trial phase of the criminal case. Consequently it can be understood and be distinguished the trial on a reasonable suspicion based on evidence for setting of security measure by the judgment of evidence for the purpose to

form the conviction of the truth, beyond any reasonable doubt in the decision of dismissal, the innocence or conviction of the defendant.

Reasonable suspicion based on evidence according to this paragraph means that it comes to the existence of reasonable suspicion based on evidence, so for the existence of those sufficient legal elements and factual circumstances that create obedience to judges in terms of the possibility that the person under investigation and the defendant has committed the criminal offense.

Consequently, for setting of the security measure is necessary that direct or indirect evidences, be such as to make it seem possible the responsibility of the investigated or the judged about the charges brought against him. So not to find ourselves before a priori procedure.

Suspicion based on evidence does not request to be exhaustive, necessarily one direction, thus in terms of culpability. Despite this reasonable suspicion based on evidence that the judged has committed the offense, at the end of the trial can be certified as a result of defendants guilty, as well as the defendant's innocence.

Therefore, the Joint Colleges come to the unifying conclusion that "reasonable doubt, the evidence where it is based to justify the setting and the continuation of implementation of the security measures, there is no need to have the same degree of security and probative value to conclude as evidence that are necessary for the giving or not of the sentence against the defendant. It is sufficient that they be such that, in the situation where are the acts of the proceedings, from which can take conclusions that against to the investigated or judged exists a reasonable possibility degree of culpability for committing the criminal offense in his charge.

The criteria provided by article 229 of Criminal Procedure Code, even they give to the court a wide discretion to decide clearly, intended the proportionality, specific suitability of type of security measure with self-security needs for that specific case. If there are no reasons to exclude the author from criminal responsibility, these criteria impose the obligation of the court to base the decision on the one hand, on reasonable suspicion based on evidences on the commission of the criminal offense by him and, on the other hand, on the evidences that contains the sufficient objective and subjective elements, the circumstances of the case, which shows that exist the situation of dangerousness, and the level of risk, at least according one of the cases under Article 228.

As in the case when the security measure is set for the first time, also when is considering the replacement of the existing measure, the court has no obligation to analyze why the other types of security measures are not adequate, is sufficient to argue that the measure ordered by it in specific case against the defendant is the appropriate measure. In any case remain the obligation of the court that, initially, to argue that exists a reasonable suspicion based on evidences in charge of the defendant for commission of the criminal offense by him.

Therefore, even when set security measure of arrest in prison, the court is not obliged to analyze in detail why other kinds of measures are not appropriate in the case in trial. Based on objective elements on the nature of the offense, the means and the manner of its commission, the caused consequences, as well as subjective elements related to the personality of the defendant and the state of dangerousness, the court argues that the only appropriate measure against the defendant in proportion to type and level of dangerousness is that of arrest in prison.

Point 3 of this article presents a special importance because it has to do with the minors to which the law recognizes the right to be treated differently from adults and that as a result of their need for a differentiated treatment. At the moment that the court argues that the only appropriate measure to a minor is the arrest in prison, should set him associated with the continuity of the educational process of minor. Only in this way the measure will realize the goal of its setting.

I assess that in paragraph 3 we have to do with a legal deficiency because this article should include the minors and the students. The interruption of the educational process will not bring any good to the student's rehabilitation after committing of a specific criminal offense, except that it will have an adverse impact on his psyche.

Penal Chamber of the Supreme Court, said: "Penal Chamber assesses that in setting as the security measure "arrest in prison" are not taken into account the general criteria for setting of security measures and specific circumstances of the case. The courts have not done an analysis of specific dangerousness of author, but they are satisfied with citation of dangerousness of the criminal offenses committed in collaboration and its spread. In view of the evidence gathered by the prosecution, this college without wanting to enter in their analysis at this stage of the preliminary investigation, in this case

has taken into account several criteria for changing of the measure of personal security given to the person under investigation, such as: The fact that leaving free the person under investigation does not risk the obtaining of new evidences related to probationary of the elements of the criminal offense for which the prosecution is investigating The fact that has two children one of them is minor, the fact the husband is invalid and is treated with work disability payment; the fact that the suspected person in the detention facilities has shown health problems and is recommended to be hospitalized. And in the end it is not certified the existence of circumstances in proportion to the crime and its suspected author”..

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## Breech Presentation: Vaginal Delivery or Caesarean Section?

**Tomescu Cezar-Laurentiu**

*Ovidius University of Constanta, Faculty of Medicine, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Sirbu Rodica**

*Ovidius University of Constanta, Faculty of Pharmacy, Campus Corp B, University Alley No. 1, Constanta, Romania*

**Emin Cadar**

*UMF Carol Davila Bucharest, Faculty of Pharmacy, Str. Traian Vuia No. 6, Sector 2, Bucharest, Romania*

**Brezeanu Dragos**

*Resident physician OB-GYN Department at the County Emergency Clinical Hospital "Sf Apostol Andrei", Constanta, Romania*

**Aneta Tomescu**

*Ovidius University of Constanta, Faculty of Medicine, Campus Corp B, University Alley No. 1, Constanta, Romania*

Corresponding author, [tomescu.aneta@gmail.com](mailto:tomescu.aneta@gmail.com)

### Abstract

*The incidence of breech presentation is approximately 3,97%. Breech presentation is considered as being "borderline eutocic" and it requires carefully monitoring both the foetus and the mother. The aim of the current paper is to evaluate the preferred method of delivery in case of breech presentation. The paper presents a retrospective study performed in the Obstetrics and Gynaecology Departments of the County Emergency Clinical Hospital "Sf. Apostol Andrei" in Constanta, during a period of 5 years (2010-2014). The methods of birth were analyzed for a lot of 1104 patients with breech presentation with ages ranging between 16 and 44 years old. The total number of patients who gave birth through vaginal delivery was of 139 patients, amounting to 12.59% of the total population sample. The number of patients that gave birth through C-section was 965, which amounts to 87.4% of the total population sample. Birth through C-section is preferred by both obstetricians and patients alike, due to the fact that vaginal delivery is associated with a higher foetal risk in breech presentation.*

**Keywords:** breech presentation, sacrum, foetus

### Introduction

Breech presentation is the variety of presentation in which the foetus exits the upper strait of the maternal pelvis with its inferior pole (the pelvis), its landmark point being the foetal sacrum bone. The incidence of breech presentation is approximately 3.7% [1].

**CLASSIFICATION** Breech presentation can be:

- complete: with knees and hips flexed; the foetal feet can be palpated in the area of the upper opening.

- incomplete: the foetal inferior members are elongated along the foetal abdomen.

**AETIOLOGY** The normal development of pregnancy is characterized by a breech presentation of the foetus in the 7<sup>th</sup> month of gestation, after which the foetus rotates reaching a cephalic presentation. A body of mass immersed into liquid must subject itself to the laws of equilibrium, meaning that the centre of mass must be situated above the centre of gravity; from the 7<sup>th</sup> month onwards, the centre of gravity is situated above the centre of mass, leading to the rotation of the foetus. Even though the pelvis of the foetus is larger, it is also reducible, meaning that it can better adapt to the uterine fundus, which is wider [2].

**Aetiological factors accounting for breech presentation (which impede rotation) [3] :**

1. Maternal factors:
  - Modified pelvic bone
  - Praevia tumors
  - Uterine malformations
  - Uterine fibroids
  - Hypoplastic uterus.
2. Foetal appendage factors:
  - Placenta praevia
  - Oligohydramnios
  - Primitive short umbilical cord or nuchal cord
3. Foetal factors:
  - Large foetuses (larger than 3800 g)
  - Foetal malformation characterized by abnormalities of the cephalo-pelvic disproportions: hydrocephalus, anencephaly, cerebral meningocele
  - Multiple pregnancy

## RESEARCH METHODS

The current research is a retrospective study conducted in the County Emergency Clinical Hospital "Sf. Apostol Andrei" in Constanta, over a period of 5 years between the first of January 2010 and the 31<sup>st</sup> of December 2014. Patient observation charts from 1104 patients admitted to the Obstetrics and Gynaecology Department were studied. The main point of interest was represented by the method of delivery – either through caesarean section or vaginal delivery. During the 5 years, the total number of births in the County Emergency Clinical Hospital "Sf. Apostol Andrei" was 14,763.

## RESULTS AND DISCUSSIONS

### STATISTICAL DATA

2010: The total number of births was 2894, out of which 208 (7.18%) were breech presentation births. Out of these, 173 patients delivered through C-section (83.7%) and 35 through vaginal delivery (16.83%)

2011: The total number of births was 2918, out of which 219 (6.61%) were breech presentation births. Out of these, 162 patients delivered through C-section (83.93%) and 31 through vaginal delivery (16.07%).

2012: The total number of births was 3186, out of which 246 (7.72%) were breech presentation births. Out of these, 225 patients delivered through C-section (91.46%) and 21 through vaginal delivery (8.54%).

2013: The total number of births was 2972, out of which 223 (7.5%) were breech presentation births. Out of these, 200 patients delivered through C-section (89.68%) and 23 through vaginal delivery (10.32%).

2014 : The total number of births was 2793, out of which 234 (8.37%) were breech presentation births. Out of these, 205 patients delivered through C-section (87.6%) and 29 through vaginal delivery (12.4%).

**Total study lot, fig. 1:** Throughout the 5 years of study, the total number of births was 14,763, out of which a total of 1,104 were breech presentation births (7.47%). Out of these, a total of 965 were C-sections (87.4%), while the remainder of 139 were vaginal deliveries (12.59%).

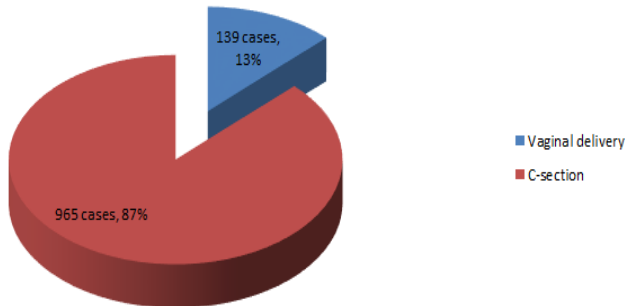


Fig. 1 Breech presentation births

It is worth noting that patients that delivered vaginally (139 – 12.59%) originate from a rural environment (77 patients – 55.4%) and that the remainder originate from an urban environment (62 patients – 44.6%) Fig. 2.

## Environment

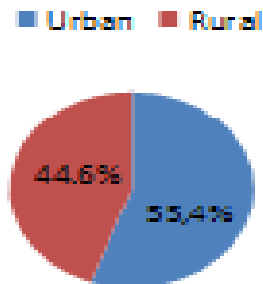


Fig. 2 The distribution of the patients after the environment

### Ages of patients who underwent a C-section:

Patients younger than 20-years old: 57 (5.9%);  
 Patients between 20-30 years old: 569 (58.96%);  
 Patients between 31-40 years old: 315 (32.64%);  
 Over 41-years old: 24 (2.48%).

### Ages of patients who delivered vaginally:

Patients younger than 20-years old: 12 (8.63%);  
Patients between 20-30 years old: 71 (51.07%);  
Patients between 31-40 years old: 46 (33,09%);

It can be observed that the maximum incidence is over 50% for the 20-30 years old age group, both for patients who delivered vaginally and for those who delivered through C-section.

Birth in breech presentation can follow the natural course of vaginal delivery in optimal conditions. Birth can either occur spontaneously (Vermelin [1]) or through manual assistance (Bracht-Tovianov [1]). Others recommend a systematic C-section (Wright) [2].

The Romanian Obstetrics-Gynaecology Guidelines recommend a C-section in the following situations:

- Primitive extension of the foetal skull;
- Foetal macrosomia (estimated foetal weight over 3,800g);
- Prolapse of the umbilical cord;
- Prematurity according to: foetal viability, number of pregnancies, age of the mother and other obstetrical factors;
- Intrauterine growth restriction (estimated foetal weight under the 10<sup>th</sup> percentile or lower than 2,000g);
- Any other co-morbidity associated with breech presentation;
- Uterine scarring;
- Premature rupture of membranes (The Romanian Obstetrics and Gynaecology Society Guidelines, 2012 [4]).

### **Vaginal delivery**

In the absence of clear indications for C-section, the operating physician must inform the patient regarding delivery methods for breech presentation pregnancies. After informed consent, the patient is allowed to opt for vaginal delivery [4].

Researches that have studied the ulterior development of children originating from breech presentation pregnancies show that there is no difference in the type of delivery regarding morbidity, mortality or psycho-functional development. There is however, a small difference in what regards early morbidity, with lower rates in the case of children born through C-section (The Romanian Obstetrics and Gynaecology Society Guidelines, 2012 [4]).

Foetal accidents during vaginal delivery:

- Humerus or collarbone fracture;
- Femur fracture;
- Neonatal perineal lesions;
- Haematomas of the sternocleidomastoid muscle;
- Disjunction of the scapula, humerus, or femur epiphysis;
- Brachial plexus paralysis;
- Severe testicular lesions that can lead up to anorchia [5].

### **Perinatal morbidity and mortality:**

Maternal mortality is around 2-3%, while foetal mortality is around 10-15% [2].

Perinatal mortality is higher in breech presentation compared to cephalic presentation [6].

### **CONCLUSIONS**

A number of 1104 breech presentation births were evaluated. Out of these, a total of 965 were solved through C-section (87.4%), with the remainder of 139 through vaginal delivery (12.59%). It can be observed that 87.4% out of all breech presentation pregnancies were ended via C-section.



The incidence of breech presentation in our study was of 7.47%, which represents almost double compared to the data available in literature on the matter. The high percentage of C-sections can be explained to the level of safety such an intervention awards to the foetus (taking into account the foetal accidents that can occur during vaginal delivery).

Mothers aged between 20-30-years old exhibit the highest incidence in what regards births (58.96% for C-sections and 51.07% for vaginal deliveries); vaginal delivery births are more frequently observed for mothers originating from a rural environment (55.4%), compared to those from an urban environment (44.6%).

In what regards future prospects, it is expected that the number of C-sections will increase, partly due to the fact that Romanian guidelines permit mothers to choose the method of delivery and partly because this type of delivery is associated with a lower level of risk, an important aspect to take into account for obstetricians, as the number of malpractice complaints is on the rise.

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## Comparability of Limitation, Deprivation and Termination of Parental Responsibility in Kosovo and in Some Balkans States

Burim Tahiri, PhD

Kosovo

### Abstract

*The parental right shall regulate the relationships between parents and children as well as other persons of kin. The characteristics of this right shall be the various elements which are very important in accomplishment of relations between parents and children. In this paper we will be focused on limitation, deprivation and termination of parental responsibility. Even that the importance of elements comprising the parental responsibility is undisputed, our focus has derived as a consequence of the importance and sensitivity that these elements have in contrary to the other elements comprising the parental right. Limitation of the parental responsibility comes due to the abuse of children by their parents. In such cases the parents shall be limited to parental responsibility to that time limit such a situation lasts. Deprivation of parental responsibility may come as a consequence of parents, behaviors from which the personality or property of the children is at a high danger. Parents with such behaviors that endanger seriously the personality or property of children shall be deprived from the parental responsibility. Termination of parental responsibility happens in certain cases based on which the parents shall not be any more responsible for their children after there have been fulfilled the conditions foreseen by the Law. With the positive legislations of some countries included in this paper there have been determined expressively the cases of termination of parental responsibility. It is important to mention that not all countries have determined, in their Laws, the matter of termination of parental responsibility that makes the discussion of this paper more distinctive.*

**Keywords:** Parental responsibility, right, parent, child, limitation, deprivation, termination

### Introduction

The parental right shall be an important part of judicial system in Kosovo. Hence, we have decided to treat this matter.

