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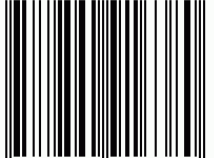
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TABLE OF CONTENTS

Chance to Experience Non-Traditional Work Involvement

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Abstract

When it comes to performance of duties, professional activity in flexible forms of employment, regardless of attachment to an organisation, perceived welfare of an employee, job satisfaction and efficiency of one's own professional activities work engagement plays a vital role. This means that regardless the organization, variability in employment, jobs and posts, an individual employed in flexible forms of employment may experience, precisely as permanent staff and employees employed in traditional forms of employments, all the components of job involvement such as vigour, absorption and dedication. To test this hypothesis the author carried out a survey on a group employees employed in nine flexible forms of employment. This paper presents the most important conclusions of the survey and a theoretical review of the analysed variable.

Keywords: work engagement, flexible forms of employment

1. Introduction. On work engagement

When it comes to ways of measuring work commitment in the latest Polish literature, the phenomenon was described by Szabowska - Walaszczyk, Zawadzka, Wojtaś (2011). The authors analysed n= 199 employees of organizations of different sizes, from three sectors, using the already mentioned UWES- PL scale. Original questionnaire Utrecht Work Engagement Scale consists of three scales: vigour, dedication and absorption. Answers are placed on seven-grade scale, the Polish version has 17 items on it. In the Polish version the factor analysis is followed by statements of high correlation, so one can treat them as a single factor - work involvement - without a distinction between three factors, as it is the case in the original version. The soundness of the Polish version according to Cronbach's alpha is 0. 94, and according to the original version the ratio is 0.93. Positive correlations in the research have been obtained between involvement and age and post. No importance of the remaining socio-demographic variables such as sex, seniority, education, city size and organization size have been confirmed (pp. 62- 64).

2. Presentation of the author's research

Work involvement variable, diagnosed according to Utrecht Work Engagement Scale - UWES by Schaufeli and Bakker. UWES is based on the already mentioned dimensions of work involvement - vigour, dedication and absorption.

The average score on UWES in the analysed group of flexible employees was 64.16 with the variable scope ranging from 1 to 102. The median was 65, which means that half of the analysed scores below 65 points. Skewness and curtosis only slightly differ from zero, therefore it can be concluded that the distribution does not exhibit a significant asymmetry from the normal distribution. Involvement in work with emphasis on forms of employment of the analysed flexible employees was analysed. Unfortunately it was impossible to apply variance analysis, since assumptions concerning normality of distribution in the subgroups and homogeneity of variance in the subgroups were not met. Therefore the non-parametric Kruskal- Wallis test was applied.   Analysis of the relationship by the Kruskal -Wallis test has shown, that a form of employment significantly differentiates the test results on the scale of work involvement: Chi-square (df 8) = 47.248; p< 0.001).

The median in all the sub-groups are located is between 5 and 6, they are therefore the average results for the whole population N=2070 (nine forms of employment: telework, replacement work, temporary work, seasonal work, work under

civil and legal agreements, part-time work contracts, specific time work contracts, contracts for the employed in social economy and the self-employed) and nine specific flexible forms of employment. By far the highest median on the scale of work involvement was obtained by the self-employed (70.0). Whereas the lowest median was observed in the following groups: employed under specific task contract (61.0), working under substitute work contracts (61.5) and teleworkers (62.0). Such a distribution of results can be justified by specific conditions of employment in a given group. Among the self-employed high work involvement translates directly into obtaining orders and, consequently, financial gratification. In the case of low results in work commitment among persons working under civil-and-legal contracts, substitute work contracts, teleworkers, the type of a contract itself may be disheartening for work involvement.

Moreover, the results of the specific sub-scales of the work involvement scale have been analysed. The average score on the sub-scale of vigour in the analysed group of flexible employees was 22.94 with the variable scope ranging from 0 to 36. The median was 23, which means that half of the analysed scores below 23 points. Skewness is negative, which indicates that the distribution left-sided - slightly too many high results. Kurtosis is positive, slightly above zero - slightly more values are concentrated around the average value. Vigour of the flexible forms of employment of employees has been analysed. Unfortunately it was impossible to apply variance analysis, since assumptions concerning normality of distribution in the subgroups and homogeneity of variance in the subgroups were not met. Therefore the non-parametric Kruskal- Wallis test was applied. Analysis of the relationship by the Kruskal -Wallis test has shown, that a form of employment significantly differentiates the test results on the scale of vigour: Chi-square (df 8) = 37.519; p< 0.001). Values of the median in all the analysed groups fall within stens 5 and 6, which means that the values are average. Relatively the lowest results in comparison with other groups have been obtained by employees working under specific task contracts, teleworkers and temporary workers. Whereas the highest results have been obtained by the self-employed. Distribution of the results in this sub-scale of involvement is high and low in the similar groups of flexible employees.

The average score on the sub-scale of vigour in the analysed group of flexible employees was 19.43 with the variable scope ranging from 0 to 30. The median was 20, which means that half of the analysed scores below 20 points. Skewness is negative, which indicates that the distribution is left-sided - slightly too many high results. The curtosis is positive, close to zero, which means that there is no significant asymmetry of the distribution. Analysis of dependency of results on the scale of dedication on the form of employment of the analysed flexible employees have been carried out according to the Kruskal-Wallis test, since the assumptions of variance analysis were not met. Analysis of the relationship by the Kruskal -Wallis test has shown, that a form of employment significantly differentiates the test results on the scale of dedication: Chi-square (df 8) = 38.669; p< 0.001). Values of the median in all the analysed groups fall within stens 5 and 6, which means that the values are average. Relatively the highest results, when compared to the other groups, have been obtained by the self-employed - similarly to the scale of involvement in general and the sub-scale of vigour. In the remaining groups the results are similar to the median in the entire analysed sample.

The average score on the sub-scale of absorption in the analysed group of flexible employees was 21.89 with the variable scope ranging from 0 to 36. The median was 22, which means that half of the analysed scores below 22 points. Skewness and curtosis only slightly differ from zero, therefore it can be concluded that the distribution does not exhibit a significant asymmetry from the normal distribution. Analysis of dependency of results on the scale of absorption on the form of employment of the analysed flexible employees have been carried out according to the Kruskal-Wallis test, since the assumptions of variance analysis were not met. Analysis of the relationship by the Kruskal -Wallis test has shown, that a form of employment significantly differentiates the test results on the scale of absorption: Chi-square (df 8) = 52.712; p< 0.001). Values of the median in all the analysed groups fall within stens 5 and 6, which means that the values are average. Relatively the highest results, when compared to the other groups, have been obtained by the self-employed - similarly to the scale of vigour and dedication and in general in the scale of involvement. The lowest results have been obtained by the respondents working under specific work contracts. In the remaining groups the results are similar to the median in the entire analysed sample.

Moreover, work involvement variable was significant with respect to sex, age, occupation, sector and seniority. No relation has been identified with respect to a sector, number of employers so far, duration of a present work contract, place of residence, marital status and a number of children.

According to the obtained results, sex differentiates significantly the results of the respondents on the scale of work involvement, which is confirmed by the results of U-Mann-Withney test: U= 415738; p < 0.001. Women achieve higher results on the scale of work involvement (M = 67.72; SD = 18.802) than men (M = 61.42; SD = 19.106). Variance analysis

has shown that there is a significant dependency between age and work involvement: F (2, 1995)= 23.722; p<0.001. The older the respondent, the higher result on the work involvement. In the age group 18-30 years the average is 60.91%; in the age group 31-40 years = 63.19, and in the age group 41-65 years = 68.34. There is a statistically significant dependency between work involvement and education, which is confirmed by the results of the Kruskal-Wallis test: Chi-square (df 2) = 51.465; p< 0.001. The highest results are scored by the respondents holding a university degree: the median = 68. Slightly lower results are obtained by persons with primary education (the median = 63), and the lowest results are obtained by the respondents with secondary education (the median = 60). Also occupation significantly differentiates the results of the respondents on the scale of work involvement, which is confirmed by the results of the Kruskal-Wallis test: Chi-square (df 4) = 22.420; p< 0.001. The respondents on higher positions generate higher results than the employees on lower career level. The median values in each of the said groups are as follows: managers, CEOs, business owners = 68; experts and free lancers = 66; technicians and officials = 66; trade employees and services = 63; workers = 62. The results of the Kruskal-Wallis test exhibit a statistically significant dependency between a sector and a result on the scale of work involvement: Chi-square (df 4) = 22.170; p< 0.001. The highest scores are obtained by employees of such sectors as: heavy industry (the median = 67), public administration (the median = 66) and other sectors (the median = 70). Whereas in the remaining sectors the results were lower: services (the median = 63), trade (the median = 61). Also seniority has a significant meaning for the results of the respondents on the work involvement, the results of the Kruskal-Wallis test: Chi-square (df 2) = 12.118; p< 0.01. The longer the seniority, the higher results on the work involvement scale: in the group of employees with seniority between 0 - 5 years the median = 64, in the group of employees with seniority between 6-10 years the median = 65, in the group of employees with seniority between 11-15 years the median = 68.

While comparing specific subscales of vigour, dedication and absorption with socio-demographic factors, the following correlations have been identified. Vigour depends on sex, age, education and occupation. No significant dependency has been identified between vigour and sector, industry, seniority, number of employers, duration of a present work contract, place of residence, marital status and a number of children.

Sex also differentiates significantly the results of the test on the scale of vigour - which is confirmed by U-Mann-Withney test: U = 448652; p < 0.001. Women achieve higher scores (M = 23.86; SD = 6.765) than men (M = 22.23; SD = 7.117). Age differentiates significantly the results of the respondents on the scale of job satisfaction, the results of Kruskal-Wallis test: Chi-square (df 2) = 27.974; p< 0.001. The oldest employees (41- -65 years) receive the highest scores (median = 25). The respondents of the younger age groups obtained slightly lower results: in the group of 31-40 years the median = 23, in the age group of 18 - 30 years, the median = 22. There is a statistically significant dependency between vigour and education, which is confirmed by the results of the Kruskal-Wallis test: Chi-square (df 2) = 32.994; p< 0.001. The highest results are scored by the respondents holding a university degree: the median = 24. Slightly lower results are obtained by persons with primary education (the median = 23), and the lowest results are obtained by the respondents with secondary education (the median = 22). Occupation also differentiates significantly the results of the test on the scale of vigour - the result of Kruskal-Wallis test: Chi-square (df 4) = 23.740; p< 0.001. The poorest results are obtained by trade workers (the median = 22) and the highest results are obtained by specialists and freelancers (the median = 24). In the remaining groups the median was 23.

The subscale of dedication correlates in a statistically significant way with sex, age, education, occupation, but has no significant relation with such socio-demographic factors as: sector, industry, seniority, number of employers, duration of a present work contract, place of residence, marital status and a number of children.

Sex also differentiates significantly the results of the test on the scale of dedication - which is confirmed by U-Mann-Withney test: U = 437188; p < 0.001. Women achieve higher scores (M= 20.44; SD = 6.346) than men (M = 18.65; SD = 6.465). Age differentiates significantly the results of the respondents on the scale of dedication, the results of Kruskal-Wallis test: Chi-square (df 2) = 35.448; p< 0.001. The oldest employees (41- 65 years) receive the highest scores (median = 21). The respondents from the younger age groups obtain slightly lower results, in the both younger groups the median was 19. There is a statistically significant dependency between dedication and education, which is confirmed by the results of the Kruskal-Wallis test: Chi-square (df 2) = 29.615; p< 0.001. The highest results are obtained by the respondents holding a university degree and with primary education (the median in the both groups = 20). Slightly lower results are obtained by persons with secondary education (the median = 19). Occupation also differentiates significantly the results of the test on the scale of dedication - the result of Kruskal-Wallis test: Chi-square (df 4) = 20.026; p< 0.001. The lowest

results are obtained by workers and trade workers (in the both groups the median = 19). Slightly results are obtained by persons on higher posts - in the remaining groups the median = 20.

Absorption correlates with age, sex, education, occupation, seniority, place of residence. No relation has been identified between this sub-scale and a sector, industry, number of employers, duration of a work contract, marital status and a number of children.

Sex also differentiates significantly the results of the test on the scale of absorption - which is confirmed by U-Mann-Withney test: U= 4000272; p < 0.001. Women have higher results (M = 23.49; SD = 6.924) than men (M = 20.66; SD = 7.181). Age differentiates significantly the results of the respondents on the scale of absorption, the results of Kruskal-Wallis test: Chi-square (df 2) = 66.435; p< 0.001. The oldest employees (41- 65 years) receive the highest scores (median = 24). The respondents of the younger age groups obtained lower results: in the group of 31-40 years the median = 21, in the age group of 18 -30 years, the median = 20. There is a statistically significant dependency between absorption and education, which is confirmed by the results of the Kruskal-Wallis test: Chi-square (df 2) = 74.199; p< 0.001. The highest results are obtained by the respondents holding a university degree (the median = 23) and with primary education (the median = 22). Slightly lower results are obtained by persons with secondary education (the median = 20). Occupation also differentiates significantly the results of the test on the scale of absorption - the result of Kruskal-Wallis test: Chi-square (df 4) = 18.846; p< 0.001. The lowest results are obtained by workers (the median = 21). Slightly lower results are obtained by persons working in trade and services (the median = 22) as well as specialists and freelancers (the median = 22). The highest results are obtained by technicians and civil service officers (the median = 23) and directors, CEOs, owners of companies (the median = 24). Also seniority has a significant statistical influence on the results of the absorption scale, the results of the Kruskal-Wallis test: Chi-square (df 2) = 21.926; p< 0.001. In the group of the respondents with seniority between 0 - 5 years the median is 21. The same applies to the group of the respondents with seniority of 6-10 years. The highest results are scored by the respondents with the longest seniority: the median = 23. Also place of residence has a significant influence on the results on the scale of absorption, the results of the Kruskal-Wallis test: Chi-square (df 2) = 39.083; p< 0.001. Inhabitants of villages and small towns generate lower results (the median = 21 in the both groups) than inhabitants of big cities (the median = 23).

3. Conclusions

It should be emphasised that flexible forms of employment are a good form of work at a certain stage of human life, which had been described by Nollen (1996) in the characteristics of an average temporary employee and can also be seen in the Author's research. Natural drive for stabilisation in principle stands in opposition to temporary forms of making a living. Irrespectively of this fact, each employee has a chance to experience work involvement.

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Transfer of Ownership Title under Albanian Company Law

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Abstract

Commercial activity is the one of the most important aspects of the market economy system. The exercise of commercial activity is regulated by legal rules, which serve as guaranteess for an adequate, reliable and effective mechanism of the commercial activity and also create a favorable business and incentives climate for the development of economic activities, which directly affects the country's economic growth. The freely transfer of ownership title over the shares is an important element, which guarantees the financial rights of the respective owners. Shares as ownership titles can be transferred under conditions specified in Albanian Company law. In practice, during its implementation, were identified ambiguities and several difficulties in relation to the procedure for the transfer of ownership titles over the shares. Precisely, through this paper is provided an analysis of the procedure and identified problems and the possibility to clarify or suggest any potential solutions.

Keywords: Albanian Company law, commercial company, transfer, shares.

1. Introduction

Shares or quotas of a legal entity and the rights deriving from them may be transferred through: purchase, inheritance and donation.[1] Article 73 point 1 and article 117 point 1 of Company Law do not restrict the transfer of shares only through the above mentioned legal means but also include "any other manner provided by law". As a general rule, shares and quotas of a legal entity may be transfer freely, unless the statute of the company may restrict the transfer of shares, through the company approval or pre-emption right in the favor of the company or other partners.[2] These statutory provisions should be compiled carefully, because the legal consequences are very different, depending on the company body, which is responsible for this approval, or the type and beneficiary of the pre-emption right (Malltezi, 2011). In general, the transfer of shares, which violate these special statutory conditions, even in case the buyers have acted in good faith, shall be considered null. Anyway, the statute may provide differently, for example, defining only the compensation of damages.

The rules for the transfer of quotas in the limited liability companies are different from the rules for the transfer of shares in joint stock companies.

1.1 The transfer of quotas in the limited liability companies

The partners may transfer the quotas to third parties with or without remuneration, as any other form of ownership which is recognized by law (Malltezi, 2011). As a general rule, each partner has only one quota. Based on article 75 point 1 of Company Law, despite the case when it is forbidden by the statute, quotas, subject of transfer, may be divided. Consequently, the partner has the right to sell even one part of his quota.

Limited Liability Company has a hybrid nature. The incorporation contract of this company is based on the personal acquaintance of the partners with each other, so it is a "intuitu persona" company (Dine, Blecher, Hoxha & Race, 2008). Consequently, the participation of other persons in the company through the transfer of quotas may be restricted by statutory provisions. The restrictive provisions in the statute can be different: they can define a procedure for the control of financial situation and third persons' integrity or define the execution of pre-emption right by the other partners. The statute

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[1] Article 73 of Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".
[2] Article 73 point 3 of Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

should regulate the pre-emption right procedures: the time that the seller partner should give to the legal entity or the other partners to make a decision, the legal entity to be notified, the negotiations and their terms (Dine, Blecher, Hoxha & Race, 2008).

Based on article 73 point 2 of Company Law, in case of transfer of shares by contract, the latter must be in written form. As a result, submission of the certificate that certifies the ownership of quota toward payment is not sufficient. On the other hand, the legalization by public notary does not constitute a binding condition (Bachner, Schuster & Winner, 2009). Anyway, in the legal practice, partly due to the demands by NRC (National Register Center) and partly due to concerns in regard to the legal security, transfer of quotas agreements in a limited liability company still are legalized by a notary. The statute may contain other rules relating to the form, for example, mandatory legalization of signatures by a public notary. In this case, administrators can not sanction other formalities in the lack of such a statutory requirement (Malltezi, 2011). Until the recent amendments of company law, the legislator had not predicted the moment the quotas are considered transferred. The article 74 point 2 of Company Law has provided only that the registration of the transfer at NRC is declarative. As a result, the buyer of quota could be a partner without being registered, who can vote and is entitled to receive dividends. Whereas, third parties (for example: a second purchaser quota in question) may only rely on the registration performed at NRC. In absence of special provisions, have been applied the general rules of civil law (Bachner, Schuster & Winner, 2009). Based on article 164 of Albanian Civil Code, the ownership acquired by the contract without any additional procedure. For this reason, the transfer of quotas must be executed when the contract brings consequences, which depend on the contractual clauses. In absence of any contractual clauses, the transfer of quotas can be executed at the moment when the contract is signed and from that moment the buyer may be considered a partner. It has created the problem for the notification of the company in relation to its partners. Of course, it creates a problem in regard to the company information about its partners. Legal entity law did not contain any specific provision in this regard (Dine, Blecher, Hoxha & Race, 2008).

The last amendments of company law have regulated the above mentioned issues, providing that in case of quotas transfer through contract, the terms and the moment of ownership title transfer, including the payment date of the purchase price shall be defined in the contract. The contract for the transfer of quota should be in written form and the legalization by a public notary does not constitute a condition for the contract validity or registration. Unless otherwise provided by law or agreed by the parties, the validity for the transfer of ownership title shall not be conditioned by other formalities with declarative effect, including the registration formalities or publication of contract or transfer of ownership. [1]

Also, according to article 74 of company law, the person who transfer the quota and the person, who acquire it, are jointly liable toward the company for the obligations, deriving from the quota possession, from the moment of transfer until the moment of its registration at the National Registration Center (Malltezi, 2011). The jointly liability between the buyer and the seller for the obligations of quota arising from the possession of quota is a mechanism, which encourage the parties to make the registration of quota transfer at NRC. By the interpretation of this provision results that the joint liability exists only for the period between the signing of the contract and registration of transfer of quotas. (Dine, Blecher, Hoxha & Race, 2008).

In this way, after the registration, only the person to whom is made the transfer as a new partner is responsible against the legal entity for the obligations associated with the partnership. (Bachner, Schuster & Winner, 2009). This interpretation is not correct because the debtors, who have an outstanding contribution (previous partner), can be changed without the approval of the legal entity. Also this provision would be in contradiction with article 496 of the Civil Code, according to which the debtor replacement is possible only with the consent of the creditor. Consequently, for every liability arising prior to registration, the previous and new partners shall be jointly liable toward the company. The new partner shall be liable for all the obligations arising after the registration (Bachner, Schuster & Winner, 2009).

1.2. The transfer of shares in joint stock companies

As mentioned above, the rules for the transfer of shares in joint stock company are different from the rules in limited liability companies for the fact that the legislator has abolished the preferential shares, which had priority under the previous legal regime. According to company law, all the shares must be registered (Dine, Blecher, Hoxha & Race, 2008). The title over

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[1] Article 73 point 2 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies

the shares shall be transferred with the registration of the shares in the special stock register, which is held by the company. In other words, the company law does not contain any rule, regarding the format of the share purchase agreement, which is not mandatory to be in writing. In any case, the new shareholder must certify the transfer of shares, with the purpose to be registered as such in "the special register" of the shares kept by the legal entity (Malltezi, 2011). The legal entity may also allow the online registration. [1]The ownership over the shares shall be transferred in the moment of registration at the special register kept by the company[2]. Although these articles only treat the presumption of the ownership of shares[3] and the exercise of shareholders rights[4], the intention of the legislator has been to relate the ownership share with the registration. For this reason, the legal entity as well as third parties might and should treat registered persons (in the register of the company) as shareholders. The presumption provided in article 119 paragraph 2 of company law is absolute and uncontested. Also, neither the registration in NRC nor the registration in the register of titles[5] does not seem to play any role in this context. Unlikely to article 74 paragraph 1 of company law, there are no rules regarding the transfer of the existing obligations with the transfer of shares in joint stock companies. The article 113 of company law deals only with the repayment of the contribution before the registration of the company itself, whereas article 123 presupposes the obligation of a particular person and treats only the consequences of the delayed payment. The provisions of article 74 paragraph 1 of company law may also apply to joint stock companies, since there are no essential differences between these two types of companies that would bring to the necessity of a different treatment.

The special register of shares is held by the legal entity itself.[6] The responsibility of keeping the registry belongs to the administrators.[7] In case that the administrator refuses to register the purchaser of shares, based on article 152 of company law, the buyer may require the court to execute the rights and the court shall order the administrators to register the new shareholder. The article 119 paragraph 3 of company law provides that the register of shares may be supervised not only by the shareholders, but also by the public. Hereby, the ownership of shares as a private matter returns to a public matter. In this situation, many European countries have either restricted the access to the registry only to the other shareholders, or defined specific reasons for supervising the register (Galgano, 2009).

The last amendments of company law have regulated the above mentioned issues, providing that in case of share transfer through contract, the terms and the moment of ownership title transfer, including the payment date of the purchase price shall be defined in the contract. The contract for the transfer of shares should be in written form and the legalization by a public notary does not constitute a condition for the contract validity or registration. Transactions in electronic format must be performed only in written form. Unless otherwise provided by law or agreed by the parties, the validity for the transfer of ownership title shall not be conditioned by other formalities with declarative effect, including the registration formalities or publication of contract or transfer of ownership.[8]

1.2.1 The pre-emption right over the shares

The law uses the term pre-emption right in order to identify the priorities of the existed shareholders to benefit from the transfer of existing shares or emission of new shares. (Galgano, 2009). Besides of the legal regulations, the statute of the company plays an important role for further regulation of this instrument. The law provides that the statute may impose filters to control the transfer of shares to third parties through statutory clauses, to require that any shareholder, who desires to sell its shares, must first offer them to the other shareholders of the company with terms not less favorable than those offered to third parties. In case the statute provides the pre-emption right for the transfer of shares from the existing shareholders, is important to be defined in the statute also the execution method of the pre-emption right. (Malltezi, 2011). Such a procedure should regulate the notification procedure of the company on behalf of the seller, the necessary

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[1] Article 119 paragraph 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[2] Article 117 point 2 and Article 119 point 2 of Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[3] Article 119 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[4] Article 117 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[5] Article 12 of the Law "On Securities", No. 9879, dated 21.2.2008

[6] Article 119 paragraph 1 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[7] Article 119 paragraph 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

[8] Article 117 point 3 of the Law No. 9901, dated 14.04.2009, "On Entrepreneurs and Companies".

information, the received offers by the third parties, the mute acceptance rule and the implementation method of the pre-emption right. The principle imposed by the law is that the company's shareholders have the pre-emption right of the recently issued shares of the company, in proportion with the registered capital parts, representing the shares owned by them (Dine, Blecher, Hoxha & Race, 2008).

The pre-emption right might lose if shareholders do not exercise it within 20 days from the day of publication in the NRC of the decision to increase the registered capital of the company. With the transfer of the shares shall be transferred even the pre-emption right. The right of pre-emption of shares can be restricted or revoked through a decision of the General Assembly for the capital increase, according to a report issued by the administrators, which explain the reasons for taking such measures and calculation of the price of emission (Bachner, Schuster & Winner, 2009).According to company law, such a restrictive decision can be obtained only if the restriction or exclusion from the rights has been previously published in the official website of the company and reported for registration in NRC. The law provides that a company share could be owned by one or more persons, who are jointly liable for the obligations deriving from the share ownership. In case the shareholders do not regulate their relationship, the provisions of civil code regarding co-ownership shall be applied (Bachner, Schuster & Winner, 2009).

2. Conclusions

Quotas and shares represent ownership titles over parts of a commercial company capital. These ownership titles produce rights and obligations for the partners/shareholders of the commercial company. As to each ownership title, even in case of transfer of ownership over the quotas/shares, each party must comply with the rules of the contractual form. The contract for the transfer of shares/quotas must be in written form and the legalization by a public notary shall not constitute a condition for the contract validity or registration. The terms and the moment of ownership title transfer, including the payment date of the purchase price shall be defined in the contract. Also, the transactions in electronic format must be performed only in written form. The validity for the transfer of ownership title shall not be conditioned by other formalities with declarative effect, including the registration formalities or publication of contract or transfer of ownership. The numerous obligations on publication are not harmonized with each other and the publicity is excessive. The legal rules on the transfer of ownership title do not impose specific barriers, aiming to enhance the economic performance of the commercial company.

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Culture and Language as Factors Related in the Process of Learning and Education

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Abstract

Communicative language teaching has become a familiar part of the landscape of language teaching in the last three or four decades. Teachers who perceive the objectives of teaching foreign languages associated with learning intercultural competence will be more inclined to make the process of teaching foreign languages more intercultural than teachers who perceive objectives as related to the acquisition of communicative competence. In this paper the relationship between culture and language is going to be explored by focusing on their role and impact in the process of learning languages and education.

Keywords: culture, language, communicative competence, education, "teaching culture and language", "the relationship between culture and language"

1. Introduction

While we try to teach students of other nationalities our language, or when we try to teach Albanian students a foreign language, or an international language, such as English, we should not underestimate the value of their mother tongue and the values of their culture. We should be cautious when speaking about a culture and a country in order not to make students feel as if their cultures are being undervalued, and thus making them feel uncomfortable and discriminated against especially when teaching Albanian to students from other countries.

The relationship between language and culture is very important and delicate. Schools in countries where the number of foreign students is high are in constant search for ways and methods to incorporate teaching methods and materials which can ease the acquisition of the native language by speakers of other languages. As teachers of foreign languages we should admit that language and culture are inseparable. According to Wei, language has a dual character: both as a means of communication and a carrier of culture. Language without culture is unthinkable, so is human culture without language. A particular language is a mirror of a particular culture.[1] They contribute not only in the development of personality, but also in the way an individual or a society interprets reality.

Brown describes the relation between language and culture as follows: "A language is a part of a culture and a culture is a part of a language; the two are intricately interwoven so that one cannot separate the two without losing the significance of either language or culture".[2] Whilst Gao[3] argues that, the interdependence of language learning and cultural learning is so evident that one can conclude that language learning is culture learning and consequently, language teaching is cultural teaching. He further states that foreign language teachers should be aware of the place of cultural studies in foreign language classroom and attempt to enhance students' cultural awareness and improve their communication competence.

Language is the most evident way of expressing a culture, and the major part of teaching and learning, either in a class or at home, is made by means of language.

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[1] Wei, Y. Integrating Chinese Culture with TEFL in Chinese Classroom. *Sino-US English Teaching, 2*(7), 2005, 56.

[2] Brown, H. D. *Principles of language learning and teaching*, 1994, 165.

[3] Gao, F. Language is Culture – On Intercultural Communication, *Journal of Language and Linguistics, 5*(1), 2006, 59.

2. What is Culture?

Culture is a key element to communication, especially to the intercultural one. It is so inherent and innate that we are often not aware of it and don't even think about it. We consider culture as an integral part of our life and customs. Trying to understand someone else's culture is similar to explaining to a fish that it lives in water.[1]

Culture and language distinguish one nation from another. They are often seen as closely related and sometimes inseparable from one another and are often treated by people as being equivalent, wrongly using the former instead of the latter. A nation might be inhabited by one or more cultural groups, becoming a carrier of more than one culture. The culture, or cultures, that exist within the boundaries of a nation – state certainly influence the regulations that a nation develops, but the term culture is not synonymous with nation.[2]

But what is *culture*? This is not a simple question, and never has been. Efforts have been made by anthropologists to agree on a single and unique definition on "culture", but it seemed impossible to be achieved. In 1957 Lado[3] defined culture as "the ways of people", while anthropologists refer to it as the whole way of life of a people or group. In this context, culture includes all the social practices that bond a group of people together and distinguish them from others'.[4]

According to UNESCO *culture is that set of distinctive spiritual, material, intellectual and emotional features of a society or social group, encompassing all the ways of being in that society; at a minimum, including art and literature, lifestyles, ways of living together, value systems, traditions, and beliefs. Each culture is the sum of assumptions and practices shared by members of a group distinguishing them from other groups, and so one culture comes into clearest focus when compared to another culture maintaining different practices. However, cultures are themselves multiple, so that to insiders, every group reveals itself not as homogeneous but rather a nested series of progressively smaller groups whose members are all too aware of distinctions between themselves. Cultures themselves are seldom the focus of attention in discussion of intercultural competences, for cultures have no existence apart from the people who construct and animate them. Thus members of cultural groups more adequately serve as the focus of attention*.[5]

3. Why teach culture in a foreign language class?

Culture is evident in every aspect of our daily life, as it is intertwined in all actions we undertake, no matter how unimportant they might be. We express culture when we meet and greet people, we express culture when eat and offer someone a meal, even when we make or receive a gift we express our culture. We sometimes may reflect and express our culture in and through our gestures and communication without even being aware of it. Thus children who live in a monolingual community are grown to believe that the values and way of behaving they have been taught consciously or unconsciously throughout their life are the standard ones and may remain perplexed when faced with members of other cultures who behave and act according to their values, traditions and customs. As Kramsch states "a foreign culture and one's owns culture should be placed together in order for learners to understand a foreign culture". She defines this as establishing "a sphere of interculturality".[6]

Culture teaching along with language teaching is important not only to introduce students to a foreign culture and become interculturally competent, but also increase their awareness of their native culture. Vernier at al. consider it as a fifth skill along with reading, writing, speaking and listening, that "enhances student's overall learning experience".[7] But, Kramsch considers the role of culture to be more important than merely that of a fifth learning skill in language learning and teaching. She defines it as something "always in the background, right from day one".[8]

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[1] Martin J, Nakayama T, Hyrje në Komunikim Ndërkulturor, MC Grow Hill, 2008: UET Press: 2010, 48.

[2] Oatey S. Helen, *What is Culture?* – A Compilation of Quotations,

[3] Lado, R. *Linguistics Across Cultures*; The University of Michigan Press, 1957.

[4] Montgomery, T, H. Reid – Thomas, *Language and Social Life*; The British Council, 1994, 5.

[5] UNESCO*, Intercultural Competences – Conceptual and Operational Framework*, France, 2013, 10.

[6] Kramsch, C. *Context and culture in language teaching*. Oxford: Oxford University Press, 1993.

[7]Vernier, S., S. Barbuzza, S. D. Giusti, and G. D. Moral. 2008. The five language skills in the EFL classroom. *Nueva Revista de Lenguas Extranjeras* 10: 263–91.

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By changing the "seven goals of cultural instruction" that Seelye[1] provided in 1988, Tomalin and Stempleski[2] argued why culture teaching was essential in language teaching. According to them the following goals are related to culture teaching:

- To help students to develop an understanding of the fact that all people exhibit culturally-conditioned behaviours.
- To help students to develop an understanding that social variables such as age, sex, social class, and place of residence influence the ways in which people speak and behave.
- To help students to become more aware of conventional behaviour in common situations in the target culture.
- To help students to increase their awareness of the cultural connotations of words and phrases in the target language.
- To help students to develop the ability to evaluate and refine generalizations about the target culture, in terms of supporting evidence.
- To help students to develop the necessary skills to locate and organize information about the target culture.
- To stimulate students' intellectual curiosity about the target culture, and to encourage empathy towards its people.

Thus, as Tavares & Cavalcanti[3] argue, the aim of teaching culture is 'to increase students' awareness and to develop their curiosity towards the target culture and their own, helping them to make comparisons among cultures'.

4. Conclusion

As educators and especially as language teachers we should be aware of the difficult, but beautiful task we have when teaching a language. It is our duty to make young people aware of the importance of their culture, but also introduce them to new cultures, customs and beliefs. Make them understand the importance of culture learning and the importance of being culturally aware. We, teachers should convey the important message that all cultures are equally important and make students familiar so that they don't get lost when introduced to a new culture, or when among member of other cultures.

Teaching culture has always been an important and integral part of language teaching classes, but in Albania it has become of vital importance after the 1990's when people finally had the opportunity to travel abroad, visit and explore other countries and cultures. In order to avoid clashes amongst cultures and misunderstandings, which lead to an unsuccessful communication between people, language and culture should be taught simultaneously and in the most natural way, because the former cannot be understood without the latter.

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The Inappropriate or Negligent Medical Treatment in Albanian Criminal Legislation

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Abstract

We are all testimonials for the failure or on-go of the medical treatment and of all the medicine in general, even though we are in a century of considerable scientific evolution. The inevitable involvement of doctors in the everyday life of human beings, leads to the necessity that people must have legal protection from medical offense. The most important right, the right to live, requires that doctors and medical staff have to protect and respect the life of the patients, but the careless treatment and medical neglect in many cases has lead to permanent injuries of human health or lost of life. The cases that have been submitted in the court have been suspended, discontinued or the doctors have been declared innocent, because of impossibility to prove that the pretended medical offense has lead to severe impairment of health or even worse to death. According to this situation hundreds of cases have not been reported, and as a result the repetition of these medical offenses and lack of awareness from the medical staff, regarding their professional liability. Taking into account that the evidence of the Albanian criminal legislation provides de jure protection for its patients, in reality this protection de facto does not operate properly, i have introduced my project which is divided into 3 parts/sections. In the first part I have mentioned the evolution of medical outlook, from the antiquity to modern times, the international devices that protect and guarantee the freedoms and right of the patients and the modifications in the relationships between doctors and patients. Further, in the second part I have been focusing on "negligent medical treatment" in our legislation, and in the experience of some more European countries and more. In the third and last part I have submitted the whole economical, social factors that do affect the actualization of this offense otherwise known as "medical neglect" and the possible preventive provisions of this offense.

Keywords: *patient-doctor relationship, negligent, court, negligent medical treatment*

1. Introduction

Medicine is a science developed enough that, thanks to advanced technology, have made possible a health welfare unimaginable couple of years ago. Nowadays, thanks to this medical development, humans fight most of the disease and live longer. However, we all are conscious for the other side of the medal which represents the dark side of science. Failures are those that stand alongside the accomplishments and make us think that should still much work to be done. But what are these failures and what is their origin? Are doctors irresponsible or is the science that leaves spaces for misinterpretation? *"Who"* and *"how"* will respond to this failure? In these conditions, who is the victim: patients and their families or doctors who will face criminal responsibility? Based on this situation, I introduce this paper non pretending that I have answered all questions possible but hoping that the situation change for the better.