Study object of this paper shall be the limitation, deprivation and termination of parental responsibility. Moreover, a special attention will be given to the causes of limitation of parental responsibility from which there shall be noticed the cause this responsibility may be limited from. Furthermore, attention will be given even to the causes based on which the parental responsibility shall be deprived, as well as rights and duties of parents during the period of deprivation of parental responsibility. A detailed treatment will be over the cases of termination of parental responsibility.

The purpose of treatment of these elements, between the legislation of Kosovo and legislations of some Balkans countries shall be the identification of similarities and differences between the positive legislation in Kosovo and legislations of the above mentioned countries.

### Limitation of Parental Right

The parental right may be limited if the parents behave without responsibility, abuse the parental right, endanger the personality, rights and interests of children.

Exercise of parental right should always be done in the interest of the child, but there is not always respected such a rule by the parents. In various cases, parents may act in that manner that will violate the general interest of children and endanger their welfare. State institutions should undertake all measures of protecting the children's interest and in such circumstances they should interfere proportionally in the created situation. Convention on the Rights of the Child determines the obligation of the state to undertake all legislative, administrative, social and educational measures for protection of the child in any form of physical or mental violation, insult or mistreatment, during the time he/she is under the custody of his/her

parents or legal representative or any trusted persons (CRCH, 19). In Kosovo, the custodian body shall be obliged to supervise the exercise of the parental rights and obligations. In cases when this body ascertains that there has been endangered the interest of child due to the abuse of parental right, or any danger to the child due to serious negligence of parental obligations, it shall be obliged to undertake urgent measures for protection of the child's personality, rights and interests (FLK, 147, Gashi&Aliu&Vokshi, 2012, 341). The matter of limitation of the parental right is regulated even by the Family Law in Serbia. However, unlike Kosovo Law, the Family Law in Serbia (79) determines more in details the supervision of the parental right by the custodian body, since there have been determined the prevention and correction actions regarding the exercise of parental right by custodian body. Supervision of the exercise of parental right by the Custodian Body, as in Kosovo, is conducted even in Montenegro, since Montenegro by Family Law (80) has determined similarly the competence of the Custodian Body to supervision of exercise of parental right. However, Croatia in the exercise of supervision of this right differs from Kosovo, Montenegro and Serbia. Family Law in Croatia (109) determines that the competent body to exercise the supervision of parental care shall be the Social Welfare Centre. Furthermore, unlike the above mentioned countries, Croatia, by this Law, has determined even the prevention and correction measures regarding the supervision of parental care.

Based on the comparative research regarding the exercise of supervision of parental care, it is proved that Kosovo, Croatia, Serbia and Montenegro have regulated institutionally the exercise of supervision of parental care.

It is important to emphasize that Albania has not determined the competence of the Institution on supervision of parental care which may be considered as a gap of Albanian legislation in regulating this matter.

If from the supervision of exercise of parental care by the respective institutions there is ascertained that the parental rights have been exercised and continue to be exercised in the damage to the child's interest then there shall be initiated the procedure at the court in order that the court shall, by a decision, limit the parents to exercise the parental rights and obligations, when there is ascertained that this will impact positively the interest of children (Podvorica, 2006, 192). Limitation or deprivation of the parental right may come into consideration in case the parents express negligence in the care of their children, as well as when they do not prohibit their child in conducting bad actions which will damage him/her seriously (Garber, 2010, 216).

There are two types of parents' rights and obligations for children that may be limited

a) Limitation of the rights and obligations against the personality of the child, b) Limitation of the rights and obligations against the property of the children (Podvorica, 2006, 192).

A) Limitation of the rights and obligations against the personality of the child – shall mean the limitation of those rights exclusively related to the personality of the child. With this kind of limitation of the rights, the parents are limited only to the rights related to the personality of the children but not the rights related to the property of the children (Podvorica, 2006, 192). In the case when there is ascertained that there is impinged the personality of the child, the custodian body shall undertake these measures with the purpose of avoiding the created situations that cause danger for children: a) giving remarks to the parents, b) continuous supervision of the exercise of parental right, c) taking away the child from the parent (Aliu & Gashi, 2007, 236).

B) Limitation of the rights and obligation towards the property of the children

Unlike the first case when then the rights of parents shall be limited only to the personality of the child, in the second case we have to do with the limitation of the rights of parents toward the property of their children. In such cases the parents shall be limited to the rights related to the property of their children due to mismanagement of the property of the children. Limitation of these rights may be done to one or to both parents. Kosovo, has regulated, by the Family Law (134), the matter of care for the property of the children by their parents as well as it has determined that parents should administer the property of their children in the right way. If there comes a point of misuse of the property of the children then the competent bodies shall take measures by which there shall be limited the rights of the parents towards the property of their children. Custodian Body or court may require from the parent to report regarding the administration of the property of the children, require that there shall be permitted the insurance means for the property of the parent from the court, require that the parent, in the aspect of administrating the property of the child, to be equalized with the position of custodian that means the parent shall be obliged only to administer the property of the child (Podvorica, 2006, 195). All these cases have

been determined by the lawmaker with the purpose of establishment of legal security regarding the personality and property of the children as the most sensible part of society.

### **Causes of Limitation of the Parental Right**

Causes of limitation of the parental right shall be those circumstances, the existence of which causes the limitation of the parental right.

Limitation of parental right may be conducted by the competent bodies in those cases when there is impinged or damaged the interest of the child. Limitation of this right may be done only in certain cases when the undertaking of actions is necessary for the welfare of the children and when the interest of the children requires so.

Causes which may lead to the limitation of the parental right may be of various kinds. There are causes that may lead to the limitation of the parental right towards personality of the child and causes which may lead to the limitation of the parental right towards to the property of the child. Causes, the existence of which leads to the limitation of the rights and obligations of the parents towards personality of the children, shall be actions that endanger and damage the personality of the children and for this reason there shall be taken measures by which there are avoided such actions that are not in favour of the general interest of the child. Convention on the Rights of the Child has determined the obligation on the undertaking of all measures on protection of the child from every form of physical and mental violation, insult or ill-treatment, abandonment or negligence; actions which have a negative impact to the personality of the child, during the period of time he/she is under the care of his/her parents or one of his/her parents, legal representative or trusted person (CRCH, 19). Hence, according to this Convention the causes that may limit the exercise of the parental right towards the personality of the child shall be the physical and mental violence, insult and ill-treatment of the child as well as other actions. Kosovo has, as well, determined that when there is ascertained that there has been endangered the interest of the child due to abuse of the parental right, or any danger for the child, the Custodian Body should, with the purpose of avoiding such situations, undertake urgent measures for the protection of the personality, rights and interests of the child (FLK, 147, Gashi&Aliu&Vokshi, 2012, 341). In such cases, causes shall be considered parents' actions or non-actions from which there is damaged or endangered the personality and property of the children. Parents, by their actions, except the danger to the personality of their children may endanger or damage even the property of their children.

Moreover, the serious abuse with the children and exercise of violence against them by which there may be caused trauma with serious consequences that may have reflections to children from fear and anxiety experienced by the exercise of the violence by their parents may bring the situation up to the deprivation or limitation of the parental right (Brown & Alexander, 2007, 39).

In those cases when the actions of the parents are of that kind that cause damages or such actions may damage the property of the children there may happen the limitation of the parental right towards property of the children. Limitation of the parental right towards the property of their children shall be done in those cases when there are causes such as bad administration of the property of their children from which there is the danger and damage to that property. Administration of the property of the children by their parents shall be a right and obligation entitled to them until their children reach the adulthood. There may happen that during the administration of the property, the parents undertake actions that cause damages or endanger the property of the children. These actions are causes, the existence of which makes possible the limitation of the parental right towards the property of the children. Causes may also be actions or non-actions of one or both parents. If only one parent has undertaken such actions, then the parental right shall be limited only towards that parent who through his/her actions has caused damage or has endangered the property of his/her children, while if those actions that have caused damage or have endangered the property of the children have been conducted by both parents, in these cases the limitation of the parental right towards the property of the children shall be done for both parents.

### **DEPRIVATION OF THE PARENTAL RESPONSIBILITY**

The parental right shall be the right entitled to the parents; that right should be exercised only in favour and interest of children. However, in various cases there can happen that this right is exercised wrongly from which there will be seriously damaged or endangered the interests of children. Deprivation of parental right shall be the most serious measure that shall

be imposed to parents who misuse the rights and obligations towards their children. In cases when parents cause violence against children, there shall be imposed measures which will prohibit parents to approach the victim, in this case children (LPADV, Article 5). Because of the high importance of the protection of children's rights, the deprivation of parental right may be done only in cases foreseen by the Law, and for this reason this matter has been regulated in details by a legal framework. In Kosovo, the parental right may be deprived in cases when the parent misuses the parental responsibility or expresses serious carelessness in exercising that right (FLK, 149, Gashi&Aliu&Vokshi, 2012, 347). Moreover, similar to Kosovo, this matter is regulated even in Croatia (FLC, 111, 112, 113, 114, 115), Serbia (FLS, 81, 82), Montenegro (FLM, 87, 88, 89), Albania (FCRA, 228, 229) and Macedonia (LFRM, 90) where there has been expressively emphasized that the parental right may be deprived when the parents misuse or express serious carelessness in the exercise the parental right. The parental right may be deprived by the court with the decision to the parent who does not fulfil the rights and obligations towards his/her children (GCC, Book 1, 1. 266).

Deprivation of the parental right shall be done by the competent court decision when there exist certain reasons foreseen by the Law (LOCP, 107). The court may decide on deprivation of the parental right for one or all children, depending on the infringement of the interests of children. The court shall take the decision when ascertains that the parents have violated or infringed the rights of children, but it is important to mention that there are cases when the court does not take decision towards parents that are not guilty for the outrage of the rights of children, for example the parents that have no ability to act, or parents due to physical disabilities are not able to take care after their children (Begeja, 221, Podvoria, 2006, 197). Even if the court takes a decision by which there is deprived the parental right towards children, that court decision can not dismiss them even from the obligation for the food of children (Begeja, 221). Here we can ascertain that even when parents are deprived from the parental right, they are not deprived from the obligation for the food for their children. Cases for which there can be initiated the procedure for deprivation of parental right, the states of the region have almost the same regulation as this one. However, there are differences at the entities that may initiate the procedure. In Kosovo (FLK, 150.1, Gashi&Aliu&Vokshi, 2012, 350) the entities that can initiate the procedure for this matter shall be the other parent, custodian body and the court. Even by the Family Law in Serbia, there is determined that the initiation of the procedure for deprivation of the parental right may be carried out by the parent, custodian body and the court. In Albania (FCRA, 228), the initiation of the procedure may be carried out by parent, relatives of the child and prosecutor. However, in Montenegro there is determined the initiation of the procedure on the abovementioned matters may be carried out by the parent, child, social affairs centre and the court upon official duty. While in Croatia, the initiation of the procedure for the deprivation of the parental right may be carried out by the parent, child, social affairs centre and the court upon official duty. From this comparison we can ascertain that this matter is regulated at best by the Family Law in Kosovo and the Family Law in Serbia taking into consideration their legal determination regarding this matter, since we should take into account that such a legal determination shall establish a greater legal security in relation to the concrete case.

#### Causes of deprivation of parental responsibility

In cases defined by the Law, when the exercise of the parental right is not in the interest of children there may be deprived this right. However, this may be done only for causes determined by the Law. According to Kosovo legislation as cause due to which there may be deprived the parental right shall be: a) misuse of the parental right b) serious violation of parental right (Aliu & Gashi, 2007, 240).

Misuse of the parental right – shall mean the bad behaviour of parents who ill-treat their children physically and mentally, encourage them to condemn criminal offences that would have material benefit for their parents. Decision of deprivation of the parental right in such circumstances shall be taken by the court in out-contentious procedure. The parental right can not be deprived if there are not causes defined by the Law and if there is not developed a judicial procedure (Aliu & Gashi, 2007, 240). For such causes the parental right may be deprived since even by the Law there shall be guaranteed the protection of children from ill-treatments and various violence due to which there will be serious consequence (LFC, Article125, Gashi&Aliu&Vokshi, 2012, 289). If such actions are undertaken only to one of the children, then the parental right shall be deprived only to one child while when such actions are undertaken towards all children then the parental right shall be deprived for all children.

### **Serious Violation of the Parental Right**

Parents shall be obliged to exercise the rights and obligations entitled to them in the general interest towards children. However, not in all cases, parents realize their rights and obligations in favour to the children. As a serious violation of the parental right may be considered any action by parents due to which there is endangered the health of children in cases when the juvenile is not provided with the medical assistance or he/she is not sent for medical treatment, when he/she is not provided with clothes, food, accommodation (Oruji, 1994, 142, Aliu & Gashi, 2007, 240 – 241), when there is no hygiene, no attention to the food (Alinčić & Bakarić – Mihanović, 1980, 217). Hence, as causes due to existence of which there may be deprived the parental right shall be considered any action of the parents due to which there is endangered the health of children seriously. According to international framework, states should undertake respective measures to provide all children the respective necessary medical assistance and care for their health, by emphasizing the development of primary health care (CRCH, Article 24 (2,b)). Furthermore, according to this framework there are regulated the matters of protection of children from use or sexual ill-treatment, trafficking for any purpose. This framework gives competence to the state that protects children from any form of use where there is endangered their welfare (CRCH, Article 34 (a, b and c), 35 and 36). Similarly, this matter is regulated even in Kosovo, where children enjoy protection from any job endangering or damaging their health, ill-treatment and sexual violence, use of psychotropic substances and drugs (FLK, Article 125 (5, 6 and 7)).

### **The Rights and Obligation of Parents During the Period of Deprivation of Parental Right**

When the rights and obligations of parents are exercised to the prejudice of the interest of children, parents shall be deprived of parental right. By deprivation of parental right, parents can not exercise the rights and obligations towards their children, hence, parents can not exercise the rights related to the support, well-growing up, education and administration of the property of children (Podvorica, 2006, 198). In such circumstances when there is deprived the parental right, then the children shall be under the custody or they shall be trusted to third persons for care. However, even that the parents are deprived from the parental right, they shall not be deprived from all rights and obligations towards their children, so, they shall not be deprived from the right of support and necessary food for the children (FLK, Article 293. Gashi&Aliu&Vokshi, 2012, 605). Moreover, parents shall be obliged to fulfil expenses regarding the support, well growing up and education of children, when they are trusted to the third person for protection and education (Podvoriva, 2006, 198).

### **Termination of Parental Responsibility**

Parental responsibility is not permanent and it terminates in certain circumstances. By the termination of parental responsibility, there shall be terminated the exercise of all rights and obligations towards their children. Theoretical treatments and legal framework recognize some cases of termination of parental responsibility. The parental responsibility may terminate by a) reaching the adulthood of the child, b) termination of parental responsibility, c) emancipation of the child and d) death of the parents or child (Aliu & Gashi, 2007, 244).

a) Termination of parental right by reaching the adulthood of the child shall be when the child reaches the age of 18 and acquires the full ability to act and in this manner becomes fully capable to be bearer of the rights and obligations. It is important to mention that the termination of parental responsibility should not be understood as a sanction towards parents but as a natural circumstance which bring the termination of this responsibility.

b) Termination of continuous parental responsibility shall also comprise a circumstance based on which there shall be terminated the parental responsibility. After the termination of continuous parental responsibility parents shall not be responsible for their children since there are not anymore the circumstances that present the need the parents to take care after their children.

c) Adulthood shall mean the time when the individual becomes 18 years old and in this manner acquires the ability to act. However there are some cases when the ability to act may be acquired even before the individual reaches the age of 18. In case when the minor of the age 16 and 18 gets married with the permission of the court, he/she acquires the full capability of acting which means he/she acquires his/her full emancipation. The term emancipation means the ability of a person to take decisions independently and to be bearer of the rights and obligations. Hence, in the cases of emancipation of the

child there is terminated even the parental responsibility from which it is understood that parents are not responsible for their child since he/she is emancipated through the manner foreseen by the Law. Furthermore, the minor may acquire limited ability of action in those cases when from the age of fifteen concludes an employment relationship, he/she shall possess and administer by himself/herself the income from employment relationship (Aliu& Gashi, 2007, 244).

d) Termination of the parental responsibility upon the death of the parent or child – This is manner of termination of the parental responsibility by the action of nature when there occurs the death of the parent or the child. When one of these entities dies there shall terminate even the parental responsibility. Since the parental responsibility is of the personal character, in case of death of parents or child there cease to exist the rights and obligation of the parents towards their children either because of death of the parents or child.