1.1 Evolution of medical ethics fundamentals and changes in patient-physician relations.

Life and human health have been under special care by the entire society since the earliest times. People in ancient times, having no obvious reason why the disease would naturally capture a person and not another, tried to find reasons in the supernatural. In that time magic and religion were a fundamental part of a healing practice (Pikoulis, Msaoue and Avgerinos). Deceitful individuals would use the healing process as a "gift" of their own, whose power depended on the ignorance of others. The first example of organized medicine appeared in ancient Egypt, practiced by Imhotep (2667-2648 BCE), popularly known as the father of medicine. (Shehata) We can relate some data from that medicine organization with the modern practice, for example: a) Patients did not have to pay doctors for their medical care, as they were supported by community.   b) Strict and strong rules were set on the experimental treatment.

c) There was no responsibility in the event of the medical treatment failure, if all written rules were followed, etc.

Different punishments were set for those who had not been aware of these rules because they were expected to know the rules, even better than the specialists before them. In the 5th century BC, Greek philosophers were those who through logical process, observation and deduction, would doubt the strong influence of religion in medical treatment. Hippocrates, the most famous figure in medicine and Greek philosophy, established some principles and lines of medical ethics and later developed the so called "Hippocratic Oath". This is a statement that requires young doctors to solemnly swear to uphold specific ethical standards on their practice, an oath forwarded nowadays with occasional modifications (Miles).

Humans health and its care is very important, as noticed from antiquity, people with primitive tools and limited available options have always taken care of their health, same goes on even nowadays. In the patient-physician relations, for centuries, doctor's figure has been very important. Patients were afraid of their diseases and their treatment methods, as they had no knowledge, while control of the patient's health was a franchise of health professionals. Only in recent years the right of patients to be informed, to get explanations about their health conditions and to get involved in their health care began to gain ground. An increasing trend of patients who are controlling their health medical management is noted recently and this thanks to changes in social and economic reality (Coulter and Ellins).

The idea that all people have some fundamental rights has been at the center of attention of international organizations like the United Nations Organization or the World Health Organization. In its establishment in 1948 was defined: "to have the highest possible standards of health is a fundamental right for every human being regardless of race, religion, political beliefs, economic or social status ". Declaration of the World Health Organization for the Promotion of the Patients Rights in Europe, Amsterdam 1994, later on states: "Patients have the basic right to privacy, confidentiality, to accept or evaluate treatment and to be informed of medical procedures and their potential risks". This convention along with international acts, such as the United Nations Charter of (1945), the Universal Declaration of Human Rights (1948); European Convention of Human Rights in (1950), the European Social Charter (1961), International Treaty on Civil and Political Rights (1966), all establish the protection of fundamental human rights and simultaneously constitute the basis for protection of patient rights.

Lastly, the European Charter of Patients' Rights drafted on November 15, 2002, in Brussels paid full and specific attention to the patient's rights, constituting up to date and the full frame work defining the concept of patients' rights (European Economic and Social Committee).

2. Overview of the offense "Careless Medication" in Albanian Criminal Code

In actual Criminal Code of the Republic of Albania, the legislator has provided the special provision offenses that endanger human life and health. In the medical field these are: medical negligence, failure to provide assistance, HIV infection, organ transplant trafficking, falsifying medical documents, failure in keeping patients information confidential, illegal abortion etc. The fact that the criminal code expressly provides these specific acts is a good indication of the great importance legal and criminal defense pays on life and human health.

Nevertheless, the health system is not as secure as it should be and we want it to be. One of the most confusing offenses in the health care system is exactly " Careless Medication ". There have been too many dismissed cases as a result of the inability to prove medical alleged violation which brought severe damage of the patient's health or even death. But what does the term "Careless Medication" stand for? According to Article 96 of the Albanian Criminal Code expressly and superficially this would only apply on patient's treatment. Although this in the medical sense constitutes only the second stage of the patient's treatment does not mean that it leaves aside the first stage, the diagnosis. By using the term "medication" the legislator would not consider just the narrow sense of the word, simply the treatment, but rather an extensive medical treatment of the patient starting from the moment of diagnosis until the advent of effect of the treatment. Forensic experts play a determining role in assessing whether the acts and omissions of doctors or medical personnel have been illegal. Under the law, doctors are forced to practice their profession in accordance with rules and protocols of medical science. Their actions would be considered illegal if they would not be in accordance with the above.

From the medical science standpoint, medical treatment of the patient goes through two main stages:

1) diagnosis: the entirety of medical operations patient undertakes in the process of identifying the disease he suffers from.

2) treatment: the entirety of the medical operations for determining the disease treatment scheme in accordance with the diagnosis and the application of this treatment.

The term "Careless Medication" in the direct sense of the word, may allow a path to a narrow interpretation, which is not the purpose of the legislature, to sum it up it will be, all the careless actions or omissions by the physician or medical personnel during patient's treatment (Meksi). With the above in mind we conclude that in the court practice, the offense "Careless Medication" should take into account and include all negligent acts or omissions of the physician or medical staff in the process of prevention, diagnosis and treatment of patients. In cases of medical errors, according to the Albanian criminal doctrine, doctors or medical staff is charged with criminal responsibility only when the error is professional and not in cases of scientific errors. A scientific error arises as a result of uncertainties in the science of medicine, as some notions that can be considered fair and appropriate nowadays, cannot be considered so in the future. Professional error is the one that matters for criminal responsibility (P.Pavli). The criteria on which the jurisprudence refers to the assessment of the existence of guilt in physician behavior, are the anticipation and avoidance, in the phases of diagnosis as well as in treatment. The physician or medical personnel are excluded from responsibility, when it's objectively impossible to predict and avoid risks. The court must also assess the doctor's professionalism, whether he is a general practitioner or a specialist. One cannot ignore the fact that the doctor is a general practitioner or a specialist, and a famous professor. For the doctor to be found guilty of the criminal offense of "Careless Medication" all the above causal link need to be proven (that there have been these illegal acts or omissions causing serious harm to health or death of the patient)

The doctor shall be criminally liable if it is proven that: 1. There have been careless actions and omissions, inaccurate diagnosis or treatment against the rules of medicine. 2. The fault exists. 3. The death of the patient or serious damage to his health is verified. 4. If the diagnosis would have been accurate and the therapy appropriate, injury or death wouldn't come, or would be verified at a later period, or would be less damage (Lole). According the court practice everywhere, including Albania, it would be difficult to determine with certainty a causal connection, if the diagnosis would be correct or therapy would be appropriate, injury or death would not come, or would be verified in a subsequent period, or would be less damage. Under these circumstances, it is impossible for the prosecution bodies to raise charges against doctors, because, any doubt concerning the charges shall be deemed to favor the accused person, the universal principle of criminal law, and provided in section 4 of Penal Procedure Code.

2.1 Other countries experiences

In The Criminal Code of Kosovo, in the chapter "Criminal Offences against public health", we encounter the offense "Unconscious Medical Treatment" provided in article 260. This offense is carried out by doctors or health workers as an illegal action and omission, or as an inappropriate method of treatment or failure to use appropriate hygienic measures and thereby caused the deterioration of the patient's health condition or his death. As we notice, in the designation of the offense, the lawmaker has used the term "treatment" in place of the term "medication" aiming to encompass all phases of medical treatment and avoid possible misunderstandings.

In France one of the key factors that explains a more extensive criminalization of medical negligence is the substantive offense which offers a wide range of possible criminal charges in the context of injury caused by negligence. The Criminal Code provides that there is délit 'in cases of recklessness, negligence, or failure to observe an obligation of due care or precaution imposed by any statute or regulation, where it is established that the offender has failed to show normal diligence, taking into consideration where appropriate the nature of his role or functions, of his capacities and powers and of the means then available to him. We should note the very broad extent of the criminalization of involuntary conduct in this definition, from simple negligence to recklessness (Kazarian, Griffiths and Brazier).

According to Italian experience, if a medical procedure is vitiated by a serious error in conduct, which causes injury to the patient, and there is a chain of causality between medical error and the damage suffered by the patient, the doctor may be held criminally liable for negligent personal injuries. Indeed, in Italian law, a crime for negligent personal injury is criminally liable to private prosecution by the person offended (in this case the patient). In the Italian penal code, the negligent injury is described as "an event that, even if it happened against the intention, occurred due to negligence, imprudence, unskillfulness or failure to comply with laws, regulations, orders and disciplines" (Traiana).

In Greece, in case the wrongful act, omission or behavior that resulted to personal injury or death simultaneously constitutes a "criminal act" pursuant to the Greek Penal Code or other specific criminal laws, and criminal charges are brought against the responsible person, the injured person or the family of the deceased are entitled to intervene in the criminal proceedings as "civil claimants" in support of the criminal charge, and at the same time apply for the award of compensation from the Criminal Court (Pavlakis).

In England and Wales medical negligence usually only becomes a crime if negligence is gross, the patient dies and it caused or is a significant contributory factor to the death. There is no general crime of negligently causing injury. It does no matter how serious or even reckless the error is, the doctor will escape criminal liability if the patient survives, even if he is terribly disabled. For any prosecutor two major problems affect any charge of medical manslaughter, establishing that the error met the elusive concept of grossness and proving causation (Kazarian, Griffiths and Brazier).

Under Canadian law, adverse events may in principle be redressed through criminal, contract, and tort law remedies. However, the criminal law plays a very minor role in addressing medical malpractice, primarily because of the higher substantive and procedural standards required to impose criminal liability compared to civil liability. In addition to being infrequently used, the criminal law is poorly equipped to deal with medical misconduct because health professionals often work collaboratively, making it difficult to assign sole responsibility and blame (McDonald).

3. **Factors affecting consumption of the offense "careless medication" and possible preventive measures.**

There are a variety of factors, social, economic and cultural all of these combined with one another affect the consumption of criminal acts that damage human life and health in the field of medicine. A main cause of consumption of these offenses, especially the offense "careless medication" is negligence and carelessness of the medical staff.

Often doctors neglect their duties and do not take all appropriate measures when they face medical cases that put their professional skills in dilemma. Therefore, carelessness shown by medical personnel, in the form of negligence and excessive self-esteem affects the consequence of the offense and its risks.

Another cause is the incompetence of the medical staff, lack of professional qualifications and specialization or lack of specialized tools needed to exercise the appropriate medical activities. A great number of cases from the practice show that the authors of the offense" careless medication", perform medical acts for which they do not possess sufficient professional knowledge exceeding their competences on the role as medical staff. So, generally entities carrying out such offenses lack sufficient training to exercise the respective tasks.

Temperament and level of intelligence as an expression of the individual reaction (ie physician) to the harassment and external incitement, is another factor influencing the consumption of this offense. It may happen that a member of the medical staff under the pressure of strong emotions like fear and insecurity, would manifest changes of the mental status and activity, which may lead him to perform actions that may contain elements of the offense.

In the optics of a broader perspective, there are measurements that need to be taken to prevent this crime, like: improving the situation by increasing the welfare, reducing unemployment or informing all the social links about their rights and obligations by developing informational and cultural programs. Also improving the work conditions for medical staff, especially doctors, and endowing hospitals with sophisticated equipments for diagnosis and treatment of patients would significantly reduce the potential undesirable consequences. Enabling doctors and medical staff to have access in recent discoveries of medical science through qualifying programs will significantly increase their qualification level and would make possible the avoidance of many negative consequences coming from deficiency in knowledge and information.

4. **Conclusion**

"Careless medication" was the offence with the lowest number reporting in Albania, only few years ago. Generally the victims were withdrawn from denunciation. Causes for this situation could have been many, like, lack of information about the existence of the relevant provisions, the connections or social relations they had with the persons responsible of the offense, to maintain the case secret and not make it public, or simply because they would not believe that justice could be granted, etc.

There has been an increase in denunciations of cases consuming the offense "Careless medication" compared with previous years. The law is still very faint and unclear in relation to this offence and this situation directly or indirectly creates psychological and professional pressure to medical staff.

It would be appropriate to make some changes in the Article 96 of the Criminal Code starting with the name "careless medication" to "careless treatment", since the term "medication" includes only the second stage of the patient's treatment, and then the interior of the article needs to clarify and concretize the range of possible indictments, based on the contemporary experience of international legislations.

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Safety in the Workplace: a Comparative Study between Albanian and Italian Law

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Abstract

The Labor law, as is known, establish and represents the culmination of a long history and evolution: as part of this discipline an important sector is, of course, from safety in the workplace, however, that the matter is the subject of depth studies only since few decades. The analysis of the production rules, within that sector, reveals a constant attention of various state legislators in Europe, and a number of adjustments that are followed over time, more and more specialized towards standards: what in the light of the evolution of the forms themselves and tasks in which today is manifested the work. In that regard, within the framework and with a view of modern industrial relations, and interesting to compare, always in the field of "job security" (work safety) today the legislation of a Country like the Italy - which is a member of the European Union - that the law in force in the Republic of Albania, which is not yet part of U.E. (although the Country has already obtained the official status of the "candidate Nation"). Albania, in particular, stood out for having issued a labor code, in which a section is dedicated to safety. The U.E. policy about the security of the workers, finally, as can clearly be seen by European legislation, is based on the continuous search for a progressive attitude and adequate labor protection, in the various forms in which it is expressed.

Keywords: labor law, work safety, Albanian labour code, Italian employment legislation, the European Union (U.E.)

1. Comparazione tra sistemi giuridici: la legislazione sulla sicurezza in Albania e in Italia alla luce dell'ordinamento U.E.

La legislazione in materia di sicurezza e salute dei lavoratori, all'interno del diritto del lavoro, non può essere considerata solo come un settore della materia, ma costituisce una specifica priorità normativa di ogni Paese evoluto. Infatti, in essa risiede una utilità evidente, sotto il profilo di cultura giuridica: nel senso che la legislazione in argomento persegue il fine precipuo di scongiurare il verificarsi di incidenti, sui luoghi e negli ambienti lavorativi, che possano portare nocumento alla integrità fisica di coloro che, per l'appunto, prestano l'attività lavorativa; ciò è valevole, evidentemente, sia nel segno del progresso, che in quello della civiltà giuridica vera e propria.

Con tali premesse, invero, risulta particolarmente interessante comparare in un singolare raffronto la legislazione lavoristica del settore sicurezza, che promana da un Paese appartenente alla Unione Europea, come ad esempio l'Italia, con quella appartenente all'ordinamento giuridico di un'altra nazione, come l'Albania (la quale è membro candidato alla U.E., ma ancora non è entrata a farne parte): i due Paesi, invero, intrattengono numerosi rapporti commerciali ed economici improntati alla reciprocità delle relazioni e, quindi, sono inevitabilmente investiti da problematiche comuni.

Cominciamo il breve excursus, dunque, con la legislazione vigente in argomento nella repubblica albanese.

2. L'ordinamento albanese

La legislazione lavoristica albanese non si discosta molto da quella che vige nei Paesi dell'Europa occidentale [1]. Invero, più nello specifico, i cosiddetti "principi- cardine", in materia di sicurezza sul luogo di lavoro, sono stati sanciti nel capo VIII del codice del lavoro (approvato con la legge n.7961, che venne promulgata nel corso dell'anno 1995 e successivamente modificata con alcune novelle): pertanto conviene soffermarsi brevemente su tale normativa.

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[1] Sul punto si vedano: Business Law - Commented Syllabus, Holland Benjamin, Nottingham 2012, pagg. 22 e ss. , nonché Boccia Antonio V.P., L'antico sistema normativo albanese: tra diritto romano e protoeuropeismo, Lauria 2014, pag.17.

In particolare, e per prima cosa, si può agevolmente notare, anche solo in base alla mera lettura del codice (e, quindi, ad un livello ermeneutico elementare) che gli articoli che vanno dal 39 al 75 del codice albanese sono espressamente dedicati a questa delicata disciplina e, inoltre, che si tratta di principi molto validi: essi rappresentano dunque il punto di partenza concreto da cui gli imprenditori che operano in Albania non possono prescindere.

Il capitolo VIII, che è suddiviso in vari paragrafi che si occupano delle misure ritenute particolarmente necessarie in materia, è interamente basato sull'argomento in esame e, per l'appunto, è titolato in maniera programmatica come "sicurezza e protezione della salute".

Dunque, il codice del lavoro albanese detta delle precise disposizioni a carico dei datori di lavoro operanti nel territorio della repubblica di Albania: le quali, in effetti, costituiscono certamente il punto di partenza necessario della normativa medesima.

Non a caso, gli artt.39 e 40 stabiliscono che il datore sia obbligato a predisporre la sicurezza e la salute del lavoratore, e quindi che egli debba, per l'effetto, cercare di prevenire gli incidenti sul luogo di lavoro.

Egli deve inoltre informare il lavoratore circa i rischi connessi al lavoro e formare i lavoratori al rispetto dei requisiti nel campo della salute, della sicurezza e dell'igiene [1].

Vero è che anche il lavoratore subordinato dovrà mettere in pratica le misure imposte dal datore di lavoro [2].

Invece, per quanto riguarda il luogo di lavoro, esso deve essere idoneo [3].

Nel paragrafo dedicato all'ambiente lavorativo la nozione di pericolosità assume una accezione particolare [4].

Segue, poi, quello dedicato ai macchinari: a tal proposito viene precisato che nessun lavoratore deve usare macchinari senza aver adottato prima tutte le prescritte misure di salvaguardia [5].

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[1] Articolo 43: Il datore di lavoro deve informare il lavoratore circa i rischi connessi al lavoro e formare i lavoratori al rispetto dei requisiti nel campo della salute, della sicurezza e dell'igiene. Formazione ed informazione di cui al paragrafo precedente sotto effettuati duranti il periodo di lavoro e ripetuti in caso di necessità specialmente se le condizioni di lavoro subiscono cambiamenti. Il datore di lavoro deve spiegare ai lavoratori esposti ai rischi ciò che è indispensabile per rendere esecutive le misure relative alla sicurezza tecnica ed all'igiene.

[2] Articolo 44: Il lavoratore deve mettere in pratica le misure imposte dal datore di lavoro ed informare quest'ultimo, quando si incontrano difficoltà nell'effettuarle. Solo personale qualificato può far funzionare macchinari di trasporto, meccanici ed elettrici e attrezzature.

[3] A tal proposito è il caso di riportare due articoli. L'Art. 45 così dispone: L'ambiente di lavoro, in tutte le parti che lo compongono, deve essere adatto alla natura del lavoro che vi si deve svolgere. La superficie e lo spazio del luogo di lavoro devono essere sufficienti per il lavoratore in modo che egli/ella può svolgere il proprio lavoro in completa sicurezza e senza intralcio per la circolazione nell'ambiente La installazione di macchinari ed attrezzi oltre allo stoccaggio non devono intralciare la circolazione o occupare qualche area dove si svolge il lavoro. Mentre invece l'Articolo 49 dispone quanto segue: L'ambiente di lavoro deve avere aria a sufficienza ed un sistema di ventilazione per evitare una atmosfera dannosa alla salute dei lavoratori e polveri. L'aerazione deve essere realizzata in modo che sfiati all'esterno. Se l'aerazione naturale non riesce ad essere sufficiente deve essere implementata con ventilazione artificiale adeguata allo spazio dell'ambiente ed al numero di persone che vi soggiornano. L'atmosfera dell'ambiente e del luogo di lavoro deve essere mantenuta pulita al fine di proteggere la salute dei lavoratori. È proibito fumare nell'ambiente dove lavora più di una persona. Se il processo lavorativo non consente di evitare la produzione di sostanze volatili importanti dannose alla salute, la polvere il fumo e il gas devono essere continuamente cacciati fuori dall'ambiente di lavoro attraverso appositi dispositivi.
Inoltre, l'articolo 75 dispone che in ogni azienda devono essere prese misure per garantire il primo soccorso per le persone che siano ferite sul proprio luogo di lavoro. In ogni azienda almeno una persona a gruppo deve aver ricevuto le istruzioni necessarie per prestare il primo soccorso in caso di emergenza. In ogni ambiente di lavoro deve essere presente il kit di primo soccorso, regolarmente corredato del materiale necessario.

[4] Di fatti l' Art. 48 così dispone: Il Consiglio dei Ministri, o i corpi autorizzati, definiscono i limiti di legge per la protezione dalle polveri nell'aria, dalle sostanze chimiche, dalla radioattività, dal rumore e dalle vibrazioni nei luoghi di lavoro.

[5] Articolo 51: Nessun lavoratore deve usare macchinari senza aver adottato prima tutte le prescritte misure di salvaguardia. Le parti pericolose dei macchinari devono essere dotate di misure di protezione.

Quanto, poi, alle condizioni di lavoro, nel codice vengono dettate norme generiche e valevoli indeterminatamente [1].

Seguono, infine, una serie di normative più tecniche, che è inutile riportare in questa sede.

Ben si vede, perciò, che la materia della sicurezza lavorativa è stata trattata, nel codice, in modo esaustivo e adeguato, almeno per quanto concerne la enunciazione dei vari principi basilari che la regolano.

D'altronde c'è da aggiungere che, dopo avere firmato l'accordo di stabilizzazione e associazione, nel corso del 2006, l'Albania è entrata a far parte del cosiddetto processo di stabilizzazione e di associazione alla Unione Europea: per l'effetto, nel Paese adriatico, sono stati compiuti una serie di concreti progressi, soprattutto per quel che riguarda la salute e la sicurezza sul lavoro, legislativamente parlando.

Non a caso, è stata dapprima approvata dal Parlamento una normativa sulla "strategia nazionale per la salute e la sicurezza sul lavoro", che si occupa della materia in maniera più particolareggiata; ed, altresì, è stato elaborato un nuovo disegno di legge organico ad hoc sulla salute e la sicurezza sul posto di lavoro, che si trova già in fase di approvazione.

Da ultimo, c'è da rilevare che anche la repubblica di Albania, in attesa dell'ingresso nell'Unione, è entrata già a far parte dell'Agenzia europea per la sicurezza e la salute sul lavoro (EU-OSHA).

3. L'ordinamento italiano

Riguardo la materia che ci occupa, in Italia, è stato emanato un "testo unico" sulla sicurezza dei lavoratori, il quale raccoglie in maniera organica ed omogenea le disposizioni esistenti in materia: esso è stato promulgato nell'anno 2008 [2].

Mentre, successivamente, sono state approvate varie novelle modificative, l'ultima delle quali lo scorso anno, mediante la Legge 30/10/2014, n. 161, che reca "Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2013-bis".

In pratica, quindi, il testo unico detta alcune prassi generali da seguire, al fine espresso del miglioramento delle condizioni di sicurezza sui vari luoghi di lavoro.

Passando ad una rapida analisi del testo, in concreto, ben si vede che il titolo primo si occupa del sistema istituzionale e della gestione della prevenzione; laddove, invece, quelli che seguono entrano più nello specifico della materia [3].

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[1] L'Art. 54 dispone: Quando il lavoratore lavora in modo continuativo o in modo discontinuo in posizione seduta nel suo luogo di lavoro, deve essere equipaggiata con una seduta appropriata per svolgere il suo lavoro. Se per svolgere il lavoro è richiesto di stare in piedi o fermi per lungo tempo, il lavoratore deve aver diritto, oltre alla paga, a brevi pause della durata di non meno 20 minuti ogni 4 ore di lavoro continuativo. Le donne incinte devono effettuare la pausa ogni 3 ore.

[2] Decreto Legislativo n. 81 del 9 aprile 2008 e ss. modifiche.

[3] Il testo unico è così suddiviso: Titolo I (art. 1-61): Principi comuni (Disposizioni generali, sistema istituzionale, gestione della prevenzione nei luoghi di lavoro, disposizioni penali); Titolo II (art. 62-68): Luoghi di lavoro (Disposizioni generali, Sanzioni); Titolo III (art. 69-87): Uso delle attrezzature di lavoro e dei dispositivi di protezione individuale (Uso delle attrezzature di lavoro, uso dei dispositivi di protezione individuale, impianti e apparecchiature elettriche); Titolo IV (art. 88-160): Cantieri temporanei o mobili (Misure per la salute e sicurezza nei cantieri temporanei e mobili. Norme per la prevenzione degli infortuni sul lavoro nelle costruzioni e nei lavori in quota, sanzioni); Titolo V (art. 161-166): Segnaletica di salute e sicurezza sul lavoro (Disposizioni generali, sanzioni); Titolo VI (art. 167-171): Movimentazione manuale dei carichi (Disposizioni generali, sanzioni); Titolo VII (art. 172-179): Attrezzature munite di videoterminali (Disposizioni generali, obblighi del datore di lavoro, dei dirigenti e dei preposti, sanzioni)
Titolo VIII (art. 180-220): Agenti fisici (Disposizioni generali, protezione dei lavoratori contro i rischi di esposizione al rumore durante il lavoro, protezione dei lavoratori dai rischi di esposizione a vibrazioni, protezione dei lavoratori dai rischi di esposizione a campi elettromagnetici, protezione dei lavoratori dai rischi di esposizione a radiazioni ottiche, sanzioni); Titolo IX (art. 221-265): Sostanze pericolose (protezione da agenti chimici, protezione da agenti cancerogeni e mutageni, protezione dai rischi connessi all'esposizione all'amianto, sanzioni); Titolo X (art. 266-286): Esposizione ad agenti biologici (obblighi del datore di lavoro, sorveglianza sanitaria, sanzioni); Titolo XI (art. 287-297): Protezione da atmosfere esplosive (disposizioni generali, obblighi del datore di lavoro, sanzioni).

In buona sostanza, pertanto, il testo appare come una raccolta di soluzioni procedurali, coerenti con le normative di buona prassi, le quali in definitiva vengono sempre finalizzate alla gestione della "prevenzione" e, quindi, alla promozione della sicurezza dei lavoratori, attraverso il miglioramento delle condizioni di lavoro e, conseguentemente, con la riduzione dei rischi lavorativi.

In generale, quindi, si può dire che in Italia, in base al testo unico, il datore di lavoro ha oggi il dovere di considerare la salute e la sicurezza del lavoratore importante quanto e come la stessa produzione; nonché di valutare adeguatamente il rischio e prevenirlo con soggetti e strutture di supporto (quali il medico competente ed il servizio di prevenzione e protezione)[1].

Inoltre l'imprenditore, inteso nel senso più ampio, proprio in conseguenza delle attività di valutazione dei rischi da lavoro, dovrà attuare in ogni ambiente lavorativo le misure di prevenzione degli infortuni previste dalla Legge, senza eccezioni o ritardi.

Laddove, poi, se è vero che quanto appena asserito vale certamente per ogni forma datoriale, c'è da dire che anche i lavoratori medesimi devono essere consapevoli, in primis, di avere il diritto (irrinunciabile) ad un luogo di lavoro sicuro ed adeguato alle norme sulla sicurezza; ma - nello stesso tempo- essi hanno anche il diritto-dovere di partecipare attivamente alla formazione, di utilizzare i dispositivi di sicurezza e di seguire tutte le norme dettate dal datore di lavoro. D'altronde, il lavoratore ha il dovere specifico di segnalare al datore di lavoro - anche tramite il cosiddetto "rappresentante dei lavoratori" per la sicurezza - eventuali carenze del sistema, ovvero, suggerire i possibili miglioramenti in materia. Peraltro, in una ottica di piena collaborazione dello Stato, anche le Amministrazioni pubbliche sono chiamate a supportare sia i lavoratori che i datori di lavoro, al fine espresso di prevenire gli infortuni sul lavoro. Per tale motivo, sin dal 2012, il Ministero del Lavoro e delle Politiche Sociali ha intrapreso una serie di controlli, specialmente nel settore edile (dove purtroppo si verificano la maggior parte degli infortuni, soprattutto gli incidenti mortali).

4. La legislazione europea. Osservazioni conclusive

Per completezza espositiva, giova osservare che la legislazione europea in materia, che è sovranazionale, è fondata sull'Atto Unico del 1987. Da allora in poi, si sono susseguite una serie di direttive sull'argomento "sicurezza", che hanno acquisito i caratteri della sistematicità e che sono ispirate a criteri di maggior rigore, rispetto al passato, e che esamineremo tra breve.

Prima di entrare nel dettaglio, occorre dire che l'iniziativa comunitaria in materia ha radici antiche, che si sono sviluppate nel corso degli anni passati, grazie all'ausilio e alla adozione di una serie di raccomandazioni, decisioni, comunicazioni e di programmi di azione; i quali progressivamente hanno mostrato un crescendo di sempre maggior rigore sull'argomento "sicurezza", rispetto ai periodi precedenti.

Nel 1974, poi, si colloca una definitiva svolta, realizzatasi mediante la risoluzione comunitaria del 21 gennaio: giacché, con essa, le problematiche in esame circa la promozione della sicurezza dei lavoratori trovano un collocamento preciso: viene istituito, di fatti, il "Comitato consultivo per la sicurezza l'igiene e la tutela della salute sul luogo di lavoro".

Dopo di allora, comunque, sia l'igiene che la salute dei lavoratori sono state oggetto di interventi della Comunità Europea; soprattutto, con due azioni specifiche: rispettivamente nell'anno 1978 (risoluzione del 29 giugno) e nel corso del 1984 (risoluzione del 27 febbraio), le quali norme meritano di essere riportate in questa sede, quanto meno a livello di enunciazione, poiché sono le prime in materia.

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[1] Da segnalarsi, in quanto rilevante, la introduzione della figura professionale del cosiddetto "formatore per la salute e la sicurezza".

Già nel 1980, era stata emanata una "direttiva-quadro" inerente la protezione dei lavoratori dalla "esposizione" nei lavori cosiddetti a rischio (direttiva n.1107 del 27 novembre). Ad essa, successivamente, faceva seguito una nuova "direttiva-quadro", nel 1989 (la N. 391), che sottolineava l'importanza del dialogo tra le parti sociali a livello comunitario europeo [1].

Tra le innovazioni previste, la direttiva n. 391 sulla sicurezza comprende disposizioni, che riguardano la valutazione dei rischi negli ambienti lavorativi.

Occorre, poi, citare la comunicazione n. 62 del 2004, che riguarda la attuazione pratica delle varie direttive europee concernenti la salute e la protezione del lavoratore.

Infine, come si nota con l'art. 118 A del Trattato Istitutivo, la produzione normativa della Unione Europea sulle tematiche della sicurezza del lavoro si è intensificata, assumendo i caratteri della sistematicità.

Da allora in poi, molta strada è stata fatta per garantire la sicurezza dei lavoratori nelle aziende. In particolare, e nel tempo, sono state emanate una serie di dettagliate direttive che riguardano i luoghi di lavoro, i dispositivi di protezione, le attrezzature e i macchinari in genere, i rischi e la protezione da esposizione ad agenti biologici e chimici e, infine, varie disposizioni specifiche per singoli settori ritenuti più pericolosi [2].

In conclusione, come si è visto, entrambe le legislazioni in materia di sicurezza e salute del lavoro, sia quella albanese che quella italiana, tendono a dare un notevole impulso alla azione di tutela dei lavoratori, in una ottica che - per quanto riguarda la repubblica albanese - potremmo definire come "pre-comunitaria".

Peraltro, c'è da dire che, se è vero che il 2015 è stato dedicato - dalla U.E. - quale "anno europeo" per lo sviluppo, legislativamente parlando, a maggior ragione potrà essere funzionale ed utile proseguire la strada nell'ottica intrapresa dall'ordinamento comunitario, ossia in quella di perfezionare il coordinamento tra le istituzioni dei Paesi in un settore delicato e cruciale, quale è quello della tutela della protezione e della sicurezza sul lavoro.

Ciò, ovviamente, al fine esplicito di armonizzare e razionalizzare i sistemi giuslavoristici esistenti nelle nazioni europee e, nel contempo, per favorire e per consolidare il dialogo sociale tra le parti - imprenditori, datori ed aziende in genere, con sindacati e lavoratori - nei vari Paesi coinvolti da questo processo, che vede il comune impegno dei legislatori nazionali più avveduti (tra di essi, ovviamente, anche l'Albania e l' Italia) nel rendere sempre più sicuri gli ambienti di lavoro [3].

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[1] Storicamente le prime iniziative comunitarie possono inquadrarsi già nell'ambito del Trattato Ceca del 1957, allorquando venne istituito l'Organo permanente per la sicurezza (nelle miniere di carbone), cui venne assegnato il compito di predisporre le proposte concrete sul tema della salute e protezione dei lavoratori da sottoporre ai vari governi degli Stati membri.

[2] Sono da menzionare, tra le altre, le seguenti direttive (aventi ad oggetto disposizioni specifiche): N. 2010/32, N. 2009/38, N. 2009/13 e N.1994/33.

[3] Sul punto: D'Antona Massimo, *Mercato unico europeo ed aree regionali deboli*, in LD, Bologna 1992 pagg. 43 e ss; Biagi Marco, *L'ambiente di lavoro e la politica sociale comunitaria*, *ivi*, pag. 30 e pag. 237.

Evaluation of Prophet Muhammad's Techniques in Managing   Misbehaviors: Application in Primary School Classrooms

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Abstract

Studies have shown that there is a correlation between troublesome classroom behaviors and a gamut of antisocial, aggressive-disruptive behaviors and psychiatric problems. Student classroom misbehavior is linked to student disengagement which correlates with alienation by peers and truancy. Students who misbehaved were reported to perform worse academically which escalated to other severe problems such as dropping out of school and delinquency. Researchers and academicians have designed and implemented intervention programs to reduce this problem. Good intervention program should meet the set criteria. This study aims to discover whether the techniques used by Prophet Muhammad in correcting mistakes of his companions could be applied in managing misbehaviors of primary school students during teaching and learning process; and to determine whether these techniques met the criteria of a good intervention program. Six relevant hadith on correcting mistakes were selected and analyzed to formulate techniques of managing misbehaviors which were implemented in two primary school classrooms by a trained teacher. This qualitative research examined and analysed journals written by the teacher; and the verbatim transcriptions of two one-hour interview sessions with the teacher to assess teacher's correct application of the techniques and to discover the impact of the techniques on students' behaviors. Findings revealed that the techniques used were effective in reducing classroom disruptive behaviors; easy to implement; not disrupting the normal classroom activities; and parsimonious. This study contributes to production of knowledge from Islamic worldview; and contributes to the relevantization project which is the mission of International Islamic University Malaysia.

Keywords: Classroom misbehaviors, classroom management, relevantization, hadith application, behavior management techniques

1. Introduction

Disruptive behavior is defined as "an activity that causes distress for teachers, interrupts the learning process, and activity that lead teachers to make continuous comments to the student" (Arbuckle & Little, 2004: 60) or any "activities which disrupt and impede teaching and learning processes" (Thompson, 2009: 43). Most common classroom misbehaviors are being late for class; disengaged during teaching and learning process; talking out of turn; making distracting noises; arguing with other students; easily angered by others; losing temper; moving around the classroom unnecessarily; and disobeying teacher's instructions (Bowen, Jensen, & Clark, 2004; Wakschlag, Leventhal, Briggs-Gowen, Danis, Keenan, & Hill, 2005). Serious behavior problems occur less frequently but difficult to handle. Instances of serious misbehavior include stealing; fighting; bullying; and verbally abusing teachers and other students (Sullivan, Johnson, Owens, & Conway, 2014). However, the pervasive classroom disruptive behaviors are mostly trivial and low-level disturbances. But, the loss of time and the difficulty to manage the misbehaviors have led teachers to stress and burnout. What is more, research findings have revealed that classroom behavior problem is a predictor for a myriad of social, behavioral, and psychiatric problems; such as antisocial behaviors, violence, high-risk sexual behavior, drug, alcohol, and tobacco abuse (Kellam, Brown, Poduska, Ialongo, Wang, & Toyinbo, 2008; Kellam, Mackenzie, Poduska, Wang, Petras & Wilcox, 2011).

Teachers have applied strategies and techniques which they were familiar with to manage classroom misbehaviors. Some of the strategies used were to ensure student compliance by using punitive measures such as controlling students

behaviors through negative and coercive interactions (Patterson, Reid, & Dishion, 1992; Slee, 1995), referrals, suspensions, calling parents (Wakschlag, et al., 2005), more strict school rules (Way, 2011), reprimands and redirections (Madsen, Becker, & Thomas, 2001; Wan Yusoff & Mansor, 2014), sanctions (Kohn, 2006; Maguire, Ball, & Braun, 2010), and disciplinary strategy through step system. This disciplinary strategy applies intensification of negative corrective measures beginning with, for instance, giving warning, in-class time out, out of class time out, redirection to a school leader, in-school suspension, out-of-school suspension, and the most extreme punishment is permanent exclusion from school (Raby, 2010). The assumption underpinnings step system is that when bad behavior is corrected, student learning will also be enhanced (Maguire, Ball, & Braun, 2010). However, studies indicated that punitive measures and harsh punishment may create unruly, boisterous and disordered classroom environment (Madsen, Becker, & Thomas, 2001); cause disobedience and rebelliousness among certain students (Way, 2011); reinforce student hostility and destructive behaviors (Rinke & Herman, 2002); lead to negative outcomes including being dismissed by peers, academic failure, and further deterioration of antisocial behavior (Patterson, Reid, & Dishion, 1992); and contribute to defiance and detachment, common misbehavior, and school violence (Angus et al., 2009). Even though studies have provided evidences against using punitive measures, however this practice is still prevalent especially in schools where teachers were not given formal training in pedagogy (Wan Yusoff & Mansor, 2014).