In comparative aspects of the termination of parental responsibilities between Kosovo and other states of the region, it is important to mention that Kosovo and Albania have regulated in principle the termination of the parental responsibility. They have determined, by their Laws, that the parental responsibility shall terminate upon the reach of adulthood of the child (FLK, Article 128.2 and 154, FRSA, Article 216). It is important to emphasize that Kosovo and Albania have not determined, by their Laws, other manners of the termination of parental responsibility which are treated through the theory as the abovementioned states of the region have determined in their laws.

Other states of the region such as Croatia, Montenegro and Serbia have a more advanced and more comprehensive normative regulation in comparison to Kosovo and Albania since they, by their Laws, have determined expressively the manners of termination of parental responsibility upon the reach of adulthood of the child, emancipation of the child, upon the termination of continuation of parental responsibility as well as upon the death of the parents or the child (FLC, Article 119 and 120, FLMN, Article 95, FLS, Article 84).

Hence, the legal framework of these states has included cases that have been treated by the theory and there can easily be ascertained their regulatory superiority in comparison to the legal framework of Kosovo and Albania.

## Conclusion

Based on the research of this paper, we have found that Parental Right shall mean the rights and obligations of the parents towards their children. The new legal framework regulates the parental right by constitutional and legal norms as well as by general legal acts.

From the comparative research there derives the fact that legal systems of the states of the region and beyond, regulate the matter of parents right by family Laws, while some other countries regulate this matter by civil codes.

Other research in this paper presents that the national legal framework has established norms which have regulated very well the matter of limitation of parental responsibility.

From the analysis between applicable legislation in Kosovo with the legislations of states of the region, regarding the limitation of parental responsibility and causes of limitation of that responsibility we find that parents can not be limited to actions by which there can be violated the general interests of children and endangered their welfare. According to legislation in Kosovo the parental right shall be limited when parents behave in irresponsible way, abuse the parental right and endanger the rights and interests of children. However, lawmaker in Kosovo has, with the purpose of protection of interests of children, determined the causes of limitation of parental right and has determined the mechanisms of supervision of exercise of those rights. It is important to emphasize that a similar regulation regarding the limitation of parental right is determined even by the legal framework of states of the region except Albania.

Object of normative regulation of legal framework of Kosovo shall be even the deprivation of parental right. According to legal framework in Kosovo the parental right may be deprived when the parents misuse and present carelessness while exercising the parental right. Moreover the legal comparative treatment of the deprivation of this right indicates that even the legal systems of the states of the region have similarities with Kosovo regarding the legal normative regulation on deprivation of parental responsibility but there are some differences regarding the determination of entities on initiation of procedure for deprivation of this right.

Study object in this paper has also been the matter of normative regulation of termination of parental responsibility. Regarding this, it is important to emphasize that there are great differences in normative regulation between Kosovo and states of the region. Kosovo has only determined in principle that the parental responsibility terminates upon the reach of adulthood of the child, where there is a lack of determination of other cases of termination of parental responsibility. The same regulation as Kosovo there is in Albania where there has been determined completely similarly that the parental responsibility terminates upon the reach of adulthood, however this regulation is rather shallow knowing that there are other cases by which the parental responsibility terminates which have not been foreseen by Kosovo and Albania Laws. However, the abovementioned states have a more comprehensive determination regarding the normative determination of termination of parental responsibility. Croatia, Serbia and Montenegro in their family Laws have expressly determined that parental responsibility shall terminate upon the reach of adulthood of the child, emancipation of the child, upon termination of continuation of parental responsibility, upon death of parents or child.

In comparative treatments of legal framework of Kosovo with the frameworks of legal systems of mentioned states we find that the matter of termination of parental responsibility shall be regulated in a more advanced and detailed manner from the above-mentioned states of region, as well as it would be important to be taken into consideration these determinations when amending and supplementing the legislation of Kosovo and Albania and to be incorporated the mentioned cases in order that there shall be eliminated the legal gaps that actually exist within legal norms of Kosovo and Albania.

These brief conclusions present our views of a legal framework regarding the organic manner that refers to a spectre of problems, matters, concepts and legal solutions on the parental right within the legal system of Kosovo and other legal systems that have been treated in this paper. Treatment of normative aspect of regulating the parental right in the view of formal expression of legal normative regulation of the states of region consequently brings into incontestable conclusion the existing of common and distinctive characteristics in normative regulation of parental right.

### Abbreviations

- CRCH- Convention on the Rights of the Child,  
FLK – Family Law of Kosovo,  
FCRA – Family Code in the Republic of Albania,  
FLC – Family Law in Croatia,  
FLM – Family Law in Montenegro,  
FLS – Family Law in Serbia,  
LFRM – Law on Family in the Republic of Macedonia  
GCC – German Civil Code  
LOCP – Law on out-contentious procedure  
LPADV – Law on Protection against Domestic Violence

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## Qualitative Data Regarding the Macrophytic Communities Structure in the Wave Breaking Zone at the Romanian Black Sea Littoral

**Bogdan-Stefan Negreanu-Pirjol**

“Ovidius” University of Constanta, Faculty of Pharmacy, , Universitatii Alley, Campus, Corp B, Constanta

**Ticuta Negreanu-Pirjol**

“Ovidius” University of Constanta, Faculty of Pharmacy, Universitatii Alley, Campus, Corp B, Constanta, \*Corresponding author: [ticuta\\_np@yahoo.com](mailto:ticuta_np@yahoo.com)

**Emin Cadar**

U.M.F. “Carol Davila”, Faculty of Pharmacy, Bucharest, Romania

**Gabriela-Mihaela Paraschiv**

“Ovidius” University of Constanta, Natural and Agriculture Sciences Faculty, Universitatii Alley, Campus, Corp B, Constanta Romania

### Abstract

At the Romanian seaside the development of macro-algae mass is reported mainly in summer and is registered especially by the group green macro-algae; thus the largest deposits occur ashore after periods of storm especially, but especially after bottom movement, when a large area of shallow coastline is "shaved" of vegetal carpet. Most macrophyte algae from the Romanian littoral are seasonal species; typical for low temperatures are species of red algae: *Bangia*, *Porphyra* and *Ectocarpus*; species *Dasya*, *Chondria* are typical for the summer temperatures and others are frequently met especially in spring – fall; in addition to these, a number of species belonging to the group of green algae. *Enteromorpha*, *Cladophora*, are present in all associations succeeding in the year.

**Keywords:** Black Sea Romanian littoral, macroalgal species, hard substratum

### Introduction

The Romanian littoral of the Black Sea has a length of 245 km (6 % of the total length of the Black Sea shore, Fig. 1), between the flowing mouth of the Chilia Branch, to the border with Ukraine in the north and with Bulgaria in the south.

The Romanian coastal area is divided into two geographical and geomorphic units [3], [13].

The northern unit (N) occupies 2/3 of the total littoral length and stretches between Musura Bay, at the flowing mouth of the Chilia Branch and Cape Singol, including the shore of the Danube Delta Biosphere Reservation (Fig. 1). The area is characterized by sandy beaches with low altitudes and reduced submarine slopes. The beaches are generally wide and made up of sediments which include a large variety of fine sand, silt and sludge fractions, 75% of this area displaying a relatively high degree of sediment compaction.

It is characterized by the presence of narrow beaches interrupted by limestone platforms that extend into water, and high seawalls (Fig. 1). The superficial sediments include a large variety of mollusk shells and gravel, these beaches being made up of coarse sand with medium granulometry.

Between the two big geomorphic units of the Romanian littoral, the continental platform extends more to the north (Danube Delta). The terrigenous runoff transported by the Danube causes the sedimentary substrate to be dominated by clay and silt, not favorable for the attachment of macrophytobenthos [2], [3], [7], [8], [9]. Despite this fact, the protection jetties for the harbor and beaches, but most especially the presence of the deep mussel infralittoral biocoenosis (*Mytilus galloprovincialis* Lamarck, 1819) and its extension (relatively large, from St. George Branch to Vadu and Constanta) determine the development of a harder substrate (shell layer) which permits the installation and development of macrophytobenthos [20], [21], [22], [23], [24], [25 - 28]. This explains the occasional presence of algal deposits at the shore, especially after storms.

The frequency of episodes with macroalgal deposits is higher in the southern sector (and over longer periods of time), a fact explained by the very presence of submersed limestone platforms (Fig. 1).



Fig. 1. The South Romanian littoral of the B Sea

The macrophytobenthos is made up of macroscopic algae (green, brown and red) and phanerogams. It is spread over the north-western continental platform of the Black Sea basin (in littoral zones of low depth) and it can sometimes form important deposits at the shore, especially in the pre-vernal or vernal season or after storms.

The 1980s represent a period of increased eutrophication and pollution, which generated important modifications in the qualitative structure of macrophytobenthos. The effects of these modifications are still felt today [4], [19], 86 macroalgal species were cited in the 1970s-1980s [1], 69 species were cited in the 1980s-1990s and only 55 species after 1990 [20], [21]. This decrease in the number of species (apart from the pollution phenomenon) was attributed to climate changes – frost at the Romanian littoral (for unprecedented long periods of time) on the one hand and to the deposits of clay sediments on limestone platforms (fraction mobilized and brought to the sea mass as a result of hydrotechnical constructions in the Harbors of Cape Midia and Agigea South) on the other hand. The sedimentation of clay fractions on the limestone substrate did not permit the attachment of plantules to the substrate [18], [19].

### **The taxonomic structure of macroalgal communities at the Romanian littoral**

The qualitative analysis of the marine macroalgal communities consists of the elaboration of lists of species, as well as a comparative analysis of communities from different littoral sectors. A previous documentation must be done because there are species with development phase in the prevernal – cold season (February-March), this being the period when they can be encountered at the shore [1], [3], [4], [5], [17], [18].

#### **Green algae – CHLOROPHYTA**

Distributed over the entire length of the Romanian sector, from south of the Danube flowing mouths to the southern extremity of the littoral (Vama Veche). They are more developed in the Cape Singol-Constanta to Vama Veche sector. The mass development of the macroalgal carpet in this sector is explained by the very presence of limestone platforms which cover almost entirely the shallow waters and which represent the ideal substrate for their attachment.

The group includes representatives of *Clorophyceae*, three orders: *Ulvales*, *Cladophorales* and *Bryopsidales* (Table1); the vegetative apparatus is diverse: lamellate, filamentous, tubular or cladomial [1], [6], [18], [19], [20], [21] (Table.2).

#### **Brown algae – PHEOPHYTA**

Brown algae prefer cold marine waters, developing exuberantly at greater depths than green algae. Representatives from three classes are found at the Romanian littoral: Isogeneratae (with two species of *Ectocarpus* and one species of *Scytosiphon*), Heterogeneratae (*Punctaria*) and Cyclosporeae (with the most representative species at the Romanian littoral from this group, *Cystosera barbata* (Good et Wood Ag.))

The representatives of the first two classes register reduced biomasses compared to the representatives of green algae, especially in spring and autumn. In the Black Sea, *Cystoseira barbata* forms a perennial association fixed to the hard substrate, especially in the southern sector of the Romanian littoral. If in the past it was one of the most important associations, covering the infralittoral zone between Agigea-Vama Veche, it is currently much reduced (due to the frost periods in 1975 but also to pollution, increased water turbidity and substrate clogging). The biomass of this alga in deposits at the seashore is relatively reduced, but its importance is given by the fact that its relatively rigid thallus constitutes a substrate for a rich fauna and for epiphytic algae.

#### **Red algae - RHODOPHYTA**

The representatives of this group make up the phytobenthos in the deep zone of the infralittoral. The





algal deposits register an increased biomass compared to brown algae, but reduced in comparison to green algae. Two classes have representatives in the Black Sea:


- Bangiophyceae (with *Porphyra leucosticta* Thur and *Bangia fuscopurpurea* Lyngb. Both are cold water species and grow at the end of winter till March without developing significant biomasses, compared to green algae);

- Florideophyceae – with the perennial species, *Hildenbrandtia rubra* Menegh., (distributed in the shallow zone, attached to rocks or to mollusk shells). The species *Corallina officinalis* L. (pharmaceutical importance – vermifuge) develops in the

shallow infralittoral - permanently covered by water - and shelters a characteristic fauna. It rarely occurs in shore algal deposits. Four species of the genus *Phyllophora* form "Zernov's field" in the north-western basin of the Black Sea. It registers maximum development at depths of 20-25 m and attaches to sandy substrate with sludgedy matrix. This field suffered a significant reduction but clusters that form associations specific to the invertebrate fauna can still be encountered. The biomass is reduced in the shore deposits. There are four representatives of Ceramiaceae: *Callithamnion corymbosum* Lyngb. and three species of the genus *Ceramium* (these develop significant biomasses in the shallow zone – depths between 1.5 to 4-5 m, (Fig. 2), in the prevernal and vernal season. One species from Rhodomelaceae – *Polysiphonia denudata* Grev. encountered in the warm season but without significant biomasses [4], [5], [17], [18].

**Table 1. Representatives of *Clorophyceae* encountered at the Romanian littoral of the Black Sea** (according to Sava, 2006 [18], [25 - 28], photo: Sava, Paraschiv)

Species of <i>Ulvales</i> that develop appreciable biomass especially in the prevernal, vernal ant autumnal season					
Order	Family	Species	Photo	Observations	
Ulvales	Ulveaceae	<i>Ulva rigida</i> Ag.		Maximum development in winter-spring, attached to rocks, at low depths; frequent in areas with high concentrations of nutrients, together with sp. Entromorpha. They are the first species of macroalgae that colonize the substrate.	
		<i>Enteromorpha intestinalis</i> (L) Link.		All the species of the genus <i>Enteromorpha</i> display wide ecological valences being cosmopolite.	eurybiont
		<i>E. compressa</i> (L) Grev.			It develops well in waters rich in organic compounds of sulfur and nitrogen.
		<i>E. linza</i> (L) Ag.		Develops appreciable biomasses especially in prevernal and vernal seasons, forming a compact vegetal carpet on the surface of rock platforms. It dominates in a proportion of 80% the algal deposits at the sea shore.	eurybiont
		<i>E. flexuosa</i> (Wulf) Ag.		Important for the antibacterial activity <i>Mycobacterium tuberculosis</i> and possible bio-indicator for waters contaminated with heavy metals	
		<i>E. prolifera</i> (O.Müll) J. Ag.			eurybiont

	<b>Ulotrichaceae</b>	<i>Ulothrix implexa</i> (Kütz.) Kütz.		Develops especially in the cold period of the year, in spring and autumn on hard substrate and epiphyte on the thallus of other macroalgae.
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**Table 2. Species of *Cladophorales* that develop appreciable biomass in the prevernal, vernal and autumnal season [25 - 28]**

Order	Family	Species	Observations	
<b>Cladophorales</b>	<b>Acrosiphonaceae</b>	<i>Urospora penicilliformis</i> (Roth.) Aresh.	Cold water species considered arctic relic. It grows in midlittoral waters, attached to rocks but can also reach greater depths. It lacks in the Mediterranean.	Filamentous thallus, non-ramified that can reach 30 cm in length
		<i>Cladophora vagabunda</i> (L) Hoek.	Very abundant at our littoral; a good indicator for highly eutrophicated waters; wide ecological valences	
	<i>C. sericea</i> (Huds) Kütz.			
	<i>C. laetevirens</i> (Dillw.) Kütz.			
	<i>C. albida</i> (Huds) Kütz.			
	<b>Cladophoraceae</b>	<i>C. dalmatica</i> Kütz.	Abundant in the warm season, in shallow waters; it is considered valuable as food in the extreme east.	
<i>Chaetomorpha aerea</i> (Dillw.) Kütz.				