The ineffectiveness of the strategies used and the detrimental effects of unresolved classroom misbehaviors have prompted researchers and academicians to develop and evaluate classroom behavior management strategies and intervention programs. Teacher could choose strategies that work for them and that have the following criteria: the strategies are effective, that is, they reduce and prevent the occurrence of disruptive behaviors; easy to implement, which means they would not require any structural changes and outside of school support, would not take much time to prepare, and can be easily accessible; the strategies used should not take much class time and disrupt the normal classroom activities (Guardino & Fullerton, 2010; Cholewa, Smith-Adcock, & Amatea, 2010); and cost effective.

Studies have shown that some evidence-based intervention programs were effective in reducing classroom disruptive behaviors and met the criteria of good intervention program. These intervention programs were evaluated by researches in a number of studies. Some examples of effective intervention programs are Good Behavior Game (Kellam et al., 2008; Kellam et al., 2011; Donaldson, Vollmer, Krous, Downs, & Berard, 2011); Fast Track Program (CPPRG, 1999; CPPRG, 2002); Raising Healthy Children (Brown, Catalano, Fleming, Haggerty, & Abbott, 2005; Hawkins, Kosterman, Catalano, Hill, & Abbott, 2005); and The Incredible Years program (Webster-Stratton & Hammond, 1997; Scott, Spender, Doolan, Jacobs, & Aspland, 2001; Webster-Stratton et al., 2008). Research findings also confirmed various practical behavior management techniques such as general praise; behavior specific praise; and stating clear rules met the criteria of good strategies. These simple techniques were shown effective to promote student classroom engagement and may decrease disruptive classroom behaviors (Gable, Hester, Rock, & Hughes, 2009; Henly, 2010; Kerr & Nelson, 2010; Wheeler & Richey, 2010; Pisacreta, Tincani, Connell, & Axelrod, 2011; Wan Mazwati Wan Yusoff, 2012).

Even though these intervention programs were proven effective but they were never tested in Muslim settings. Perhaps these programs may be effective in Muslim settings as well, however human creativity prescribes that we should continue researching for different ways of solving problems. Those who are complacent and stop looking would lose the opportunity to find even better solutions. While evaluating the above mentioned programs, several questions arose. Such questions are: Are there simpler techniques and easier to implement? Are there techniques that can become second nature to teachers that they do not need to prepare? Are there techniques that blend well into the psyche of Muslims who are motivated by knowledge that comes out of Islamic worldview? Besides, good strategies and intervention program should cost the least but produce the best effect. But more importantly, taking into consideration cultural differences and Muslims' religious conviction that the Qur'an and Prophet Muhammad's Traditions (herein after would be referred to as hadith) are the two primary sources of knowledge which provide prescriptions for human behavioral problems, rigorous analysis of hadith for application in classroom settings were conducted . Equally significant, this research project is to realize the mission of International Islamic University Malaysia to make Islamic revealed knowledge "relevant to contemporary human and social issues and highly useful or indispensable for solving individual, social, national and international problems and issues" (Kamal Hasan, 2009: 120). Islamic revealed knowledge is knowledge that comes out of the Qur'an and Prophetic Tradition.

1.1. Prophet's Methods of Handling Misbehaviors

Prophet Muhammad is the archetype of perfect moral character who demonstrated to mankind the practical aspect of Islam. He set the precedent of excellent behavioral conduct which was followed by and become custom of Muslims across time and space. The doings and practices; verbal and nonverbal communication; and consent of Prophet Muhammad were reported and recorded in hadith. Hadith is replete with historical evidences which demonstrated that Prophet Muhammad had succeeded in motivating positive behavioral change among the Arabs at his time. This is further substantiated by the style of living of his companions which were also recorded in hadith literature. This means that data from hadith is full with strategies, methods, techniques, tools and procedures to promote good behavior. How to extract these from hadith is depended on how we frame the questions when we interact with hadith. The process of making hadith relevant to contemporary human and social issues involved continuous exegetical interpretation of the Qur'an and hadith (Ibrahim Zein, 2012).

The styles of living of Prophet Muhammad and his companions were a continuation of life before Islam except what have been delineated clearly by the Qur'an. The precedent of new tradition started when problems occurred and the Muslims went to the Prophet for guidance. Therefore, we can conclude that there are significant amount of hadith that dealt with how Prophet Muhammad handled various types of misbehaviours ranging from simple common mistakes committed by newcomers to Islam and grave mistakes committed by people of knowledge in Islam (al-Munajjid, 2008). Besides, making mistakes is innate in human, however the best wrongdoers are those who repent (Ibn Majah, hadith no. 4251). This paper delimits its analysis on common mistakes relevant for application in primary school setting. We have selected six authentic hadith reported and authenticated by prominent scholars of hadith, namely Imam al-Bukhari (d. 870 A.D.) and Imam Muslim (d. 875 A.D.). Hadith is considered authentic when it met all the stringent criteria set by scholars of sciences of hadith. Sciences of Hadith is a vast field of knowledge which will not be discussed in this paper. Rigorous analysis of these six hadith revealed principles and techniques that can be applied to handle misbehaviors in classroom. The following section states and discusses the selected hadith.

1.2. Dealing with Mistakes by Explaining the Rules

Anas ibn Malik reported: "While we were in the mosque with the Messenger of Allah, a bedouin came and stood urinating in the mosque. The companions of the Messenger of Allah said, 'Mah! Mah! (harsh way of rebuking)' But the Messenger of Allah said, 'Do not interrupt him; leave him alone.' So they left him until he had finished urinating, then the Messenger of Allah called him and said, 'These mosques are not a place to throw any kind of filth, urinate or defecate; they are only for remembering Allah, praying and reading the Qur'an.' The he commanded a man who was there to bring a bucket of water and throw it over the urine, and he did so." Hadith number 285 recorded by Imam Muslim.

Mu'awiya ibn al-Hakam said: "While I was praying with the Messenger of Allah (may peace be upon him), a man sneezed. I said, 'Allah have mercy on you!' The people stared at me with disapproving looks, so I said, 'Woe be upon me, why is it that you stare at me?' They began to strike their hands on their thighs, and when I saw them urging me to observe silence (I became angry) but I said nothing. When the Messenger of Allah (may peace be upon him) had finished the prayer (and I declare that neither before him nor after him have I seen a leader who gave better instruction than he for whom I would give my father and mother as ransom). I swear that he did not scold, beat or revile me but said, 'Talking to persons is not fitting during the prayer; prayers are for glorifying Allah, declaring his Greatness and reciting the Qur'an or words to that effect." Hadith number 1094 recorded by Imam Muslim.

Two persons mentioned in the hadith above were in the process of learning how to practice Islam. They just entered the fold of Islam, which means that they were ignorant in many practices of Islam. In dealing with these two, Prophet Muhammad did not reprimand, use harsh words, criticize, making sarcastic remarks and he also did not punish or beat them. The Prophet's practice is contrary to the practices of many teachers in Malaysia including Islamic studies teachers (Wan Yusoff & Mansor, 2014). Instead, Prophet Muhammad was very patient and gentle; and he never embarrassed anyone who made mistakes (al-Munajjid, 2008). This hadith can be applied to students since they are in the process of learning and acquiring new knowledge. The mistakes done by these two persons were not serious mistakes. Urinating and talking are part of being human but to urinate and talk at wrong place and time is wrong; and need to be corrected. Similarly, students are allowed to talk but it is wrong to talk while teacher is teaching. When dealing with common misbehaviors, teacher should be more patient and gentle; and avoid scolding, screaming at students, punishing or beating them.

The two hadith mentioned above revealed techniques that Prophet Muhammad used in handling misbehavior. If it is deemed necessary to wait for the wrongdoer to finish what he is doing, then wait before correcting his mistake. When correcting mistakes:

• Use precise words in just one or two sentences.

• Be general and do not specifically mention the wrongdoer's name or the word "you". This means the reminder or information is meant for all not just the wrongdoer.

• Clearly explain the rule of what is not allowed and what is allowed.

For exampe, to correct the mistake of a student who is talking while teacher is teaching, just say, "Students are not allowed to talk while teacher is teaching; teachers are to be respected, listened to and learned from."

1.3. Ignoring Small Mistakes

Anas ibn Malik reported: "A man came panting and entered the row of worshippers and said, 'Praise be to Allah, much praised and blessed.' When the Messenger of Allah (may peace be upon him) finished the prayer he said, 'Who amongst you uttered these words?' The people remained silent. He (the Holy Prophet) again said, 'Who amongst you uttered these words? He said nothing wrong.' Then a man said, 'I came panting, so I uttered them.' He replied, 'I saw twelve angels facing one another as to who will take those words up (to Allah)." Hadith number 1247 recorded by Imam Muslim.

Anas ibn Malik reported: "The Prophet was with one of his wives when another of Prophet wives sent a big vessel full of food to him. The wife in whose house the Prophet was struck the hand of the servant, and the vessel fell and broke into two pieces. The Prophet picked up the pieces and put them together, then he gathered up the food that had been in vessel and said, 'Your mother is jealous.' Then he asked the servant to wait and gave him a whole vessel belonging to the wife in whose house he was, and kept the broken vessel in the house of the one who had broken it." Hadith number 5225 recorded by Imam Bukhari.

Sometimes mistakes are best to be ignored and teacher should focus on good behaviors because human cannot run away from making mistakes. For those who make mistakes to gain attention of teachers, ignoring the person who make mistakes could solve this problem. The hadith above illustrate how a man came late for congregational prayer but he still was able to perform congregational prayer with the Prophet. He was so thankful that he uttered those words loud enough that people could heard him. Talking loudly while others were praying is another mistake done by this man. But The Prophet was not angry at the man and he did not reprimand or punish him for coming late to perform the prayer. Prophet ignored the mistakes done by this man and focus on the good words that the man has uttered. Similarly, when one of the Prophet's wives broke a bowl owned by his other wife, he just ignored the wife's misbehavior and focus on cleaning up the mess. However, the Prophet replaced the broken bowl to be fair.

Ignoring common mistakes and focus on good behavior has shown to motivate students to change from committing mistakes to practicing good behaviors (Wan Mazwati Wan Yusoff, 2012). In the above hadith, Prophet Muhammad mentioned specifically the good words that the man uttered and also the value or impact of those words. This was done in public at the mosque among the well known and closed companions of the Prophet. Even though the hadith did not mention the Muslims who were praying at that time but it is common knowledge that Prophet's companions never missed congregational prayers at the mosque in Madinah. Therefore, when students made mistakes but at the same time performed good behaviour, teacher should focus on good behaviour and reinforce the good behavior by mentioning the positive value or impact of the good action.

1.4. The techniques used by Prophet Muhammad in dealing with common mistakes are:

- Ignore the mistakes done out off ignorance.

- Focus on the good behaviors.

- Reinforce the good behaviors, good effort, and good outcomes by mentioning specifically the good behaviors, effort and the outcomes of their effort.

- Mention the impact of the good behavior to the doer and others

- When the good behaviors were performed in public, mention them in public but avoid referring to the doer to stress on the actions not the person. In other words, do not praise the person but praise the good actions or outcomes. This may encourage others to emulate the good behavior. For instance, when a student answered all questions correctly, do not say, "You are clever" but say, "Good, your answers are correct".

1.5 Giving Solution to Rectify Mistakes

Abdullah Ibnu Mas'ud reported: "A person came to Allah's Apostle (may peace be upon him) and said, 'Allah's Messenger, I sported with a woman in the outskirts of Medina, and I have committed an offense short of fornication. Here I am (before you), kindly deliver verdict about me which you deem fit'. Umar said, 'Allah concealed your fault. You had better conceal it yourself also'. Allah's Apostle (may peace be upon him), however, gave no reply to him. The man stood up and went away and Allah's Apostle (may peace be upon him) sent a person after him to call him and he recited this verse, 'And observe prayer at the ends of the day and in the first hours of the night. Surely, good deeds take away evil deeds. That is a reminder for the mindful' (al-Qur'an, Hud: 114). A person amongst the people said, 'Allah's Apostle, does it concern this man only?' Thereupon he (the Holy Prophet) said, 'No, but the people at large'." Hadith number 6658, recorded by Imam Muslim.

Abu Hurairah reported: "A person came to the Apostle of Allah (may peace be upon him) and said, 'Messenger of Allah, I am doomed!' He (the Holy Prophet) said, 'What has brought about your ruin?' He said, 'I have had intercourse with my wife during the day in the month of Ramadan'. Upon this he (the Holy prophet) said, 'Can you find a slave to set him free?' He said, 'No'. He (the Holy Prophet again) said, 'Can you observe fast for two consecutive months?' He said, 'No'. He (the Holy Prophet) said, 'Can you provide food to sixty poor people?' He said, 'No'. He then sat down and (meanwhile) there was brought to the Apostle of Allah (may peace be upon him) a basket which contained dates. He (the Holy Prophet) said, 'Give these (dates) in charity'. He (the man) said, 'Am I to give to one who is poorer than I? There is no family poorer than mine between the two lava plains of Medina'. The Apostle of Allah (may peace be upon him) laughed so that his molar teeth became visible and said, 'Go and give it to your family to eat'." Hadith number 2457 reported by Imam Muslim.

Two men in the above hadith had committed serious mistakes according to Islamic codes of ethics. However, Prophet Muhammad was patient and compassionate when dealing with these wrongdoers. He did not pass judgement on them and called them sinners. He did not scold or punish them to teach them a lesson. From this hadith, it is apparent that Prophet Muhammad did not investigate or ask why these men committed such serious mistakes. Further, he did not want to know the woman who was involved with the man for probing for more information would certainly tarnish the good name of the woman's family. Anas ibn Malik said that, "I served the Apostle of Allah for nine years but he never said to me about a thing which I had done why I did that, or about a thing I had left as to why I had not done that" (Hadith number 5724 reported by Imam Muslim).

To deal with the misconduct, Prophet Muhammad suggested a solution for the man to do good deeds because good deeds cleansed the sins of evil deeds. As for the married man who had intercourse during the day in the month of Ramadan, Prophet Muhammad asked him to choose among three alternatives. Since the man said that he had no capability to do any of the alternatives, Prophet Muhammad gave him a basket of dates to be distributed to the poorest in Madinah. Since the man who had committed the serious mistakes was the poorest in Madinah, the dates were given to his family. This incident proved how compassion and sympathetic Prophet Muhammad was.

The application of these hadith is suitable in situation where students committed mistakes which do not involved public property and safety. The serious mistakes committed are personal. The important principles that could be extracted from these hadith are:

- Do not ask probing questions to investigate why students behave the way they do.

- Suggest possible solutions to help correct the mistakes done by students.

- Help students to perform one of the alternatives suggested to them.

Prophet Muhammad used various techniques to correct mistakes done by his companions and Muslims who live in his time. The strategies and techniques used by the Prophet were depended upon the context within which the misconduct were committed and the background of the individuals who committed the mistakes. However, only three methods of correcting misbehaviors were selected for this study. This study aim to validate the techniques used by Prophet Muhammad in correcting mistakes; whether they were effective to reduce classroom misbehaviors and met the criteria of good intervention program.

2. Method of Study

This qualitative research collected data through two one-hour semi-structured interview sessions with the teacher. One session was conducted at the teacher participant's home and another one at the researcher's place. The interviews were audio-taped and transcribed verbatim. The teacher participant had a bachelor degree in Islamic Shari'ah and arabic language was teaching Islamic Studies, reading and writing in Arabic alphabets and Arabic Language to primary five students in Kajang, Selangor. She has more than four years experience in practicing Prophet Muhammad's techniques in handling classroom misbehaviors. She was trained by the researchers in 2011 and was awarded as a certified practitioner and trainer by an authorized body which was given sole authority to train those who are interested in application of Prophet Muhammad's techniques in solving behavioral problems in various settings. The participant was asked to write a teacher's journal to record how she applied the techniques in details and her experiences, feelings, and observations of students' behavior prior to application, immediate effects right after application and after six months of continuous application of Prophet Muhammad's techniques. The journal was an important source of information to determine that the participant had applied the techniques correctly as trained to ascertain that the data was fit for analysis. Forty-two journal entries were collected for analysis. In addition, classroom artifacts such as video-recordings of selected classroom sessions and pictures of students during teaching and learning process were also collected for analysis. Since the aim of this study was to determine the effectiveness of the techniques used in handling classroom misbehaviors, the analysis of the data was guided by hypothetical categories. The frequently used and repeated words and phrases were coded and labeled under specific categories which were compared with the hypothetical categories. The same procedures were also done on the classroom artifacts.

3. Findings

The students involved in this study were 48 11-year old students from two classes of low achievers who went to a religious school located in Kajang, Selangor. Malaysian schools practice streaming students according to academic ability. Students in the last class were labeled as stupid, failures and had no future by school administrators, teachers and peers. The students who participated in this study had accepted the labels that were given to them. They displayed common characteristics of low achievers; they had low interest in learning indicated by poor engagement in classroom and low task interest; low self-esteem and had disciplinary problems such as high absenteeism. Students from these two classes were also labeled as the naughtiest and the most stubborn in the school. Some of them could not read and write Malay Language written in Arabic script, while some had difficulty in reading and writing in Malay Language in Arabic script. They had committed various common classroom misbehaviors such as disobeying teacher's instructions; disrespectful of teachers;

making distracting noises; walking around in class or to friends desks; disturbing friends; coming late to class; talking while teachers were teaching; playing with friends while teachers were teaching; refusing to do or to complete tasks given by teachers; not interested in lessons; losing focus in teaching and learning processes; and sleeping in class. In terms of Islamic religious obligations, these students would performed their religious obligations after being reminded and some students would not perform their religious duties.

The teacher participant reported that she was given the low achievers' class on the day she reported for duty. She took this as a challenge and was thankful also for given an opportunity to practice Prophet Muhammad's techniques of promoting good behaviours and handling misbehaviours in classroom. Prior experiences in applying Prophet's methods made her confident to handle the given classes. However, the first day of school was nerve wrecking for her when she found a classroom full of students running around making loud noises and disturbing others. At that moment she felt she wanted to scream and scold those students, however she remembered the training in Prophet Muhammad's methods. She took a deep breath and reminded herself to be sincere, patient, gentle, and compassionate like the Prophet. Before she entered the class, she decided to ignore the commotion without asking accusative questions and focus on good behaviors only; however mistakes which cannot be ignored must be dealt with by explaining the rules; and she was determined to provide as much assistance to her students to solve their learning and behavioral problems.

3.1 Implementation in Classroom

From the analysis of the collected data, it is confirmed that the teacher participant has become highly skilful in applying Prophet Muhammad's techniques of correcting mistakes. She had succeeded in applying the three methods explained this paper in primary school's classrooms. The first few weeks of class, the teacher would explain the rules of the class and also reminded the students of the school rules. This was done in conformity with the methods used by Prophet Muhammad.

The teacher explained, "The first few days of classes, I observed students were talking, playing with friends, disturbing others, and sleeping. I did not scold, punish, or argue with them. I was not angry at all. I ignored their mistakes and started to look at them one by one until they all stopped doing what they were doing. Then I explain to them the rules they had to follow. I said, 'When teacher is ready to start a lesson, students are not allowed to do several things. First, Students are not allowed to talk while teacher is teaching except given permission by teacher. Teacher is to be respected, listened to, learn from. Second, classrooms are not the place for playing alone or with friends; classrooms are the place to learn new things. Third, disturbing friends are not allowed during lessons; pay full attention during lessons. Fourth, Sleeping is not allowed in the classroom. Classroom is a place to learn and experience new things'. Of course we cannot expect they would obey right away. They will still talk, play, sleep, do many other things but we must know what mistakes to ignore and what mistakes to correct".

Further, the teacher applied several techniques together to correct mistakes and to reinforce good behavior. She agreed, "Most of the time I ignore the common and insignificant mistakes like talking and making loud noises. As long as they completed the tasks given to them, I would ignore minor mistakes. For instance, I conducted my Qur'an memorization class at the school library. Students walked in lines but they were talking, laughing and making distracting noises along the way. However, they came early and right on time. I ignored their little mistakes and reinforce their good behavior. I said, 'Indeed I am happy, most of you came early and on time to class today. Allah like those who are punctual'. The students smiled and started to do their memorization and amazingly, the next day, more students came early to class".

When students made mistakes, the teacher did not investigate and ask them accusative questions, that is, why questions which appeared to be more of making accusation then asking for reasoning. She did not ask why you were late; why you did not finish your homework; why you disturb your friends; why you always cut school? But instead, she would offer to help the students. Instances of not asking probing question were plenty in the data. A few times, when students handed in incomplete homework or did not do their homework at all, she would not question the students, reprimand or punish them. Instead she would offer to help the students to complete their homework. The teacher said, "I would offer to help them by asking, 'Do you want if I help you with your homework?' Of course of majority of the students would answer in affirmative. Then, I would tell them to meet me at the teachers' room during break time where I guided them to finish their tasks".

3.2 Effectiveness of the Techniques

Analysis of the data revealed that the Prophet Muhammad's techniques of correcting mistakes were effective in reducing classroom misbehaviours when they were applied daily, that is, in every teaching and learning sessions; and outside the classroom whenever teacher has contact with students. However, the time taken to correct the misbehaviors varies according to types of misbehaviours and some common misbehaviors, teachers have to ignore and accept that human has certain personality traits that cannot be changed. For certain disruptive classroom behaviors, the impact of using the techniques was immediate. For example, at one time, the students were not motivated to learn because the majority of classes were cancelled. Most teachers and students were involved in a big school program. Other classes which were not involved continued lessons as usual. Students of this class tried to persuade the to cancelled the class and go home; and some were playing and running around the classroom. However, girls were sitting down, getting ready to start doing the task given by the teacher. The teacher ignored boys disruptive behaviors and made a positive comment on girls good behavior. She said, "Wow, Good! I am pleased that girls are starting to work. I am confident that they will finish their tasks in time. Since the girls obeyed their teacher, lets give them a big round of applause; and they gave a big round of applause for the girls…Amazingly, the boys walked to their desks and began to work on their tasks. Once again I praised their good behaviour the same way and asked all students to give themselves a big round of applause."

Before the teacher was trained in application of Prophet Muhammad's techniques, she was like any other teacher who use punitive methods to force students' compliance. She was convinced the techniques were effectives after she did few tests. After three weeks applying these techniques daily, she asked her students to hand in their homework the next day. Previously only three, sometimes four students would submit their homework. After experiencing positive changes in her students' behavior, she would expect one or two students would not finish their homework. She was surprised the next day when she found on her table, all students had submitted their assignment.

The teacher admitted that she was "really touched with the students changes, they were labeled as stupid and naughty. But after only few weeks of applying these techniques daily, there was no more incomplete tasks, both in class or homework; all of them were fully engaged in completing their class work; there was no more running around in class and playing; without asking, they would get into groups during Qur'an memorization class; amazingly, low achievers can collaborate well when they were given group work; they help each other to complete their tasks"…"and the best gift my students gave to me was they beat the first class in national examination when 100% of the students passed the exam". However, the students still talk in class and sometimes they made loud noises but they knew when to talk and make noises.

3.3 Ease of Preparation and Application

After applying these techniques for few weeks, the teacher reported that she became quite skilful and spent less time to prepare before class. The time taken to prepare for application was between 30 minutes to one hour during the first week, after that the time spent decreased as the teacher become more skilful. After four years practicing Prophet Muhammad's methods, the teacher did not need to prepare at all. She has acquired the skills and become second nature to her. As for ease of application, the techniques were easy to apply however it required teachers to be patient, compassionate and sympathetic as well as sincere so that teachers would not revert to the old habit. With determination to see changes in students' negative behaviors, application would be easy. Applying these techniques only took about one or two minutes of class time. This means that these techniques would not disrupt the normal class activities. "Applying the Prophet methods is nothing but changing your way of interacting with students. If we used to give negative comments, scold and punish change them to these techniques", said the teacher. Obviously, scolding and punishing students took up more class time than applying the Prophet's techniques. Finally, the investment to go for training in Prophet Muhammad's techniques of correcting mistakes was very minimal. The teacher spent less than USD35.00 to go for one full day training. The teacher further commented that she felt privileged for practicing and continuing the tradition of Prophet Muhammad. "To know that we hold on and practice teachings of the holy Prophet is emotionally and spiritually satisfying. As Muslims we must refer to our sources of knowledge to solve our problems", commented the teacher.

4. Conclusion

Studies have revealed that using punitive measures to deal with classroom misbehaviors were ineffective and may reinforce negative behaviors. Realizing that hadith provides empirical evidences of the effectiveness of Prophet Muhammad's methods and techniques of correcting misbehaviors, the researchers made rigorous analysis of hadith to discover principles and techniques for application in primary school classroom. This study aims to evaluate the effectiveness of the application of Prophet Muhammad's techniques in handling misbehaviors in primary school classrooms. From the analysis of six selected authentic hadith, four techniques of correcting mistakes were discovered. The techniques were dealing with mistakes by explaining the rules; ignoring small mistakes and reinforcing good behavior; rectifying problems by giving solutions; and avoiding asking investigative questions. Findings of this study revealed that the Prophet techniques were effective to reduce classroom misbehaviors; did not consume time for normal classroom activities; easy to prepare and apply; and parsimonious. To ease the application of these techniques, teacher should be sincere, patient, gentle, compassionate and sympathetic. Moreover, teachers should avoid negative criticism and harsh words, reprimand, punishment and making sarcastic remarks when dealing with student misbehaviors in the classroom.

This study provides literature for the relevantization project which is the mission of International Islamic University Malaysia. It may guide others who are interested in doing empirical research to provide evidences of relevancy of hadith for solving contemporary human problems and issues. The result of this study provide confidence for those who choose to refer to Islamic sources to provide solutions to their problems.

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The Level of Euroization of Albanian Economy

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Abstract

The use of foreign currency is a widespread phenomenon in all post-communist countries of Eastern Europe including here Albania. Relatively long transition caused the loss of trust of individuals in local currency and also in domestic monetary regime. Foreign currency is perceived as a kind of "protection" from the uncertainties caused by macroeconomic instability that characterizes in general countries that pass from a totalitarian regime to a free open market regime. The realities of these transition years have indicated an increasing preference on the use of strong European currency, which, to a certain extent, has led to a partial euroization of the economy. The predominant opinion, in academic and political circuit, is that the advantages of Euroization, at least for a short period of time are profoundly evident especially in developing countries where the aspiration on EU accession is great. When we analyze euroization as a phenomenon, except for the advantages, we have to examine in detail even the other side of the coin, its costs on the economy and monetary system of a country. Since the beginning of the global crises the amount of deposits in foreign currency, mainly euro, compared to the total amount of deposits has increased. How does the euroization affect the Albanian economy? There are three types of euroization and each has its own relevant measure. First of all there is the euroization of assets of the economy, which is measured by the ratio of foreign currency deposits to local currency deposits . Secondly there is the euroization of the liabilities of an economy, which is measured by the ratio of loans in foreign currency to loans in local currency. Thirdly, there is the euroization of transactions, which is measured by the degree of currency transactions against local currency transactions.

Keywords: euroization, economy, developing countries, foreign currency deposits, loans in foreign currency

1. The advantages of adopting the Euro

The predominant opinion, in academic and political circuit is that the advantages of euroisation, at least for a short period of time are profoundly evident especially in developing countries where there is a great aspirations for EU accession. The use of the same currency eliminates the strikes in exchange and interest rates.

The reduction of transaction costs

The reality of these transition years have indicated an increasing preference on the use of the strong European currency, by citizens, which to a certain extent, has led to a partial euroization of the economy. The most tactile advantage of a unilateral euroization is the reduction of transaction costs. Although in itself these costs imply a loss on bank balance sheets, they affect significantly the economy of a country that realises a lot of imports and where the restrictive fiscal policies are pushing businesses towards transparency of their financial capitals through legal channels.

The reduction of interest rates

The rapid and partial reduction of interest rate would stimulate the increase of investments and will have a positive impact on fiscal policies, with significant reduction on the cost of public debt. Of course, the biggest advantages will be experienced in countries where the Central Bank follows a policy of real interest rates. One of the main claims of the opponents of unilateral euroization (Wojcik) is that the process of adopting the euro does not have to lead to a decline in interest rates in the mid and long term period, as it removes the risk of lending money, but it may increase the risk of default. This can

happen because devaluation is not available as a tool to enhance the competitiveness of domestic producers. Consequently, interest rates of loans on local businesses and government, may increase in balance as in the case of Argentina.

The reduction of exchange rate fluctuations.

The adoption of a unique currency would avoid costs caused by the exchange rate fluctuation in the economy of a country. A constant fluctuation of the exchange rate of a currency brings price instability, uncertainty among investors, high investment costs and an increase of the current account deficit. Wojcik worries about the misfit of exchange rate as a result of inflationary inertia after the conversion of local currency into Euros. According to him, this would make inflation more difficult to control.

A single currency brings more power and new opportunities arising from the integration in the Euro zone economy, making the only market more efficient. Before using the euro, the need for exchange of banknotes meant extra cost, risk and lack of transparency in cross-border transactions. Now doing business in Euro zone means more opportunities, more cost effective and lower risk.

While being able to compare prices more easily, it is promoted the cross-border trade and all types of investments, beginning form the individual consumers searching for the lowest cost of products through the purchase of businesses best value services, to the institutional investors who can invest with greater efficiency in the euro area without taking the risk of fluctuation of exchange rates.

Thanks to euro zone, now there is a huge and integrated market which uses the same currency.

2. Disadvantages of euro adoption

When we analyse the euroization as a phenomenon, except for advantages we should examine in details the other side of the coin, its costs in the economy and monetary system of a country. In all the literature describing the disadvantages of applying a unique currency, the most controversial institution is the Central Bank which faces the risk of continuation of its functions.

Central Bank and the elimination of its role

On the home page of the Bank of Albania it is said that it is the only institution in the Republic of Albania responsible for formulating, adopting, approving and implementing monetary policy of the country. This policy is elaborated to fulfil the main objective of the Bank of Albania: achieving and maintaining the price stability. If we would think about the adoption of a single currency, this will "eliminate" almost all its basic functions. Through euroization, states accept the loss of independence in the application of monetary policies by removing Central Bank instruments for the implementation of the monetary policy. The lack of incomes from "seigniorage" and the loss of Central Bank's role as a lender of the last instance are two of the most important phenomena studied in the case of euroization of an economy.

Loss of the right of "seigniorage"

When the European Central Bank that issues banknotes, buys goods by using this currency for which it has paid little, it acquires a unique purchasing power.

But not only that, the Central Bank that officially releases money with a very low price, calculates in the PASIV of Balance not real typographical cost (paper and ink), but the numerical value written on coins and banknotes. In this case seigniorage turns to PASIV for the Bank, so it is not taxable and avoids tax payment.

Nowadays, with the introduction of banknotes, the cost of its production is incomparable to its nominal value. Consequently the incomes from seigniorage are very high.

In this way the resign from local currency means the loss of the right to benefit from this source. Although in countries with low inflation rate this income is low, it has to be considered.

Lender of last resort

To prevent the bankruptcy of a bank, which would be associated with many implications for economic and social life of a country, (the recent financial crisis proves it), and to prevent the extent of the crisis in other banks with the result of loss of the banking system, the Central Bank plays the role of lender of last resort as long as a bank is in crisis. In the case of unilateral euroization, Central Bank loses the possibility of acting as lender of last resort.

Critics point out that the role of the monetary authority of the country as lender of last resort could be reduced if the country does not have access to credit facilities by the European Central Bank intended to help banks with liquidity difficulties. However, there are alternative ways to provide the necessary liquidity to banks.

3. Level of euroization in Albania

Since 2003, cars, houses and lands begin to be sold in euro; savings gradually moved towards the European currency, more than half of loans, especially for houses, are in Euros.

 Today Albanian economy is considered to have a high level of euroization. More important is that during the last two years there has been a preference to keep the savings in euro. Since the beginning of the global crisis, the deposits in foreign currency, mainly in Euros, has increased continuously compared to the total number of deposits.

According to the Bank of Albania, at the end of December 2013, foreign currency deposits constituted about 48% of total deposits, from 42% in early 2008.

While the euro is attracting savers, it is not the same thing with the borrowers, individuals as well as businesses. They payment have been increased over the past two years, as a result of the depreciation of albanian lek (ALL) against the European currency. Since 2008, the euro has gained consistently point to the Albanian currency, by exchanging currently 140.37 ALL for one euro.

Table. 1 The average exchange rate

Year	2008	2009	2010	2011	2012	2013	2014
Average exchange rate	123.2	137.2	138.8	138.3	139.7	140.2	140.11

Source: Bank of Albania

How euroized is the Albanian economy?

According to the Bank of Albania, there are three types of euroization and each has its own measuring tools.

First it is the euroization of assets of an economy, which is measured by the ratio of foreign currency deposits to local currency deposits.

Second is the euroization of liabilities of an economy, measured by the ratio of loans in foreign currency to loans in local currency.

Third, it is the euroization of transactions, which is measured by the level of transactions in foreign currency to the transactions in local currency.

The first and second can be measured while for the third there are no measures.

Table: 2 Deposits in the banking system (in million ALL)

	2007	2008	2009	2010	2011	2012	2013	2014*
Total deposits	570,752	627,126	657,690	772,069	869,876	930,228	951,001	958,700
In national currency	333,495	354,491	366,528	403,907	449,855	469,726	496,560	491,373
In foreign currency	237,258	272,635	291,162	368,162	420,021	460,501	454,441	467,327

Source: Bank of Albania

* until October 2014

Table:3 The credit to the economy (in milion ALL)

	2007	2008	2009	2010	2011	2012	2013	2014*
The total credit	**293,864**	**396,264**	**440,397**	**483,130**	**541,900**	**554,732**	**547,928**	**557,545**
In national currency	84836	114053	140480	157283	188926	215317	220189	230499
In foreign currency	209027	282213	299917	325932	353120	339609	327995	327046

Source: Bank of Albania

* until October 2014

In the framework of euroization of the assets, Albania has an average level compared to other countries in the region, with foreign currency deposits at about 48% of total savings. This record is hold by Croatia and Serbia, whose citizens prefer the joint currency to keep their savings.

The euroization of liabilities is significantly higher. Albania is ranked second in the region after Croatia, with 60 % of the loans given in foreign currency. In fact, obtaining foreign currency loans has been a significant preference of businesses and individuals in almost all Central and Eastern European countries, especially in Balkan countries.

When we talk about the euroization of an economy, we mean the real sector of the economy, which is the opposite mirror of the financial system. According to the Bank of Albania, if we take in consideration all agents of the Albanian economy, not only businesses and individuals, but also the financial system, the Albanian economy still remains in a liquid foreign exchange position, as long as there is a positive net foreign asset. The second positive element is the structure of foreign currency inflows in the Albanian economy, which has a long-term nature. These flows consist mainly of foreign direct investment or portfolio investment, and according to the Bank of Albania, they are part of the economic development of the country and not to take advantage of the short-term interest rates.

A high economic euroization: reduces the effectiveness of monetary policy, that is the degree of control of the Bank of Albania into Albanian economy and banking system, and exposes the financial system as well as the economic agents (borrowers and lenders) to the risk of exchange rate movements, risk which they cannot neutralize completely through

the construction of protecting instruments in the financial market which may create foreign currency liquidity problems for the Albanian economy, the banking system and financial agents.

3.1 Euroization level and performance of foreign currency deposits

The use of foreign currency is a widespread phenomenon in all post-communist Eastern Europe countries including here Albania. Relatively long transition caused loss of confidence of individuals into local currency and also in domestic monetary regime.

Foreign currency is perceived as a kind of "protection" from the uncertainties caused by macroeconomic instability that characterizes countries which pass from a totalitarian regime to a free open market regime. It is also worth mentioning the increasing effects of globalization and the impact that they have on Albanian economy.

Referring to Balino, Bennett & Borensztein study (IMF, 1999) titled "Monetary Policy in dollarization economies", the level of dollarization (in analogy to Euroization) in an economy is measured by the ratio of foreign currency deposits to cash (M3 in the case of Albania). In cases where the ratio is greater than 30 percent then we are dealing with a high level of dollarization. The developments of this report until 2006 show a moderate level of euroization in Albanian economy with an increasing trend.

Table: 4 Foreign currency deposits to M3

	2006	2007	2008	2009	2010	2011	2012	2013	2014
Foreign currency deposits /M3 in %	26.3	29.1	33.5	34.6	33.6	35.8	39.6	38.9	40

From the table we see that starting from the mid of 2008 and on, foreign currency deposits compose nearly 30 percent or more of the money supply. Based on these developments, the Albanian economy is inclined to a high level of euroization.

2.2 Factors that has influenced the euroization of deposits

Some of the factors that have influenced the euroization of deposits are:

Increase of remittances

The performance of foreign currency deposits is favoured by foreign currency inflows in the form of remittances. It is thought that the main source of foreign currency deposits remain the savings of immigrants and their involvement into the banking system. According to a survey of the Bank of Albania (September 2007), based on a study of Lyanos and Glystos 2004, about 1 million Albanians have emigrated mainly in Greece and Italy.

This phenomenon is accompanied by a large inflow of foreign currency in the form of remittances from countries of emigration to the host countries. The transfer of remittances has followed mostly informal channels, which means that immigrants transfer their money personally or through relatives, acquaintances or travel agencies. Based on a survey realised by the Bank of Albania, about 89 percent of remittances are sent unofficially. With the development of the Albanian banking system and specialized operators of cash transfers, recently the remittances have had a tendency to be involved into a formal network.

According to official data of the Bank of Albania, remittances in Albania have increased by an average annual rate of 5.6% during the last 15 years. This rate was much higher in 2007 (about 10:37%) but fell sharply after the global financial crisis, and registered a decline of 15,21%, and 6.56% and 13.06% respectively in 2008, 2009 and 2010. At the end of 2013 they fell by 40% compared to the end of 2012 and this decline continues even nowadays.

We can mention two main factors responsible for the progressive decline of remittances. First, the global economic crisis which affected countries as Italy and Greece. The economic crisis in these countries influenced negatively to the employment opportunities and incomes level of Albanian immigrants.

Secondly, as it is accepted in many studies, remittances have a long-term decline trend.

Over time, immigrants change their status, create a family in the host country or join the rest of the family, which weakens family relations in the country of origin.

Table: 5 Remittances in Albania (in milion euro)

Year	2008	2009	2010	2011	2012	2013
Albania	833	781	690	665	675	497

Source: Bank of Albania

Increase of foreign direct investments and adoption of foreign currency

Foreign direct investments are another source for using foreign currency and increase its turnover in the economy. The increase of foreign direct investment does not suggest the increase of foreign currency deposits, but nevertheless remains a flow indicator of the foreign currency with a high probability to be directed into the banking system.

Table: 6 The performance of foreign investments (in milion euro)

Year	2008	2009	2010	2011	2012	2013
Foreign direct investments	609.80	688.70	788.50	716.80	727.00	923.00

Source: Bank of Albania
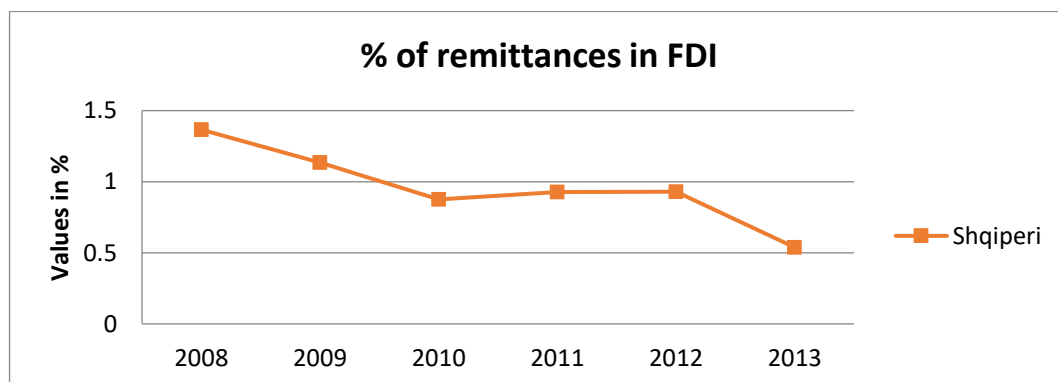
Graph: 1 The weight that makes remittances to FDI

Table: 7 The ratio of foreign currency deposits to foreign currency loans

(in milion ALL)	2007	2008	2009	2010	2011	2012	2013	2014*
Foreign currency deposits	237,258	272,635	291,162	368,162	420,021	460,501	454,441	467,327
Foreign currency loans	209,027	282,213	299,917	325,932	353,120	339,609	327,995	327,046
Foreign currency loans /Foreign currency deposits	0.88	1.035	1.03	0.885	0.84	0.74	0.72	0.70

* until October 2014

This kind of relation (if the growth of foreign currency deposits is similar to the foreign currency loans, the ratio goes to one) suggests that to a large extent the high growth rates of foreign currency deposits in the banking system favour the foreign currency loans, and vice versa, the high demand for foreign currency loans is based on the growth of foreign currency deposits.

So, banks can encourage foreign currency deposits as the demand for foreign currency loans is higher, mainly as a result of lower interest rates in foreign currencies. Over 70% and in some cases over 80% of the total credit is granted in foreign currency. While loans are in the balance sheet asset, deposits are on the liability part and their balance is essential to mitigate the risks arising from fluctuations in exchange rates. So, the growth of foreign currency deposits should not be seen as a choice of depositors to optimize their portfolio, but also as a choice of banks, which favour their absorption in order to finance the increasing demand for loans in foreign currency and to avoid the risk of non-compliance of currencies in balance sheet.

The increased use of foreign currency transactions

The inflow of remittances, foreign direct investment as well as the use of foreign currency in the country increases the use of foreign currency in transactions.

If we look at the real estate trade journals, we notice that their prices often are quoted in foreign currency, mainly euros, which are claimed even by agencies and businesses operating in the real estate market. The same thing happens with a part of other commodities with long-term consumption.

At the same time there is an increase in the number of business transactions carried out with foreign currency. Foreign currency demand deposits of individuals and businesses, which generally means those transactions performed through the banking system, have constant fluctuation. These fluctuations indicate the circulation of foreign currency in the banking system, that is in the formal part of the economy. In developing countries a part of the foreign currency transactions is carried out informally, what makes it difficult to be included in the official statistical data of the foreign currency circulation.

The use of foreign currency transactions and daily economic and financial operations, increase the possibilities of directing that money into the banking system in the form of deposits with or without maturity. Hence, it has a significant influence in the increased ratio of foreign currency deposits, and thus in the intensification of the level of euroization.

4. CONCLUSIONS

In this research we notice that the level of euroization in Albania is relatively high, although there is not an official euroization. The results of the study indicate that in the recent years, the rapid growth rates of foreign currency deposits against domestic currency continue to affect the increased number of foreign currency deposits, and the displacement of the structure of M3 towards its foreign exchange component. Due to the high tendency towards euroization (the ratio of foreign currency deposits to the total is over 30 per cent) and its implications on the economy, the recognition of factors affecting its growth is an advantage. Facts show that Albania has made euro its currency and use it as the main means of transactions within and outside the country. Real estate market and construction industry has been using euro for years. The trade volume of Albania is mainly with countries where euro is the main currency, and is surrounded by neighbouring countries where euro is the official currency.

The adoption of euro will certainly reduce the possibility of crisis as a result of a weak domestic currency; if the ECB extends bank supervision it will also reduce the ability of the banking crisis; and if our business cycle would have a higher correlation with a stable country this would reduce the probability of economic crisis.

Regarding the benefits of monetary union, they are difficult to be assessed because it is a lack of necessary data, but factors such as: a) labour and capital in Albania are stationary and can't protect the economy from short-term strikes b) Our economy will probably not be able to afford asymmetric shocks in the case of a fixed exchange rate, c) economic structures are different, not only to EU countries, but also to the countries of the region, d) the lack of budget resources to help the economy in crisis, makes us think that the Albanian economy is still unprepared for the unilateral use of the euro and that any reckless experiment would cost too much.

These are some of the reasons why the European Central Bank does not support an early adoption of the euro by economies of Eastern Europe. ECB knows very well the problems that often influence our financial markets, and Albania still needs its Central Bank to intervene to mitigate and regulate its internal or external economic shocks. This means that beyond the slogan "Albania is a European country", the economy should be prepared to be part of the European economy. For this reason the emphasis is placed not only on the stability of macroeconomic indicators, but also on carrying out reforms which would assure sustainability of macroeconomic outcomes.

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Is Mr. Pickwick a Gentleman or a Comic Character?

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Abstract

The Pickwick Papers has been chosen for analysis for several reasons. First, it is the success of this novel that made Charles Dickens one of the best known writers in the Victorian age. Secondly and more importantly, The Pickwick Papers is Dickens's first novel that has become the seed of his later novels. Thirdly, Dickens had the chance to show his great ability of humor in this novel. In terms of gentility, this novel on the one hand includes the comic gentlemen- such as Mr. Pickwick and his club members- and on the other hand it also includes the typical devious gentlemen such as Jingle, Dodson and Fogg who are extremely selfish and never get ashamed to deceive the others. Our main concern is to analyze the concept of the gentleman in Dickens's works in terms of their positive and negative qualities. At the beginning of the novel we see that Mr. Pickwick is a snob who is the president of a club – which used to be a common habit among rich people in the Victorian time – and enjoys going to parties as well as going to the theatre and watching some sport activities. His innocence and naivety creates some comic misunderstandings and funny adventures. Later, he becomes a benevolent, kind and true gentleman with his comical qualities. His nature attracts the respect of the people around him and although he does not own a family himself his servant eagerly convinces him to live with them like their father. His sincere and gentlemanly behavior makes him a very popular and respectable person in the town they live.

Keywords: *Charles Dickens, Mr. Pickwick, Victorian gentleman, devious gentleman, true gentleman, comic gentleman*

1. Introduction

The Pickwick Papers (1836-1837), was the first successful step in Dickens's writing career. Surprisingly, this novel made Charles Dickens one of the best known writers in the Victorian age. This fact can easily be seen in the comments of a few contemporary writers and critics such as J. W. Crocker (1837), R. G. White (1870), and M. Oliphant (1892). What they share in their comments[1] is the fact that they all appreciate Dickens's brilliant writing skill as well as the characters' popularity in the daily life he had created in *The Pickwick Papers*.

H. N. Maclean argues that Dickens's first novel has become the seed of his later novels. In his article, entitled '*Mr. Pickwick and the Seven Deadly Sins'*, he claimed that the pattern Dickens had used in this novel has become his style. At the beginning of the essay Maclean mentions Dickens's admission "first in *Great Expectations,* then in *Drood*, that it is from man's personality, not society, that good and evil spring" (Maclean, 198) and then he mentions Edmund Wilson's concern that "it is only with Chuzzlewit that he finds Dickens beginning to "pillory" abstractions: "Selfishness in *Chuzzlewit*, Pride in *Dombey.*"(Wilson in Maclean, 198) Personally, he believes that "at least six of the seven deadly sins are "pilloried" in *Pickwick Papers*, which can be regarded as an almost medieval allegory of the dangers besetting man in a world of terror and misery." (198) Then, Maclean suggests that Dickens also followed this pattern in his later novels:

The book's effect upon the reader suggests a four-square bastion of everything Dickens loves and respects, surrounded by a circle of more or less active enemies, of whom, though some are routed, many continue to threaten. In Pickwick this plan concentrates on the individual's struggle against institutional society; but the later novels, increasingly concerned with the struggle of good and evil within man's self, are prepared for here, as the central group resists tempters and destructive influences with much the same weapons employed by man in medieval allegory or Renaissance morality. In succeeding novels, the forces of evil tend to close in and drag down the protagonists. Conclusions to many of these later novels are more and more transparently contrived to appease Dickens's public. However, though the menacing circle is largely thwarted in Pickwick Papers, it is in that novel that the pattern is set for Dickens's later work. (Maclean, 198-199)

As Dickens was not only just a novelist but also a social commentator who criticized the economic, social and moral abuses in the Victorian era, according to me he did not just aim at earning his living through writing, but instead he aimed at raising

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[1] See Harold Bloom, *Bloom's Classical Critical Views: Charles Dickens*, Bloom's Literary Criticism, Infobase Publishing 2008. pp.141-143

the social and personal awareness to the personal and social illnesses or disorders. For some readers, Dickens became the teacher of their minds and hearts so that they could understand themselves much better, for some he became a social reformist and developed a strong social consciousness in the society, and for some he was considered as an outstanding artist or playwright who portrayed the English society in such an artistic way that the readers were fascinated or enchanted by the magic of the words he had combined together.

Generally speaking, Victorian writers aimed at making their readers 'laugh', 'cry' by creating 'suspense' using a large variety of characters and themes in their works. It is clear that Dickens preferred making his readers laugh at these comic scenes in this novel to making them cry which he planned to do in his later novels such as *Oliver Twist*, *Nicholas Nickleby*, and *Hard Times.* Although Dickens adds some sentimental scenes when Mr. Pickwick is arrested and sent to the prison at the end of *The Pickwick Papers*. Nevertheless, the overall story has more comic scenes and it is obvious that his major concern was to entertain his readers. Dickens's first novel has been criticized in terms of its 'formless' and late appearance of Sam Weller, the character who is most responsible for the novels' success. Barry Tharaud combines the perspectives of some critics together who have found various principles of form in *The Pickwick Papers* as "Alexander Welsh (1967) sees the novel as a satirical work that parodies Scott's *Waverley* novels; W. H. Auden (1948) sees Pickwick as a mythopoeic character who moves between two poles of mythic experience represented by Dingley Dell and the Fleet prison; John Butt and Kathleen Tillotson (1957) see the Bardell–Pickwick lawsuit and the relationship between Sam Weller and Mr. Pickwick as structural principles that give order to the plot; Edgar Johnson (1952) sees a unique blend of realism and romance that he calls the "realist fairy tale"; and Robert Patten (1967) and Heinz Reinhold (1968) have found a structural principle in the relationship between the main plot and the novel's interpolated stories. Finally, William Axton (1965), following the lead of Monroe Engel (1959) and J. Hillis Miller (1959), investigates how point of view, "governed by Dickens's concept of the attitudes of middleclass society," is the unifying idea and technique in the narrative. All of these viewpoints have contributed to our understanding of the novel, and I have no wish to dispute or enlarge upon them." (Tharaud, 145)

Dickens's transition from sketch writing to sustained narrative could be observed easily in this work. Especially with the appearance of Sam Weller, the work attracted the Victorian readers' attention. While the first issue was sold only 1000 at the beginning, by the end of its run in 1937 nearly 40,000 copies were sold. It was a great a success at that time. More than its literary success Paul Davis mentions how it became a cultural event as follows;

Its success was more than literary. Pickwick was a cultural event that became an industry. ROBERT PATTEN (1978) describes the frenzy: "There were Pickwick hats, canes, cigars, fabrics, coats, song books, china figurines, Weller corduroys and jest books, and Boz cabs. There were imitations, plagiarisms, parodies, sequels, extra illustrations, Pickwick quadrilles, stage piracies, and adaptations." ELIZABETH GASKELL gently satirized this literary mayhem in *Cranford* (1853) with a newspaper report that describes a man being run over by a train because he is so engrossed in the current installment of the novel. (Davis, 324-325)

The Pickwick Papers was actually first the project of the artist, Robert Seymour and the publisher, William Hall. They planned to produce a series of sporting prints of the Nimrod Club. They just needed some prose narrative commentary for the illustrations and luckily Dickens was chosen for this task. Dickens, who was not familiar with the sporting themes, accepted the offer only if the subject hadn't been limited by the sporting scenes. Seeing this as a great opportunity, Dickens started to show his artistic writing skills doing some modifications on the original plan and choosing another illustrator who illustrated according to his demands. The increased written parts rather than their illustrations gained more importance in the new shape of the work. This episodic novel was influenced by some factors. As Paul Davis thinks that;

Dickens's models for the story were the novels of picaresque tradition, works like ALAN RENÉ LESAGE's *Gil Blas* and especially such 18th-century English novels as DANIEL DEFOE's *Robinson Crusoe,* HENRY FIELDING's *Tom Jones* and *Joseph Andrews,* and TOBIAS SMOLLETT's *Roderick Random* and *Peregrine Pickle,* works he had pored over as a child. These episodic picaresque novels were filled with practical jokes, slapstick situations, and physical comedy, scenes that provided prototypes for many of the comic episodes in *Pickwick.* MIGUEL DE CERVANTES's *Don Quixote* and OLIVER GOLDSMITH's *The Vicar of Wakefield* were also key influences, contributing to the idealism and the sentiment in Dickens's novel. Dickens was especially indebted to Goldsmith's novel for the prison scenes in *Pickwick.* (Davis, 324)

Due to the fact that Dickens first had to shape the characters and the plot of the novel according to the demands of his publisher, it took some time to put everything according to his own wish and plan. The more Dickens came closer his own style, the more the novel gained its popularity. The incoherence of the interpolated tales in the first part of the story could

have been the result of the monthly deadlines. Dickens had to write a certain amount of words and hand the parts of the work to the publisher in time. Samuel Weller's entrance in the later chapters into the story increased the number of the readers. So that Dickens shifted the focus from The Pickwick Club to "the idealistic Victorian Quixote and his cockney Sancho Panza… With the introduction of Sam Weller, *Pickwick* found its centre…The story of their relationship becomes the story of the novel…" (Davis, 327) Thus, Dickens became one of the great comic writers of his time. Having given the general outline of the novel, we start to focus on the characters and their attitudes in terms of their gentlemanly qualities.

While Dickens entertains his readers with the comic adventures of Mr. Pickwick and his club members, the readers also notice which qualities make some characters true gentlemen, and which of them make them wicked gentlemen. On the one hand, we notice that especially Mr. Pickwick transforms himself from being a snob into becoming a true gentleman, on the other hand we see selfish and dishonest Jingle, Dodson and Fogg. These devious and wicked gentlemen also play important roles in Mr. Pickwick's transition to a true gentleman. The mischievous traits we see in Jingle first attracts the anger and hatred of Mr. Pickwick but in the meantime, this anger and hatred is transformed into his generosity and benevolence. It might be easy to show one's generosity – like the country gentleman Mr. Wardle – by giving a lavish feast for the guests but it is not that much easy to forgive your enemies – especially when you have the power to give them the punishment they deserve – and it is rather difficult to give your enemies a hand when they fall into a miserable situation. This is one of the most important qualities of *a true gentleman* Dickens which portrays in this novel.

2. *The Amusing Pickwickians*

A close investigation is needed at this point to see the comic sides of Mr. Pickwick as well as his gentlemanly behavior he unveils in various difficult situations. At the very beginning of the novel, Mr. Pickwick and his three club members, Tupman, Snodgrass and Winkle are portrayed owning different distinguished abilities. They do not only think that they are really good at different fields – science, love affair, literature and sports respectively – but they are also proud of being highly distinguished gentlemen. With a belief doing a useful research for the society and supporting the social life with their scientific and valuable contributions, they decide to have a journey in the country together. Paul Davis notes their abilities as follows:

Each of the four corresponding members begins the novel as a "humors" character, a person defined by a single dominating obsession: Winkle is the sportsman, Snodgrass the poet, Tupman the lover, and Pickwick the scientific investigator. They are equally inept at their professions, and the opening sketches suggest that the story will progress by mocking their pretensions. Winkle proves to know nothing about hunting, Snodgrass never writes a poem, Tupman loses Rachael Wardle to Jingle, and Pickwick - even with his spectacles on - is stumped by Bill Stump's stone. (Davis, 326)

Mr. Pickwick is quite an interesting character at the beginning of the novel. He is the president of a club, goes to feasts and parties frequently and enjoys appearing in such social gatherings as well as going to theatres and participating in sports like the other ordinary snobs in the society. However, Mr. Pickwick also resembles Miguel De Cervantes's *Don Quixote* in terms of his goodness, benevolence and innocence. As a result of his old age he is expected to represent wisdom and experience, but he represents the childish innocence. Things in reality and in his imagination – or how he perceives things happening around him are completely different. – Not only the comical adventures but also the harsh situations (for example, his being cheated by Jingle and sent to prison) make him a kind of respectable gentleman that the people who are close to him never imagine a life without him.

What are these comical adventures and difficult situations that Mr. Pickwick has to endure so that he combines his comic nature with the gentlemanly behaviors? At the very beginning of the novel, Mr. Pickwick's speech is interrupted by Mr. Blutton calling him a "humbug". The insult made by an *'honorable gentleman'* jolts or emotionally shocks Mr. Pickwick. Mr. Blutton is forced to give an explanation what he really means. When Mr. Blutton says that he has used the term not in 'common sense' but in 'the Pickwickian sense', the problem is resolved. Although 'the Pickwickian sense' does not make any sense, Mr. Blutton's acceptance of his being a member of the 'Pickwick Club' makes Mr. Pickwick tolerate his insult at that moment.

The second problem – which seems to be more serious – occurs during their journey. Mr. Pickwick's note-taking while driving and chatting is misunderstood by the cabman, because he thinks that Mr. Pickwick is an informer who has noted down everything he has said. As a result of his fear – that things he has uttered might be used against him – he starts a

fight. Luckily, he is rescued by a stranger called 'Jingle', before the dispute ends in a hospital or at a police station. Mr. Pickwick feels indebted to Mr. Jingle and invites him for a drink and a chat with his friends. He cannot see Jingle's selfishness and deceiving character easily at the beginning of the novel. First the verbal attack of Mr. Blutton and then the cabman's physical attack drag Mr. Pickwick to give a harsh response to these people. Dickens prepares the Victorian readers to expect dueling as the form of showing courage as well as cleansing honor with blood. His patience and tolerance play important roles – to make him a true gentleman – not to exaggerate these problems. Marshal Gregory believes that ethical issues are seldom recognized although they exist in every human interaction. In his article, Gregory points out that:

Whether we are being treated fairly, sympathetically, compassionately, generously, kindly, honestly, respectfully, and so on are not discretionary issues for us, nor are they ever trivial…We seldom ask whether we continue to breathe but of course our breathing is continuous. So is our involvement with ethical issues. (Gregory, 283)

The moral qualities that make a man a true gentleman are often ignored or people prefer sticking or adhering to their prejudices. Mr. Pickwick's reactions – being patient and tolerable – are such qualities that should be considered in the development of his gentlemanly character and personality. Dickens's comical tones in these disputes make it hard to see these ethical issues in the context but as Marshal Gregory states "Dickens's ethical vision taps into rock-bottom human orientations. His vision is simple but goes deep." (Gregory, 300) In the same article, Gregory also pinpoints that

…his grasp of such ethical principles as *justice*, *kindness*, *honesty*, and *compassion* is both strong and sure. Dickens recognizes that goodness is not always refined, well-spoken, well-dressed, or well-read, and he even knows that goodness isn't immune from being comical and occasionally ridiculous. But he knows goodness vs. oppression and compassion vs. cruelty when he sees them, and he never longs for a transcendent realm of escape. His ethical vision asserts powerfully that the quality of people's lives is created not by the ideologies they applaud in the abstract but by the concrete ethical choices they make in their everyday treatment of each other at business, in the street, at table, and when they need help or are called upon to give help. And he knows how to contrast nourishing and productive ethical choices with those that are demeaning and destructive. (Gregory, 299)

What Gregory tries to emphasize is the fact that Dickens's realistic descriptions of the characters and their interactions in the daily life help us to understand the characters' ethical engagements as well as Dickens's ethical vision. Mr. Pickwick is attacked verbally and physically but his reactions to these unkind behaviors are tolerance and patience. The communicative problems are solved easily in a gentlemanly way when these gentlemanly qualities are applied in the human interaction.

The next serious problem occurs when Winkle is enforced for a dueling as a result of the offence to Dr. Slammer. Mr. Jingle is in fact, the responsible person for the offence and dispute because he wears Winkle's new coat for the party.

'Doctor Slammer. He begged me to express his opinion that your conduct of last evening was of a description which no gentleman could endure; and' (he added) 'which no one gentleman would pursue towards another.' (*The Pickwick Papers*, 35)

Dickens implies that even a verbal attack or an insult might have caused a dueling for a gentleman to recover his honor. Although dueling was considered to be an old-fashioned way of protecting or recovering the honor in the Victorian time, Dickens uses this instrument adding an extra comical issue to the plot. While doing some analysis about the fine gentleman's honor David Castronovo briefly notes about the history of dueling as follows:

Lawrence Stone points out that dueling began to come under heavy fire in the late sixteenth and early seventeenth century because the monarchy was using the rule of law to bring the peers and gentry under the military control of the state. The peers were undergoing a process of being disarmed. The result of this tendency was three centuries of legislation that attempted to bring private acts of violence into disrepute: the state was at war with the gentleman of honor and his code of duel. (Castronovo, 21)

David Castronovo believes that honor and the duel had no legal significance save that connected with legislation on manslaughter and homicide. However, it is difficult to say when and how exactly dueling started but it had begun to lose its popularity in the 17th century. From Dickens's use of the dueling, it can be suggested that his characters, who ask for dueling are the ones whose honors are seriously damaged by the insults. Both of them never take place. Dickens insinuates that dueling never solves any problems. Yet, mutual understanding, dialog and communication are the keys for the gentlemen to solve their problems even if it is the matter of honor.

Not remembering what Winkle has done the day before – because they get heavily drunk – he accepts the dueling. Not only the others' considerations about him that he is a good sportsman but also general beliefs that a gentleman has to prove his courage when a dispute is related to honor is the main reason for his acceptance the challenge. Luckily, the dueling is called off when Mr. Slammer does not recognize Winkle at all. By the way, comically, Winkle explains the reason why he has accepted the challenge as follows:

'Because, Sir,' replied Mr. Winkle, who had had time to deliberate upon his answer, 'because, Sir, you described an intoxicated and ungentlemanly person as wearing a coat which I have the honour, not only to wear but to have invented-- the proposed uniform, Sir, of the Pickwick Club in London. The honour of that uniform I feel bound to maintain, and I therefore, without inquiry, accepted the challenge which you offered me.' (*The Pickwick Papers*, 42)

It is a matter of honor for Winkle to show his dependence and loyalty wearing the coat just like a uniform. Dickens also implies that wearing a proper item of clothing for the parties (or in their daily life) is one of the criteria for the people's acceptance in the gentry. The appearance used to be important for the people showing their class level. Dickens gives a special care for this issue as it used to be a way for the gentry to show their significant difference. Alfred Jingle's preference to wear Winkle's new suit for the party implies that the clothes people wore used to be an essential factor for the gentry's acceptance. Even today, the clothes that people prefer to wear from its color and material to its brand and fashion have some connections or relationships to their character as well as their social background.

Dickens's approach to the 'gentleman's honor' in this novel is also remarkable because while the 'pride' is a negative moral value for a devious and wicked gentleman, 'honor' is an inseparable value for a true gentleman. At the beginning of the novel, the Pickwikians' feelings about their own qualities are sensed that they feel 'proud' of their distinguished abilities. Dickens slaps the Pickwickians, sometimes kindly and sometimes severely, using comical motifs throughout the novel to make a distinctive difference between 'pride' and 'honor'. Here, David Castronovo's approach to the gentleman's honor has to be mentioned to understand Dickens's perspectives about this issue. Castronovo points out that:

Honor as a social value is no longer obsession with this dishonor, but a positive value: a gentleman of honor is not oversensitive duelist, but the proverbial "truth-telling Englishman," the man of integrity, the man of responsibility and respectability. Honor has gone from being a matter of forms and appearances to being a matter of character.

Dickens also played a major part in prying honor apart from the code of men of birth. His novels are a veritable procession of boys and men who refuse to submit to the world's lies and sordidness and who protect repute and integrity by decent and manly acts of self-assertion. Oliver Twist defends his mother's reputation in the workhouse by giving the bully Noah Claypole a drubbing; Nicholas Nickleby enjoys liberating experience of beating up the brutal school master Squeers, a man who has tried to degrade him by making him a party to the school's corruption; Pip in *Great Expectations* gains stature as a man when he abandons his snobbery, shows love for a common convict, and learns that gentleness means more than pride of position. (Castronovo, 30)

Similar to Pip, Mr. Pickwick does not only abandon his snobbery but he also integrates his comic character with gentlemanly virtues in this novel. When Mr. Pickwick and his friends are invited to Manor Farm by Mr. Wardle, a country squire, whom they meet at a military review in Chatham, has treated them rather kindly and generously. The Pickwickians have probably thought or felt that they are much superior to the country people. Dickens describes their feelings as follows:

And Mr. Winkle came out with jokes which are very well known in town, but are not all known in the country; and as everybody laughed at them very heartily, and said they were very capital, Mr. Winkle was in a state of great honour and glory. (*The Pickwick Papers*, 82)

One the one hand, the generosity of this country gentleman as well as his respectful manners makes them so happy that they find great opportunities to show off their talents. On the other hand, kind and humble country people enjoy the jokes of the gentlemen from the town. When the human interactions are observed in two perspectives, which are from Mr. Wardle's and Mr. Pickwick's sides, we see that both parties are happy for various reasons. While the country gentleman, Mr. Wardle, finds an opportunity to show off his kindness and generosity to the gentlemen from the capital, Mr. Pickwick and his friends find a chance to show off their distinctive talents to the people in the country. Winkle's jokes, which are not all known in the country, make everybody laugh heartily. The Pickwickians become the centre of joy. Mr. Pickwick feels great when he reads everybody's glory and happiness in their eyes. Dickens points out this feeling as follows:

The evening glided swiftly away, in these cheerful recreations; and when the substantial though homely supper had been despatched, and the little party formed a social circle round the fire, Mr. Pickwick thought he had never felt so happy in his life, and at no time so much disposed to enjoy, and make the most of the passing moment. (*The Pickwick Papers*, 82)

During their stay as guests on the farm, the Pickwickians are invited to a couple of entertaining activities for gentlemen. Dickens's descriptions of the pastime activities for the gentlemen signify some facts in various dimensions. First, the readers can observe what type of pastime activities gentlemen got involved in in Victorian time. Second, the characters' portraits as well as their interactions are described in a way that readers can get some ideas or conclusions about their thoughts, feelings and manners. Third, the characters' attitudes and their development through the specific incidents give the reader a better chance to observe their gentlemanly qualities. Although Mr. Pickwick is older than his friends, he never thinks to stay behind; instead he prefers participating to the hunting event. Due to his leadership character, he forces himself to participate in the activities and his old age does not prevent him to get involved in them. Moreover, Mr. Pickwick keeps on motivating his friends with his energetic personality and he becomes the centre of enthusiasm. For the Victorian gentlemen the popular recreations used to be going to the theaters, hunting, cricket, dancing or (fancy dress) parties.

The pride of Winkle, Tupman and Mr. Pickwick is beaten or in a way punished by Dickens with the following incidents. Winkle's pride or reputation is damaged when he shoots his friend Tupman accidentally in hunting. However, Tupman becomes happy about this accident because he spends more time with Mr. Wardle's old-aged sister, Rachael, when all the gentlemen go out for the cricket match. Tupman declares his love to her immediately. According to Dickens, *love* is a serious matter. Tupman's love affair with an old lady becomes a comical instrument in Dicken's descriptions. When Tupman finds out that Rachael has gone away with Jingle his first reaction to this serious problem is described by Dickens as follows:

'I paid his expenses!' said Mr. Tupman, jumping up frantically. 'He's got ten pounds of mine!--stop him!--he's swindled me!-- I won't bear it!--I'll have justice, Pickwick!--I won't stand it!' and with sundry incoherent exclamations of the like nature, the unhappy gentleman spun round and round the apartment, in a transport of frenzy. (*PP*, 121) (Bold mine)

Which is more important, "ten pounds" or "Rachael"? From Tupman's reactions readers can easily understand that he is not so serious in his love affair. Moreover, when he is found in the pub, readers notice that he has ordered a "big meal" for himself. He is also expected to become very upset and to refuse anything as a result of his sorrow or to harm himself as a result of this eloping. But, Mr. Pickwick finds no difficulty to convince him to continue their journey. Thus, this kind of reaction is not really normal behavior of real lovers in their upset time. According to Dickens, "love" should be considered as one of the most important issues in one's life. David's love to Agnes and Pip's love to Estella are just some examples of real love. Through these characters readers can easily see that the life is meaningless without their lovers' presence and whatever they think or feel is always related to their lovers.

Mr. Pickwick's pride related to his scientific intellect is punished by Dickens with an "ordinary stone" that Mr. Pickwick comes across on the road by chance. Noticing some writing on the stone, Mr. Pickwick suggests that it is an "antique stone" and he feels very proud of himself discovering such a valuable piece. In the meantime, it becomes obvious that the *'precious antique stone'* is actually an ordinary stone with a funny message on it. Thus, it is figured out that Mr. Pickwick is also not a professional 'scientist' like the other Pickwickians who believe that they are professionally a sportsman or a lover or a poet. Throughout these funny adventures, readers become aware that the 'sportsman', Winkle, is actually not a great sportsman at all showing his inability in shooting. The 'poet', Snodgrass, cannot come up with his own poem in the social gatherings at all. The 'lover', Tupman's unsuccessful attempt in his first love affair amuses the readers. The 'scientist', Mr. Pickwick, finds himself in an awkward situation when the fact about the stone is proved by one of the club members.

Dickens leads or attracts the attention of the readers to Mr. Pickwick and the awkward situations he cannot get rid of due to his naïve character. Dickens uses Jingle as an evil and witty character to make fun of him and/or to provoke his anger and/or helps him to improve his gentlemanly behavior. From time to time, Mr. Pickwick feels that he has almost lost all his patience. Dickens shows his state of anger as follows:

Nothing in the whole adventure, not even the upset, had disturbed the calm and equable current of Mr. Pickwick's temper. The villainy, however, which could first borrow money of his faithful follower, and then abbreviate his name to 'Tuppy,' was more than he could patiently bear. He drew his breath hard, and coloured up to the very tips of his spectacles, as he said, slowly and emphatically—

   'If ever I meet that man again, I'll—' (*The Pickwick Papers*, 128)

Jingle's offence to one of Mr. Pickwick's friends – calling him Tuppy – really drives him mad. He cannot bear the offence destroying his honor and feelings deeply. In order to relieve and recover his honor and dignity, he really desires Jingle's punishment to get revenge so that he would feel relaxed. However, taking revenge is not a gentleman's honorable quality.

When Mr. Pickwick and Mr. Wardle find the fugitives in London, to their surprise they find out that they have already got married. They cannot give Jingle a punishment but instead, with the help of Sam Weller, who becomes man-servant Mr. Pickwick later in the novel, Jingle is convinced to accept £120 as a bribe –actually Jingle considers it as a compensation– . And then in return, he gives the marriage license back.

'Expensive affair,' said Mr. Jingle. 'Money out of pocket-- posting, nine pounds; licence, three--that's twelve--compensation, a hundred--hundred and twelve--breach of honour--and loss of the lady--' (*The Pickwick Papers*, 141)

In fact this is not the nastiest thing Jingle has done in the story. He appears again with his worst plan later. Before that we have to follow Dickens how he has portrayed some other funny adventures with his comic characters.

It has been the hospitality and kindness of Mr. (or Esq.) Wardle –the concrete qualities of the country gentleman.– Having excellent meals, going to hunting, seeing a cricket match and enjoying the parties have developed their socializing with the country people and have formed wonderful relations and happy memories for the Pickwickians during their stay in Dingley Dell. They have seen sincere hospitality and it has become very difficult for them to leave the kind people behind.

It was a more difficult task to take leave of the inmates of Manor Farm, from whom they had received so much hospitality and kindness. (*The Pickwick Papers*, 145)

Here, from the descriptions of Dickens we notice that the generosity of the country gentleman or esquire is outstanding. Dickens also portrays the pastime activities for the Victorian gentlemen include long-lasting feasts, hunting, cricket matches and parties.