Bryopsidales	Bryopsidaceae	<i>Bryopsis plumosa</i> (Huds.) Ag.	It develops well in the warm period of the year, in eutrophicated waters – even polluted
		<i>B. hypnoides</i> Lamor	



Fig. 2. Algal deposit at the sea shore made up of species from the genus *Ceramium* and depigmented green algae in advanced decomposition state (Eforie Sud, Photo: Paraschiv)

## MATERIALS AND METHODS

### Collection and processing of samples of macrophytic algae

#### 1. Qualitative analysis

It involves the collection of samples from different places along the transect line without applying the sampling method (Fig. 3). The result of this type of analysis is represented by the list of species.

#### Sample collection for qualitative determinations

Observations and collection of algae for qualitative determination was made monthly, especially after storm periods, to identify the dominant perennial and seasonal species, and to capture the different stages of the development cycle. Fresh algal samples were taken in the laboratory, washed of the associated fauna and sorted in the main groups; the sampling is done so that the estimation of the abundance can be done (after density and biomass); for this purpose, a classical procedure was pursued, but unanimously supported by specialists in the world community, that of sampling the "square sample".

Samples are obtained by integral collecting of plant biomass by scraping the substrate corresponding to a square sample; for each sample at least one replicate was taken; samples are stored in the chest freezer and will be processed in the

laboratory. Photographs in the field, before taking samples, will complete the picture of the structure of macro-algal associations from the southern part of the Romanian coast.

In this case, the study objective was to establish a list of species in a given region. The study of biodiversity is complex and long, its purpose being more than just the publication of lists of species valid at one moment, but also the appreciation of the way in which these lists change in time and space, as well as the reasons for these changes, which can be due to natural variability or the impact of biotic and abiotic factors.

In order to obtain this kind of long-term results and for their comparison in time and space, it is necessary to standardize them and maintain them at the same level of precision in sample collection, as well as their processing and analysis. These objectives are difficult to reach for practical reasons, especially in the case of macrophytes.

Algae collection for qualitative determinations takes place monthly or at least once every other month in order to detect not only the perennial but also the seasonal species, as well as for the determination of stages in the development cycle. Also, it is recommended to collect whole samples, both with the fixing portions (rhizoids, disks or cramps) and the apical parts of the thallus, all structures being necessary for the correct identification of species.

Algal samples are brought fresh to the laboratory, washed from the associated fauna and sorted on main groups. The fresh material is determined macroscopically and microscopically, using field guides or specialized papers: *Ulvales* (*Chlorophyta*) from URSS Seas (Vinogradova, 1974); A critical survey of European Taxa in *Ulvales* (Bliding, 1963); Revision of European species of *Cladophora* (van Hoek, 1963); Sur le *Ceramium* de la Mer Noire (Celan și Șerbănescu, 1959); Algology Book vol II, vol III (1977, 1979); World Life Diversity—Illustrated Book of Romanian Flora and Fauna, vol I—Marine Environmental (1995); Guides des algues des mers d'Europe (Boudouresque, 1992).

## 2. Quantitative analysis

This type of analysis involves the collection of biological samples usable for an estimation of abundance (according to density and biomass) [8]. For this purpose, a classical method is used as it is unanimously accepted by specialists and known as the sampling by means of the “sample square.”

### Establishing transects (Fig. 3.a).

Transects that conform to certain conditions must be chosen in order to collect samples of macrophytic algae:

- To be accessible in different climatic conditions,
- To be easy to locate but to maintain the collection conditions,
- To tolerate repeated collections (samples), at different distances from the shoreline.

### Substrate

In the distribution of flora and algal vegetation, the nature and aspect of the substrate are very important. Apart from the rocky substrate (Fig. 3.b), limestone platforms, protection jetties), two other factors are also important: the substrate represented by mollusk shells and the thallus of certain algae, for fauna.

### Materials and equipment

Simple and accessible equipment is needed for the collection of samples: knife, plastic bags, cloth sacks, plastic dishes, tracing paper, pencil, refrigerating box. The samples are obtained by the total collection/scraping from the substrate of a vegetal biomass corresponding to a sample. At least one replicate will be taken for each collection. The samples are kept in the refrigerating box and processed in the laboratory.

### Sample collection for quantitative determinations



The quantitative estimations are important for the understanding of the structure and functioning of a population, for the analysis of the biochemical compounds, as well as for the estimation of current deposits, especially in the case of species valuable from the economical point of view.

The quantitative collection of macrophytic algae is realized using the square method, by means of frames of proper sizes, which are established according to the characteristics of the respective population, as well as to the type of substrate.

In concrete conditions regarding the type of macrophytic algal vegetation at our littoral, as well as the substrate it prefers, wooden frames (10/10 cm) are used for quantitative collection (Fig. 3).

All the algae from this surface are collected, each sample being introduced into a plastic bag and labeled with the date, place and depth of collection. Three replicates are usually collected from each depth.

The fresh samples brought to the laboratory are washed from the associated fauna, sorted on main groups (green, red and brown algae). Then, the species are separated in each group after their prior identification.

In order to obtain the dry biomass values, the samples are dried at 105°C in the drying oven for 24 hours. The biomass is calculated for each species and the final value is represented by the average of each species collected in the three samples from each depth, then multiplied by 100 and expressed in g\*m<sup>-2</sup>.

The value of abundance according to the dry biomass (e.g. for *Cladophora vagabunda*), collected from a depth of 1 m: A<sub>1</sub> – value of dry biomass from the first replicate; A<sub>2</sub> – value of dry biomass from the second replicate; A<sub>3</sub> – value of dry biomass from the third replicate; B g/m<sup>2</sup> (*Cladophora* biomass at 1 m) = (A<sub>1</sub> + A<sub>2</sub> + A<sub>3</sub>) x 100

At the end of sample processing and identification of species, the individuals in each species are counted and thus we obtain the abundance on sample surface. The arithmetic mean is realized depending on replicates and its value is extrapolated to square meter (surface unit) and represents abundance according to density (expressed in number of individuals per species\*m<sup>-2</sup>).

## RESULTS AND DISCUSSIONS

Macrophytes recorded mass development during periods of optimal thermal and nutrients regime, as follows: species of chlorophyte group (Table 3): *Urospora penicilliformis*, red algae species, *Bangia fuscopurpurea*, *Porphyra leucosticta*, *Ectocarpus siliculosus* are frequently met in February and May, while species *Dasya*, *Chondria* appear during summer; cosmopolite species belonging to genus *Enteromorpha* (*E. intestinalis*, *E. compressa*, *E. linza*, *E. flexuosa*, *E. prolifera*) *Ulva rigida*, *Ceramium* (*C. elegans*, *C. diaphanum*) are present in all the associations follow one another during the year. Perennial algae: *Cystoseira barbata* and *Cy. bosporica* from the shallow rocky littoral areas and *Phyllophora nervosa*, *Ph. brodiaei* from greater depths of circa littoral, but until 50 m (almost 50 years ago a wide field of about 11000 km<sup>2</sup>, in the NW part of the sea was described as a true red “plain” formed by species of genus *Phyllophora* – with a biomass over 5,6 million tone; this representing one of the basic biological characteristics of the Black Sea [17].

Observations and studies that we have done over several years enabled us to identify the two summer periods in which large amounts of macro-algae are detached from the substrate and bonded to the shore (especially in the group of green algae-*Chlorophyta*), in June – August .

In addition to natural factors such as prolonged periods of freezing from the Romanian seaside in the years '70 - '80, the emergence of high intensity storms, the anthropogenic factors have had an important contribution; studies in recent years have shown a significant decrease in the number of species of algae covering the shallow littoral south of Constanta (Table 4, [18]), and this was made on behalf of human impact stemming mainly from the work of the Port of Constanta South Agigea (large amounts of fine clay sediments reached the water through port works and hydro technical works, determining

decrease of transparency and change of shallow bottom waters because the sediments that were deposited on hard substrate created a mobile substrate and prevented macro-algae deposition).



Fig. 3. Sample

**collection: the sample square” for qualitative and quantitative determinations of the macroalgal flora: a. the choice of transects perpendicular to the shore line; b. the “sample square” method; c. sampling by corer for quantitative determinations in the depth of the column with algal substrate and fauna associated to this substrate** (Photo: a. Vama Veche - 2 Mai; b. Vama Veche and Mangalia; Paraschiv, Sava, Negreanu), [25 – 28]

All shoreline protection works (against beaches erosion and for tourist activities) caused changes in the movement of littoral currents, being created areas with low dynamic of water bodies and thus eliminated rheophile/oxygenophile species in these areas.

Today only about one third of the total number of macro-algae species is encountered, compared to species cited 50 years ago; this has allowed the mass development of cosmopolitan, opportunistic, short life cycle species, especially belonging to the group *Chlorophyta* (green macro-algae); the most significant decrease is recorded for red (31 species in this group no longer being found on the Romanian seaside in the past 50 years) and brown macro-algae species (9 species). An important ecological niche for the development of marine benthos on hard substrate of the littoral part from the south of Constanta was represented by the "field of *Cystoseira barbata*"; currently in this field have left only small "oasis" with a much reduced surface [Sava et. al., (2007)].

**Table 3. The most abundant algae species identified in algae agglomerations on the shore**

(after Sava, [18], [25 - 28])

Nr. crt.	Taxonomic group	Species
CHLOROPHYCEAE		
1	Ulvales	<i>Ulva rigida (lactuca)</i> (L.)
2		<i>Enteromorpha intestinalis</i> (L.) Link.
3		<i>E. compressa</i> (L.) Grev.
4		<i>E. linza</i> (L.) Ag.
5		<i>E. flexuosa</i> (Wulf.) Ag.
6		<i>E. prolifera</i> (O.Müll) J. Ag
7	Cladophorales	<i>Urospora penicilliformis</i> (Roth.) Aresh
8		<i>Cladophora vagabunda</i> (L.) Hoek.
9		<i>C. sericea</i> (Huds.) Kütz.
10		<i>C. albida</i> (Huds.) Kütz.
11.	Bryopsidales	<i>Bryopsis plumosa</i> (Huds.) Ag.
12		<i>B. hypnoides</i> Lamour
ISOGENERATAE - PHAEOPHYTA		
13	Ectocarpales	<i>Ectocarpus siliculosus</i> (Dillw.) Lyngb.
CYCLOSPOREAE - PHAEOPHYTA		
14	Fucales	<i>Cystoseira barbata</i> (Good et Wood) Ag.
FLORIDEOPHYCEAE-RHODOPHYTA		
15	Ceramiales	<i>Callithamnion corymbosum</i> (Smith.) Lyngb.
16		<i>Ceramium rubrum</i> (Huds) Ag.
17		<i>Ceramium elegans</i> (Roth.) Ducl.

**Table 4. The decrease of the number of macrophyte algae species during 1977-2007**

(data after Sava [19], [18], [25 - 28])

Phyllum	After data:		
	Bavaru	Vasiliu	Sava

	1977	1980-1995	2007
<i>Chlorophyta</i>	31	22	16
<i>Phaeophyta</i>	14	9	5
<i>Rhodophyta</i>	41	24	10
Total	86	55	30

## CONCLUSIONS

The most important features of macro-algal communities in the southern Romanian Black Sea Coast are:

- reduced number of species in groups of red and brown macro-algae;
- proliferation of opportunistic species of green macro-algae group, with short life cycle and which can develop impressive biomass in a relatively short time; these few species occupies 80% area of shallow sea bottom;
- reduce the area occupied by perennial macro-algae, *Cystoseira* and *Phyllophora*.

To improve the existing situation is necessary to popularize the importance of species (rare species and especially of perennial ones) on one hand, and to recover large amounts of macro-algae biomass produced during summer on the other hand.

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## Towards the World of Robots

**Emilian M. Dobrescu**

profesor univ. dr., secretar științific al Secției de științe economice, juridice și sociologie  
a Academiei Române, București, România, c.ș. I la Institutul de Economie  
Națională al Academiei Române, e-mail: [dobrescu@acad.ro](mailto:dobrescu@acad.ro)

**Edith Mihaela Dobre**

dr., cercetător științific la Institutul de Economie Mondială  
al Academiei Române, e-mail: [edithdobre@gmail.com](mailto:edithdobre@gmail.com)

**Ahmet Ecirli**

Prof. Assoc. Dr., Institute of Sociology  
Romanian Academy, Bucharest. [ecirli@gmail.com](mailto:ecirli@gmail.com)

### Abstract

*The radical changes that will cross the labor market through, including the ascension of robots and artificial intelligence, will result in the loss of 5.1 million jobs in the next five years in 15 large economies, reveals an analysis of World Economic Forum published in Davos, on January 20, 2016. Projections World Economic Forum (WEF), indicates total loss of 7.1 million jobs, offset by the addition of 2 million new positions. The study covered 15 economies representing about 65% of the workforce worldwide. Estimating highlights the challenges posed by modern technologies leading to automation in many sectors, from the manufacturing to healthcare. Given that and the International Labour Organization already anticipated a increase in unemployment worldwide to 11 million people by 2020, the number of jobs that will disappear is worrying.*

**Keywords:** Towards, World, Robots

### Introduction

The Bank of England warned that robots might take over 80 million jobs in America and 15 million jobs in Great Britain within the next 10-20 years. For each employee there is a 50% possibility to be fired and replaced by a machine. Computers are becoming more and more sophisticated, and jobs that were considered to be possible to be performed only by an individual before, risk to become automated, says Andy Haldane chief economist at the Bank of England "Machines are different nowadays. Unlike previous years, now they have the potential of replacing the human brain as well as their hands", he also stated.

The Bank of England highlighted that those who risk most to be replaced are clerks, people performing secretarial jobs and production workers.

Haldane said that the increase in the number of robots doesn't necessarily mean that the unemployment rate will reach alarming levels. "These people will adjust their abilities so as to be able to perform tasks wherein they shall continue having an important advantage against the machines" he says. It is not the first time that the technology radically changes the work force. During the industrial revolution, more and more manual workers were forced to acquire new skills and find more sophisticated jobs.

However, Andy Haldane warned that this time it will be different as intelligent robots shall take over jobs wherefore medium skills are required (technicians, operators) leaving to individuals jobs that require very good training or for the unqualified

ones. This might force people with medium skills to accept jobs they are overqualified for. Intelligent machines, e.g. robots, will make the number of trades that could only be performed by humans to considerably decrease in the future.

The traditional annual from Davos (Switzerland), taking place between January 20<sup>th</sup> – 23<sup>rd</sup> 2016, also discussed the prognosis that the new wave of technologic innovation shall lead to at least 5.000.000 new unemployed individuals worldwide, removed from their jobs by the new robotics. The almost perfect inequality shall become more and more evident worldwide, burying hope and new destinies.

EDGE – the building where robots work like people do

A days spent in the Edge building in Amsterdam starts with a smartphone app developed together with the main tenant of the building, Deloitte consultancy company. The moment you woke up, you are connected. The app is verifying your schedule, and the building recognizes your car at the entrance and directs you towards a parking space. Then, the app is finding an office for you, because at Edge there is no personal office. Nobody has one. Work spaces are assigned according to your schedule: sitting at an office, standing by a desk, in a working unit, in a meeting room, on a balcony or in a “focus room”. Regardless where you go, the app is recognizing your preferences as far as the light and temperature are concerned and regulates the environment accordingly.