Mr. Pickwick, who is the centre of the joy and lively atmosphere for the people around him, attracts the readers' appreciation with his comic and lively character. Because Mr. Pickwick cannot see the reality and the facts rapidly, Dickens creates another important character, Sam Weller. He becomes Mr. Pickwick's man-servant. Dickens gives some kind of role to Sam that whenever Mr. Pickwick needs help he is always ready to save his master. Whenever he falls into difficult or awkward situations, Sam is there to give him a hand.

One of the funniest awkward situations that he gets involved is when Mr. Pickwick mixes up his own room in the hotel and enters a room which belongs to a lady.

'Gracious Heaven!' said the middle-aged lady, 'what's that?'

'It's— it's—only a gentleman, ma'am,' said Mr. Pickwick, from behind the curtains.

'A gentleman!' said the lady, with a terrific scream.

'It's all over!' thought Mr. Pickwick.

'A strange man!' shrieked the lady. (*The Pickwick Papers*, 321-322)

The reason why a special emphasis is given to this funny situation here is that Dickens prefers choosing this term loaded with varied meanings. Secondly, we can observe and analyze much better the gentlemanly qualities in people's attitudes in various circumstances. As in the funny example about Mr. Pickwick, he prefers to communicate with the lady in a very polite way to give her confidence about his real purpose. He stops to search for his own room after this incident not to cause any problem at all. He prefers to wait until the sun breaks the darkness of the night. The polite language he uses, his kindness, and his respect to the lady are the important qualities of a gentleman. This is the very basic usage of the term gentleman which refers to 'a man'. Dickens also prefers to use polite language to address many people with descriptive adjectives as 'jolly old gentleman', 'honorable gentleman', 'respectable gentleman', 'tall gentleman in a blue coat', 'last-named gentleman', 'elderly gentleman', 'young gentleman', 'stout gentleman', 'strange gentleman, 'bald-headed old gentleman', 'fat gentleman', 'enthusiastic gentleman', and so on. The other ways of Dickens's use of the term gentleman is quite noticeable in the following examples.

'Doctor Slammer. He begged me to express his opinion that your conduct of last evening was of a description which no gentleman could endure; and' (he added) 'which no one gentleman would pursue towards another.' (*The Pickwick Papers*, 35)

Here, the term consists of the qualities such as 'honor', 'dignity', 'grace' and 'glory'. But the following use of the term suggests the 'class distinction' in the Victorian age.

'When I wos first pitched neck and crop into the world, to play at leap-frog with its troubles,' replied Sam. 'I wos a carrier's boy at startin'; then a vaginer's, then a helper, then a boots. Now I'm a gen'l'm'n's servant. I shall be a gen'l'm'n myself one of these days, perhaps, with a pipe in my mouth, and a summer-house in the backgarden. Who knows? I shouldn't be surprised for one.' (*The Pickwick Papers*, 221)

Readers can easily deduce that the people in the lower class like Sam always had a chance to shift a class as long as they work hard to get a better profession or to get enough money in business. Thus, Dickens uses the term gentleman basically in four ways; the first use refers to 'a man', the second use refers to 'the polite way of addressing people', the third use refers to 'conducts or virtues of the people' and the forth use refer to 'the man in upper class'.

Sam Weller is the second important character in the story whose ambition is to become a gentleman as it used to be Dickens's, while he was writing this story. This fact is also another proof that Dickens's first novel is the seed of his later novel as being a respectable gentleman is one of the ambitions of Dickens's character, Sam Weller, as well as Pip's in one of his later masterpieces *Great Expectations*. Magwitch's obsessive ambition is to turn Pip into a gentleman, which can be done, in his opinion, simply through investing amounts of money in his education. In other words, Magwitch believes that gentlemanship may be bought, which proves entirely false at the end of the novel. While investigating the possible meanings Dickens has loaded in the term gentleman, a close look into the characters' gentlemanly behavior according to the noticeable incidents or situations they have been involved, is needed. As in that funny example about Mr. Pickwick, he prefers to communicate with the lady in a very polite way to give her confidence about his real purpose. He stops to search for his own room due to his fear to get involved in an awkward situation like that. He prefers waiting until the sun breaks the darkness of the night. The polite language that he uses, his kindness, and his respect to the others in order not to disturb them are some of the important qualities of the gentleman which should be mentioned here.

3. *The Devious Gentlemen*

Returning to Pickwick, another awkward situation causes an important crisis between Mr. Pickwick and Mrs. Bardle. She falls into his arms as she misunderstands his real intention. Although Mr. Pickwick wants to imply that a servant is needed, she thinks that he has proposed marriage to her. The appearance of Sam Weller is also attached to the most important plot theme, which is the dispute between Mr. Pickwick and Mrs. Bardle. Although Mr. Pickwick explains that he himself could not conceive why she has fainted and adds that he has just wanted to suggest employing a servant for the home, unfortunately, nobody – even his friends – believes him. The professionally *devious gentlemen* named Dudson and Fogg convince Mrs. Bardle to sue Mr. Pickwick to get some compensation as a result of his attitudes that caused some damages to her feelings. Dickens weaves new adventures for Mr. Pickwick based on this comic situation in the following chapters. The comic incident is ended in prison.

The parties, where the ladies and gentlemen find a proper chance to meet and to get to know each other better, are used by Dickens to reflect and at the same time to mock the upper class Victorian society. The Pickwickians are invited to a fancy dress party in the morning in Eatenswill. Mr. Pickwick cannot be persuaded to wear a funny costume for the party. Dickens satirizes this kind of events in a different way. First, this fancy dress party, which is held in the morning, is very unusual and awkward because similar parties are usually held in the evening. Second, wearing a funny costume implies for Mr. Pickwick that hiding your real face from others. Having two faces or disguising is an ill-mannered virtue that cannot be tolerated by a gentleman like Mr. Pickwick. Here, Jingle appears again disguised as Mr. FitzMarshall. Mr. Pickwick, who really wants to expose him, becomes the victim of his witty joke again and he finds himself in another awkward situation. Although they were supposed to be careful not to trust them, Mr. Pickwick and Sam believe Job, Jingle's servant and accept his plan. As benevolence becomes Mr. Pickwick's inseparable gentlemanly virtue, he wants to help one of the young ladies in the boarding school. Mr. Pickwick goes there at night does everything according to the plan. But unfortunately, he cannot bare the storm outside and escapes from the natural storm outside to the hysterical women's storm inside the boarding

school. Again nobody believes his story and he is rescued by Sam and Mr. Wardle who was there for a hunting expedition. After this incident, Mr. Pickwick's health is affected and he has to spend some time in bed. At that moment, they promise each other to expose Jingle's and Job's real faces. Their witty joke becomes an honor issue for both Mr. Pickwick and Sam. Sam becomes also the other party who has been fooled in this awkward situation. With this experience, he learns that there are still professionally disguised dishonest gentleman and he shares Mr. Pickwick's emotions. The positive point is that they become closer like father and son.

Dickens also portrays how 'anger' or 'jealousy' affects the attitudes of the gentleman using different incidents in the novel. The woman, whose room has been mistakenly occupied for a while by Mr. Pickwick, appears to be the future wife of his friend, Mr. Peter Magnus who has asked some advice from Mr. Pickwick on the way to Ipswich. When they meet again to be introduced by Mr. Magnus, the young lady gets shocked and gives a loud scream. Mr. Magnus asks both parties how they have known each other but none of them would prefer to explain the fact as it is a sensitive case. The more Magnus asks for an explanation from Mr. Pickwick as a result of his jealousy, the more the dispute becomes irresolvable. So he threatens Mr. Pickwick with a duel, which is used for the second time by Dickens in this novel to mock the idea of dueling which used to be a common way to restore their gentlemanly honor. But none of the dueling takes place as Dickens never approves it as a kind of solution when a dispute appears between gentlemen. Meanwhile, the lady takes the case to the local justice stating that a dueling will take place in Ipswich and gives Mr. Pickwick's and Tupman's names. Having great difficulty in believing such a dispute will happen in their territory, they decide to investigate the dispute. Mr. Pickwick and Tupman are arrested and at the court they are punished by the judge, Mr. Nupkin. Mr. Pickwick asks for a private talk with him and explains him honestly why they have come to this town. Having learned that a scoundrel, Mr. Fitzmarshal or Jingle, has been flirting with his own daughter, Mr. Nupkin cancels the fine and asks Mr. Pickwick to tell everything to his own family with Jingle's presence. In the end, Mr. Pickwick's honesty is rewarded and Jingle's dishonesty is punished by Dickens. In fact, this is the actual result that usually happens in the social life; as 'honesty is always the best policy' and 'sooner or later the truths appear, and the lies cannot be hidden forever.' Mr. Pickwick's determination to find Jingle and to prevent his evil plans is one of his gentlemanly behaviors that a real gentleman has to be at least as ambitious as the fake gentlemen who destroy the lives of innocent people.

4. *Mr. Pickwick's Troubles with Women*

Mr. Pickwick's examinations with women continue in the novel. This time, he finds out that Mrs. Bardell sues him for the compensation due to the fact that he has destroyed her feelings with the proposal. Mr. Pickwick refuses to pay any money and acts out according to his own principles. It seems that Mr. Pickwick has a stubborn character but in fact, Dickens has a couple of aims in this particular attitude. First, the people like Jingle, Dodson and Fogg really have dishonored him and he (-and also Dickens himself) believes that something has to be done to stop their wrong-doings. Second, accepting to pay even a penny means the admission of his being dishonest and this quality never matches with a real gentleman's character. Third, the more people close their eyes to these greedy people, the richer they become and the more lives they destroy. While some dishonest people like Dodson and Fogg use the laws according to their own benefits in a legal but dishonest way, ordinary people in the society not knowing the details about the laws become the victims of their evil plans. Fourth, Dickens also plans to describe the wretched conditions of the people living in prisons. As he himself stayed in prison because of his father's debt, he knows the life there better than many contemporary writers and he uses it as a chance to satirize the laws related to the debtors' imprisonment. So Dickens shapes his plot as a result of these factors; he wishes to send Mr. Pickwick to prison. More than these factors, Dickens has a plan to show Sam's loyalty to his master and their mutual caring and respect. He also shows us how a real gentleman should behave when he meets his worst enemy in a very wretched situation. Instead of taking revenge, Mr. Pickwick prefers to show his benevolence and generosity even to his worst enemies. This particular gentlemanly attitude of Mr. Pickwick is probably the most important behavior that Dickens portrayed in this novel. The gentility and morality he imposed on this main character is noticeable and highly appreciated by the Victorian readers.

Before Mr. Pickwick is sent to prison, he attends another ball. From Mr. Pickwick's attitude, readers can see that Mr. Pickwick really dislikes the things happening in the aristocratic world. Here, as an individual coming from a lower class, Dickens takes the chance to satirize the foolishness, empty conceit, bootlicking, matchmaking and nastiness of the high society. Mr. Pickwick's gentlemanly character is not portrayed in such balls or in fancy dress parties. We can see Mr.

Pickwick's enthusiasm and his jolly atmosphere in other places such as Mr. Wardle's feasts. For instance, Dickens portrays Pickwick's being the centre of fun, joy and respect during his attendance to Mr. Wardle's daughter's marriage ceremony.

It is easily sensed that Mr. Pickwick is in his good mood when he is among his dear friends. He is always generous, energetic, the source of joy and the centre of attention in this kind of gatherings. His juvenile energy and readiness to help his friends when he is needed, has to be noted that the gentlemanly virtues – benevolence and friendship – are also some of the qualities Dickens give a special importance to. In the later chapters, we also observe that although Winkle's own father refuses to support his own son in his marriage, Mr. Pickwick behaves more than a close friend and he takes over the role of the parent. Mr. Pickwick travels a long way to another town not only to talk with Arabella, Winkle's love, to check her confirmation and determination, but also to give a financial aid to Winkle. He talks with Winkle to figure out if they are really serious in their decision like a father. As soon as he becomes sure that they are really serious about the marriage, this time Mr. Pickwick works a lot to convince Winkle's parents in terms of Winkle's need for parental support in this sensitive matter. In time, Winkle's parents realize that they really need to respect their son's choice and to support him.

Dickens also includes a much more touching relationship between Mr. Pickwick and Samuel Weller to show that real gentlemen should possess the qualities such as generosity, friendship and self-sacrifice in their relations. When Mr. Pickwick is sent to the prison, Sam makes himself to be arrested and to be sent to Fleet Prison next to his master. Mr. Pickwick becomes a little bit upset that Sam has made himself to be sent to the prison as a result of his debt. Most probably, Dickens himself has seen and felt these similar scenes in his own life. Because it is not quite is easy to suffer hard conditions in the prison, Mr. Pickwick insists on paying the amount for Sam's release but he cannot succeed to persuade him. Because Sam really believes that old Mr. Pickwick needs special care in the harsh conditions of the prison. Sam's loyalty and his self-sacrifice are beyond their friendship. Sam's father who witnesses his son's and Mr. Pickwick's mutual loyalty and kindness, gives Mr. Pickwick a huge amount of money the he has inherited from his death wife. He asks Mr. Pickwick to take care of the money as a result of his trust in the very near end of the story. At first Mr. Pickwick does not want to receive the money but later he takes it just to use and spend it for the sake of Sam and his family to live in better conditions.

During their imprisonment, to their surprise they find out that Jingle and Job also stay in the other poor side of the prison which has worse conditions than theirs. Mr. Pickwick and Sam go to this part of the prison and pay them a visit. They immediately forget their revenge as soon as they see them in that miserable situation.

The general aspect of the room recalled him to himself at once; but he had no sooner cast his eye on the figure of a man who was brooding over the dusty fire, than, letting his hat fall on the floor, he stood perfectly fixed and immovable with astonishment.

Yes; in tattered garments, and without a coat; his common calico shirt, yellow and in rags; his hair hanging over his face; his features changed with suffering, and pinched with famine-- there sat Mr. Alfred Jingle; his head resting on his hands, his eyes fixed upon the fire, and his whole appearance denoting misery and dejection! (*The Pickwick Papers,* 612)

Instead of just laughing at them or cursing at them or showing any contentment or satisfaction, Mr. Pickwick shares their sorrow. And instead of leaving them in that miserable condition, Mr. Pickwick financially helps them that they can buy some necessary things for their living.

'Good fellow,' said Jingle, pressing his hand, and turning his head away. 'Ungrateful dog--boyish to cry--can't help it--bad fever--weak--ill--hungry. Deserved it all--but suffered much--very.' Wholly unable to keep up appearances any longer, and perhaps rendered worse by the effort he had made, the dejected stroller sat down on the stairs, and, covering his face with his hands, sobbed like a child.

'Come, come,' said Mr. Pickwick, with considerable emotion, 'we will see what can be done, when I know all about the matter. Here, Job; where is that fellow?' (*The Pickwick Papers,* 614)

Mr. Pickwick's goodness, kindness, generosity and benevolence really touch Jingle's and Job's hearts and they change their way of life after they are released with the help of Mr. Pickwick. They decide to live in another country as it shows their determination to begin a new life with a new start. Although they have been representing devious gentlemen at the beginning of the story, Dickens does some modifications in their characters implying that the opportunities always exist in life for everybody as long as they wish to behave in a better way. With this incident, Dickens portrays the real gentleman

through Mr. Pickwick character that forgiveness, benevolence, empathy, good-heartedness and generosity are also their inseparable and indispensable qualities.

Mr. Pickwick also proves that he is a true gentleman forgiving Mrs. Bardell when he sees her in the Fleet Prison. Sam is the key person who brings everybody together – Perker, Arabella and the Pickwickians – and prepares all the conditions which Mr. Pickwick cannot refuse to pay the cost of her lawyers demand. In order to help the ladies – to assist Mrs. Bardell's release and to convince Arabella's brother and Winkle's parents about the marriage - and to make everybody happy with his returning to his social circle again, he accepts the conditions his lawyer, Perker, suggests. The Fleet prison becomes a temporary place for Mr. Pickwick that he has seen the reality of life and his innocence and vindication is approved by his landlady. It has a positive function for Jingle as his evil character changes into a good one. It functions as a kind of slap for Mrs. Bardell that she needs to be awakened from her dream. Although Dodson and Fogg are not punished with imprisonment in the novel, Mr. Pickwick's last words function as a good slap or punishment for them.

'Do you know that I have been the victim of your plots and conspiracies?' continued Mr. Pickwick. 'Do you know that I am the man whom you have been imprisoning and robbing? Do you know that you were the attorneys for the plaintiff, in Bardell and Pickwick?'

'Yes, sir, we do know it,' replied Dodson.

'Of course we know it, Sir,' rejoined Fogg, slapping his pocket --perhaps by accident.

…

'You are,' continued Mr. Pickwick, resuming the thread of his discourse--'you are a well-matched pair of mean, rascally, pettifogging robbers.'

'Well,' interposed Perker, 'is that all?'

'It is all summed up in that,' rejoined Mr. Pickwick; 'they are mean, rascally, pettifogging robbers.' (*The Pickwick Papers,* 768-769) (Bold mine)

These are the worst adjectives which are used in throughout novel by Mr. Pickwick – in fact by Dickens – to describe villainous people. If all the characters in the novel are put in order from good to bad Dodson and Fogg take the worst position as they never get ashamed of what they have done. While the qualities such as *selfishness*, dishonesty and immorality best describe these wicked gentlemen – albeit their appearance and way of speaking – the qualities such as benevolence, honesty, trustworthy, and reliability best describe the real gentlemen as they can be easily noticed in these characters; especially Dodson & Fogg verses Mr. Pickwick.

As it has been mentioned before, Mr. Pickwick first helps Winkle in their marriage and then he pays the debts of Jingle to be released from the Fleet Prison. Mr. Pickwick – and of course the readers – has a chance to observe the dark side of life (in prison) and humans during his stay there. At the end of the story, Mr. Pickwick arranges Snodgrass's and Sam's marriages and before that he decides to close down the Pickwick Club saying to the members that;

'I shall never regret,' said Mr. Pickwick in a low voice, 'I shall never regret having devoted the greater part of two years to mixing with different varieties and shades of human character, frivolous as my pursuit of novelty may have appeared to many. Nearly the whole of my previous life having been devoted to business and the pursuit of wealth, numerous scenes of which I had no previous conception have dawned upon me--I hope to the enlargement of my mind, and the improvement of my understanding. If I have done but little good, I trust I have done less harm, and that none of my adventures will be other than a source of amusing and pleasant recollection to me in the decline of life. God bless you all!' (*The Pickwick Papers,* 814-815)

5. Conclusion

In fact, we learn the real aim of Dickens writing this novel which can be mainly summarized as to see the variety of human characters through the amusing and pleasant – or comic – adventures in the life. This is also one of the reasons why we have named, Mr Pickwick as the *Comic Gentleman*. Mr. Pickwick – and of course Dickens himself – wants to be remembered as the gentleman who has done little good – although a lot due to his modesty – and who has not harmed

anybody during his life. Mr. Pickwick devotes his life to happiness of the whole people in the town and is admired a lot by the whole people who know him.

He is known by all the poor people about, who never fail to take their hats off, as he passes, with great respect. The children idolise him, and so indeed does the whole neighbourhood. Every year he repairs to a large family merry-making at Mr. Wardle's; on this, as on all other occasions, he is invariably attended by the faithful Sam, between whom and his master there exists a steady and reciprocal attachment which nothing but death will terminate. (*The Pickwick Papers,* 819-820)

Dickens's message at the end is that a true gentleman like Mr. Pickwick should be respected and admired by the people he is in contact with as a result of his honesty, patience, benevolence, and reliability.

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Integrated Marketing Communications and International Advertising in Kosovo

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Abstract

Integrated Marketing Communications are composed of ads, sales promotion, personal sale, direct sale and public relations. The main challenges in Integrated Marketing Communications are the recognition of communication means of mixed marketing, the advantages of International Advertising, the methods of determining promotional budgets, the steps in developing an effective communication of marketing. Integrated Marketing Communications are means with which the firms try to remind the consumers about their products and services. A very important challenge is the measurement of marketing's results and the analysis about what percent of these costs are reversed or have exceeded beyond the margin of spending. The firms have to invest more in Integrated Marketing Communications, where the importance of investments is seen from two points of view: the growth of profit and their role towards the public. International advertisements have a great impact in introducing the products and services in international markets. The costs of international ads have changed depending on the periods of economic development; the periods of global developments are associated with the increase of advertisements costs, while the periods of global recessions are associated with the decrease of these costs. In this paper it is explained how the importance of marketing's integrated communications affects the growth of sales and the connection with the public and the role of international ads in promoting new products in international markets. The first part of the paper is composed of reviewing the adequate literature and the second part has to do with the part of the study about Integrated Marketing Communications and international advertisements. Primarily data was realized through questionnaires, through direct contact with marketing managers, general managers, owners and directors of companies that have sufficient knowledge about their companies.

Keywords: Integrated Marketing Communications, International Advertising, International markets

1. THE REVIEW OF LITERATURE

1.1 Integrated Marketing Communications

Integrated Marketing Communications (IMC) are composed of advertisements, sale promotions, personal sale, direct sale and public relations (Cateora & Gilly & Graham, 2011). Integrated communications of marketing (IMC) are being practiced all over the world at a very high range. IMC is connected with some positive results of the brand, client's satisfaction, brand loyalty, brand's positive image, the growth of sales and cost reduction (Saeed & Naeem & Bilal & Naz, 2013). Integrated Marketing Communications is a powerful measure that has an impact in the effectiveness of the development and implementation of marketing's communication (Shakeel-Ul-Rehman & Ibrahim, 2011). IMC programs have to be in accordance with company's policies, and have to be part of the management and all other aspects of company's communication, informing the company about corporation's brands which have to be in accordance with all the brands of the company's markets (Percy, 2008). Integrated Marketing Communications is a process of communication with customers about the brand's capital through different measures of communication. Except the used communication methods, the main rule is that the message flows have to be in the same directions and have the same objectives (Suwantara & Taechamaneesatit, 2012). The integrated communications of marketing include the identification of the targeted audience

and the design of a promotional program which has to be well-coordinated in order to receive the desired response from the audience. Often, marketing's communications focus on in immediately receiving the information, in the image or in the preference goals of the targeted market. Today, marketing specialists are moving towards naming the communications as time management in the relations with clients (Kotler & Armstrong, 2011). Anyway, maybe the clearer definition for the Integrated Marketing Communications is given by the American Association of Advertising Agencies (1993): The integrated communication of marketing is a concept of planning the marketing communication that recognizes an added value of a comprehensive and strategic plan that evaluates the roles of a variety of communication disiplines and combines them to ensure clarity, consistency and a maximal communication impact through an ongoing and discrete integration of messages (Baker, 2003).

1.2 Sales Promotions in International Markets

Sales promotions are marketing activites that stimulate consumer purchases and improve retail sales. Sampes, coupons, gifts, promotional products, competitions, lotaries, the sponsorship of special events such as concerts, olympiads, fairs and points of purchase are measures to promote sales (Cateora & Gilly & Graham, 2011).
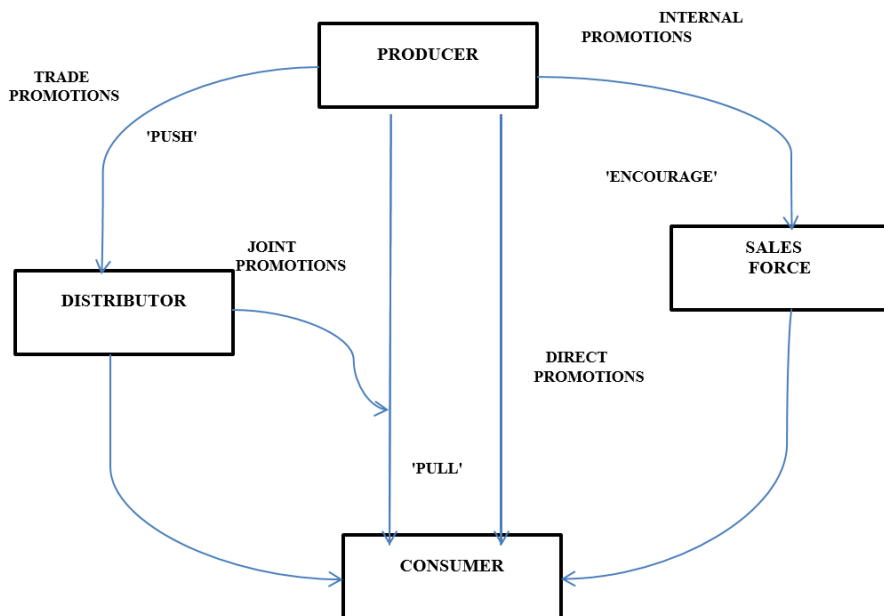
Source: Baker (2003).

Sales promotion are defined as marketing activities that are usually specific for a period of time, that encourage a direct response from the consumers or market mediators, through the offer of additional benefits (Baker, 2003). Sales promotion are a direct incentive that offers additional values for the product, distributors, consumers and the main objective is to achieve an immediate sale. First, promotional sales include a variety of incentives that provides additional incentive to buy. This incentive is usually the main factor in a promoting program; it can be a coupon or a reduction of the product's cost, the opportunity to enter a competition or lottery, reimbursement or discount in the products price (Belch & Belch, 2003).

Figure 2: Types of sales promotion activities

Source: Belch & Belch (2003).

In general, more than the half of marketing communication costs goes to the promotion of trade. A trade promotion is a program of discounts that aims the growth of retail sales (Percy, 2008).

International Advertising

The growth of International Advertising costs has slowed, especially during the global recession of 2008-2009. An important study has showed that advertisement costs are generally cyclic (Cateora & Gilly & Graham, 2011).

Table 1: Top 20 Global Advertisers ($ millions)*

2008	2007	Advertiser	Headquarters	2008	Percent Change
1	1	Procter & Gamble Co.	Cincinnati	$9,731	0.0%
2	2	Unilever	London/Rotterdam	5,717	1.8
3	3	L'Oreal	Clichy, France	4,040	10.8
4	4	General Motors	Detroit	3,674	5.4
5	5	Toyota Motor Corp.	Toyota City, Japan	3,203	-3.2
6	8	Coca-Cola Co.	Atlanta, GA	2,673	13.5
7	7	Johnson & Johnson	Neë Brunsëick, NJ	2,601	4.5
8	6	Ford Motor Co.	Detroit	2,448	-14.0
9	11	Reckitt Benckiser	Slough, Berkshire, UK	2,369	13.0
10	9	Nestle	Vevey, Sëitzerland	2,314	1.0
11	12	Volksëagen	Ëolfsburg, Germany	2,309	15.4
12	10	Honda Motor Co.	Tokyo	2,220	4.6
13	15	Mars Inc.	McLean, VA	1,998	5.0
14	19	McDonald's Corp.	Oakbrook, IL	1,968	6.9
15	14	Sony Corp.	Tokyo	1,851	-3.3
16	17	GlaxoSmithKline	Brentford, Middlesex, UK	1,831	-3.2
17	20	Deutsche Telekom.	Bonn, Germany	1,812	7.7
18	18	Kraft Foods	Northfi eld, IL	1,792	-2.7
19	16	Nissan Motor Co.	Tokyo	1,716	-9.7
20	21	Ëalt Disney Co.	Burbank, CA	1,586	-2.0

* Figures are U.S. dollars in millions and are *AdvertisingAge* estimates.

Source: (Cateora & Gilly & Graham, 2011).

Table 2: Top 100 Advertisers' Global Spending by Category ($ millions)

Category	2008	Percent Change from 2007	Advertiser Count
Automotive	$25,613	0.1%	18
Personal care	25,480	3.4	11
Food	11,914	4.9	9
Drugs	10,323	1.8	11
Entertainment & Media	9,608	-1.8	7

Retail	5,968	17.8	8
Restaurants	4,289	9.6	4
Soft drinks	4,064	5.3	2
Telephone	3,974	2.7	4
Cleaners	3,829	10.7	3
Beer, ëine, & liquor	2,681	2.1	5
Financial	2,595	-9.0	6
Electronics & imaging	2,100	8.9	3
Technology	2,035	-11.5	4
Electronics	1,846	20.7	2
Toys	1,607	12.8	3

Source: Cituar: (Cateora & Gilly & Graham, 2011).

Table 1 and 2 illustrate the world's largest advertisers by expenditure and product's categories. Even though car companies dominate the lists, Procter & Gamble was a world champion of costs. From all the elements of mix marketing, the decisions that include advertisements are the ones that affect more often the cultural differences of different markets. We have to adjust to the client's culture, their style, value system, attitudes, beliefs and perceptions, because the function of advertisements is to interpret or translate the product values in the aspect of the consumer needs and desires. The agreement for a more unique international advertising campaign of markets is a challenge that is getting in front of international marketing. The framework and concept of international advertisements are essentially the same in every country (Cateora & Gilly & Graham, 2011). Standardized advertisements have raised the financial and strategic performance of the firms, provided that the internal and external environment is favorable for standardization. There are three general categories of factors that affect the level of advertising standardization that a company hires, and they are: external factors of the environment, strategic factors and the factors that are related to the internal organizational characteristics (Okazaki &Taylor& Zou, 2006). The standardization of international advertisements is a marketing strategy adopted by many companies nowadays. Its main priority is related to the reduction of cost and the development of image for an organization and its products in a global range. Unfortunately, this strategy hasn't considered some other important factors for the effectiveness of advertising, such as cultural sensitivity and physical barriers, which are related with the legal and technical regulation of advertisements, even though the adaption of international advertisements can fill these gaps (Ruževičius & Ruževičiūtė, 2011).

2. RESEARCH RESULTS

Figure 3: Do you have knowledge about the Integrated Marketing Communications (IMC)
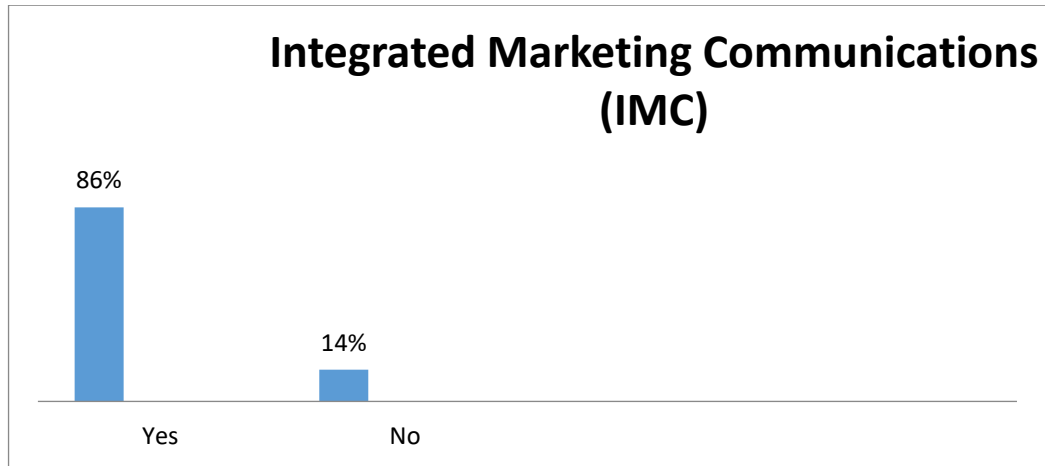
Source: Calculating the authors based on the results of research

The increasing practice of Integrated Marketing Communications all over the world is increasing the role of IMC. Based on the results, 86% said that they are informed about the concept of integrated communications of marketing and only 14% said that they don't know about them. So, based on the research results we can see that most of businesses are familiarized with the concept of IMC.

Figure 4: Do you believe that the Integrated Marketing Communications bring benefits
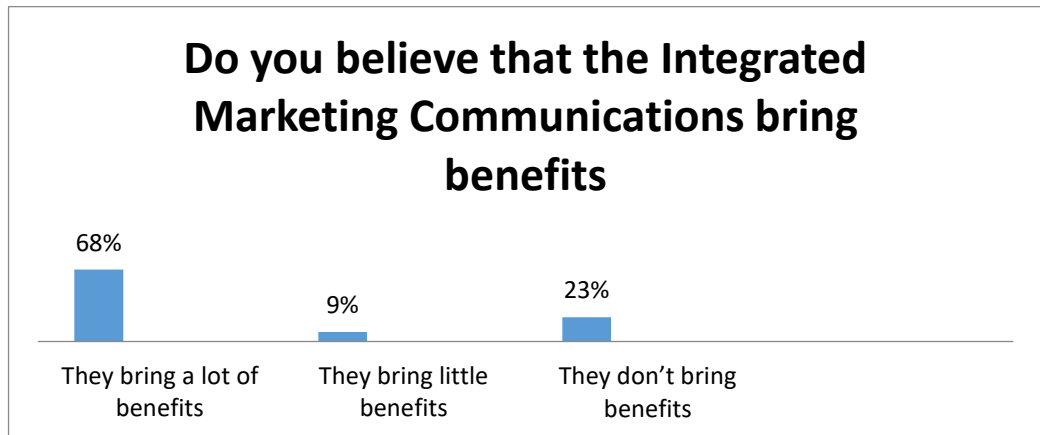
Source: Calculating the authors based on the results of research

 Most of the respondents think that the Do you believe that the Integrated Marketing Communications bring benefits, 68% think that they bring a lot of benefits, 23% think that they don't bring benefits at all and 9% think that the integrated communications of marketing bring a little benefits.

Figure 5: Do you share your budget for the Integrated Marketing Communications

Do you share your budget for the Integrated Marketing Communications

84%

16%

Yes   No
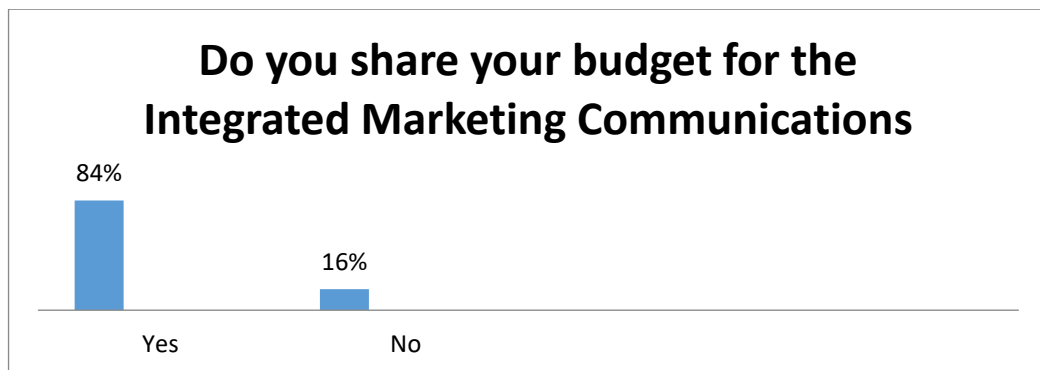
Source: Calculating the authors based on the results of research

From the results we can see a favorable situation because most of the businesses share their funds for the Integrated Marketing Communications, and this allows the businesses to get closer to the consumers and the consumers to be more informed about the company's products, and based on this to realize more sales. From the respondents, 84% said that they share their budget for the Integrated Marketing Communications and only 16% said that they don't share their budget for Integrated Marketing Communications, hoping that in the future they will.

Figure 6: Do you think that international advertisements affect in increasing sales

Do you think that international advertisements affect in increasing sales

82%

14%

4%

They have a great impact in sales   Have little impact in increasing sales   Have no impact at all
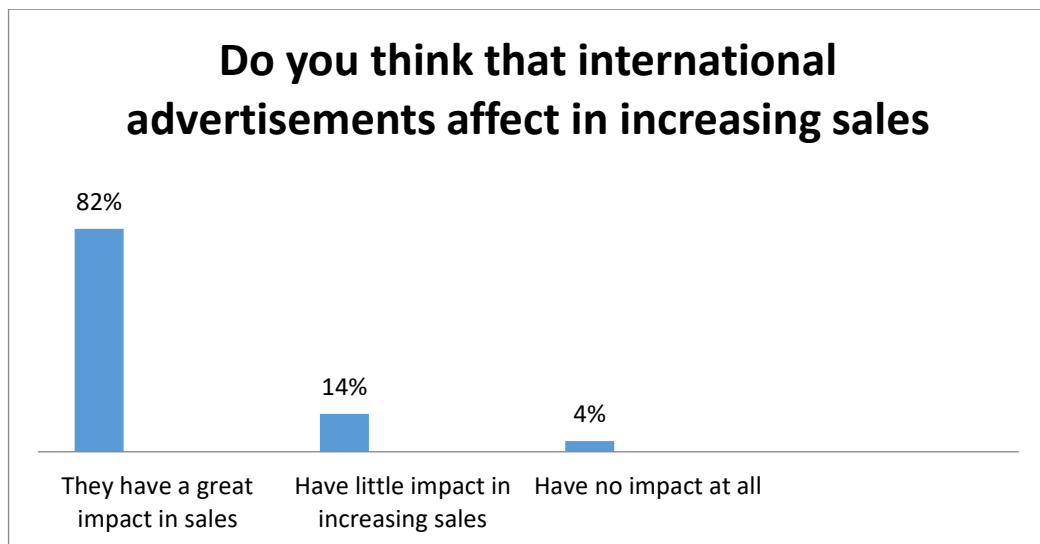
Source: Calculating the authors based on the results of research

International advertisements have a great impact in consumer's beliefs about the products and services, and also have a positive impact in increasing the sales; therefore many global companies share most of their profit for advertisements. We can see that most of the respondents think that advertisements have a positive impact in increasing sales. 82% of the respondents think that international advertisements affect in sales growth, 14% think that international advertisements have a little impact and only 4% of the respondents think that they have no impact at all.