Edge is also the most eco-friendly building in the world, according to the British evaluation agency Breeam, which gave it the highest score ever given, 98,4%. The Dutch have an expression concerning all this: “het nieuwe werken”, namely the new work method. It is about using the information technology to regulate the work style with the space where all activities are performed. It is about efficiency of resources, traditionally speaking – solar panels produce more electricity than the consumption of the building – but also about the optimum use of the human resources.

This building required numerous inventions. The LED super-efficient panels require so little electricity that they can be fed by the same cables carrying internet data. Panels are also endowed with movement sensors, light, temperature, humidity, creating a digital building spread roof as the synapses of a brain. Overall, within the Edge building there are no less than 28.000 sensors.

“We believe that we can be the Uber of buildings. We are connecting them to the internet, we are making them more efficient, and in the end in the world there will be a smaller number of buildings necessary” declared for Bloomberg Coen van Oostrom, the CEO of OVG Real Estate developer. The atrium is the gravitational centre of the Edge solar system. The cellular panels between stories allow air circulation, which is evacuated through the roof, thus, creating a natural ventilation system. Small heat variations and air currents make the inhabitants of the building to feel as if they were outside. Even in a stormy day, the building stays luminous, with natural light.

The atrium and its inclined roof top, which from the outside looks as if a slice of the building was cut, floods the working areas with natural light, and each working station is less than 7 metres away from a window. “A quarter of this building is not designated to office space, but meeting places. We start to notice that the office space is not just a work area per say, but it must create a working community, a place where people should want to come, where ideas are encouraged, and the future is set”, explained Ron Bakker, architect of the Edge project, at the PLP Architecture company.

Around 2.500 employees from Deloitte are sharing the 1.000 offices in the Edge building. The concept is called “hot desking” and encourages the creation of new relationships, random interactions, and just as important, the efficient use of the space. Offices are only used when needed. Some minuscule rooms within Edge only have a chaise longue and a lamp, perfect for making a phone call. There are also game rooms and bars where dispensers know how one likes one’s coffee. Flat huge screens at every corner can automatically connect to any phone or laptop.

As the employees working in Edge have no personal offices, there are lockers in exchange. All an employee has to do is to find a green light locker and use one’s identification card to be able to use it. Employees are discouraged from keeping a locker for more than a few days or weeks, partially because the philosophy of the concept is that people should not be tied to a certain place or rigid thinking system.



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Deloitte collects data gigabytes on how people in Edge are interacting. Central board panels monitor everything, from the energy consumption to the moment the coffee dispensers must be supplied. During the days where fewer employees are expected at work, an entire section of the building could be shut down, thus reducing the costs with heating, cooling, lighting and cleaning. General Deloitte philosophy in relation to Edge was that an investment that pays within less than 10 years deserves to be tried out. The digital ceiling was one of the most expensive innovations. Deloitte did not wish to reveal the cost, but Erik Ubels, information manager at Deloitte in Netherlands, said it would take approximately eight years to pay it. There is no doubt, said Ubels, that the future of all buildings is connection, inside them as well as with other buildings. "The multiple billion dollars question is who shall be doing this? Anyone who will succeed in doing this shall be the most successful company in the world", considers Ubels.

#### Among the most efficient robots

During the fourth edition of the Robotic Surgery International Congress that took place between October 29<sup>th</sup> – 31<sup>st</sup> 2015, in Bucharest was highlighted the development without precedent of the robotic techniques, that are helping doctors operate better, more efficient, by increasing the odds for the patients. The Congress was a first for Bucharest and a peak moment in the meeting of the greatest minds in the field, under the management of prof. dr. Irinel Popescu. Over 300 participants, wherefrom 80 from abroad, discussed and shared experiences, on the current place of the robotic surgery, progress recorded, surgical indications and difficulties related to the implementation of the robotic surgery.

The development of the robotic techniques encourages us and gives hope to most fields wherein this top surgery is used: urology, gynaecology, general surgery, ORL. A hands-on class opened the work of the Congress, training course in Ponderas laparoscopic surgery, where the attendants had the opportunity to perform procedures by means of the da Vinci robot.

The first steps in the Romanian robotic surgery were marked from 2008 by the robotic program of the General Surgery and Hepatic Transplant Centre "Dan Setlacec" from the Fundeni Clinic Institute, and this congress is in fact marking a maturity stage in the application of such new competitive techniques.

From a statistic of the moment one could say that into our country were made by means of the 7 da Vinci robots from Fundeni Hospital and hospitals in Cluj Napoca and Timișoara, about 1.700 surgeries wherefrom 1.000 at Fundeni. Active robotic surgery programs are developing at the Fundeni Clinical Hospital, Municipal Cluj-Napoca Hospital, Central Military Hospital Bucharest and Timișoara county hospital, yet, there are another three robotic systems at Theodor Burghel hospital, for urologic type surgeries, Agrippa Ionescu Hospital and Emergency Hospital Floreasca.

After revisiting a few memories from one's childhood and from the story of one's family profoundly tied in the past by Romania, Prof. Konstantinos Konstantinidis, president of the South-East European Robotic Surgery Society, stated that the robotic surgery system Da Vinci was operation in the year 2000, and now the new step in the robotic surgery is represented by performing the surgery by one incision.

It is true that for now, by the use of robotic surgery, costs are higher, but results are superior: the recovery of the patient is more rapid, the pain is diminished, and the technology allows surgery in difficult accessible areas, such as the lower abdomen, the oesophagus area or pancreas: "Everyone knows that a prostate cancer is radically operate robotically and results are the best. If, referring to general surgery, we can accept that for now big hospitals can somehow afford to finance a robotic program, maybe saving from other type of surgeries and investing into the robotic surgery, so as to offer the complete range to the patients, by choosing the best solution, as the case may be, in case of radical prostatectomy, in my opinion, financing from the level of the Health Insurance House for a social program might even become mandatory, because, by not accepting this idea signifies not accepting the scientifically proved progress", specified prof. dr. Irinel Popescu. This stated that by 2013 there was a program of the Ministry of Health, whereby were financed 150 surgeries, in each of the two centres wherein was practiced, at the time, the robotic surgery. The prostatectomy performed by means of the robotic surgery should be financed by a program by CNAS, as by this type of intervention results are best" asserted our great surgeon.

"All over the developed world, this radical prostatectomy surgery is performed almost completely robotically. Why? The prostate is located in a region difficult to reach, even with an open abdomen. In Romania we had the alternative of the Da Vinci surgical robot and we have it since 2009. I would never return to performing a classic surgery on a person with prostate cancer, because the results are net in favour of minimally invasive interventions, robotic, by devices with full HD 3D, as the Da Vinci surgical robot," said prof. John Coman from Cluj Napoca. By performing a surgery by means of the Da Vinci robot, the patient's suffering is diminished a lot, and one can mobilize during the first day after the surgery and can be discharged three or four days after.

"It is much cheaper to treat a patient with localized prostate cancer, you can even heal it, rather than treat a man diagnosed with advanced prostate cancer, metastatic, when you cannot get healing. You can only prolong the patient's life, perhaps a few years, but with enormous costs for society, terrible suffering for the patient, for the family ". By 2013, when this program was supported by the Ministry of Health in our country, over 50 surgeries were being performed annually. Now, although technically we could perform two surgeries on a daily basis, there are only performed every month. Intervention is done by request and costs about 6,500 euros.

### **Children and robots**

Inventeaza.ro is an NGO established in 2011 and aims to attract children towards the world of robotics. The initiator of the program, Cristiana Bogăţeanu, says 7-year students who enrol to classes learn how to build robots by following certain steps, and by using programming methods for their understanding level. "Until such time arrives to write a code they must learn the basic principles of programming and understand what is a logic order is or an event," said Cristiana Bogăţeanu. She is also one of the three founders of DeviceHub.net, a Romanian start-up specializing in providing cloud services for the Internet of Things (IoT), which received an investment from German giant Deutsche Telekom.

Upon the inauguration of the project, its founders received feedback from both children and their parents and they thought of a curricula adapted to the level of children. "We first teach them how to type, and how to build a robot and the last step is to make it," she added. Since then, around 300 children were trained, an average of 100 students per year. Children go to the NGO headquarters and based on classes develop a night lamp using sensors, LEDs, transistors and plates.

"Children learn by playing and is excited that one is making the object by one's own hand, is practically learning and in the end on ends up by keeping the night lamp" said Madalina Iorga, part of the organization team management. "It is a multidisciplinary approach. We are happy when the kids go home with a functional robot and show to their parents or schoolmates what they did. They are proud of their work". Courses last one year and are structured by three modules. Each module has 16 sessions and takes place twice a week. The cost of courses shall be borne by the parents, but the NGO also has several sponsors who support children lacking financial possibilities. "We want to make this program charge-free and available because it is sad what happens to the level of digital competence", said Cristiana Bogăţeanu.

The concept whereby inventează.ro is guiding after is brought from the United States and it is a STEM educational concept which is based on the acquisition of practical learning programming skills, robotics, electronics and mechanics. "We give children access to what science requires, electronics, mathematics, electricity and its phenomena. They are not learning by pieces, but within an integrated manner" continued Mădălina Iorga. STEM complements the education system so that children are encouraged to experiment. "The idea of robots is present in books, movies, cartoons and we offer them the opportunity to build the robots they want. Most want robots to do their homework", said Bogăţeanu. At the end of courses, a 9 year old child made an intelligent aquarium lamp.

Children who have completed the robotics course participated into two editions of the robotic soccer championship. "They start from electrical components and then get to build more complex devices, with wheels, engines and batteries," said Cristiana. All projects created by students are based on their knowledge previously acquired as programming is done by using various algorithms. "It is normal to understand what is happening behind a project."

Those who can attend classes must be between 7 and 14 years old, but the project founder said they received requests to organize modules for students over 17 years old, too. The mentors' team mentors inventează.ro is collaborating with consists of well-trained people working in IT companies and who come to the organization from passion. Cristiana

Bogățeanu wants to implement programming hours in schools in Romania and is making a comparison with Great Britain, where the civil society went out in the streets and managed to introduce programming in the school curricula.

### **Turks also have their robots**

The Turkish software development company Akinsoft will build the first human form robots factory in Turkey. The company produced three humanoid models, called Akıncı, or Rider in translation, and other three advanced replicas called Ada, or island, which can act as waiters. The production facility will be built in the province of Konya in Central Anatolia.

The brick foundation was laid on December 26, 2015. There will be mass produced the Ada and Akıncı models and a new humanoid, Ada Hostess which will be able to sell tickets. Akinsoft will invest 20 million Turkish liras (6.2 million euros) in the project: "We launched our robotics labs in 2009. Production of the Akıncı model began in 2011. We designed the most advanced model, Ada in 2013. Our robots are now working in several cafes and within the Robotics Centre. They serve food to customers and communicate with them. The Ada model can carry five kilograms of food," said Özgür Akin, president of Akinsoft. The plant will start producing humanoid robots at the end of 2016.

### **Legal and medical robots**

Artificial intelligence is about to trigger terrific changes on the labour market, millions of doctors, lawyers and other specialists are in danger of remaining without a job, warned on January 20, 2016, the experts participating in the World Economic Forum in Davos. Andrew Moore, dean of the Faculty of Computer Science at Carnegie Mellon University, pointed out that machines are already performing many of the "tedious tasks of clerks" computers being able to help lawyers prepare millions of documents for trials: "One after another, you'll see that that activities believed to require personal intelligence can be automated", said Moore during a seminar in Davos. In his opinion, many of the professions people think require intelligence, professions such as those of lawyers and doctors can be largely automated and careers of this type might restrict.

Zhang Ya-Qin, chairman of Baidu, the largest Chinese company that provides Internet search services, believes that robotics can make people lazier and more dependent on technology: "As computers become more intelligent, people will be more addicted to them, they will become less intelligent and lazier, because they will stop thinking as much as they normally are. This is a concern", he said.

Despite such warnings, the participants to the discussion agreed that the labour market overall outlook remains positive, the roles following to evolve towards more creative sectors. Recent research conducted by Oxford University shows that therapists, employees within the health and social sector are the least exposed to the risk of automation, while employees in telemarketing activities and insurance agents are most endangered. "There are some fields where we will use more robots to help people who will remain the holders of roles such as teaching or caring for small children, activities which require care and human interaction," explained Moore. According to him, extraordinary changes will take place, but things people will do by help of robotics will become more interesting.

Christopher Pissarides, holder of a Nobel Prize in Economics, and Erik Brynjolfsson, professor at MIT, warned that authorities would have to completely reinvent education systems to accommodate the changes that will be brought by increased automation. They said that encouraging entrepreneurship is essential: "It is difficult to teach machines to be truly creative. It is practically impossible for a robot to come up with a new business idea" showed Brynjolfsson. In the current thinking moment - we are adding, but in 5-10 years - robots that recreate businesses - will be something ordinary.

Stuart Russell, professor of computer science at the Berkeley University of California, is very optimistic that machines can improve the standard of living of people: "If artificial intelligence can enhance our intelligence, then we could talk about a Golden Age of Humanity, the possibility of eliminating disease and poverty, facilitated by technology", says Russell. However, Russell believes that autonomous cars are years away from becoming a common sight in traffic, computers are not yet smart enough to control all possible situations.

## Drones – the perfect robots

Drones, small unmanned aircraft appeared several years ago. Small, from the size of an insect to those of a glider sized aircraft, drones initially looked like toys, useful especially within the military field. They could carry a bomb to destinations of tens of kilometres, they could take pictures of the war theatre. The ones having the size of an insect were entering through the window and were photographing the chamber interior possibly finding a terrorist. Gradually from oddities they became useful military equipment, but also for civil applications. Toys for bigger people. Remotely piloted they created a new profession: the ground pilot one. At first Israelis were the most advanced in the aeronautic field wherein they led the way. Even the Russian army bought years ago a few pieces from Israel rather than copy them for use. In late December 2015, the Federal Aviation Administration in the United States published a series of new rules that require all owners of recreational drones to register their small machines in a federal data base. There must be some order instated within this field as only in December 2015 were sold in the United States ... 700,000 drones. A few years ago they didn't even exist and now only within a month there were sold 700,000!

Drones have already been used in Kosovo, Afghanistan and Iraq. And they are now used in Syria. The idea is old. They existed since 1918 but within the last decade, their growth has been explosive. At the end of 2015, NATO has successfully performed the test of the aerial surveillance drone Global Hawk Unmanned Aerial Vehicle. The drone was lifted to 13,000 meters and stayed in the air two and a half hours. This performs surveillance missions over large areas, in all weather conditions.

Miniature drones, mostly used in spying, are subject to a number of constraints. Wingspan cannot exceed 15 cm. The power source is a lithium-ion battery that provides autonomy for about 15 minutes. These drones must not make any noise although they are powered by a propeller. And they have to carry the power source, camera and radio transmission equipment. Now drones are driven remotely or they are scheduled on a certain route, and the French have designed an autonomous system capable of avoiding obstacles. The guidance system is inspired by the eye of the flies. The construction of cameras has reached an extraordinary level of miniaturization, as such a camera is weighing 0,5 grams. Sure if for Christmas there were sold hundreds of thousands of drones; they are regarded by children as remotely assisted toys. But these toys they can enter through the window in a room of a terrorist and, should it find one there, could guide a missile launched from a helicopter kilometre away, hitting the target with a sniper-type precision. This is not fantasy; strikes already took place in areas of urban guerrilla.

## Conclusion

Within the next 100 years, robots could take over Earth, if one is not careful and does not take immediate action. Even if it sounds like science fiction, the warning is given by the astrophysicist Stephen Hawking himself within the Zeitgeist Conference, which was held in London in early May 2015. "Artificial intelligence will surpass that of humans within the next 100 years. When this happens, one must make sure that those robots have the same goals as ours", pointed out Stephen Hawking. "Our future is a race between the growing power of technology and the wisdom in using it," also warned the astrophysicist.

Incidentally, this is not the first warning that Hawking is uttering concerning the artificial intelligence. He signed, January 2015, an open letter, together with Elon Musk, head of the Telsa company, one of the most innovative technology experts in technology, wherein there is a warning about the risk that it may hold on the world evolution, the development of rapid and uncontrolled artificial intelligence. The warning given during the traditional annual meeting in Davos (Switzerland) from January 2016 – on the replacement of doctors and lawyers work by robots - has been made also in this respect.

The radical changes whereby the labour market will go through, including ascension of robots and artificial intelligence, will result in the loss of 5.1 million jobs within the next five years in 15 large economies, reveals an analysis in the World Economic Forum published in Davos on January 20, 2016. The projections of the World Economic Forum (WEF) indicate total losses of 7.1 million jobs, offset by the addition of 2 million new positions. The 15 economies covered by the study represent approximately 65% of the workforce worldwide. The estimation highlights the challenges generated by modern technologies leading to automation in many sectors, from the manufacturing to healthcare one. Given that and the

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International Labour Organization already anticipates a rising on the unemployment level worldwide to 11 million by 2020, the number of jobs that will disappear is troublesome.

Two-thirds of the losses will be recorded in the administrative field under the circumstance where the robots shall take over routine tasks. WEF has made from the "fourth industrial revolution", a subject covering robotics, nanotechnology, 3D printing and biotechnology. The report "The future of jobs" leads to the conclusion that the employment situation will undergo dramatic changes on all industries level, although the impact will vary considerably, the biggest losses following to be recorded within the medical services field, followed by the energy and financial services.

However, in the same time, there will be an increasing demand for workers with certain qualifications, including data analysts and specialized sales representatives. Most women will suffer since their jobs are often concentrated within fields with slow growth or declining, such as sales, administrative roles.

Those who today are producing something that could also be obtained from the repetitive activity of a robot would better start learning something new. Among the most threatened jobs there are those in the sales, administration and public relations fields, workers in assembly lines, taxi drivers. Unmanned cars will become the norm, will be safer. Robots and 3-D printers will affect the manufacturing industry. "The Internet of Things" Internet communication between devices in production, and not that between individual will bury many other presently well-paid jobs.

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## Development of Social Policies for Victims of Trafficking, which are Assisted by Residential Centers in Albania

**Suela Hana**

PhD Cand. University of Tirana

suelahana@gmail.com

### Abstract

*This paper tries to analyze the integration policies concerning victims of trafficking who assisted in residential centers in Albania. It must consider that since 2005, the Albanian government has had a strategic approach to prevent and combat trafficking in human beings through the coordination work of the institutions of the central administration, independent institutions, civil society and international organizations in the fight against trafficking human beings, provided these in different strategies, action plans, policies and other standards developed over the years, with the ultimate goal to mitigate the phenomenon of trafficking in human beings in Albania and not only. The article aims to analyze these policies, as well as their effectiveness or gaps with the aim of drafting a policy model for similar phenomena in the future.*

**Keywords:** integration policies, victims of trafficking, residential, action plans, trafficking in human beings

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## Attitude, Referring Alternative Penalties

Adrian Leka, PhD

e-mail: [leka-ad@live.com](mailto:leka-ad@live.com)

Faculty of Law, University of Shkoder "Luigj Gurakuqi", Shkoder, Albania

### Abstract

Draft legislation imposes criminal democratic request for the inclusion of legal instruments that help more in punitive role of the sentence given by the court, by adapting a number of factors and circumstances that cannot accept the classical severity of punishment. This will maximize the peaceful character of the law but also would affect levels significantly above sentence enhancers' purpose. In other words, the criminal law has more need for legal flexibility, giving a considerable assistance and judicial bodies. This flexibility is achieved by using not only clearly defined penalties and stiffly but also creating an amalgam arising from the acquisition of qualitative elements of some types of penalties are available always maintaining sustainable character of the criminal sentence.

**Keywords:** Court ,punishment, offense, alternatives, probation, Penal Code, prison

### Introduction

The flexibility between types of sentences leads us first what is called alternative sentence. Must have a clear alternative that should not understand this notion of broad term for a criminal offense then you can choose punishment of imprisonment or fine, because this determines the choice of law without much skating, but we are dealing with a process which allows us to within a clearly defined type of punishment may be able to detach some other elements of criminal justice thus building a sustainable form of criminal punishment completely featured. Methods of her execution contain essentially what we call the social reintegration of morality offender. Resuming the alternative mentioned above for sentencing will give this definition: the alternative sentence of imprisonment shall mean those sentences given by courts for crimes when the law set distinct criteria which lie within the framework of prison sentences but due to certain circumstances, psychological, moral, family, ways of executing them rigorously regulated by means of isolation are common. Alternative sentencing is not excluded from the punishment. Based on these alternative sentencing court determines the extent of the general rules defined in the law. While suffering with conditional sentencing court a number of factors present as well as how you will behave in the future the prisoner. There are significant differences in terms of the way that making that final decision and the execution in respect of other fixed penalties. Regarding the mode of decision making unlike other court fines wider access in the provision of these convictions. For, although the law sets rigid criteria for these cases again the role of the court is crucial in analyzing and defining the specific circumstances that makes a decision necessary with such character. These circumstances can be very varied, character health, family, professional, moral, where the court must decide each case that when the elements of the relative usefulness for granting an alternative to imprisonment. While related to the form of execution of the sentence here we have a main difference with respect to the manner of execution of the sentence because although alternatives to imprisonment for a legal background has sentence to imprisonment, execution of sentence classical form far from this being done so original executed away from traditional insulation.

## 1. The notion of conditional sentencing.

Suspended sentence is suspension of execution of sentence determined for a certain time and with certain conditions<sup>1</sup>. If the convicted person does not commit the offense provided new deadline, and if it meets the conditions specified by the court which has given the penalty will not be executed and such person shall not be considered convicted. On the contrary, if the person convicted of the condition during the period of suspension of this decision, commits another crime or does not fulfill the other conditions of the sentence suspended, this type of criminal sanction will be revoked and the person shall be sentenced to conditional forced to bear.

Inside his conditional sentence consists of remission of sentence provided to the offender from society. This forgiveness is based on the belief that the offender in the future will respect the law and will not carry the offense. Penalty provided as ad hoc criminal sanction type is shown in the nineteenth century as a result of the knowledge that a number of convicted persons that have committed offenses courts less dangerous to society and persons who committed the act for first time and who have committed the offense due to poor material or the momentary effect of ease of mind or their indiscretion. Punishment provided for the first time presented in U.S.A and in England. This kind of sanction was introduced under the influence of motion for substitution of short-term prison sentences.

The purpose of punishment is provided socialization<sup>2</sup> of delinquent through suspension of sentence. This type of criminal sanction is presented as a method of special psychological - pedagogical attributes of threat in the fight against crime. On the nature of his punishment provided is suitable to be given instead of the prison term for random delinquents in general for the perpetrators of minor offenses.

Based on the many advantages of this type of criminal sanction for cases of offenders was moved above that and the results are achieved with the implementation of his suspended sentence is appropriated almost in all democratic legislation in countries. Also criminal law today is a tendency that the implementation of conditional sentence extended to higher number of offenses.

### 1.2 Systems sentence.

There are known three systems of sentence provided in criminal legislations:

1. The Anglo American system is shown in several North American states and in England in the late nineteenth century - as a form of replacement of the imprisonment. First, this system of punishment provided is intended for authors of minor offenses and then for adult authors. As a characteristic of this system is that the perpetrator to criminal procedure, found guilty, but no penalty is given. Giving the sentence suspended for a long time and determines the conditions that must be fulfilled. Also this person at the time of the suspension being convicted placed under special surveillance which carries an officer appointed by the court.

If the author during the time that the court determines not commit any offense and whether it fulfills the other conditions set by the sentencing court shall not be granted at all. Also on the expiration of the time during which the convicted person has been provided trial, which stops any surveillance of persons have filed official.

In the U.S.A sentence may consist of a fine, suspension of sentence, imprisonment or combination of all three.

Penalties in U.S.A require payment of a monetary penalty in favor of the Court. Failure to pay this amount could lead delinquent subject to deprivation of liberty.

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<sup>1</sup> This is a kind of pre-criminal sanction

<sup>2</sup> Through conditional sentence the offender is seriously warned that the sentence becomes a criminal offense if he carries another sentence suspended for a certain time will be executed.



Suspension of sentence usually contains various restrictions on travel or behavior, e.g. obligation not to use drugs and alcohol, and not associating with people with serious criminal past.

Suspension of punishment may include placing the person convicted under the strict supervision of an officer or an officer. This person officer is obliged to maintain a periodic report regarding the behavior and actions of the convicted.

U.S.A courts simultaneously-that today they are actively developing the so-called intermediate sanctions. These intermediate sanctions<sup>1</sup> in terms of the length of the sentence are less wild than prison but more stringent than the suspension of sentence.

And still comply with these conditions intermediate sanctions to imprisonment exposes the author. While prison sentence represents the essence of a criminal conviction. Though he is not present in any case, he almost always stays an option where a judge has in his discretion to grant it or not. Even when this punishment is not given as the main punishment, he still remains in the background, as a possible consequence of failing, the realization of the conditions of the fine, suspension of sentence, or intermediate sanctions. And still comply with these conditions intermediate sanctions to imprisonment exposes the author. While prison sentence represents the essence of a criminal conviction. Though he is not present in any case, he almost always stays an option where a judge has in his discretion to grant it or not. Even when this punishment is not given as the main punishment, he still remains in the background, as a possible consequence of failing, the realization of the conditions of the fine, suspension of sentence, or intermediate sanctions.

2. Continental European Arrangement is presented at the end of the nineteenth century first in Belgium and in France and for what is called the Belgian - French system. With this system after we acquired the other states of Europe. Characteristic of this system is that conditional sentence the offender is found guilty and the court gives sentence, however given sentence not execute, this will suspend for a specified time provided that the author during this time not commit a new offense, and to fulfill other conditions that the court may designate in the sentence. Unlike the system Anglo - American, Continental Europeans system, during the probation, suspension of execution of sentence, the offender is not assigned any supervision, advice or assistance. This characteristic of the continental European system of suspended sentence is considered as the major bugs since a person on parole whole left without assistance and for this reason can be found in such circumstances and difficulties which may contribute to this again to carry out criminal acts. However, even in some continental European countries, as envisaged in the countries' common law "a declaration of suspension of sentence. And this suspension for special leave to see the reaction of the accused later.

This behavior depending on the verdict the court gives its decision giving prison sentence or not given the decision at all.

Legislations of these countries in detail anticipating this kind of penalty put the restrictions against him, so that these states restrict the application of the suspension of execution of sentence to:

- a. certain categories of offenses authors such as repeaters or strangers, etc..
- b. a category of serious offenses that pose serious risks to the public.

A feature that appears in continental European countries is before the court to give such a decision should take the consent of the offender.

So then the offender must give its consent before the court be undertaken such a step. Consent of the accused<sup>2</sup> for this punishment could be considered at least as a preliminary indication of the eventual essential success for any purpose that the court sentence enhancers.

<sup>1</sup> They include house arrest for weeks or months, observations on the prisoners regarding his communications with friends etc..

<sup>2</sup> This consent is required because the nature of the suspension of sentence's execution is such that this sentence has not the goal and efficiency required if there is a lack of desire and willingness on the part of the author for not committing future criminal acts.

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Italian Penal Code as pronounced expression of continental European law suspension of execution of sentence provided in comprehensive manner. Italian courts can make a decision to suspend the execution of sentence for the offense for which a sentence of imprisonment awarded not more than two years or by a fine alone or associated with another penalty.

In such cases the judge may order that the decision to remain suspended (evidence) for a period of 5 years if the conviction is for a felony, and two years for offenses where the punishment is.

IF the offense is committed by a minor until the age of 18 can be ordered suspension when we are dealing with a criminal offense which provides for a criminal penalty of not higher than three years. If the offense is committed by a person who is 18 years old, 21 years old and people over 70 years old, the suspension may be ordered when we are dealing with a criminal offense which provides for a criminal penalty of not higher than 2 years and 6 months (Article 163 IPC)

As for the restrictions, to which the Italian court gives these kind of decisions we have to do with an original system. Suspension of sentence provided under the Italian penal system cannot be given to Article 164 IPC:

- Persons who are repeating in various offenses although they can be forgiven and rehabilitated.
- In cases where the offense must be attached to a personal security measure if the person poses a danger to society public.
- Suspension of execution of sentence cannot be given more than once.

The suspension of sentence may order the fulfillment of certain obligations as returns of items, by paying an amount for liquidated damages incurred tampered behavior that the person you eventually leave road offenses. In any such decision officials must also specify the time when they should be fulfilled such obligations.

Even for effects that can lead to such a decision, they will be interpreted to the extent provided in the suspended sentence given by the court. Except in cases clearly expressed by these acts decision should not become an obstacle or object to stigmatization in society and in working relationships.

A suspended sentence is revoked, then the execution of the Article 168 of IPC :

- A person commits an offense equal to or greater than that for which he was sentenced during the trial period.
- Punished for a previous offense, the punishment that by joining the suspended exceed limits set for the suspension of sentence.

Each of these two systems as one Anglo - American also continental Europeans have advantages and their disadvantages. Anglo priority system - is that the U.S. recognizes supervision which exercises as saw the officer, who watched it offers opportunities for re-socialization of the person convicted. But as the bugs of this system is that in case of revocation of suspended sentence to be administered evidence for assigning correct sentence not working hard up because over time the evidence to be taken into account when deciding on the sentence is too difficult to manage.

The advantage of the system lies in that the continental criminal proceedings terminated by the court at the time when all the evidence is there, which over time is much more difficult to manage. Also this system is cheaper up because does not require the assignment of an officer to monitor and care provided to the person convicted. While the bugs of the system, with the right touch because it does not care at all about the convicted person on bail, does not provide any supervision, care and assistance and for precisely this condition a person sentenced to be found again in those circumstances that may contribute to this offense perform again.

### 1.3 Mixed system.

Given the advantages of both systems aforementioned sentence legislation provided different European countries since the early nineteenth century to the confronted a mixed system comprising elements of system as well as elements of Continental Anglo-American System.

According to this system mixed offender of a criminal procedure given suspended sentence and its execution, but the court may also appoint special surveillance measure for a specified time. In this mixed system of sentence suspended avoid the shortcomings of Continental-European system and the advantages are acquired to Anglo - American the system.

Once treated suspension of sentence under several different systems from Continental European in that the Anglo - American, trying to highlighting the features and advantages as well as disadvantages, let's leap in our system of criminal justice Albanian.

With the adoption of the new Criminal Code<sup>1</sup> legislation became our first time a treatment and a full range of alternatives to suspension of execution of sentence of imprisonment and fragmentation of the sentence of imprisonment. Follows analyzing how this code decodes this institute, though has not yet taken such proportions as in European codes for the fact that judicial practice it fails to acquire in properly.

### 2. Meaning and importance of suspension of sentence.

Our Criminal Code instead of legal terminology "conditional sentence" that use more codes in different countries use legal terminology "suspension of execution of the decision to jail." Suspension of execution of imprisonment sentence by the court understood the imposition of convicts on probation for a certain period, or conferral of a suspended sentence<sup>2</sup>.

Suspension of the execution sentence of imprisonment sentence preserves the full features of the sentence as state punitive measure, although their term of imprisonment not deemed necessary when there are some circumstances provided for in the Criminal Code that allow for the objective punitive and improve your suspended sentence and its execution by imprisonment.