Figure 7: Do you have an international competitor in your market which sells and advertises its own products that are similar with yours

Do you have an international competitor in your market which sells and advertises its own products that are similar with…

64%   36%

Yes   No

Source: Calculating the authors based on the results of research

Based on the results we can see that many international competitors operate and advertise their products in our country. 64% of the respondents said that they have international competitors in their market, while 36% of them said that they don't have international competitors which advertise and sell their products.

Figure 8: Based on your opinion, the standardization of international advertisements has an impact on increasing
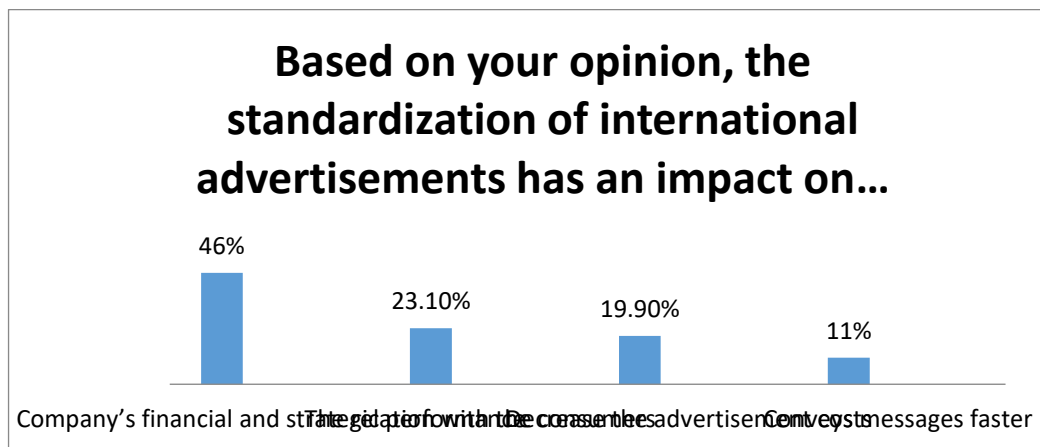
Based on your opinion, the standardization of international advertisements has an impact on…

46%   23.10%   19.90%   11%

Company's financial and strategic performance   The relation with the consumer   Decreases the advertisement costs   Conveys messages faster

Source: Calculating the authors based on the results of research

Based on the results we can see that 46% of the respondents think that the standardization of international advertisements has an impact in increasing the company's financial and strategic performance, 23.1% think that the standardization affects the relation with the consumers, 19.1% of the respondents think that the standardization of international advertisements reduces the advertisement costs and 11% think that it conveys messages faster.

Figure 9: What was the effect of international advertisements
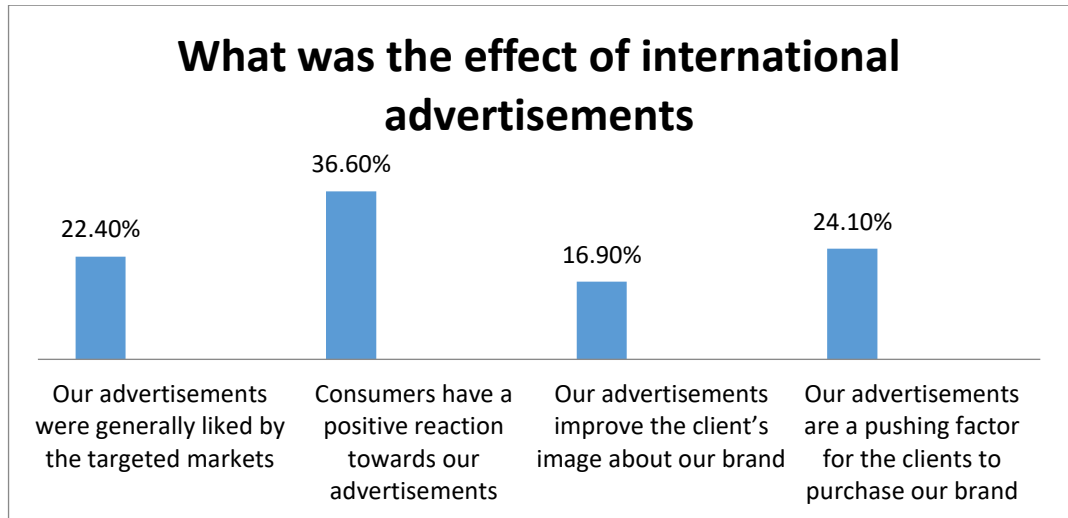
Source: Calculating the authors based on the results of research

Advertisements have an important impact in increasing businesses performance, in the relation with consumers, improving the brand's image. From the research results, 22.4% said that international advertisements were generally liked by the targeted markets, 36.6% said that consumers have a positive reaction towards their advertisements, 16.9% of the respondents said that their advertisements improve the client's image about their brand and 24.1% said that their advertisements are a pushing factor for the clients to purchase their brands.

3. Conclusions and recommendations

The Integrated Marketing Communications are measures through which we connect with our clients, bringing them closer to our brands, having more information about our brands, and based on this realizing more profit. It is very hard to know exactly how big the advertisement market is and what percentage goes to newspapers, radios or TV. But this is not the only challenge. Another important challenge is the measurement of the results of Integrated Marketing Communications and the analysis of how much of these costs have been returned or have overcome the costs margin. International advertisement costs are cyclical and are depended on the global economic development. From the research results we can see that most of the respondents are familiar with the concept and importance of Integrated Marketing Communications. We can also notice that most of the businesses share their budget for these communications, which is a very positive factor for the companies that are aiming to increase their performance. The standardization of international advertisements affects in increasing the financial and strategic performance of companies. The advertisements had impact on the relations with the clients, who purchased our brand, the image of which was highly increased. So, as an end, the Integrated Marketing Communications and international advertisements are a safe base in increasing company's performance.

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Linguistics and Women's Speech

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Abastract

This article, which has as object of analysis the women speech, will be an addition to those articles and to that authentic scientific literature, in the sociolinguistics field and respectively the ethnolinguistic one. Some of the questions that are asked today regarding this object are precisely related to the fact of how women are treated today based on their language, which are their language corpus, the possibility that they have to use it in specific fields and in different linguistic situations discourse, reacting with their support, their protests and their appreciation. Also, this article, will present that way of speaking, that today researchers have defined as "the rhetoric expression" and "subversive speech strategies". Through the linguistic behavior and the women attitude according to their position and social status, will emerge the importance of the gender belonging of the speaker in certain situations and environments.

Keywords: linguistic,ethnolinguistic, speech,women register.

'Studies on women' in an interdisciplinary field in many American universities which can be studied as a primary subject, upon which influence the following disciplines: sociology, psychology, political sciences, pedagogical sciences, justice, history, literature studies, anthropology and linguistics. There have been two prominent attitudes regarding women's speech, one given by the dialectological school of the first middle of the 19th century, according to which women are more conservative than man, and the other given in more recent times by the sociolinguists, who are prone to considerate women as innovative subjects, because they are more sensible to the shapes of prestige, as frequently testified by the sociolinguist William Labov, according to which 'in careful speech, women use fewer stigmatized forms than men, and are more sensitive than men to the prestige pattern. They show this in sharper shape of style shifting, especially at the formal end of the spectrum'.[1] Women generally use a lower number of stigmatized forms compared to men and they are more sensitive to the prestige model compare to men. Therefore they want a clear inflection toward style change, especially in the extremity of the formal spectrum.[2]

Only in linguistics we can find bibliography with hundreds of titles regarding women's speech. Since 1958 Fishman has mentioned and augmented the acceptance of a linguistic variety connected in a visible way with the situation and sex. He analyzed the social understanding of varieties with –im and -ing (verbal suffixes in English language), by inquiring the speech of a group composed of 24 children in a village of New England, divided by two criteria, by age from 3-6 years and 7-10 years and gender females and males. Every child had to tell a story which is going to be studied as the material of the study. The result of the analysis was that the –ing suffix was more frequently used by women than men, therefore according to Fishman, the –ing suffix is a characteristic of women's speech, whereas the -im suffix is a characteristic of men's speech. Moreover Fishman noticed that children coming from higher social class had a broader use of the –ing suffix, but this should not considered to be less meaningful than the difference based on sex.[3]

These so called varieties were up to recently regional or historically determined, in the present days they are determined by sociolinguistic which deals with language and with the neglecting of minorities and of the underprivileged will be determined according to the correspondence to specific groups. For instance there are studied on children belonging to low social classes in England, to people with color in Detroit, to young people with color in New York, to Italian workers in Germany etc. From the moment when women were conceived as a group and were placed in the centre of public scrutiny, from the moment they showed importance of being neglected, in linguistics began a movement interested in finding their neglection in linguistics and by male speakers.

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[1] Labov, 1984, f. 243
[2] Gj. Shkurtaj, Etnografia e të folurit të shqipes, SHBLU, Tiranë, 2004, f. 246
[3] Gj. Shkurtaj, Sociolinguistika, SHBLU, Tiranë, 1999, f. 156

Specific social facts have a direct linguistic analogy. For instance taking into consideration the fact that there are just few women in specific scientific positions, administration or politics, in language we have a lack of specific professional terms, titles or verses dedicated to women; however discriminating acts are just linguistics act or the discrimination of a specific situation can be verbally expressed. Even though we still do not have enough data and there is the need to conduct deeper research, we can preliminary say that we can notice a certain distinction between men's and women's speech even in Albanian language. It has been noticed that in the city of Tirana and also in many parts belonging to the South the pronunciation of the phoneme /rr/ as vibrating /r/ is more frequent among women than in man, and the forms with /r/ are more frequent in the standard language, and also a type of distinguishing element of coming from the capital and cities of Southern Albania, whereas the full vibrating /rr/ is pronounced in the North. From women living in the city we hear rush (rrush), ara (arra), buri (burri): rrush, arra, burri. Moreover, there is the need to stress the importance of geo-linguistic elements because regarding dialectic extension, the diminution of the difference /rr/ and /r/ comes from the Tosk way of speaking especially found in the cities. [1]

However this is still a hypothesis which needs to be analyzed and verified and we cannot confirm it as a product of a profound research. The discrimination can be observed in: how somebody speaks to a woman, how her speech is not taken into consideration, misunderstood, wrongly paraphrased, is interrupted or ignored. Linguistics, psychologists, sociologists and anthropologists who study women's language have another request and other cases compared to the few linguists and anthropologist who previously have encountered some exotic aspect of women's language in some exotic languages etc. Today's interest on women's language is based on the experience of inequality. Women are everywhere treated differently and even worse than men are treated. Linguistically speaking the questions which are posed regarding the topic which is being treated are:

How are women treated by language? Which possibilities are given to talk to r include women in the linguistic system, how are women treated by the speakers, i.e. how do they follow linguistic and communicative expectations and how can they be protected by them. In the Koasate language (in Louisiana SO) it is possible to form masculine forms from feminine forms through a complexity of rules, but not the contrary. The feminine forms of Koasate are archaic compared to masculine forms and they can find a corresponding term in other languages of the group. Masculine forms in this way are presented like a novelty. A fundamental help given in the study of language diversity related with the lexicon was given by the Danish linguist Oto Jaspersen, one of the pioneers in the research of this field since the beginning of the 20ᵗʰ century. He noticed that women's way of talking it was filled with hesitation and euphemisms: women purposely avoided the usage of vulgar expressions while learning for the sake of their social role to deposit civilian and educated ways of speaking. They are more prone than men to be more reserved and elegant in their attitude and linguistic behavior. [2] Men talk more about things and facts whereas women talk more about people, relations and feelings. Men use language in a competing way by reflecting their general interest in taking and preserving their status, whereas women's use of language is collaborative by reflecting their preference for equality and harmony. Nevertheless what is the origin of the concept 'women's speech/language'? People's differentiation based on sex is one of the crucial problems treated by sociolinguistics. Different researches which were conducted till present days, although they are not investigated thoroughly, it was observed that women (females) speak in a different way compared to man. They might also have their own lexicon which is, specifically speaking for typical aspects of women's life and generally speaking in daily communication, different from men's lexicon, might it be from their spouse or older sons.

For the first time, by noticing some euphemisms of Albanian language, the term 'women's speech/language' was mentioned by our distinguished linguist[3] Eqerem Cabej. In the vocabulary or lexicon used by women, there appear unknown terminological sectors which are rarely used by men, for example: the words and the manners of saying which are related with the house and its furniture, especially related with cleaning and clothes preparation, with services and child feeding, with the kitchen and cooking etc. Generally it is everything related with the word group '*women's work'*.

Therefore there also exists the popular expression: "women's work and women's words". There is some typical womanly labeling which men might know but practically pretend not to know, as a result they do not use them.[4] The existence of

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[1] Gj. Shkurtaj, Sociolinguistika, SHBLU, Tiranë, 1999, f. 157

[2] Gj. Shkurtaj, Etnografia e të folurit të shqipes, SHBLU, Tiranë, 2004, f. 245

[3] 'Studime gjuhësore', Prishtinë, 1978, f. 17-25

[4] Gj. Shkurtaj, Sociolinguistika, SHBLU, Tiranë, 1999, f. 155

women's language has been noticed since ancient times in some classical authors who have tried to find an explanation to this phenomenon: *women speak a different language from men because they come from a different group*. In this way Herodoti showed that the Skits were never able to learn the Amazonian language, which was the language spoken by the women they had married, whereas the Amazonian were able to learn the Skit language, even though not in a perfect way. "*Sauromans (who were the descendants of Amazonian and Skits) use Skit language, eventhoguh they speak it with some mistakes because the Amazonian do not learn it in a perfect way.*"

Another well known case was the speech of Santo-Domingo where men spoke Karibish whereas the women spoke Aravakish, this fact was documented in 1564 in the book Du Tertes "*Historia general de las pesquenas Antillas*". In both cases it is not about different languages, but it is about the same root language but different varieties. [1]

Women's emancipation is connected with the equality of her role with her spouse in the family, society or nation. This phenomenon is encountered in the moment of activation, with the employment, with the education and intellectual capacity. In this way there is a mutual dependence between men and women everywhere. There is a popular expression which states that: '*behind a successful man there stands a wise woman*' which can also be understood reciprocally.

In the emancipation of the society there is of great importance the respect and reciprocal honor between men and women in the family, especially now where there are not pronounced differences amongst the couple in education, culture, employment, abilities and concepts.

The famous researcher and patriot Sami Frashëri in the position of salient sociologist was among the first who studied the emancipation of women and who published a book regarding this phenomenon with the title "Women". According to Sami Frashëri in this book the foundation of society was the family whereas the foundation of the family was the child, child who was educated by the mother. Therefore when someone says 'family' it means woman. Human society (states Sami) is created by the family; taking into consideration the fact that harmony in human society is connected with harmony inside the family and finally is connected with the education of woman because her education is fundamental for the general harmony of the society.

An English researcher of ethnography once visited the villages of Tropoja and Kukës and always noticed that in steep mountain paths men walked 20 meters in front of women. By continuing his visit toward Kosovo in a bordering village he noticed that women walked in front of men. Taking into consideration the fact that both these phenomenon were part of Albanian tradition he was surprised by this difference and asked a peasant:

— How is it possible that old traditions were changed and Albanians become so emancipated and modern that they respect women and they leave women to walk ahead and they stand behind?! The peasant replied:
— You are wrong man, we respect traditions, but what can we do against mines! (Mines which were placed by Serbs).

Therefore, women were seen as 'great devices for detecting mines' and if it happed they would be the first to step on mines, whereas men could escape without being harmed. *What emancipation*!

Feminist movement is called that movement which strives for women rights. The terms 'feminism' or 'feminist' was firstly used in France and Netherland in 1872, in England in 1890 and in the United States of America in 1910.

According to western history, the modern history of Feminist Movement is divided in three periods.

The first period begins in the 19th century until the first part of the 20th century and this movement was more about obtaining the right to vote, to become employed and to be educated. The second period begins in the 1960s and it continued until 1980s. This wave was about obtaining legal and cultural rights and claiming the role of women in social life. The last period begins in 1980 and continues until the first decade of the 21st century. During this period there continued the strive for attaining rights which were not obtained during the second period. In the beginning women who had no rights and were without a representative in the political sphere were dependent by their spouses, even though political parties and old organizations supported women until the moment they needed them for their own interest. In the moment that their goals were reached women were left without a support. Consequently the first movement organized by women was mainly

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[1] Gj. Shkurtaj, Etnografia e të folurit të shqipes, SHBLU, Tiranë, 2004, f. 244

focused on obtaining the right to vote. There were done many tentative by women to have a unique and fundamental right which is the right to live a life as a free human being.

The Borghese French Revolution was the beginning of all tentative. The first movement begins in an époque of development and change of civil and political rights. The main promoter of this movement was Olympe de Goued, who wrote the Declaration of Women's Rights and Female Citizen in 1798. In the first article of this declaration there is written: 'The woman is born free and she has equal rights with the man in every aspect'.

Similar events where being observed also in Grand Britain, in 1918 there were given some rights to women in the same way given in America where the discrimination toward women had reached unprecedented levels, by humiliating not only older women but also children belonging to feminine sex, as it was done in pre-Islamic times.

Under these conditions in 1978 there is the approval of the Convergence for the elimination of any type of discrimination toward women (CEDAW). This Convergence holds civil, political, economical and cultural rights obtained by women.

The Convergence recognized women as full human beings which were very important because until that time women were known as something which did not belong to the human race. However this phenomenon still continues to exist after so many centuries even in present days. After so many strives there were created many Convergences and declarations related with women's rights. Nevertheless it remained the fact that they remained only on the paper and were never implemented in real life.

Actually the case of 'women's speech/language' has been treated in Labov's researches, where there has been treated the relation of sec with the indicators of standard. According to investigations done in English language used in New York, women are nearer to the standard language, they keep a more conformist linguistic attitude fearing of receiving social sanctions which strikes provincial accent and in general the nonstandard variety. Labov states that: *"… men use more nonstandard forms, less influenced by the social stigma directed against them, or, conversely, women use more standard forms, responding to the overt prestige associated with them"*.[1]

This specific attitude depends on the fact that women present a very low indicative of linguistic self-confidence. Linguistic conditions of women have a reflection on linguistic changes as 'women lead in both the acquisition of prestige patterns and the elimination of stigmatized forms', therefore women's way of speaking seems more sensitive for resuming and using novelties in this specific direction. However, many researchers think that the characteristics of womanly speech are in the majority of cased expressions of a certain cultural datum rather than of a linguistic one. This can be supported even with many data regarding ethnographic speech.[2]

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[1] Labov, 1990, f. 210
[2] Gj. Shkurtaj, Etnografia e të folurit të shqipes, SHBLU, Tiranë, 2004, f. 246

Irony in the Prose of Faik Konica

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Abstract

Irony in literature is a figure of speech(trope) from Greek language "erioneia" and means hidden mockery, pretension . It involves incongruity between what is expected and what occurs. The trope is used intentionally to mean the opposite.Faik Konica is one of the Albanian writers who used irony wittily and skillfully. For Konica the artistic prose offers an aesthetic taste which is related to a new way of thinking and calls for perfection of style and language. The author uses irony with the aim of putting emphasis on the word and the situation. He had his humor inspired not by his personal discontent but by the national ideal, by the humanity and emancipation of the individual. His style is a mixture of elements of satire and light melody of the lyric , but only as part of irony against the mediocrity and absurdity of Albanian society. In his work Konica confronts two contrary cultures : the Western European culture to which he belonged with the grotesque backwardness of his people , with caricature characters sunk into ignorance and into the oriental mire of moral, economic and cultural vegetation. These are the problems that the author ironies , which make the object of our work .

Keywords: Needle Doctor, irony, national ideal, humanity, orientalism

1. The theoretical concept of irony

Irony is a rhetorical figure related to tropes; it is a way of communication that conveys different and usually contrary meanings to what is said or declared. **Irony** is a similar figure of speech with metonymy. Based on the meaning it expresses, irony is a fine mockery through words which has a laudatory character. Irony is a poetic figure which is related to the critical attitude of the writer toward the object being ironized, for example:

> "Ka ndenjur si nje ka
> Po ha edhe po ha,
> Shembet me pilaf,
> Fruhet me hoshaf;
> S`ka kohë të flasë

Faik Konica; "Anadollaku në mësallë" (1901).

There are many types of irony, but they can be reduced in two main categories: situational and linguistic. Each irony depends by its success to analyze and diminish the distance between words and events. Irony can be classified also as comical and tragically. Irony is the art of transverse and close spawning by supporting it's functioning in such techniques as, unrevealed/open expression, paradox, word-games and other clever forms of expression and inconsistences.

There is an elementary irony which is confused with recognition, and which as an art, is the "daughter" of entertainment. Of course, irony is too moral to be a real artistic figure and too cruel to be really comic. Nevertheless, there is a feature which drives them closer: art, comical and irony are made possible only where the *vital hustle* is outstretched. However the figure of irony is even more liberated that the comical one: because the comic, often hurries to laugh just not to cry, like those cowards who speak loudly to the pitch black dark night to find courage; they think to escape risk only by naming it, and act freely just to be safe and outrun danger. Irony, which no longer is afraid from surprises, plays with danger.

The figure of irony is known for particular intonation of the word as a speech, which completes the meaning of the figure. As an expanded figure of speech it can give full creations, where the ironic tone prevails. When irony takes over a bitter, attacking character, when it expresses hate and deep contempt is called sarcasm. This powerful tool is used often by poets in satirical acts or orators in their speeches when they want to expose and batter hard their opponents, the vices and flaws of a society, class differentiations, different parasites etc. Irony is used more in humoristic literature, whereas sarcasm in the satirical literature. Famous writers like Konica, Çajupi, Fishta, Noli, Migjeni, N. Bulka, D. Agolli, etc have used irony and sarcasm masterfully.

2. Konica, master of irony.

One of the greatest writers of the Albanian literature, who has used irony masterfully, is Faik Konica. This highly educated person, considered a wandering encyclopedia, brilliant essayist, perfect stylist, theoretical and practical founder of the Albanian literary critic, political actor oriented by the west, brought a new model in the Albanian mentality. From the mind and hand of Konica emerge only needles that eventually pinch your mind in the moment you start reading something written by his hand. Konica knows no withdrawal. He, in the same way that wants to win over mentality, asks for perfection in style and art.

Konica was equipped with rare intelligence and in the parish of humor, in England; he further developed his sense of irony. In America he finds the appropriate terrain to develop both. Faik Konica had the philological-esthetic culture, the taste for art and the sharpness of judgment. Irony for Konice was a divine gift. His humor was inspired not only by narrow despairs but by national ideals. In his stile are mixed the harsh sound of satire and a light melody of the lyric, but only passingly because what comes after are only irony and despair against mediocrity which made it draw the sword of deep sarcasm and blow a lightening; only he could hit the nail in the head.

In the multipage text it has been written the mega history of Albania which Konica describes with profound shading. On one side Konica is presented with a wide European culture, part of the most famous aristocracy, whereas from the other part are presented his people, drowned in grotesque backwardness, with caricature characters smeared in oriental slum. Faik tried to get back in its feet, his people and his country, to shake it hard by hitting with the stinging scourge of his satire, rather than pondering it. Cynical, sarcastic and merciless with mediocrity and ignorance, he tried to show Albanians that they were Europeans and should see beyond the veil of ignorance and turncoateness.

Scholar Arshi Pipa writes: *"Faik warded off tradition…deflected from the meaning of those strong and healthy roots which had been the vitality of the Albanian during centuries"*[1]

Arshi Pipa has built the portrait of Konica and when he draws his lips he describes them neither thick nor thin, but fine. Pipa says that you can catch a phrase which is hard to decipher as sweet joy or irony. Nevertheless, if you have read any row from "Doktor gjilpëra", you could understand its irony.

"All that intelligence which glows from the eyes of Konica is revealed by those two swingy lips, naturally for mockery. Intelligence has turned into "humor": it has recognized me".[2]

Arshi Pipa affirms that Faik Konica even in the prose entitled "The Writer" uttered in a radio of Washington, on 31 March 1931, formulates with irony a prayer for the writers; apparently bothered by the mediocre and worthless literature he directs to the Almighty to give us the strength to keep our mouth shut when we have nothing to say; to give us patience to think something through before writing upon it; to inspire us with a sense of justice; not only to talk with equity but also to act on that behalf! Save us from the pitfalls of grammar, from the distortions of language and the aberrations of the press. So be it! - ends with irony the prayer of the great Faik.

2. Irony in "Doktor Gjilpëra" as a tool to criticize the orient and affirm Western Europe.

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[1] Pipa, Arshi. Magazine *"Critic"*, 1944.

[2] Ibid

The most important literary work of Konica is the long satirical prose "Doctor Needle reveals the roots of Mamurras drama". "Doctor Gjilpëra" was written and published in the newspaper "The Sun" in 1924. It was the time when the June revolution had triumphed and the Albanian society was going through a bitter political struggle. Society had in front of itself vital issues to resolve, as choosing the type of the regime, the agrarian reform, the democratization and modernization of the state apparatus, national cultural emancipation etc. Konica work is the "offspring" of the socio-historical turning that was starting in the live of our people. The author got inspired by the murder of two American citizens in Mamurras, who organized the feudal reaction. Konica wouldn't see the Mamurras crime like an isolated event, but as an event with broader social sense, where the interests of certain circles goals intermingled and exhibited the political struggle of the time. This event would awaken freedom-loving ideals, enlightenment and emancipation of the writer and would inspire the creation of a work that would shed light and generalize the contemporary Albanian reality.

The hero of the work is Doctor Needle, a young Albanian intellectual who conducted studies in medicine in Russia and Sweden and stands before the alternative: to stay abroad where a full prospect career awaited him or return home and help its countries recovery, especially in improving the health of people. He decided to return to Albania; patriotism triumphed over personal interests.

Returning to Albania puts doctor Needle in front of a shocking reality and hence to his problems involving various topics of Albanian life. Within a short time, he is credited with the distress of the people, the injustice that is done at their expense, the state apparatus, predominantleness, arbitrariness, corruption, drama, intrigue, ignorant and ridiculous clerics. In this tragic-comic state, the opposition is comprised of people who have nothing in common with the law and morality.

The principal place in this work is occupied by the relations that Doctor Needle sets with different categories of the Albanian society, with their most typical representatives. In these relations, the social-psychological discovery that makes the author, is on reverse; from one side the character and worldview of Doctor Needle is more clearly delineated; the ideal of a European man, patriotism and humanism of an emancipated man; while on the other side, are drawn different figures of the intellectual circles elite. In particular, the figure of Dr. Needle appears quite clearly in front of two of his colleagues, dr.Embrullah and dr.Protogor Dhalla.

Doctor Needle is a man of modern medicine, partisan of nature, who thinks nature is man's first doctor, whereas the two other doctors appear anachronistic, the epitome of medical dogma alienated from the life and principles of science. The old world in this work consists not only of two doctors, but also of other negative figures. Such is the Minister Salemboza, typical representative of ant-inationalistic backward forces, ridiculous tyrant type, the wily schemer, wakeful and agile. While the environment and oriental mindset of the capital's elite find their expression in tyran aghas figures such as the Zylfikar Muhedin Agha.

In the stark and heavy atmosphere of the Albanian life the author faces with people who inspire sympathy and reverence. Remain unforgettable in the readers' mind two peasant girls, the old martaneshas man, customs police, Arifeja and Ali Bibi. Despite a kind of skepticism that is felt in their appearance, they come in a warm light, true human values, the beauty of spiritual purity and noble habits. The writer's opinion is that people, being ignorant and crude, need to train the soul and mind. "Doctor Needle" is a powerful satirical work. Given the reality of the Albanian heavy, anachronistic mentality and backwardness of life, the author opposes them, banters and strikes them without mercy. The denying idea-affective attitude makes you feel mockery and irony, satire and sarcasm in the written pages the work. They are shown strongly embodied in artistic force, in scenes and characters, situations and incredibly striking portraits. Masterful use of detail, plasticity of language and nuances of the word, make the satire of Konica original and natural.

Sharp social themes and issues, the negative flow of some social phenomena and powerful satirical notes make "Doctor Needle" a work with outstanding realistic features and representative of modern literature.

Konica wants to plow human minds and to inject novelty. Dr. Needle is the messenger of fate and knowledge, to inject in the blood of people, the concrete time. It's ridiculous even in the edge of death, that compatriots understand his language, but do not want to hear its meaning. Therefore Konica in reality and in art is, and becomes the injection of this society, which surprisingly does not give signs of desired recovery.

"The holder of such a war against the corrupted society and against backwardness is young doctor Dr. Needle, who was educated in the West and has a European-wide culture and an ideal Albanian heart"[1]

That's why Konica calls to "*Hush, civilize, join, do not trust the reports that say good things about us, and maybe one day we will come out as adults in the eyes of the world. The path that leads to honor, freedom and salvation is not paved with flowers but with thorns; he who reaches the roof reaches there torn, bloody, sweat, tired; and roses, laurels, the cold water, lawns where good and smooth you lie, are all found on the top only, and up there you often can't enjoy it because you may fall dead from the weary, but with the awareness that you opened a new path for people. We, brothers, are poor negers, without any importance at all ... No meetings, the pickaxe. No missions, but the pickaxe. But enough with praise"[2]*

This is the comprehensive message of the Konician prose, of Konica himself. It is this, his potential power as an artist, to predict the adequate future and to show the direction in which we should move; to be what it needs, and not a prey of vice, of conceit, of self-appraisal, but fairly reasonable beings, the face of the nation virtue, through work and knowledge. Faik Konica penetrates in the psychological analysis of the Albanian race which is done to face the miserable reality and irony that accompanies reluctance to change, therefore, this showdown deals, is done and understood as criticism.

 "… his compatriots ... were extremely poor reflections of the human race ... people annoyed by the world and themselves, who do not see…"[3]

These lines clearly show the irony that uses Konica to his compatriots, who did not want to see nor change. By defining people as such: "... who do not see", presupposes symbolically and ironically, that his compatriots didn't have their sense of "seeing", as imitative reflection of the human race model; this thing psychologically "doesn't make any service to them" as social beings. The reluctance to have this sense disallowed compatriots to search, to be at least not the miserable imitation, but normal beings who want to see. At this point in the psychology of race, fellows search only the wrong version of everything. Parable of their dismal compared to other human races, stimulates anger and revolt in Konica, seeing them satisfied and convinced up to absurdity, not to see themselves, not realizing their existence as beings outside of time. In "their heads", they did not accept the eyes of thought inside it, as every rational being. Instinctive stubbornness had made them choose to stay as they were, biological beings without eyes, as an exception to the rule of human wholeness.

Sadly the *"elite"* nicknamed *"camorra", "... cannot grant permission to any essential change in Albania."[4]*

"...*Essential change!...*" This right, as a request, as a change feature is essentially an aggressive feature, but its positivity in relation to what Konica sought for his compatriots with the immediate necessity to overcome the paradox of Albanian time, the paradox of the being "without eyes".

It takes more importance, when the final verdict of an "elite", "Camorrist" mentality, that didn't allow change, less than fundamental change, was the absolute controversy to novelty in principle and concept. This contradiction was expressed by a single word of this "elite": "Meazallah!"

Radical is the novelty, which wants to be introduced by Konica, but equally absolute, is the controversy it faces in relation to society. This kind of paradox, has affected the speech convention simply in Albanian. Irony is the controversy it faces, and paradoxes from it arise successively.

"Dr. Protagoras speaks half Greek; Dr. Emrullahu speaks half Turkish, only Dr.Needle speaks clear Albanian".

According to researcher Sabri Hamiti even the meaning of names is ironic and oriental - *Salep and Boza is the union of two oriental drinks names, Abd-al Katl, which in Albanian would be something like Rob Caterpillars, or Ibn-el-Kalb, which would mean son of Riffraff…".[5]* Konica, achieves to functionalize the name, which selects, as meaning a reality as painful and ridiculous. Names like Salem Boza, Abd-El -Katli, Dr.Habi-bullah, Dr. Emrullahu, Dr. Protagoras Dhalla, Denizullu Serpa, Zullu, Zgjebo etc are deliberately selected by Konica, to have an immediate effect firstly, aesthetic, in the auditive

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[1] Kiseri, Vedat, *International Symposioum...,* , Pristina, 2003.

[2] Konica, Faik, *Prose Doctor Needle...*, Tirana, 1983.

[3] Ibid

[4] Konica, F. *Works*, Tirana, 1983.

[5] Hamiti, Sabri, *Literary Works 8*, *Faik Konica*, Pristina, 2003.

taste of readers. The wonder, which is transmitted by these types of names and ugliness, accompanying them in shape, sound, provoke to understand something beyond the linguistic form. Konica encourages us to search the hidden "why" of the ironic meaning of their tragic message. He creates immediate reaction and instead forces you to see its purpose, to destroy with the typical sarcasm that ridiculous tradition worn from time, stuck up even in names. Konica was so destructive because the ridiculous spiritual taste and nutrition of his compatriots made him suffer; whose governing brain and leaders of the future fate of his fellows stood on the tracks of the past. Everything of them was mastication, as the process of nostalgic ruminating of the past.

The framework and rules of the game, in the Albanian time, for which Konica speaks, were: "Camorrist corruption!" Ironically only he was found appropriate, suitable, and perfect to be Albanian. Konica revealed without fear the archetype Albanian of that time. This model had remained outside of the real time of the human normality and what he would have wanted for them. Konica observed, identified and confirmed as no one before. For such impression, that gives its land and its people, he became the Needle. He pins without shrinkage to the bone, to give us the effect on the brain. Contemporarily he had its own novelty in concept, from zero to one and so on. So Konica also, requires, with the absurd in the brain and in the mentality, to be toppled; with the need to make the first step in the emancipation of society.

Sabri Hamiti makes a review of Konica saying: "*With Dr. Needle, Faik Konica introduces in the Albanian prose for the first time successfully the western Albanian man who, by learning knowledge is not bewildered nationally…"*[1]

Sharp social themes and issues, denying flows of some social phenomena and powerful satirical notes make "Doctor Needle" a work with outstanding realistic and modern features. Being aristocrat Konica didn't feel near the people, so he made its anatomy. Religion was ignored. "*This was the great Konica and his work: rarely the famous phrase:" Let c`est l`home style meme" finds such an embodiment more appropriate than in Konica; because he was all style. He recognized the secrets of style, with all the turns. His style was essentially satirical. The whole ranges of satire he proved, from the sweetest irony to sarcasm, from humor to lampoon. But he also was awake and sweet, when he wanted to ... Style in art is the main thing. There is no real literature without style"*[2].

Konica had only one ethic ideal- the motherland. The feature of Konica that distinguishes him from others is the fact that he served the motherland by criticizing it, by pointing out the flaws and weaknesses. His work is so complex and with such high quality that if in other authors you have to depart from the text to reach the author, in Konica you should start from the poet himself to reach his text; text that represents the burden of a society's judgment process that was rotting from century-old orintal rule.

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[1] Hamiti, Sabri, *Literary Work 8*, *Faik Konica*, Pristina, 2003.