#### 2.1 Terms and conditions of the suspension.

The suspension of imprisonment decision made by the court when these conditions and circumstances exist:

- Firstly when social dangerousness of the offense and the perpetrator is scarce. It is estimated in each particular case by the court for the convicted person taking into account the characteristics of his personality, age minors being that as a rule of eligible persons who have committed the offense under the influence of the immediate circumstances, the previously convicted, the elderly over 70 years old.

- Secondly when circumstances are committing such offense to allow a decision to suspend the execution of sentence<sup>3</sup>.

However, the court in the suspension of execution of sentence of imprisonment should be guided primarily by the degree of social danger of the offense concrete, or bull that has brought, circumstances affecting the commission of offenses, the perpetrator's personality, his attitude and other circumstances that convince the court that the guilty isolation from society and their term of imprisonment are not only necessary but sufficient for the announcement of the decision.

<sup>1</sup> In 1995

<sup>2</sup> Given in the content of Article 59 of the Criminal Code, it appears that we are dealing with a special way of determining the sentence to imprisonment, not executed if the probationary period does not commit another offense as serious as it.

<sup>3</sup> Here is taken into consideration mitigating circumstances commission of the offense provided for by Article 48 of the Criminal Code, if the offense is committed by motivated with positive moral and social values, or under the influence of psychiatric disorder caused by provocation or unfair actions of the victim or to another person, when the person shows deep remorse, etc..

In our criminal law is not recommended sentencing expressly provided for persons who have committed offenses before and in particular to specific repeaters. In each case the court shall argue that there are circumstances into account certain penalty for putting on trial. In those cases where the prisoner has committed a serious punishment for example murder, the degree of social danger of the offense and the need to ensure public tranquility by such a person does not allow the suspension of the sentence by imprisonment. In such cases the practice court has given its contribution to the installation of a clear legal framework regarding social suspended sentence. It should be underlined that the fundamental criteria for the implementation of this decision has and the Criminal Code with its provisions. Just suspension of execution of sentence by imprisonment is made by the court issuing a sentence by imprisonment of up to five years. Only in such cases the court may order that the prisoner be put on probation by suspending the execution of the sentence but not more than once. Test deadline is 18 months to 5 years and is determined in each case by the court taking into account the personality of the convict and other circumstances. Deadline test is very important moment for the offender, because this is the key moment of the execution or by imprisonment sentence not by the author.

During this period the prisoner should not carry any criminal offense as serious or severe and must also meet any other conditions the court may eventually give him too.

With the offense is so serious we will realize that for which the criminal law provides punishment is that kind of measure how committed the criminal offense of which the first was made for suspension of execution of sentence regardless of the type and extent of punishment that sets court for the offense.

While the most serious offense for which she understood predict the nature and extent of the punishment severe. Including two types of offenses cited above if the condition of the prisoner consumes even if one of them, then the decision of suspending the sentence of imprisonment for the first offense shall be revoked and the unification of penalties.

As mentioned above except that the prisoner during the probationary period shall not commit an offense of the same or greater than that for which he was sentenced, he also occasionally (this puts the court) should implement some conditions and measures which the court deems reasonable for the completion of the test.

## **2.2 Measures to be put on trial prisoners.**

Our Criminal Code, Article 60 and its commentary in support of the Criminal Code contain a new treatment on binding measures providing for measures that can be taken to court convicts put to the test. Taking measures against the prisoners put on probation by the court for the rehabilitation of the convicted order to become useful to society, to engage in useful work and to be disconnected from the environment that affects their behavior it's not sticking to the path of criminality. Taking such measures is not mandatory but optional for court so only when the latter deems reasonable and useful purposes of getting them. While other work related stays behind. He is bound in meeting these strict measures imposed by the court.

Court rules taking one or more measures against the prisoners put to the test keeping in mind his personality and the circumstances of the commission of the offense as well as its social dangerousness. Our Penal Code section 60 has listed all measures that mainly court may decide against the prisoners by placing one or more defined these obligations. Among these measures are defined in the code court gives those that are most appropriate, with high efficiency for the rehabilitation of the convicted in the trial taking into account age, occupation, and other properties of his personality, character and significance of offense criminal who has committed, family and social economic conditions in which he lives, social environment with whom he had connections, etc.

So if we are dealing with a new who has no profession or education, then the court compels him to learn a professional activity where primary education or training to obtain relevant professional schools or pursuing different courses. When it comes to condemn what families who have abandoned the court obliges it to pay family pension regularly or when his actions caused the damage or the individual state compels the court to indemnify the civilian damage caused.

If the prisoner has previously committed a violation of the traffic and caused death or injury to persons then run the court prohibits certain vehicles. If the prisoner has previously committed a criminal offense that relates to the exercise of professional activity that prohibits it then exercise such activity.

When a person is convicted of disturbing the peace court decides as to its extent to stay in his apartment at certain hours. If the defendant is convicted of offenses against the person, or public safety, then the court decides that he does not hold for example weapon, for prisoners or mental ill for those using alcohol or narcotics court decides to undergo medical measures against alcohol and various narcotics.

It should be clear that every case is important that the measures to be put in trial prisoners be fully implemented according to the requirements stipulated in the Criminal Code, Article 60, ie. begin implementation of measures under the court's decision and continue to perform to their full. Ordering expressed these measures in our code and it manifests human character do deterrent to crime. But on the other hand it presents great difficulties regarding the control of practical implementation of the measures imposed by the court. In addition to these measures in almost the same form in its decision the court may also add charges that penalize the convict during the trial period.

### **2.3 Obligations of the convict during the trial period.**

The aim of these obligations stipulated in the Criminal Code, Article 61 is that the prisoner is subjected feel that control of the supervisor and be disciplined and obedient to the obligations imposed by the court which proves whether the prisoner has improved or not. Under the Criminal Code, Article 61, the obligations are clearly stated as follows:

1. The person convicted is obliged to respond to calls and requests for specific bodies of probation supervision, these bodies may be those of the police, order, or other specific bodies which we call under the supervision of convicts taken up in certain days and hours.
2. Obligated to notify the person convicted oversight bodies for changes in the type of work or profession. This requirement has close relation with the limits of the Criminal Code under which the court determines the type of work that will work and where the prisoner is obliged to respect and implement the decision of the court. In addition to the requirements made to prisoners already informed oversight bodies that the test has to do with this body exercising control over the conduct and behavior of prisoners
3. Duty is another of the prisoners that he received consent to bodies dealing with probation supervision for changing residential center, the employment center and departure abroad also add that these restrictive measures movement to deal with prisoners in order to ensure control of probationary oversight bodies and so on to ensure the execution of the court decision, the respected and implemented legality in criminal law.

Presenting certain conditions in the core of the test suspension of execution of sentence will not realize that the sentence of the court is fully exhausted, it was this or not depends on the completion of these conditions in our criminal law, especially the commentary of the Criminal Code represents a treatment a full revocation of the suspension decision by putting to the test.

### **2.4 Terms of the revocation of the suspension decision.**

Revocation of suspension court decision to be made in putting to the test if they have during the term of probation commits an offense as serious or more serious than first offense. Also revocation of the suspension decision by putting to the test done even if the prisoner during the probationary period without good cause has not completed the measures and obligations we quoted above.

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Thereby ensure completion of measures and obligations imposed by the court. According to the Commentary to the Criminal Code "without good cause" in cases of noncompliance with these measures<sup>1</sup> and obligations understood that the prisoner deliberately acting contrary to the decision of the trial court with putting.

Besides the conditions and measures which the court decides that the above treated Criminal Code also provides another obligation which covers the suspension of execution of sentence of imprisonment. This obligation is it to perform a job in the public interest.

### **2.5 Understanding and establishing conditions of forced labor in the public interest.**

By working in the public interest means any work from its character and content is in the public interest, without prejudice affected the dignity of such person working in the public interest can take place at the municipal service sector, in construction or maintenance of roads in , in the sectors of health, nongovernmental organizations near or in humanitarian sectors.

Replacement of the sentence of imprisonment with an obligation to fulfill a public interest job done when we meet all the conditions of the Criminal Code, namely:

a. the court finds that the social dangerousness of the person is conducted taking into account his personality, his past behavior, the fact that there is habitual, shown remorse for the crime committed, etc.. Also in these cases the court takes into account the commission of the offense, ie the importance of the offense, the way the vehicle with which the offense was committed.

b. the court may decide to suspend the sentence of imprisonment for the offense for which the sentence is fixed up to a year in prison, mainly word here is primarily for criminal offenses or serious crimes not envisaged penalties for not more than one year of imprisonment.

c. work in the public interest given by the court for a time from 40 hours to 240 hours, their calculation is done by instant. when it is determined by the sentencing court replacement imprisonment up to the moment when completed 240 hours of work in the public interest. Work in the public interest completed within 6 months from the date of entry into force of a court decision, ie to 240 hours it must be completed within 6 months. Court determines how many hours and days in which the prisoner will work in a public interest job. This facilitates the accurate calculation of the prison sentence imposed by this court.

d. obligation to work in the public interest determined by the court executed by the prisoner working without any remuneration in favor of the public interest or association determined by the court decision. So for example the court may decide to suspend the sentence of imprisonment to convict and his obligation to work in favor of a non-governmental association of the Red Cross, etc. without any reward.

e. obligation to perform a job in the public interest can not be decided by the court when the prisoner refuses to suspend judicial proceedings, the refusal of the prisoners can be done for various personal reasons when he is sick, or receives better than prison to work in the public interest.

The court is obliged to take account of refusal to convict and decide according to his request. Obligation to work in a job in the public interest cannot be applied to the military court, invalids of the first group, the second, pensioners and other persons unable to work, against minors who have not reached the age of 15 years, employers and employees who have reached 65 years and women 60 years of age. Against these persons may be given a different kind of soft penalty. When the prisoner called to perform military service before or during the punishment, or to perform military service or after may exempt from punishment. These circumstances, although not expressed in law understood by logical interpretation of penal provision. Who is considered unable to work assigned by forensic - legal expertise. When a person becomes unable to

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<sup>1</sup> So when there is reasonable grounds such as illness, family distress, force majeure, etc., that have prevented the fulfillment of the obligations imposed measures by court there is no place for revocation of suspended sentence decision.

work during the execution of the court decision at the request of the Bailiff forced to replace the remainder of the sentence to a fine or a stay of execution or release him from the obligation to work.

dh. Our Penal Code provides for the provision of the above amount of the fine in the case of substitution of sentence with work in the public interest with a fine, but it will be settled out of court under Article 34 of the Criminal Code.

e. Court decision for the replacement of the sentence imprisonment, forced to work in a job with the public interest, is effective under the general rules laid down by the court in the Code of Criminal Procedure.

f. In the set hours for work in the public interest calculated missing hours reasonably justified by such medical report that has been ill, or for distress in family.

g. When the prisoner has been arrested or detained and is releasing the days and hours are calculated in the term employed in the public interest.

h. Albanian Criminal Code does not stipulate whether the prisoner to work in the public interest or not there will be other legal consequences, as penitentiary time will be calculated or not in time for the retirement of retirement, invalidity and for effects other financial institutions. Logic demands that this time of the penitentiary not known person for any legal effect. Also convicted person has not paid to citizens why the salary for the time when work is serving the public interest or common license. Surely the Penal Code deficiencies remain to be filled, or with additions of CC, or by judicial practice. However regarding work in the public interest I think, that these provisions of the Criminal Code are probably the only ones that are not really applied our practice court<sup>1</sup>.

This leads to what any private entity that welcomes fulfillment of the obligation to convict through its activities or even when such a thing becomes covered by fictitiousness.

### 3. Fragmentation of sentence

As a means of expression that aims to end resort conviction that our criminal legislation is well aligned sentence fragmentation. Fragmentation of the sentence is a relatively new concept in the modern criminal legislation. He went to meet with the best intentions on reintegration and improvement of delinquent giving opportunity that besides partial execution of the sentence to be involved also in everyday life for himself the surrounding social factors.

Fragmentation in our Criminal Code provided for in Article 58. While the commentary of the Criminal Code makes a statement about the meaning and requirements of the fragmentation of the sentence. Under his sentence fragmentation will realize that for convictions on offenses up to a year in prison, the court, upon finding serious family circumstances, medical, professional, health or social decides to execute the sentence, with no less fragmentation than two days a week.

For the fragmentation of the sentence should therefore certain conditions:

1. Fragmentation of the sentence imprisonment be imposed only for those who are sentenced to a year in prison.
2. Fragmentation of the sentence imprisonment is made by the court when it observes serious family circumstances, health, professional and social. With severe family circumstances is perceived when a person has had death to for example family member husband dies of prisoners and children are left without anyone to care for them. With serious health conditions they understand when the sentenced person is suffering from a serious chronic disease that must necessarily be proved however with medical report and assessed by the court that do not allow it to serve a sentence imprisonment. Serious

<sup>1</sup> This stems from many factors.

The money comes from a strong non consolidation of the judiciary in our country, so even if such a decision given our courts are not able to monitor the real execution of this obligation on the part of the convicted.

Second, the application does not come from non structuring or not properly organizing of a civil society throughout its components socio-economic

personal circumstances when a person means the introduction in jail for the rest of the sentence could lose his professional skills (surgeon, artist, etc.). While serious social circumstances they understand when a person sentenced to imprisonment has lost the reputation or political or social cause annoyance for example incarceration of a famous footballer, journalist etc..

3. Fragmentation penalty is made by the court in order to execute her convicted by imprisonment for not less than two days a week.

4. The main condition provided in the second paragraph of Article 58 of the Criminal Code is that the execution of imprisonment sentence regardless of how fragmentation is done two or three days a week in prison, should be completed within three years.

5. Penal Code in the third paragraph of Article 58 provides for the revocation of the sentence handed down to fragmentation when:

a. severe family circumstances and social health no longer exist.

b. when the prisoner violates the obligations set out in the decision of the court. With the decision by the court to revoke the prisoner is forced to suffer the remaining part of the sentence in prison. It is understood that the execution of the court decision to sentence Fragmentation requires systematic control of body making special execution of the sentence by imprisonment the execution of judicial or other body charged with this task.

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## A Case Study on Stress Factors of Exams and Their Depressive Influences on Students of a Specific University in Albania

Muhammed Ali Isik

European University of Tirana, Tirana/Albania

muhammedali77@hotmail.com

### Abstract

Disorders derived from depression are resulting in high scales of illnesses and are even expected to be rising even more with the coming decades. This significant problem is becoming more and more common among all age groups as well which is also prevailing profoundly among university students. Our characteristics and the way we overcome with stress are two elements that are significant in the development of psychological distress. The present study investigated the relation between depression, our characteristics and coping with stress problems; to diagnose the sources of stress; and the elements related to depression among the students of the University of "Hëna e Plotë" Bedër, Tiranë, 2016. The present study suggests that our personality and the coping strategies we improvise may influence the way we experience, anxiety, stress and depressive symptoms. This study analyzed the main sources of depression for students of the university by implementing a survey to 100 samples. Research findings indicated that male students feel higher stress from family reasons than female ones; students that have higher grades feel more stressed from mental/physical, emotional and school elements.

**Keywords:** Disorder, depression, stress elements, psychological distress, school elements

### 1. INTRODUCTION

When students feel profound feelings and can't find ways to cope with those intense feelings, they may not be able to express their sufferings and they may feel frustrated and even show inclinations of violence, self-injury, bad habits, isolation from others or get themselves closed emotionally and get involved with drugs or worse situations. Moreover, other attitudes and manners could be related with students' psychological and mental well-beings as in; disregarding laws, aggressive behaviors, alienation from friends, family and society; and eventually it may have impact on their academic achievements. The present study aims at studying thus far mentioned symptoms on students of a particular university, Hena e Plote Beder, in Albania. Many other studies are also referred throughout the article to bring a better insight into the issue.

Studies mostly focused on hazardous effects to psychological and physical well-beings of students. On the other hand, such studies indicated that an adequate rate of stress could actually cause creativity, better academic performance; nonetheless the intensity of the stress could cause different types of impairments, lessen learning, harm individual relations, and eventually show physical symptoms as well.