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Some Aspects of the Juvenile Delinquency in Albania

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Abstract

The phenomenon of the juvenile delinquency in the Republic of Albania, likewise the other countries of the world, has been persisting and evolving induced by a variety of factors featuring both the individuals and the society, in the objective circumstances of which minors create their own personalities. Minors are human beings in a growing and developing process characterized by certain crossroads leading them to the age of maturity. The respective society circumstances and its many problems have an obvious effect into the delicate process of minors' growth and development. It is for this reason that understanding everything regarding the "minor" problem requires both technical cognition and human skills. The behavioral negative aspects drawing people's attention can generally be observed more in youth rather than in the adult ages. Moreover, it would be better considering the present-day juvenile delinquency as the tomorrow's adult criminality. The aim of this study is to consider juvenile delinquency as a concept, theoretically, summarized and as a phenomenon having its own specific causes, alongside understanding the infant delinquent's figure and personality. By means of the statistical data, it is possible to reveal the most consumed penal acts committed by minors in the Republic of Albania. This work will be introduced according to the following structure; Understanding juvenile delinquency and its distinctions from other similar concepts; The profile of juvenile delinquents; Volume and types of the penal acts committed by minors in Albania; Juvenile delinquency in terms of gender; Recommendations concerning the juvenile delinquency problems in the Albanian state.

Keywords: Juvenile delinquency, minors, delinquents, age, criminal profile, criminal factors, delinquency structures.

1. Introduction

There is no doubt that criminality is one of the most obvious social phenomena exacerbating the actual society as well as one of the most treated criminological problems by since the XIX century and on. The problems relating the individuals' negative conducts attracting the attention of the society can, generally, be better observed in minors rather than in major adults. Moreover, it is important to treat the present-day minors' criminality as a potential criminality of the major adults in the future.

Minors' criminality is a worldwide phenomenon, persisting both in big and industrialized cities and in the less developed areas, in rich and high-class families and in the poorest ones; therefore, it is a phenomenon featuring all the social strata, devoid of exception[1].

In this point of view, in the Republic of Albania as well, the phenomenon of juvenile delinquency has been persisting in the same ways as in the other countries of the world, induced by a variety of factors linked both with the individual as well as with the society and with the objective circumstances in which minors are grown and brought up and in which build up their personalities. The aim of this study is to deal with the following issues:

- Understanding juvenile delinquency and its distinctions from other similar concepts;
- The profile of juvenile delinquents;
- Volume and types of the penal acts committed by minors in Albania;
- Juvenile delinquency in terms of gender;
- Recommendations concerning the juvenile delinquency problems in the Albanian state.

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[1] See Hajdari, A.: "*Sistemi i drejtësisë për të mitur*", Prishtinë, 2010, p. 1-2.

2. Understanding juvenile delinquency and its distinctions from other similar concepts

It is somewhat difficult to define what juvenile delinquency means per se. In some countries juvenile delinquency is qualified as a such basing on the definitions made by the Penal Code regarding law infringements/violations committed by minors, whereas in other countries juvenile delinquency is addressed by a series of criminal offenses foreseen in their basic laws. It is for this reason that statistical data provided by some countries regarding juvenile delinquency, are inflated, whereas in some other countries data are not reflected exactly, but a limited number of deviant conducts[1]. Prior to dealing with juvenile delinquency, it is mandatory to clarify the concepts "delinquency" and "juvenile"[2].

At first place, delinquency or criminality in general, was considered as a specific phenomenon of deviation or inconsistency[3]. In this point of view and according to the perception: "criminality is the attitude resulting from the individuals' failure to adapt to the rules of the society they live in[4]" – a definition which says much and nothing at the same time. This is because there is no clue if it refers to the rules as a whole or to a part of them and if people, majors or minors, have to adapt to rules of a certain society.

Because of the influences by the classical school of the psycho-biological Penal Law and positivism, the juvenile delinquency has usually been considered as a totally individual issue; actually, the greatest part of the criminologists assert that criminality is a phenomenon featuring any kind of society and reflecting their main characteristics so that, to understand criminality as a phenomenon it is necessary to realize the main bases of each social class, both its functional and non-functional bases.

Amendments made in the field of legal punishment, especially in the field of trafficking crimes, in the economic domain and in the field of offences to environment, result to favor the thesis asserting the cultural dependence of the criminal offences, as maintained by Hegel in 1821. Nevertheless, to whatever extent this hypothesis is true, it is necessary to be concretized since it does not explain why and to what direction the concept of the criminal offences change in a certain epoch and moreover, it does not explain the reasons behind the variety of forms the deplorable acts are displayed within the same cultural circle[5]. However, according to Kaiser, it should be kept in mind that the conduct being subjected to social punishment in a certain country may not be considered as a criminal offence in other countries[6]. Considering these ideas Herrero Herrero defines criminality as a social phenomenon consisting of the entirety of infringements directed against the base rules of coexistence and occurring in a certain time and place[7]. Another author, López Rey, considers criminality as an individual and social-political phenomenon featuring the society as a whole and whose prevention, control and treatment requires the need for community collaboration and an adequate sentencing system.[8].

Once we have considered "criminality" as a concept "juvenile" needs also to be perceived, namely, what 'juvenile delinquency' stands for? The concept will not be seen in a wider meaning but in terms of penal sciences, perceiving it as crimes committed by individuals who have not reached major age[9]. It should be born in mind that, in various states, in its penal meaning, major age does not often coincide with civil and political meaning of it as such[10]. According to Herrero Herrero, juvenile delinquency is more a social-historical concept[11]. In this line of reasoning Garrido Genovés defines juvenile delinquency as a cultural figure since its definition and the legal treatment depends on various factors, in different states, reflecting an entirety of psychological and legal concepts. Technically, the juvenile delinquent is an individual not yet in major age, in terms of the judicial-penal meaning and who commits an action which is punishable by the law[12].

[1]David, P.R.: "*Sociología criminal juvenil*", Depalma, Buenos Aires, 1979, p. 31.
[2]Herrero Herrero, C.: "*Criminología (parte general y especial)*", Dykinson, Madrid, 1997, p. 359. Also, Siegel, L. J, Welsh B. C.: "*Juvenile delinquency. Theory, Practise and Law*", 11th edition, Wadsworth, Cengage Learning, 2009, 2012, p. 9-13.
[3]Izquierdo Moreno, C.: "*Delincuencia juvenil en la sociedad de consumo*", Mensajero, Bilbao, 1980, p. 7.
[4]Taken from "Report on Juvenile Delinquency, Advisory Committee", Melbourne, 1956, webpage: http://www.parliament.vic.gov.au/vufind/Record/51816 , last accessed on 15.02.2015.
[5]Sutherland, E. H, Cressey, D. R.: "*Criminologia*", translated by Zanichetti Mario, Giuffrè Editore, Milano, 1996, p.141-144.
[6]Kaiser, G.: "*Introducción a la criminología*", Dykinson, Madrid, 1988, p. 86-87.
[7]Herrero Herrero, C.: "*Criminología.....*", works. cited., p. 225.
[8]López Rey, M.: "*Criminología. Criminalidad y planificación de la política criminal*", Madrid, 1978, p. 10-11 and 21-38.
[9]Herrero Herrero, C.: "*Criminología.....*", works. cited., p. 360.
[10] Sutherland, E. H, Cressey, D. R.: "*Criminologia…*", works, cited. p. 27-29.
[11]Herrero Herrero, C.: "*Criminología.....*", works. cited., p. 362.
[12]Garrido Genovés, V.: "*Delincuencia juvenil*", Alambra, Madrid, 1986, p. 11.

According to Göppinger, in the criminology sciences, the concept juvenile should have a wider meaning, including age groups from 14 – 21 years of age, who should further be divided in minors and semi-majors[1]. In some countries of the Western Europe where there have been studies of the juvenile delinquency, scholars make distinctions between minors and a special category, the so-called "young adults". The term stands for individuals ranging from 18 - 21 years of age and in several cases even from 23 - 25 years of age[2]. According to this reasoning it can be said that *a juvenile delinquent [3]is the individual who has not yet reached a major age, as foreseen by the penal law and who commits an act which is punishable by the law.*

The General Assembly of the United Nations has provided its own definition for the juvenile delinquent in one of its acts: "*A juvenile delinquent is a child or young person who is alleged to have committed or who has been found to have committed an offence.*"[4].

The Penal Code of the Republic of Albania, (1995), bounds the minimum age of criminal responsibility at 14 years of age for crimes and at 16 years of age for penal infringements. This determination complies with Article 1 of the Convention on the Rights of the Child asserting: "*For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier".*

According to the Albanian Penal Code, concerning crimes, the intellectual ability and the necessary volition for minors to be responsible is achieved at the 14 years of age. This infers that minors have reached the proper mental maturity to distinguish the illegitimate and socially hazardous character of their actions and inactions. Determination of this age limit is based on the rationale that in the actual conditions of our society's development, a minor of this age possesses the proper knowledge to understand what is or is not a crime. A minimum age limit of 16 years of age has been determined for penal infringements, reasoning that the content of an infringement is more abstract and difficult to be comprehended by minors, so they should have a higher level of noses and living experiences to be responsible[5]. Persons who have not yet reached 14 years old cannot not be subject to penal responsibility but they can be subject to education measures. The juvenile's age to rich mental maturity, sufficient to comprehend the gravity of the offense and to understand the implications of his conducts in the society is not often the same for different minors. By since 14 years of age, which make up the lowest age limit of minority, the minors' mental abilities evolve vehemently until reaching 18 years of age, which is considered the age when minors' intellectual development to comprehend the gravity of criminal offences has been completed. So, above this age limit, the criminological treatment of the penal offences and of the persons who have committed them, shows that the study of the juvenile delinquency should not be limited solely to cognizing juvenile criminal offences committed, the means used to perform them or their consequences, but even to determine the features of the persons who have committed them, the scale of their abilities as well as their personality[6]. That is why legislation envisages limited penal responsibilities for minors. Finally, and by bearing in mind the aforementioned assertions, the juvenile delinquency in Albania can be defined as a social phenomenon incorporating the entirety of criminal offences committed by 14 – to 18 year-old individuals.

Perception of the juvenile criminality should be distinguishable from the other similar concepts, or the ones having common bases, suchlike *the notion of the social conflict* by means of which, according to Coser, is inferred the struggle for status, power and equal means, with parties aiming to liquidate, harm or eliminate their adversaries[7]. These concepts can bring confusion in treating the problems whose root causes are social avoidance or exclusion and anomy.

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[1]Núñez Paz, M.A.; Alonso Pérez, F.: "*Nociones de criminología*", Colex, Madrid, 2002, p. 306.

[2] Elezi, E; Hysi, V.: "*Politika Kriminale*", Tiranë, 2006, p 155.

[3] This term, delinquent, sems to be closer to reality as compared to the term "criminal'. This is for the fact that, actually, the Albanian legislation terms as criminals those individuals who commit crimes. Meanwhile, there are minors who also commit penal infringements, so it would have been unjust if they were referred to as criminals, by using a general term for all kinds of offenders. The term "delinquent" has a general character and provides a better description of the situation

[4] Beijing Rules, Paragraph 2. 2, bullet c.

[5]Muçi,Sh.: "*E drejta penale, Pjesa e Përgjithshme*", Botimet Dudaj, Tiranë, 2007, p. 127-128.

[6]Loeber, R., Farrington, D. P.: "*From juvenile delinquency to adult crime. Criminal careers, Justice policy, and Prevention*", Oxford University Press, New York, 2012, p. 4.

[7]Herrero Herrero, C.: "*Criminología.....*", works. cited., p. 363.

Cohen and Mertone have defined avoidance as a behavior or an attitude ceding the agreed norms established by a certain group to be applied by individuals who are transferred into active subjects of offences. Therefore, the avoidance is a result of the very ceding the individuals render to the previously established system of rules.[1].

Social exclusion can be defined as a psychosocial state of an individual facing insufficiency of life-sustaining resources, lacking a decent social status totally or partially as well as living in conditions that are far from the dominant level of the community life. Social exclusion cannot be confounded with criminal situations even though it often leads to the latter[2].

Anomie, which in terms of etymology means 'lawless', is, in reality a specific case of deviation, where the deviant conducts originate from contexts where law does not prevail, especially in the periods of social and political transformations having no meaning of what social and legal norms are to be followed. The situation of individuals that Park qualifies as marginalized and which persist between two or more cultures differing from each other and, by alternatively applying the rules of the one or the other, can be included in anomie, as well, as in the cases of ethnic minorities, (Roma, etc.) [3]

3. Profile of Juvenile Delinquent

There have been many efforts, in the judicial doctrine, to describe juvenile delinquents' type that would have served as a starting point for the application of efficient preventive programmes, such as education. According to scholars, there are a lot of individuals and living factors featuring juvenile delinquents that lead to the conclusion that they are flawy people and one of the flaws is the fact that they commit criminal offences. Among these factors, inclusive but not exhaustive, the following can be mentioned[4]:

- Impulsiveness;

- Desire to show off ;

- Lagging behind in school;

- Taking drugs;

- Law self-esteem;

- Troubled families;

- Low social class;

- Lack of affection (family warmth);

- Aggressivity;

- Lack of social conducts;

- Lack of emotional equilibrium;

- Incongruity;

- Frustration.

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[1]Herrero Herrero, C.: "*Criminología.....*", works. cited., p. 365.
[2]Herrero Herrero, C.: "*Criminología.....*", works. cited. p. 368.
[3]Herrero Herrero, C.: "*Criminología.....*", works. cited. pp. 366-367.
[4]Garrido Genovés, V.; Redondo Illescas, S.: "*Manual de criminología aplicada*", Ediciones Jurídicas Cuyo, Mendoza, 1997, pp 143-144, 149.

Basing on the specific features of personality or features of psychosocial nature, Herrero Herrero[1] divides juvenile delinquents in three typological categories:

The _first category_ includes juvenile delinquents suffering from pathological disorders especially from:

a) **Juvenile delinquents due to psychopathies.** This classification has the existence of one of the psychopathy forms as a reference point. With the term 'forms of psychopathy', according to Hare, will be meant the inability of the individuals bearing this illness to feel or show affection (warmth) for their kin, a problem which they use in their own advantage. These individuals have the ability to express false sincerity, making his victims believe they are innocent or they have repented deeply - all this to disguise continuing to manipulate or lie.

Because of this state, minors are unable to adapt to a certain ambiance, since because of disorders in his personality it is difficult for them to subject to the application of rules so they act against accepted norms.

The psychopath minor is prone to accomplish anti-social actions, due to the orientation of his/her relevant psychopathies, making these actions display coldness and cruelness in terms of subjectivity.

b) **Juvenile delinquents due to neurosis.** Neurosis consists into a grave psychic unwellness displaying conduct disorders. It may have different origins suchlike, failures in life, frustrations, being abandoned or having lost kin, etc. In the criminological points of view, people sick with neurosis try to hide the feeling of anxiety they experience, they commit crimes in order to be subject to punishment that in return will release them from the feeling of guilt weighing on them. This definition is applicable for minors suffering from neurosis, who, however, are much less numerous than adults.

c) **Juvenile delinquents due to the distorted perceptions of the reality.** This includes minors who, due to their persisting psychobiological conditions, confound fantasy with the play in such a high grade that they begin to live outside the factual reality. This abnormal condition might push them to perpetrate anti-social actions.

In the **_second category_** are included minors _with anomalies_ of non-pathological character.

a) **Juvenile delinquents with anti-social disorders in their personality.** This includes minors who are hyperactive, in state of irritation, often lack the feeling of guilt, lag behind in school and are less communicative or not communicative at all. One of the main causes of these disorders are the total lack of mother or her distorted figure, while not underestimating consequences from unfulfilled paternal role which, according to certain studies, growing fatherless bring forth problems which might push children to criminality. In many cases, this includes minors living on the streets, in permanent situations of abandonment, bearing feelings of anger and resentment towards the society. All these conditions have a common denominator; lack of affection, warmth and parental care. Finally, these youngsters are driven to crimes.

b) **Juvenile delinquents who respond by leaving home.** These minors are maltreated in their families so they abandon them. In psychological terms, these minors are weak and instead of responding to the aggression against them, they choose going away from their families - a timeless and unidentifiable departure. This is the reason why they await to be recruited by the organized crime mobs that incite them to commit certain penal offences.

In a **_third category_**, Herrero Herrero includes minors who display almost normal or close-to-normal features of their personality. They are affected by problematic situations that do not obfuscate their consciousness, their ability to make decisions and their emotional field profoundly. This category represents the greatest part of the juvenile delinquents among whom can be mentioned the following:

a) Minors committing simple acts of vandalism, etc, due to their born psychological perturbations persisting before and during their adolescence, due to the development of their body changes.
b) Minors committing small thefts or cheating to increase their values at the face of friends who show admiration for them.

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[1] Herrero Herrero, C.: "_Tipologías de delitos y de delincuentes en la delincuencia juvenil actual. Perspectiva criminológica_", in Actualidad Penal, Nº 41, 2002. f. 1089-1097. Also consult Herrero Herrero C.: "_Delincuencia de menores. Tratamiento criminólogico y juridico_", Dykinson, Madrid, 2008, p. 105 – 122; Sutherland, E. H, Cressey, D. R.: "_Criminologia_", works. cited. p. 221-245 as well as the group of authors: "_Lo sviluppo antisociale: dal bambino al giovane adulto. Una prospettiva evolutiva e psichiatrico-forense_", Raffaello Cortina Editore, Milano, 2010, p 237-255.

c) Minors committing crimes against property or sexual inviolability simply for pleasure since it is possible for them to resist temptations.

d) Minors committing crimes to satisfy their material greed.

It should be born in mind that classification of juvenile delinquents basing on the type of mental illnesses they are suffering from does not mean that crimes are result of the inner biological problems they suffer from. Often they commit crimes while being under the effect of the instant psychotic disorders, (hallucinations, delirious ideas, illusions, etc). The overall opinion is that, one person, including minors, commits illegal deeds motivated by different reasons. Often these reasons belong to the social nature. In analyzing criminogenic factors, I think, one should consider to intertwine both the psychic and social elements.

In these terms, West, reveals that one of the many factors leading to well understanding of the delinquents' features might be the low social class they belong to, schooling deficiencies, poverty, an unreliable family ambiance, problematic neighborhoods or numerous families. To this regard, he accented that low-social-class families lived in poor communities, had a great number of children and suffered from poverty and lack of education. In other words, such factors merge and in collaboration, create a criminal situation[1].

On the other side, other scholars do not support the idea that criminal conducts prevail in the poor strata of the society. They explain the great number of sentenced minors with the fact that poor classes are more exposed to penal prosecution and sentencing as compared to the middle and rich classes for the same infringements, since both the latter would be tried in a more favorable form. In this sense, Short and Nye, in a study undertaken in 1959 revealed that North American high schools youth belonging to high social classes displayed the same bad behaviors as the others. In addition, Akers, in a study realized in 1964 with over 1000 high school students in Ohio, asserted that there was no essential connection among causes of criminality and the social-economic categories[2]. Personally, I support the conclusions of the second current of scholars.

Regarding Albania, it results that minors committing penal offences descend from families of a lower economic and cultural level. A part of them, descend from families originating from remote regions that have been located to urban areas, divorced families, etc. Regarding the educational level, the Statistical Year-Book of the Ministry of Justice of 2013[3] offers the following data:

Minors involved in crimes

No. of the sentenced minors	With no education	With education.
589	28	580

Minors involved in penal infringements

No. of the sentenced minors	With no education	With education
91	4	89

4. Volume and the types of the penal offences committed by the juvenile delinquents

Description of the minors' delinquent behaviors for the period we are speaking about is, undoubtedly, a crucial point of this writing since it helps us understand the Albanian juvenile delinquents' habits and actions in depth.

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[1]West, D.J.: "*La delincuencia juvenil*", Labor, Barcelona, 1957, f. 52-53.
[2]West, D.J.: *"La delincuencia ......"*, works. cited on p. 56.
[3]Consulted on webpage: http://www.drejtesia.gov.al/al/dokumente/statistika last accessed on 15.02.2015.

In order to analyze the Juvenile delinquency in Albania, we have been referred to the Statistical Year-Book of the Ministry of Justice of 2013[1], according to which, statistical data regarding juvenile delinquency, compared to 2007, 2008, 2009, 2010, 2011 and 2012, reflect a considerable increase of the phenomenon.

It is to be emphasized that in 2013, 87% of minors are sentenced for crimes. However, in 2013, as compared to 2012, the number of sentenced minors has decreased by 237 minors. Bearing in mind the rapport of the total number of sentenced minors (680) and the number of minors sentenced for crimes (589), in 2013, compared to rapport of the total number of sentenced minors (883) with the number of the minors sentenced for crimes, (826) in 2012, it results that the number of minors sentenced for crimes has decreased, (from 94% in 2012 to 87% in 2013). Considering penal infringements, compared to the same year, it results that the number of sentenced minors has been increasing. Compared to the sentenced individuals in a country scale, (8,577) the sentenced minors constitute only 8% of them.

A table presentation of the data about minors involved in committing penal crimes in Albania during 2013[2] would reveal the following:

Type of penal offence	Article of Penal Code	No of minors involved
Crimes		
Premeditated homicide	76	3
Homicides committed in other specific circumstances	79/e	1
Manslaughter	85	1
Serious intentional injury	88	11
Serious wounding under the conditions of hard psychic distress	88/a	2
Sexual or homosexual relations/ intercourse with minors/children	100/1	3
Serious immoral acts	108	2
Unlawful detention	110/2	1
Prostitution	113	1
Domestic violence	130/a	2
Theft	134/1	142
Theft	134/2	319
Theft	134/3	1
Robbery	139	16
Robbery with the use of weapons	140	5
Deception/Fraud	143	3
Destroying property	150	5

[1]Data taken from "*Vjetari statistikor. Ministria e Drejtësisë*", 2011, p. 81, to the webpage: http://www.drejtesia.gov.al/al/dokumente/statistika last accessed on 15.02.2015.

[2]Data taken from "*Vjetari statistikor. Ministria e Drejtësisë*", 2011, p. 83-84, accessed in the webpage: http://www.drejtesia.gov.al/al/dokumente/statistika

Destroying property by fire	151	1
Destroying power network	156	1
Falsification of Documents	186	2
Falsification of Identity Documents, Passports or Visas	189	5
Documents disappearing and stealing	192/a	3
Interference in the computer transmissions	192/b	2
Opposing the official of the public order police	236/2	2
Assault [to an official] on duty	237	1
Illegal manufacturing and keeping military weapons and ammunition	278/2	12
Illegal manufacturing and keeping military weapons and ammunition	278/4	2
Illegally manufacturing and keeping weapons with blades	279	24
Manufacturing and selling narcotics	283	12
Cultivating narcotic plants	284/1	2
Laundering of proceeds of criminal offence or criminal activity	287	1
The appropriation of money or goods which derive from the criminal offence or criminal activity	287/b	2
Violation of road traffic regulations	290	3
Breach of flight rules	299	1
Failure to report a crime	300	5
Obstruction of justice	301	1
False report	305	7
Escape of the convicted from the place of detention	323	1
Penal Infringements		
Threat	84	4
Non-serious intentional injury	89	10
Other intentional harm	90	3
Insulting	119	1
Coercing or prohibition to cohabit or to enter into or dissolve a marriage	130	4
Obstructing religious ceremonies	133	2
Unlawfully cutting forests	205	4

Opposing an official on state duty or public service	235/1	2
Opposing the official of the public order police	236/1	1
Leaving the scene of an accident	273	3
Breach of public peace	274	1
Wrongful intentional use of telephone calls	275	4
Illegal manufacturing and keeping ammunition	278/3	1
Illegally manufacturing and keeping hunting and sporting rifles	280	3
The appropriation of money or goods which derive from the criminal offence or criminal activity	287/b	1
Illegal production of industrial and food items/commodities	288/a/1	41
Irregular driving of vehicles	291	5
False declarations before the judicial police officer	305/b/1	2
Others		1

It results that the greatest number of penal offences consists of both minute and bigger thefts. They comprise a special form of "micro-criminality" in which prevails the desire to appropriate personal belongings of the others or to harm other people or their property. The minors' efforts to show off and, at the same time, a pathological need to commit extreme and dangerous acts is very obvious and significant in these cases. This typology might include all the young people who are in conflict with both their parents and the society, the ones not respecting moral norms and values and who oppose any kind of rules. Since there is no example to be followed, young people build their personality by choosing to imitate unreal models (mostly seen in films or magazines). Prevailing of the penal offences against property makes one think that there is a connection between the increase of the juvenile delinquency and the unrestrained greed to appropriate consumer goods. On the other side, a society based totally on consumption urges youth with the need for possessing whatever the society offers as main material goods.

5. Juvenile delinquency in terms of gender

Male delinquents are distinguished to be more numerous than females[1]. Female juvenile delinquency commenced to become object of study by the end of '60s, a time that coincided with movements for the freedom of women and was considered a great achievement to this regard. The following can be mentioned among the main theories about female criminality:

▪ *Classical, biological, psychoanalytical and psychiatric theories*:

▪ *The intermediate theories with individualist outlook and social tendencies;* Thomas, Pollack, Cowie.

▪ *The social character theories,* with functional features, (the theory of the role and the theory of the equal opportunities) and critical features (the theory of social control and the theory of economic dependence).

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[1] Siegel, L. J, Welsh B. C.: "*Juvenile delinquency...*", work. cited, p. 55.

Classical theories try to explain female criminality basing on the individual features, by the biological content, (the bio-anthropological anomalies, sexual development etc.), psychoanalytical or psychiatric ones. Prevailing in these theories is the idea equalizing female criminality with the biological or psychical disorders.

In present days, these theories have no scientific base, although they have roots in certain societies as well as in some criminological studies, suchlike those of Smart, in which the criminal female is introduced as an individual with mental disease.

Development of criminology and the disregard of biological and individual factors (determinism) opened ways for the social character theories that constitute the basis of modern theories over female criminality.

The greatest support to the science of criminology, regarding the study of the female criminality, has been given by social theories with functional features as well as critical criminology.

Functional theories (mainly the theories of roles and those of equal opportunities) have mainly been committed to explicating on the increase into the female criminality as well as the new variations in committing penal offences. Critical criminology (especially the theories of the social control and the theory of economic dependence), have been committed to study the effect of social control, be it formal or informal, on the females' criminal conducts[1]. If needed to compare the male and female criminality, the comparison per se cannot be made without considering distinctions persisting between the two sexes[2].

1. At first place, the problematic conduct of girls is shown, in general, with the same features characterizing boys of the same age.

2. Attitudes of both sexes are to the degree that can be defined as violation of rules, but not always criminal, e.g. consuming alcohol, playing truant in school classes, etc.

3. Boys, usually are prone to be organized in certain groups in which they are incited to bad conducts, whereas girls, at least in our reality, have not yet managed to do such things.

4. It has resulted, from the study of the Court decisions, that the number of males tried and sentenced is prevailing.

5. Some of the reasons why females are less prone to behave in problematic ways have to do with the psychosocial factors and the family control. Usually the girls' way of life reflects feelings of protection and rule effectuation. They are subject of strict control by their families both about how they are doing at school and about their free time, which explains the small number of juvenile females committing penal offences.

7. Recommendations concerning the juvenile delinquency problems

Juvenile delinquency is a phenomenon persisting in any societies and needs to be paid a special attention.

The society's response to that phenomenon is crucial to know the minors' personality and to intervene in order to prevent minors from getting involved into crimes.

In Albania, until recently, the solutions to these problems have not been based on the principles of "an efficient penal system" but on the principles of a "tougher and more repressive system".

Treatment of delinquent juveniles in this way has come due to the lack of a separate legal system for minors in the penal legislation and due to the mis-comprehension of the juvenile delinquents figure.

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[1] Montañés Rodríguez, J.; Bartolomé Gutiérrez, R.; Latorre Postigo, J.M.; Rechea Alberola, C.: "*Delincuencia juvenil femenina y su comparación con la masculina*", in the common study "Estudios de criminología II", Universidad de Castilla La Mancha, Cuenca, 1999, p. 253-256.

[2] Montañés Rodríguez, J.; Bartolomé Gutiérrez, R.; Latorre Postigo, J.M.; Rechea Alberola, C.: "*Delincuencia juvenil ....*", works, cited. p. 275-278.

Generally, the attitudes perceived until later, regarding the response to juvenile delinquents, are typically those of a "traditional" justice.

Measures foreseen by this type of system consist of:

• Increasing the number of police force.

• Coarsening penal sentencing.

• Increasing the number of the prisoners.

Regarding the issues to respond to juvenile delinquency, at first hand, is the radical response equalizing "the system of effective sentencing" with the "system of heavy and penalizing convictions". Alongside the just asserted "radical" response, have also been proposed, continuously, more moderates responses that can be classified as "traditional". These support the thought to coarsen sentencing system, within constitutional provisions, with measures that should be used in a continuous way to fight criminality such as the increase in the number of the police force, strengthening and coarsening convictions, and increasing the number of prisoners. The citizens also require the previously mentioned responses; however, they do not constitute the most effective means, neither to lower criminality indicators nor to resolve conflicts provoked by the criminal acts.

Contrary to the "radical" and "conservative" responses, there are a wide range of recommendations and directives, worked out by professional sectors that are directly linked with the treatment of minors in risk[1]. Part of them is criminologists, lawyers, psychologists, sociologists, social workers, etc, which aim to resolve the conflicts incited by juvenile delinquency, mitigate any kinds of problems as well as treat and direct minors. All these should be realized within the constitutional order and by respecting human rights.

These recommendations have been compiled based on the directives provided by the United Nations and which have been summarized in the following international acts[2]:

• United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines approved by the General Assembly of the United Nations with Resolution 4/12.)

• United Nations Rules for the Protection of Juveniles Deprived of Liberty.

• United Nations Minimum Rules for the Administration of Juvenile Justice. (Beijing's Rules)

• United Nations Convention on the Rights of the Child, 20 November 1989).

Interventions to be undertaken both by communities and by the state should be alternated in order to determine the strategy for a common action. Interventions to be undertaken, basing on recommendations by international acts effective in this domain are:

a) **Prevention instead of penalization**. The best way to prevent juvenile delinquency is to disallow the nascence of new delinquents. In order to achieve that, many reliable programs of social, economic and educational assistance and employment should be applied.

b) **Diminishing the use of traditional, common justice.** Other measures and **different** ways should be applied for resolving problems the juvenile delinquency brings forth, before the intervention of the Court. The decrease into the use of the common justice system requires the diminution of state interventions, by increasing the intervention of the other social groups for resolving conflicts, suchlike family, the school, community, etc. Maximum decrease of stationing juveniles into the penitentiary institutions and allowing it solely in exclusive cases.

c) **Elasticity in determining penal sentencing and other measures.** By means of effective measures which can be alternated and determined in consistency with the minor's specific circumstances, the respective conditions, the

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[1] Palomba, F.: "*Il sistema del processo penale minorile*", Giuffrè Editore, Milano, 2002, p. 45-52.
[2] Landrove Díaz, G.: "*Derecho penal de menores*", tirant lo blanch, Valencia, 2001, p. 113-128.

improvements and the progress regarding the execution of the measures, there can be achieved a better individualization of the imposed measure, so that it suits to the significance of the case and the minor's needs.

d)All the rights entitled to adults by the law should also be applicable to the juvenile offenders.

e)Increase of professionalism and specialization of the police forces in the domains related to juveniles, alongside judges, prosecutors and lawyers. Improvement to the technical aspects of these professions will bring a greater effectiveness in the integration of the juvenile delinquency.

Deeper understanding and effectuation of these recommendations, by searching more alternatives that would be acceptable by parties in conflicts incited by juvenile delinquency, instead of punishing and sentencing juveniles, would bring effective responses to this problem which has reached to this scale of aggravation, requiring the motivation of all sectors involved in penal policies to establish proper responses and solutions to this phenomenon.

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Organized Crime and the Prevention Thereof

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Abstract

Organized crime has been and persists as one of the most concerning problems threatening the society and the state. The exigency to fight organized crime has urged the necessity of adopting a range of legislative measures both in national and international level, which, consequently have induced establishment of the new institutions of justice and have brought significant changes into the judicial nature of the existing ones. Discovery, identification, requisition and confiscation of property are product of crime and part of any strategies involved in the fighting against organized crime or other serious crimes. In the frame of the fight against corruption, the compliance of the Albanian legislation with international standards constitutes a crucial aspect since the engagement in international level promotes legal reform in the domain of penal legislation; aiming to deal a blow to corruption in all forms it is displayed. This writing will treat precisely the compliance of legislation as well as the role of the authorities of justice, which are the ones giving life to penal legislation and rendering it effective.

Keywords: Organized crime, international agreement, mutual collaboration, Criminal Procedure Code, Penal Code.

1. Situation of the organized crime in Albania

The situation of the organized crime in Albania requires a special and in -depth analysis, based on data, facts and evidence regarding the ways it has been evolved and the forms it has been displayed.

Inclinations to organized crime have been obvious during the whole years of the totalitarian system in Albania. Despite the all-round isolation and the impossibility of trespassing the country's border, organized crime persisted in simple forms suchlike smuggling, criminal gangs for stealing as well as other crimes, whereas some forms of organized crime were even rendered by the system itself, as in the case of the tobacco smuggling.[1]

After 90's, there have been several factors effecting the gradual evolvement of the organized crime in Albania, at first being displayed in simple forms and later in utterly organized groups. The main factors revealed by scholars are;

- Establishment of contacts among individuals with criminal disposition in Albania and those in the neighboring countries, making use of their experiences and forms of the evolvement of organized crime;
- Lack of community awareness about risks and the consequences of the organized crime;
- Plentiful gains made through organized crimes as well as earning a great deal of money in the shortest time possible;
- High level of poverty;
- Factors related to geographic position of the country;
- The low level of response by the state institutions;
- Lack of the necessary legal instruments against the organized crime[2].

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[1] Ministry of Interior Project, 2007, Strategjia Ndërsektoriale e Luftës kundër Krimit të Organizuar, Trafiqeve dhe Terrorizmit , p 10.
[2] ' Politika e luftimit të kriminalitetit" , Hysi V

Because of these factors as well as many others, within a short period, the reports of the international institutions began to refer to Albania as source of high criminality. Gradually and as the time passed by, the Albanian criminal gangs became competitive to Italian, French, Belgian, English and Greek criminal gangs[1]. Alongside the evolvement of the organized crime in Albania, evolved the response by the state institutions, too, mainly the reaction of the specialized organs to investigate about and fight the typical cases of the forms the organized crimes were displayed suchlike trafficking of human beings, prostitution, smuggling as well as other forms of trafficking.

At meantime, there have also been ascertained inclinations to create criminal organizations, with criminal dispositions which commenced to commit serious crimes suchlike homicide and robbery with the use of weapons. Utterly criminal organizations were also the usury firms created in Albania, tending to money laundering or other criminal dispositions. The year 1997 marked one of the peaks of the evolvement of criminal gangs and armed bands in Albania as well as the crystallization of the organized crime in the country. Criminal gangs were organized in structural groups with specialized tasks, sustainable criminal activity and tending to increase perpetrating serious crimes.

For years on end, the reaction against an increasing criminal situation has been weak, even because of corruption, pressure, fear and uncertainty. It was the insistence of international organizations and the European Union that induced the undertaking of institutional steps in the fight against organized crime.

Progress made to this regard by the Ministry of Interior and the structures of the state police was reflected even in the Report on the situation of the organized crime, realized by project CARPO, which states: "It is quite fair to emphasize that the recent dismantling and the arrest of some individuals of high criminal profile and members of several criminal organizations has given a heavy blow to the world of organized crime in Albania. This once more shows the determination and the readiness of the Albanian government to fight all kinds of organized crime"[2]

Precisely for this reason, the fight against corruption has been the main priority of the state penal politics in general. The entirety of the measures taken has been reflected into the Albanian penal legislation and the Penal Code of the Republic of Albania, based on the UNO declaration "Fighting Corruption and Bribery"[3] Part of the amendment of the Penal Code with provisions against corruption have also become even new figures, suchlike the passive corruption of foreign officials and judges. All this criminalization testifies that the state policy against organized crime is on the right path though it needs to be further evolved not only in the national but also even in international ambit[4]. Collaboration in local, regional and international level against the organized crime as well as against crimes in general, cannot succeed if it is not organized and combined in a unique way both in national and international ambit. The successful fight against corruption and the organized crime in general requires all-round consideration, continuity and sustainability in its implementation based on preliminary rules and responsibilities.