The present study aimed at exploring symptoms of stress, reflect scales of depression, and figure out the relations between depression and other major sources of stress among students of this particular university. The data obtained from 100 samples could also be significant in diagnosing and preventing symptoms and sources of depression caused from exam stress in particular.

#### 1.1 Objectives of the Study

The major objectives of this study are to measure the prevalence of depression; to find the sources of stress; and the factors related to depression among the students of the University of "Hëna e Plotë" Bedër, Tiranë, 2016. Other objectives can be as follows:

- To assess the prevalence of depression among the students by using student survey questionnaire.

- To determine the sources of stress among the students of this university.
- To find out the relationship between the main sources of stress, the individual personalities and depression.

## 2. METHODOLOGY

This study was designed to measure the prevalence of depression, stress and related elements among the students of the University of "Hëna e Plotë" Bedër.

### 2.1 Study population

Target population of this study are the students of the University of "Hëna e Plotë" Bedër, Tirana, Albania. Study population was composed of 100 students at this particular university.

### 2.2 Sampling technique

By doing this study it was aimed to measure the prevalence of depression and related elements among students of this university. The total population that was part of this study was 100 students but at the phase of collecting the questionnaires it was observed if how many students took part and how many refused to take part.

3.3.1 *Inclusion criteria*: 100 students of the University of "Hëna e Plotë" Bedër, Tirana city, Albania were chosen in this study.

3.3.2 *Exclusion criteria*: No student refused to complete the survey questionnaire.

### 2.3 Data collection tool

The questionnaire consisted in questions in order to measure the level of stress and depression among students. Some questions were just for general information, other questions were about depression measurement and some other questions were about student stress. The questionnaire was translated in English because some students didn't know the native language of this country.

### 2.4 Data collection procedure

-*Data collection method*: self-administrated

Data were collected in classrooms by the approval of the Dean of the University of "Hëna e Plotë" Bedër. The purpose of this study was explained to students before delivering the questionnaire.

### 2.5 Data analysis

The analysis part was composed of 2 parts, descriptive and analytical statistic. *Descriptive statistic* such as frequency, percentage, mean and standard deviation was applied for general characteristics, prevalence depression, and sources of stress description. *Analytical statistic*: *Chi-square* test is used to test the relationship between depression and the student stress source, and also for relationship between depression and living condition, perception of financial status, practice of religion, coping with problems and quality of friendship.

### 2.6 Ethical consideration

The questionnaire was administered anonymously to the students in their classrooms. They could refuse to join this study without any effects on their study's result and no need to explain the reason. Data would be used for research purpose only, and their information would be kept confidentially.

## 3. CONCEPTUAL FRAMEWORK OF STRESS AND ITS SYMPTOMS

The information we have about stress, depression and other related elements are vastly handled according to literature written on this topic. Stress as a word has been used to refer mental, physical, and emotional limitations within an individual.

However, it's worth to mention that these limitations are also linked to their surroundings as a threat for their overall well-being. Stress can be resulted from environmental elements, psychological elements, biological elements, and communal elements which might be positive or negative dependent on person's physical and mental strength.

According to Lazarus & Folkman (1984), stress is a mental or physical phenomenon formed through one's cognitive appraisal of the stimulation and is a result of one's interaction with the environment. The existence of stress depends on the existence of the stressor. Feng (1992) and Volpe (2000) defined stressor as anything that challenges an individual's adaptability or stimulates an individual's body or mentality.

Within the general population variables such as a family history of depression, gender and significant life events such as divorce and illness have all be shown to be associated with psychological distress (Folkman, 1997; Jylhä & Isometsä, 2006; Nomura, Wickramaratne, Warner, Mufson, & Weissman, 2002).

According to WHO's Global burden of disease 2001, 33% of the years lived with disability are due to neuropsychiatry disorders in which including DEPRESSION is one of four neuropsychiatry disorders of six leading to causes of years lived with disability. More than 150 people suffer from depression at any point of time (Who, 2003)

According to Ian McDowell in Measuring Health book, depression measurements are divided into two major groups self-rated methods which correspond to their use in clinical versus epidemiological studies. A formal diagnosis of depression requires the exclusions of other explanations for the symptoms, and this requires a clinical examination. The book introduced nine self-rating that have been widely used and tested .Among the several methods, the Center for Epidemiologic studies Depression scale is a depression screening instruments designed for student and adolescent survey use (McDowell, 2006).

In Nepal psychological morbidity sources of stress and coping strategies among undergraduate students studying 2005, the overall prevalence of psychological morbidity was 20.9%.The General health questionnaire, 24 items to assess sources of stress showed that the most important and severe sources of stress were staying in hostel, high parental expectation, test/exam, lack of time and facilities for entertainment (Reddy et al., 2007).

According to Marie et al, a cross-sectional study in Institute Medical University, Stockholm, Sweden gave high ratings to the workload and lack of feedback stressors in the first year. Female students gave high ratings than male in many factors. (Stress measured by the Perceived Medical School Stress Scale and depression measured by the Major depression inventory). The prevalence of depressive symptoms among students was 12.9%, significantly higher than in the general population, 16.1% among female versus 8.1% males. (Dahlin et al., 2005)

Kaohsiung Medical University, Taiwan, 2005 correlations between academic achievement and anxiety and depression in students experiencing integrated curriculum reform study approved that there were both positive and negative correlations between academic achievement and anxiety and depression in these students. Among the medical students who were in the high depression level group in the second psychological assessment, those who had more severe depression had poorer academic achievement.

Previous research has shown higher harm avoidance levels are associated with severity of depression (Corruble, Duret, Pelissolo, Falissard, & Guelfi, 2002) and suicide attempts (Bulik, Sullivan, & Joyce, 1999; Engstrom et. al, 2004) in clinical samples. This research suggests that if high harm avoidance remains untreated then it could result in severe depression and possibly suicide attempts. A prospective longitudinal study could be undertaken to examine whether high harm avoidance, low self-directedness and avoidant coping predict the development of clinically significant stress, anxiety and depression.

Lastly, future research could also explore whether the presence of external stressors influences the association between personality, coping styles and psychological distress. Research has shown that people experience greater stress at certain points in their life (Adlaf et al., 2001; Wong et al., 2006). For example, university students may have higher stress levels during exam week while a working individual may experience higher stress after beginning a new job. Future studies could examine whether the associations found between personality, coping styles and psychological distress vary depending on the number of stressors individuals are experiencing.

## 4. ANALYSIS OF DATA

This study was conducted in University of “Hëna e Plotë” Bedër at Tirana city, Albania. The study determined the prevalence of depression, sources of stress, and factors related to depression among 100 students. Total study population was 100 subjects and all of them responded with a 100% of respond rate. The results are presented in four parts as follows:

- General characteristics including general and potential personal consequence factors.
- Prevalence of depression among the students of this University.
- Sources of stress among the students of this University.
- Relationship between general characteristics, potential personal consequence factors, stress and depression.

### 4.1 Description of General characteristic

#### 4.1.1 Gender

There were 100 students of the university of “Hëna e Plotë” Bedër that consisted of male more than female ( 57 % vs.43%)

#### 4.1.2 Age

The students 'age ranged from 19 to 23 years old, with a mean age of 20.57.

Table 1. Description of general characteristics

Variables	Frequency	Percentage
Gender (n=100)		
Male	57	57%
Female	43	43%
Age (n=100)	Range 19-23      Mean 20.57	

#### 4.1.3 Religion practice

Religion practice was defined as participation in services and activities of the religion, particularly going to church or mosque. Among students that have religion, those who were satisfied was 64% , 21% of them were not satisfied, while 15% of them were not satisfied at all.

Table 2: Religion practice

Religion practice	Frequency	Percentage
Satisfied	64	64%
Not satisfied	21	21%
Not satisfied at all	15	15%

#### 4.1.4 Perception of financial condition

53 % of students were satisfied with their financial condition, 35% of them were not satisfied, while 12% of them were not satisfied at all.

#### 4.1.5 Part-time job

Just 32 % of students reacted about how satisfied were they with their job while the others didn't complete this question. This means that only 32% of students had a part time job while 68% of them did not have a job. From the 32% of students who had a job, only 18% of them were satisfied with their job, while 14% of them were not satisfied.

Table 3: Financial satus

Variables	Frequency	Percentage
Perception of financial condition(n=100)		
Satisfied	53	53%
Not satisfied	35	35%
Not satisfied at all	12	12%
Part-time job		
No	68	68%
Yes	32	32%
Satisfied	18	18%
Not satisfied	14	14%

#### 4.1.6 Coping with problems

When facing the problems students talk with their friends, parents, solve their problems by their own, pray and other things. According to the way each student face problems differently, 41% of them were satisfied by the way they cope with problems, 48% of them were not satisfied and just 11% of them were not satisfied at all.

Table 4: Coping with problems

Coping with problems	Frequency	Percentage
Satisfied	48	48%
Not satisfied	41	41%
Not satisfied at all	11	11%

#### 4.2 Potential personal consequence factors

Potential personal consequence factors included quality of relationship with friends, parents and roommates. Also exercise activities variables

##### 4.2.1 Satisfaction with friendship and roommates

Regarding satisfaction of relationship with friends 85% were satisfied, 10% not satisfied and 5% were not satisfied with their friends at all.

About the relationship with their roommates, 45% were satisfied by living with their roommates, 38% were not so satisfied, and 17% were not satisfied at all.

Table 5: Quality of friendship

Quality of friendship	Frequency	Percentage
Satisfaction with friendship		
Satisfied	85	85%
Not satisfied	10	10%
Not satisfied at all	5	5%
Satisfaction with roommates		
Satisfied	45	45%
Not satisfied	38	38%
Not satisfied at all	17	17%

##### 4.2.2 Quality of relationship with parents

About the satisfaction of relationship with parents the percentage of students satisfied was more than the percentage of not satisfied and not satisfied at all. Satisfied were 92%, not satisfied 5% and not satisfied at all just 3%.

Table 6: Quality of relationship with parents

Quality of relationship with parents	Frequency	Percentage
Satisfaction of relationship with parents		
Satisfied	92	92%
Not satisfied	5	5%
Not satisfied at all	3	3%

#### 4.2.3 Exercise practice

The highest percentage were not satisfied 54% , 32% of students were very satisfied while 14% of them were not satisfied at all.

Table 7: Exercise practice

Exercise practice	Frequency	Percentage
Satisfied	54	54%
Not satisfied	32	32%
Not satisfied at all	14	14%

#### 4.2.4 Academic factors

Being a student, increased class workload and lower grade than anticipated were two problems that most of Beder students experienced. For the increased class workload most of them were not satisfied 72% and not satisfied at all 28%, while satisfied they were not.

About the grades, 43% of students were not satisfied, 28% were not satisfied at all, while 29% were satisfied with their grades.

#### 4.2.5 Environmental factors

According to environmental sources, approximately 82% were not satisfied with changing their home and changes in their daily routine, while 12% were not satisfied at all and just 6% were satisfied.

Table 8: Student stress factors

Student stress factors	Frequency	Percentage
Academic factors		
1.Increased class workload		
Not satisfied	72	72%
Not satisfied at all	28	28%
2.Lower grade than anticipated		
Satisfied	29	29%
Not satisfied	43	43%
Not satisfied at all	28	28%
Environmental factors		
Satisfied	6	6%
Not satisfied	82	82%
Not satisfied at all	12	12%

## 5. THE OVERALL DESCRIPTIVE ANALYSIS OF RESULTS

A cross-study was carried out among 100 students to find out the sources of stress and depression and their relationship with related factors in University of "Hëna e Plotë" Bedër at Tirana city, Albania, May, 2016.

These students were the subject that has some special characteristics related to their mental health status specifically stress and depression consequently. Most of them were in the age 20 and some others 21-23. For the freshman university, like students with age 19, they had to face transition from a personal to an impersonal academic environment; very structure of academic experience at college level was high pressure and requirement.

Satisfaction of relationship revealed the quality of relationship with parents and friends which were considered as very important support systems for students. Furthermore, among the students who had no close friends and lower, the percentage of depressive symptom in group "not satisfy with friends" was higher significant than "satisfy" group.

Furthermore, exercise activity represented for personal self-care also belong to personal consequence factors in which less exercise practice was likely to get high percentage of depressive symptoms. A study in Black women at United States also found that exercise activity was associated with reduced odds of depressive symptoms (Wise et al., 2006). The other study in high school senior differentiated in the depressed and non-depressed group, showing depressed group was found to engage in less physical activity (Field et al., 2001). Regular physical exercise has been shown to decrease the level of stress hormones the body releases in response to stress.

University students were risk subjects of stress due to the transitional nature of university life. There were 2 factors of intrapersonal, 2 factors of academic sources and 1 factor from academic environment sources that listed in the top five sources of stress, including new responsibilities, increased class workload, lower grade than anticipated, change in habits and change in living environment.

The students experienced more stress so they get more risk of depression. Specifically in relationship between each stress factor and depression, the finding showed significant differences between depression and academic source, environmental sources and interpersonal sources.

Depression was obviously caused by a large number of factors including ethnicity, type of accommodation, perception of financial status, satisfaction with friend and parents, increased class workload, predicting multiple depression outcome.

The result in the final logistic model revealed that the support from parents and friends was very important. Good relationship reduced depression and versus poor relationship led to more troubles, stress and depressive symptoms.

## **6. CONCLUSIONS**

This study explored prevalence of depression and related factors among 100 students in Tirana. Data were collected in students with 100% of respondent rate.

The population of this study was in the age of 18-23 and most of students were 20 years old with 57% of male and 43% of female. Most of students (64%) were satisfied with their religious practice and more than half of students with 53% were satisfied with their financial condition. The percentage of students that were satisfied with their physical activity was 54%.

Potential personal consequence factors including satisfaction of their relationship, satisfied with parents were responded 92%, while satisfied with friends was answered by 85%.

About student stress, top five of stress that students faced included intrapersonal factors, academic environment and environmental factors. There was increased class workload by 72%, lower grade than anticipated by 29% not satisfied.

### **6.1 Recommendations**

Reducing stress like class works, messy living condition, expectation for grades, conflicting with friends should be implemented to prevent suffering from stress and its more severe consequences.

The other factor released stress and reducing depression as exercise and sports should be encourage to practice regularly combining with extra activities in University.

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## Observation on Economic Development of Peja Region with Special Emphasis on Agriculture

PhD.Cand. Emine Daci-Zejnullahi

[eminedaci@hotmail.com](mailto:eminedaci@hotmail.com)

### Abstract

General characteristic of the municipality of Peja is that it lies at the north-western valley of Dukagjin, Peja, characterized by moderate continental climate modified with components of the Mediterranean climate, which includes approximately 30% of the total, and the range of mountain of the Albanian Alps in northwest, with a developed hydrographic network that affects in modification of climate in Peja. Geographical location, landscape and climate have affected the socio-economic development of the region of Peja, especially in the development of agricultural economy. Peja is the center of the northern region of Dukagjin. Peja municipality lies in western Kosovo. The city is located at the bases of the Albanian Alps Mountains, which rising over the Rugova canyon and expanded to 13 villages and some of their neighborhood with summer cottage, forests and relevant alpine pastures. Peja municipality is divided into 27 territorial units that include a total of 76 villages. In the municipality lives around 160,000 inhabitants, most of whom live in the city or its surroundings, as settlements suited displaced during the winter season or in general from remote rural areas with poor living conditions especially from the mountains of Rugova. The municipality of Peja is composed of two whole geographic: one with a continental climate express Mediterranean climate, which includes approximately 30% of the total, and the mountain of the Albanian Alps in the northwest, with a network of hydrographic developed that affects both the modification of climate this part.

**Keywords:** Peja, agriculture, Plane of Dukagjin, Albanian Alps