2. Institutional frame and strategies

Actually, the preventive measures have been established firmly in terms of practical planning as well as in the theoretical debate, in the field of the modern strategies against organized crime, corruption, money laundering and financing terrorism. In this frame, in international plan, an even greater attention is being paid to the measures for the identification, discovery, freezing, sequestering and later on confiscating the products of the criminal offenses of the organized crime groups, as another effective way to weaken their economic power. Efforts are being concentrated especially in the compliance of the legislations, aiming to create a legal framework suitable to operate in international level, since it has been obvious that differences among legislations would provide a serious obstacle to the effective fighting against organized crime.

The domain of the fight against organized crime and illegal trafficking is one of the priority fields of the Albanian Government as well as an important element in the frame of the integration of the country in the European Union. Commitments are in line with the obligations determined in the Association and Stabilization Agreement[5]. These obligations entail the necessity

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[1] Ibid ,Hysi V

[2] Raport of CARPO "On the situation of Organized crime ,Strasbourg 2006 , Albanian version p. 71

[3] Law no. 9275,dated 16.09.2004

[4] Politika e luftimit te kriminalitetit, Hysi V, Latifi V,Elezi I, p121

[5] Law no. 9590, dated 27.7.2006 On the ratification of the "Association and Stabilization Agreement between the Republic of Albania and the European Communities and Member States "

for Albania to engage into regional collaboration and promote good neighborhood relations for the development of the projects of common interest about issues related to the fight against organized crime, illegal immigration and trafficking, especially the trafficking of human beings, smuggling, the illegal trafficking of weapons, cars etc. These obligations consist into a key factor for evolving relations of collaboration among Albania and other countries, so contributing directly to regional stability.

- Undertaking investigations which aim to completely destroy criminal networks, criminal organizations or structured groups of all dispositions or forms of crime;
- Paternity as one of the main policies of those structures;
- Increasing the awareness about the experiences of the more progressive countries in the fight against organized crime;
- Ever increasing risk for individuals or groups of individuals involved into these activities;
- Diminution of drug offers and the destabilization of their market in order to minimize the availability and usage of drugs;
- Elimination of the cases of corruption and crime in the economic-financial domains;
- Increasing citizens' awareness regarding effects of the organized crime in the Albanian society as well as into the destabilization of the country's economy.
- Minimizing   human beings trafficking and all other sorts of trafficking;
- Prevention of the money laundering in the country;[1]

2.1 Legal base of the fight against organized crime;

A wide range of legislative base exists in the field of organized crime and illegal trafficking, among which the following might be mentioned as primary;

- Law no. 7895 dated 27.01.1995 the "Penal Code" which has been continuously amended by adding new figures of criminal offenses, mainly in the field of organized crime;
- Law no. 7905 dated 21.03.1995 "Criminal Procedure Code of the Republic of Albania", which in years has also been object of a range of amendments and improvements regarding penal proceeding of the crime authors and applications of the techniques and methods of investigation;
- Law no. 8610 dated 17.05.2000 "On the prevention of money laundering" amended with Law no. 9804 dated 19.06.2003, drafted in compliance with the standards of the European Union, according to Directive 91/308/EC, dated 10.06.1991 "On the prevention of the use of the financial system for the purpose of money laundering" and Directive 01/97/EC dated 04.12.2001, amending Directive 91/308/EC.
- Palermo Protocol 2000 "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", in compliance with the UN Convention "Against the International Organized Crime";
- Law no. 8920 dated, 11.7.2002, "On the ratification of the United Nations Conventions against the International Organized Crime' and its protocols;
- Law no. 9284 dated, 30.9.2004 "For the Prevention and Suppression of the Organized Crime"
- Civil Convention "About Corruption" dated 06.07.2000;
- Penal convention "About Corruption" dated 26.04.2001;
- Convention "About cleaning, discovering, sequestering, and confiscating crime revenues" dated 27.01.2006.

2.2 Responsible structures

In order to implement obligations deriving from the legislation in force in the field of prevention of money laundering, the following structures have been made available;

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[1] Ligji nr. 9590, datë 27.7.2006 On the ratification of the "Association and Stabilization Agreement between the Republic of Albania and the European Communities and Member States "
"

- General Directorate for the Prevention of Money Laundry (GDPML), which is taking the role of the financial intelligence units. The Directory's mission is to prevent the "money laundering" as well as the fight against terrorist financing by collecting, verifying, evaluating, controlling and preserving information from the subjects of law as well as by suspending, blocking and freezing any actions, aiming to prevent transferring, alteration or transition of property or products sourcing from criminal activities in coordination with other law enforcement structures suchlike the Ministry of Interior, General Prosecutor's Office, National Intelligence Service and other homologous organisms and the international institutions; in drafting collaboration plans and mutual assistance relating to the prevention of "money laundering" with other countries, based on the ratified international conventions.

-National Committee for Coordinating the Fight against Money Laundry (NCCFML). This committee is directed by the Prime Minister and consists of representatives from several state institutions. Its main tasks are to determine the main directions of the state policy in the field of money laundering prevention; considering and analyzing 6-months reports of the activities accomplished by the General Directorate for the Prevention of Money Laundering as well as reports and documents compiled by international institutions and organisms exerting their activities in the field of the money laundering prevention; the Bank of Albania (Observation Department);

- Sector of the Fight against Money Laundering integral part of the Directory of the Fight against Organized Crime at the Department of Criminal Investigation in the Ministry of Interior. The main tasks of this sector are the direction, coordination and exertion of activity for the prevention, discovery, documentation and the interruption of the criminal activities in the field of money laundering as well as crimes in the economic and financial fields.

- General Directorate for the Prevention of Money Laundry exerts its activity in the field relating the prevention and fight against money laundering, terrorist financing and financial crimes in general. Structured in two directorates, the Directorate of Analysis and Monitoring and the Directorate of Prevention and Observation, GDPML exerts the functions of the financial information unit. It serves as a national centre and is responsible for collecting, analyzing and dispatching data to the competent authorities regarding suspicions for money laundering and potential financing of terrorism. Data are obtained from the financial information reported by institutions envisaged by law No.8610, dated 17.05.2000, "About the Prevention of Money Laundering"[1]. Reporting is about cases of financial transactions over the legally determined values, suspicious cases provided by reporting subjects as well as declarations of transactions in "cash" in the Republic of Albania or abroad. In order to realize the obligations determined by the institutions that signed this Memorandum, the ratified international conventions as well as in order to make possible the identification, discovery, freezing, blocking, sequestration, and confiscation of money, possession, revenues, profits and products sourcing from the criminal activity, mainly from the organized crime as well as for penalizing members of the criminal activity and prevention of this phenomenon, was decided to set up the Contact Group, comprised of specialists from these institutions.

   In order to apply legislation in force and in conformity with the object of their activity members of this group have full authority to cooperate in fields suchlike information swapping about the subjects suspected for money laundering; drafting common programs about their functional activity in the fight against money laundering and financing of terrorism; undertaking swift actions in operative anti-crime aspects to prevent any transaction or alteration of property sourcing from criminal activities; identification, verification, discovery, prosecution, blocking and freezing funds made available to terrorist organizations and groups financing terrorism; determining the common measures to be made against individuals or subjects involved in the criminal offense of money laundering conform the penal procedure of the Republic of Albania. Compound sectors of institutions prosecuting the economic and financial crime envision forms of collaboration to operate in conformity with the law for information swapping about individuals, both physical and juridical persons who are suspected that the origin of their possessions might be sourcing from criminal activities; foresee tasks for obtaining information in cross-border points regarding occurrences of exporting currency in cash and travelers' cheques abroad or importing them in the territory of the Republic of Albania and, depending on the situations created and concrete problems, envision tasks for evaluation, necessity and the importance of collaboration in information swapping; collaborate for the discovery, documentation and identification of possession sourcing from organized crime activities such as trafficking of human beings, drugs, arms, smuggling, fiscal evasion, etc.

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[1] Amended by Law. 9084, dated 19.06.2003, "About some supplements and amendments in Law no.. 8610, dated 17.05.2000 "About the Prevention of Money Laundry".

2.3 Practical effectuation of the law no. 9284, dated 30.09.2004 "About the Prevention and Suppression of the Organized Crime"

The new "Antimafia" law, passed by Parliament on 03.12.2009, differently from what is being discussed, does not bring essential and conceptual changes, compared to law no. 9284 which has been effective for about 5 years, bys since 2004. Before analyzing the two previous laws comparatively, it is necessary to introduce the first legislative initiative preceded by the first antimafia law no. 9284, dated 30.09.2004.

The law "About the prevention and the suppression of the organized crime" [1] envisaged concrete measures to prevent and suppress the organized crime via discovering, identification, sequestration and confiscation of illegal possessions of the suspected individuals as being involved in organized crime as well as for the determination of the ways this possession has been used. The 2004 law aimed at realizing an effective blow to the phenomenon of organized crime, terrorism and illegal trafficking. The United Colleges of the High Court, by decision no.1 dated 25.01.2007, have ruled on   the decision no. 37 dated 10.07.2006 of the Court of Appeal for Serious Crimes, Tirane, over the sequestration of possessions basing on the law nr.9284, dated 30.09.2004 "About the Prevention and Suppression of the Organized Crime". In this decision, the United Colleges of the High Court unified judicial practices regarding the following;

• Explication and interpretation of the meaning of article 4, bullet 3 and article 28 bullet 1, of the Law. 9284, dated 30.09.2004 – over the appointment of the competent Court to investigate and judge over the preventive measures for sequestration and confiscation possession of the possessions as well as on the adjudication of the case laws;
• Meaning and interpretation of articles 7 and 10 of the Law no. 9284, dated 30.09.2004;
• Interpretation of the time to decide for confiscation   in compliance with article 9 or 7 of the Law no 9284, dated 30.09.2004;
• Interpretation of the terms used for the suspension and sequestration in articles 9 and 10 of the Law no 9284, dated 30.09.2004.

As for the above, referring to actual provisions of the Law no. 9284, dated 30.09.2004, for the unification of the judicial practices regarding their application, as ruled by the High Court,   as well as the recommendations of the experts from the EU member states, the amendment of the Law no. 9284, dated 30.09.2004 "About the prevention and the suppression of the organized crime", because of the intervention by the Colleges of the High Court with its unifying decision dated 25.01.2007. Amendment of this law will be in two aspects; total reformulation of some provisions and supplements and improvements in the existing articles of the law. These amendments and improvements intend the proper separation of the civil procedure related to sequestration/confiscation of the illegal possessions from the penal procedure, emphasizing the fact that the procedure is against the property, not against the individuals. Some of these amendments are the following;

-Supplementing article 2/2, entitled "Definitions" in which the new terms used in the law are listed, suchlike 'preventive measures', 'suspected person', and 'unjustified living standards'. Preventive measures have been summarized in a single concept to make their meaning easier and include the sequestration and confiscation of the possessions. The suspected individual has been defined to highlight the fact that such a term does not stand only for individuals against whom penal proceeding have commenced, is going on or has ended. For the purpose of this law, this concept includes even individuals having an unjustified standard of living in rapport with their incomes.

-In addition to article 2/2 is added the new article 2/3, which defines the criteria to determining preventive measures. Differently from law 9284, dated 30.09.2004, the bill exacts that preventive measures are applied to the possessions of the suspected individuals (*in rem*) and to the individuals (*in personam*). This division intends to ease the meaning and the application of the law in practice, by means of using civil procedure against these possessions. Civil procedure imposed to possessions has the advantages of the evidence burdening the person having the property and the level of proving the evidence is obviously lower than in the penal procedure. This choice has been accepted in the contemporary doctrine

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[1] Law no.9284 , dated 30.09.2004.

where, civil proceeding for sequestration/confiscation is a penal proceeding *in rem,* being directed against property (detached and autonomous from the penal proceedings), as compared to the penal proceeding against the individual which is judicial proceeding *in personam.* In the latter proceeding, sequestration/confiscation is investigative actions and result of the decision of the proceeding authority on declaring the individual guilty for criminal offense. This judicial proceeding, which is *sui generis*, will proceed, at any case, by basing on the principles for a fair judicial procedure and the fundamental human rights and freedoms.

- Article 3 was improved by changing its title, which has become "Field of implementation" and by removing the condition "based on evidence" in compliance with the implementation aim of this law, which is against property and not against the person. Two more bullets have been added to this article, letters "d" and "dh" which supplement the circle of penal offenses including the unjustified living standards as the basis for verifying proceedings to begin in compliance with this law. In addition, this article has been supplemented with a new paragraph, containing the timely application of this law, so resolving the deadlock created from the unifying decision of the High Court.

- Another supplement is law 3/1, which re-emphasizes that the verification procedure acts against the possessions and extends the law's scope of activity, extending it to the heirs of the illegal property as well. This provision established the concept of relationships, including even the relatives. Therefore, this provision helps to understand easily the other specific provisions related to the family circle of these individuals

-In article 4 of the bill, object of investigations are the trade activities, too, in addition to the economic activities. In addition, this provision has been supplemented with the right of verification to the properties gained in an unlawful way. The term "administrative', which associated the civil procedure has been removed both from this provision and in the others, in order to precise that this bill establishes a *"sui generis"* procedure, which does not conform to the administrative procedure acknowledged by the Albanian legislation.

-Article 5 of the law was amended by adding two new paragraphs. The first paragraph foresees the obligation of the judicial police to report immediately to the prosecutor, any cases of the properties to be verified, so reflecting the concern of the prosecution authorities. The second paragraph foresees the other institutions directed by special laws can exert the competences for the preliminary verification. This new article, determines clearly and in compliance with the unifying decision of the High Court, that competence for judging these cases lies with the Court for Serious Crimes. This prediction does not change the actual policy on the premises that this Court has already created a "profile" for cases of such nature. On the other side, according to article 7 of the law No.9110, dated 24.7.2003, "On the organization and functions of the Courts for Serious Crimes", this Court applies even procedures predicted by special laws, alongside procedures determined by the Criminal Procedure Code.

-In conformity with the unifying decision of the High Court is determined the composition of the judicial body to judge on these case laws, - the first instance court for serious crimes, with a judicial body consisting of three judges, (Collegial Court). Paragraph 3 determines that judging will take place in compliance with the Criminal Procedure Code, as far as there is compliance with the nature of this judicial procedure. The burden of evidence, which is one of the main elements of this procedure, falls on the individuals who are subject to proceedings and who have to justify the legal origin of the property he possesses.

 -Article 7 was reformed totally and includes all the requirements made by prosecutors on the possessions, proceeding to confiscation, in the concept of "Sequestration".

 -Article 11 has the letter ''a'' reformulated, serving to further explicate the meaning, by replacing the expression "resetting in time" for the sequestration measure with "extension of the time to no more than six months". This reformulation considers the fact that the institute of resetting entails loss of time for reasonable causes determined by law whereas extension of time entails the need for a longer time available because of further actions to be undertaken.

-Article 13 of the law was restructured for clarity effects as well as for determining the unjustified living standards as a cause for establishing the preventive measure of "sequestration". This supplement counts on the fact that often these individuals, who apparently seem to possess immense property, which they also might have declared, render a lifestyle of high costs which cannot justify their living standards in rapport with the property they posses in appearance, (e.g. luxury costs suchlike buying expensive cars, flats, villas, clothes, other expensive items, etc.)

-In article 14 the existing paragraph was reformed by placing limits to the other actions to be accomplished by the Court, not literally regulated by the law; (1) whether the actions are attained to serve to the resolution of the case law, and (2) these actions do not cede the fundamental human rights and freedoms. In addition, a paragraph has been supplemented in this provision, allowing notifications and admission of evidence in the frame of the international mutual juridical assistance. The applied rules will be dependent on the feature of the procedure, be it civil or penal.

 - A paragraph was also added to Article 15, the second one, which allows the continuance of the procedure when the individual, whose property is object of this law, is in absentia. In order to resolve this situation the model in the Criminal Procedure Code is adopted, by issuing the in-absentia decision and the continuance of the proceedings in the presence of an appointed or selected defender.

 - The third paragraph has been added to article 16, according to which, object of verification will also be the properties passed to third parties by means of fictive or stimulated juridical actions, at the same time ascertaining their absolute invalidity. This rule lacked in the law and it intends to suppress property hiding behind these actions.

 -Article 20 exacts the tasks of the administrator in execution, transferring him the competence of executing the sequestration decided by the Court, after presenting the necessary requests to prosecution authorities, bailiff's office as well as to other state institutions. Chapter V of the Law has also been reformed by setting the provision that, the Court, by the request of the prosecutor, confiscates even possessions that has not been sequestrated in advance. To this aim, and commencing from article 24, the word "sequestered" associating the word "property" has been removed.

-Article 25 was reformed to be harmonized with the two Codes of the Civil and Criminal Procedures, according to which, the Court can postpone the announcement of its argued decision to 10 days.

- In addition to article 25 was added a new article, 25/1 entitled; "Admission of the request for confiscation" which foresees cases when the Court decides the admission of the request for the confiscation of the suspected individual's property, whose penal proceeding he was charged with has been dismissed, he has been proclaimed innocent or the juridical qualification of his offence has been altered. Despite the fact that penal proceeding to that individual might have been dismissed or the individual's sentencing could not be re-imposed in the course of the penal procedure and the qualification of the penal offence has judicially been altered, so not falling within the scope of this law, because of the existence of some conditions predicted in this article, this should not be considered as an obstacle for the sequestration and the confiscation of his property according to what this law foresees. Obviously, the causes for the dismissal of the penal proceeding include the insufficiency of evidence, death of the suspected individual, legal obstacles to take the suspected individual as defendant or sentence him. It is obvious that the bill allows confiscation in suspected cases of certifying penal facts, since confiscation of property is not determined on whether the court/prosecutor decides to dismiss penal proceeding on the hypothesis of certifying that the suspect has not committed the criminal offense.

-Article 27 was reformed functional to the clear separation of the civil procedure from the penal one regarding property confiscation. Despite this separation, it can practically happen that for the same property two types of proceedings are opened, civil and penal proceedings. The new article 27 assumes to regulate precisely this situation by giving priority to penal justice while not ceding the autonomous character of the procedure established by this law.

- In this chapter, article 30 established the rule that the confiscated possessions are irreversibly transferred to state property, excluding cases when the High Court decides to suspend the application of the decree *absolute* decision. The following provisions regulate norms for the constitution and composition of the Advisory Committee for the Preventive Measures which has now been proposed to be at expert level, to convene at the Ministry of Finance and be composed of members from all agencies being involved in the law enforcement processes, having the competence to observe Agency for the Administration of the Sequestered and Confiscated Properties , (AASCP) and to issue recommendations.

3. Recommendations

The fight against organized crime does not end with the incrimination of the criminal organizations. Many European Countries, including our country, have been amending their penal   and procedural laws, by consenting with the concept

belum justum: by coercing sentencing measures, extending the competences of the police authorities and using special investigation techniques.

1. Some of the fundamental aspects, which should be the focus of the specialized state organs in their fighting against organized crime, are the discovery and suppression of the criminal groups as well as the individualization and concretization of their property;

2. Issuance and application of more flexible normative acts allowing the sequestration and the confiscation of property of illegal origin would be of a great interest.[1]

3. A useful policy would be the one allowing and promoting the effectuation of the nominative payment instruments suchlike cheques and payment orders. If nominative transactions were attained properly, it would be simpler for the fiscal verification of the money spent.

4. International cooperation to limit the so-called "*fiscal paradises*" in countries allowing illegal money transit via secret accounts in their local banks[2]. Fiscal paradises are used by criminal organizations in order to be able to disguise their trails, so limiting investigation effectiveness. There have been proposals recently to apply trade sanctions to countries that promote and admit fiscal paradise. The issue is that, in order to be efficient, such sanctions should be supported by many countries and in the general frame of a wide international collaboration.

5. Increasing the effectiveness, correctness and the preventive nature of legislation and sanctions, which continue to be somewhat limited, as far as they are not entirely specific and sufficient?

6. Creating an evaluation system to analyze the effectiveness of the legislation.

7. Further approaching the necessary provisions of the law for the confiscation and sequestration of the revenues from criminal activities with the Western partners, especially regarding their concretization for the executive organs.

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Using Social Holistic Approach in Working with Children who are in the War Zone

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Abstract

Since beginning of the century to the present day, especially in Asia, Africa and Latin American countries in particular, the conflict violent and war still continues in many parts of the world. These events have a devastating effect to the whole communities. But children as silent victims, during and after these events are exposed to all kinds of neglect, abuse, death and human rights violations represent a major victimization. Living in conflict and violent environment is a tragic event for children and living in this environment, has negative effects on children's physical and psychosocial development. Many disciplines contribute to reduce or eliminate these negative effects. However, social work as distinct from other disciplines has multi-level interventions in order to find a solution to the problem at individual and community levels, as well as national and international level by using a holistic approach to reduce or eliminate the effects of violence and conflict on children. The social worker in this case of such conflict and violence and in particular to carry out work with children required to have special knowledge and skills. These interventions to protect children during and after the conflict realized by using various different skills. Gradually, provide services to children in safe places such as food, drink and services eliminate health problems, in accordance with protect the rights of children in conflict and violence. In the second stage; provide rehabilitation services to children who have been exposed to or witnessed violence and conflict events, lost one of their family members, who entered prison and lived in worst conditions and crippled. The third stage is the stage of the reconciliation. At this stage, social worker plays the role of mediator and prepares the ground for reconciliation to protect children on both sides of the conflict and violence. In this paper, will discuss how to implement interventions to address this issue with discusses Palestinian children, who are living on violence and conflict environment since many years as an example.

Keywords: Social Work, War, Conflict, Violence, Reconciliation

1. General Situation of Children During and After the Wars, Conflict and Violence

In today's world, millions of children are directly or indirectly becoming victims of war and or acts of terrorism. The political conflicts, civil wars, and terror are causing children's death, injuries or disabilities. In such cases children lose their parents, relatives and friends. They also undergo through physical, emotional or sexual abuse and deprived of education and other social structures [7]. The UN Secretary General's Report to the 59th General Assembly on Children and Armed Conflict in 2005 outlined practices constituting violations against children as follows: Killing or maiming of children, Recruiting or using child soldiers; Attacking schools, churches, mosques, or hospitals; Raping children, or committing other acts of sexual violence against them; Abducting children and Denying humanitarian access to children [8].

When looking at the problems that children experience during and after the conflict and violence, they can be summarized as follows:

2. Child Abuse and Neglect

War and the great social conflicts, are counted as factors from the social factors that cause child neglect and abuse. For being war and civil conflict exceptional situations, while the negatively impacts on the ability of parents caring for children on the one hand, also to be caused increasing tensions related to family life on the other hand, in this case, have negative effects on children. Hence the war is among the important risk factors in child abuse and neglect [17]. In this context, children during and after the events of war and conflict, remain open to all kinds of abuse and neglect especially, sexual abuse, trafficking and abduction of children. Children's living in war environment and refugee camps leads them to remain at risk of neglect and abuse as victims as well as being used as shields. Especially children who are abused as shields when they arrested by the occupation forces is a common condition suffered sexual and physical abuse in prison. At this point, there are no any sanctions of international agreements and organizations responsible for protecting children who are in war environment, from exposed to neglect and abuse in the war environment, is an important issue that attracts attention. This is due to the existing laws might not be operating sufficiently in practice this means the neglecting the children.

3. Health condition of children

It has to be known that children who are living in war and conflict environment experience both psycho-social and serious health problems as a result of being witness to acts of violence. Some of these problems are listed as; disability as a result of serious injury, the loss of children's lives during surgical operation as a result of not being able to provide the drugs to injured children or prevention from accessing the drugs by the children and the lack of medical supplies.

These children, who are living in unusual situations of war, experience Post-Traumatic Stress Disorder (PTSD) especially when the safe places such as schools, mosques, churches that they took refuge are attacked and transformed into dangerous places. Also, some health problems expected such as death, injury, disability, illness from lack of food and beverages, can occur frequently for children living in war and conflict environment.

4. The use of children as soldiers

Use of children as soldiers in war and conflict in torn societies, is a widespread and universal problem. However, the ongoing civil war and conflicts in African countries has become a social and political phenomenon and symptoms of it appears to be destructive, complex and common [8]. Child soldiers experience various psychological, social and physical problems such as trauma, depression, anxiety, learning problems, attention disorder, Post Traumatic Stress Disorder (PTSD), dietary deficiencies, infectious diseases [12]. Even when children are not used as soldiers, using them as shields in order to resume the events of conflict is widespread.

The International Conventions in Line with Protection of Children Who are in Conflict and War Zone and the Execution of these Conventions

Conflict and wars across the globe, are a situations that violates in heavy manner human rights and in particular children's rights. In such cases, using the children as soldiers or shields, and consequently death of them, physical injuries, experiencing psychosocial problems, entering prison, living in poor conditions are some of the expected results. In this direction, they are just international arrangements and intervention to protect children. Although there are many national and international regulations to protect children in situations of conflict and war, there is no visible serious application of these laws that can prevent children's participation in the events of conflict and war, and preventing damage to the children. In such cases, a look at the decisions of the courts and international treaties relating to the protection of children in armed conflict and to prevent the participation of children in armed conflict shows the inadequacy of the applications in this regard.

Historical developments in international law on the prohibition of military mobilization of children date back to the 1970s. Along with giving concrete results of initiatives in the international arena regarding children's rights, the international community's interest in this issue has increased [3].

4.1 Convention on the Rights of Children

Based on the statement of Article 38 of the Convention on Child Rights, "In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all the feasible measures to ensure protection and care of children who are affected by an armed conflict" [16], the need for international cooperation in the protection of these vulnerable children has become an indisputable fact.

Today, UN resolutions, 1949 Additional Protocols of the Geneva Conventions, Statute of the International Criminal Court and their decisions and Special Court of Sierra Leone decisions are the most important international arrangements regarding the use of child soldiers [3]. In this context, the most important regulations for the protection of children in international law are:

4.2 Additional Protocols of the Geneva Conventions of 1949

The first regulation on the prohibition of military mobilization of children, can be found it in protocols I and II additional to the Geneva Conventions. In the 14th article of Geneva Convention which was signed in 1949 for the protection of civilians in war, it counted children among those who need special protection. The additional one in 1977 has been updated in the first protocol. According to this, passing provision in the article 77 of 1st protocol is as follows: "The conflict parties shall take all measures to ensure that children under the age of 15 do not participate directly in hostilities; in particular shall prevent these children from taking part in the armed forces. However, people who are over the age of 15 but under the age of 18 in the case of taking them part in combat as soldiers, the conflict parties must try to demonstrate all the necessary measures to give priority to older children." [3].

5. The effects of conflict and violence on children's development

Everyone is not equally affected by violent event or disaster and all disasters are not devastating on an equal footing in terms of the psychological. For instance, refugees from war, political oppression, or political violence are also at high risk of adverse effects. In addition, the effect of the events that may have driven them from their homes, negative experiences in shelters and refugee camps (e.g., malnutrition, widespread infectious disease, rape and other physical assaults) may themselves produce adverse psychological effects and psychological disorders [6]. Mental and Physical health are linked and interact with each other. Mental health affects physical health and physical health also affects psychosocial development [10]. Children who are living in violent environments and have been exposed to violence generally show signs of Post-Traumatic Stress Disorder (PTSD), which may be modified because of their age. Clinical evidence exist for disrupted patterns of eating and sleeping, difficulties in meeting and relating, anxious reactions, fearfulness, and re-experiencing the trauma, evidenced by behaviors as children cannot yet use language [11]. In general, exposure to violence in the social environment is a serious and significant risk factor for the development of psychopathology in children and adolescents. Studies documenting relations between violence exposure and aggression, depressions, anxiety, post traumatic stress (PTS) symptoms, and academic difficulties [5]. Many factors have a negative impact on children's psychosocial adjustment. Conflict and war events form these factors. Due to children being forced to struggle with living in violent environments like this, it is an unavoidable reality to live in psychological and social problems. Therefore, the negative effects of conflict and violence incidents on the psychosocial development of children are quite high.

Social Work Intervention for Children who are in Conflict and Violence Environment and Special Knowledge and Skills of Social Workers Required

There are many services social work profession can execute in the field of child welfare. Social work interventions for solving children's psycho-social problems that arise after the war and conflict can be realized at micro, mezzo and macro levels. These works are usually carried out in shelters, refugee camps and schools. At the micro level, social workers provide psycho-social support to children who lived in violent environments, this first method of aid those children need it. Social workers, who provide psycho-social support to these children, must have knowledge and skills on issues such as; cultural environment where children live, psycho-social development of children and adolescents, the methods of communicating with children, allow opportunities to children to express their feelings and to live emptying the emotional, and not talk about death.

War and conflict situations need to be addressed as crises situations as a result of devastation caused by it in the psycho-social and environmental conditions. In these violent environments, people especially children, are faced with lose are compelled to confront a sense of losing that extends from their material goods they have, as well as their loved ones. We need an urgent intervention to save children from violent events and from these situations prevent the psychosocial development of children. This intervention is crisis intervention, with a wide application area, that dating back from individual crises to social crises.

Psychiatrist expert Richman [13] has over 30 years of experience in working with children exposed to violence, whose book "Communicating with Children - Helping Children in Distress" has been a guide book for specialists working in different fields, specially to develop listening and communication skills for conflict situations and emergency workers, to determine the problems of children with special needs, to understand the different cultural ways of struggle with communication and stress and overcome communication barriers. Richman [13], in this study, listed the information that experts should have, to communicate with children and to help children who are living in danger, as follows:

- Communicate with children of different ages (here the skills must expert have been; listening, using body language, chatting)

- Meet with a child; establish a relationship of trust and being careful to his feelings

- Monitoring children

- Providing support and consultancy services for children (to comforting, understanding children tantrums and acceptance)

- Talking to children about death

- Methods of working with children who became disabled as a result of war and violence

- Communicate the child's family.

Social worker who are taking advantage from this methods Richman's has to offer to experts who are working in this field, can work with children affected by violence and can effectively provide psycho-social support to them. Children having lived in an environment of violence may cause learning violence. Therefore, this situation resulting in children resort to violence to solve their problems shows that the child's solving problems skills was influenced negatively. In order to correct the negative effects of children responses related to trauma that children experience after the violence on their psychosocial adaptation, social workers can provide care and rehabilitation services in both the individual and community levels. There are many psycho-social support programs for protection children from violence. These programs include services intended for psycho-social adoption of children who were exposed to violence. For instance, (Save the Children) describes three approaches regarding the content of the program [9] Approaches taken based on these programs can be expressed as follows:

- Curative programmes: are carried out in order to address diagnose and treat psychological effects of violence and trauma on children.

- Preventative programmes: that seek to prevent further psychosocial deterioration of children who have seen violence.

- Programmes that promote healthy psycho-social development: intervene in children by working together with parents, children and caregivers, this aims at helping children develop efficiently their coping skills towards negative life events. These programs are based on the developmental approach. These programs often are carried out in activities such as:

- Community-based recreation, cultural, sports and similar activities provide opportunities for children to participate and to ensure their return to normal life as soon as possible;

- As a guide, provide psycho-social support and financial support to parents.

Strengthening the role of schools as multifunctional centers. Some development programs focus on the returning back to normal the stable living conditions and the normalization of living conditions. Other programmes are more specialized, helping groups of children deal with specific situations through various methods, which often include creative means such as drawing and playing. These programs aim to strengthen children's social environment, helping teachers and parents to support their children, and thus focus on increasing the level of knowledge. It is intended for future development programs such as the psycho-social well-being of children.

- The adoption of a broad community development strategy is the most effective way for the well-being of children who are affected by forced migration, conflict and violence, [1] it can be performed in the following steps:

- enables individuals in the communities to begin to restore control over their own lives;

- facilitates the development of community facilities, especially available to children such as schools, preschools, health facilities and recreational activities;

- helps to restore or create a range of other supportive structures and organizations that support the children within the community;

In this context, psycho-social interventions must take place at the community level. These interventions are called (Non-specific psychosocial Interventions). These interventions include work such as stopping ongoing conflicts and providing shelter and safe areas, prevention of the current tensions as much as possible. These interventions provide repair or re-activation of the important curative and protective factors such as active participation, education and coordination of families to the improvement of community psycho-social well being.

There are a lot of factors that affect re-establishment of the network of social relations and psycho-social recovery in communities living in war and conflict environment. Death separation, alienation, and other losses experienced in the war, causes damage to the social values and customary practices. All they increase the psychological and social impact of war on children's mental health. Interplay of all these factors affect both a child's understanding and perceptions as well as lead to the emergence of some special symptoms in child. In order to ensure that restart the children, psycho-social health and a stable environment, require the provision secure environment to adult care, security, education, participate in social activities and games to play.

Due to increasing awareness of these aspects of the recovery process, many NGOs have implemented programs of psychosocial support that specifically address the needs of families and children. Some of these programs focus on educating and supporting parents and teachers so that they in turn can support the children, whereas other programs involve direct work with children to help them process their traumatic memories through drawings, play or talking about what has happened. Although restoration initiatives have utilized both population-based and individualized approaches, they may necessarily involve simple and direct approaches due to limited resources and the large numbers of affected individuals. These may include, for example, training programs and initiatives aimed at educating community leaders to help in the psychosocial healing process. Individualized interventions are usually introduced after population based ones because of emergency conditions and the sheer numbers in need [4]. In general, the services provided to children affected by the events of war and conflict, are presented in the form of program or project. Social worker can be a part of these programs and projects, so the social worker, in order to eliminate the factors that impede children's psycho-social development, contribute in providing psycho-social adaptation of children using different techniques and provide psycho-social support.

Psychosocial refers to the child's inner world and the relationship with his or her environment. Psychosocial support is important in order to maintain a continuum of family and community based care and support during and after humanitarian crises like war and conflict and to prevent immediate or long term mental health disorders. Hence the access to humanitarian assistance and safety and security for the population is the cornerstone of psychosocial support during humanitarian emergencies. An important shift has taken place in psychosocial interventions from an individualized approach to a community based approach focused on enhancing the resiliency of children and families. The aim of psychosocial interventions is to address children's issues and needs in a holistic manner and to place psychosocial interventions inside wider developmental contexts such as education or healthcare. This will create an integrated developmental approach to promoting psychosocial wellbeing. To provide psycho-social care and support to children requires strengthening the capacity of teachers, caregivers and friends [2]. Here also should be noted that the role of

schools in providing psycho-social services. Schools can play an important role in identifying and monitoring vulnerable children, enhancing their understanding of events, and providing personal support [1].

6. Case Study: Working with children who are in Palestine's conflict environment

Majority of the children that are victims of the long-standing and on-going crisis and wars in the Middle East are experiencing partial education, health, care, psychosocial, and adaptation problems. To understand and grasp the real problems of these children, discussing Palestinian children who are victims of war and conflict for decades and taking them as an example can enrich our position.

Historically, children had been major victims of these events that began in 1948 and still ongoing until now. These events are not events that occurred and ended in certain date so problems caused by war and conflict since then are devastating effects on all generations. Undoubtedly, unless children are provided with peace the future generations will continue to be adversely affected.

Palestinian children witnessed and have been exposed to all kinds of violence as they grew up in war environment which started in 1948 and continue till the present day. There are some problems that Palestinian children, are facing due to the living in war environment. These problems as follows are [15]:

Death: in never ending war environment in Palestine there have been many massacres and the number of children who died in this massacre is quite high. Survive is the biggest problem of Palestinian children who are living in war conditions. Palestinian children are faced with death anytime and anywhere: at home, at school, on the road, in the hospital. In Palestine many homes and schools have been destroyed by bombs thrown by Israel. Hundreds of children have died under the demolished houses. Walking on the road has become the target of bullets fired by Israeli soldiers. Some children die from pain when removing the bullets that hit their bodies as a result of inability to receive the drug aid from other countries and power failure in hospitals.

Detention: Palestinian children are imprisoned for throwing stones at Israeli soldiers in inhumane conditions. Children detainees are exposed to intimidation, ill-treatment and torture during the arrest and detention. Despite the young age of these children are being tried in Israel's military courts. These children face many problems after their release from prison. These include psychological problems, living problems in adapting to family and school, fear of detention again, health problems and occurring problems from sexual abuse and torture in prison. Due to these problems children remain face to face with social isolation because they cannot adapt to society in their real-life.

Abused children from political parties: some of the political parties in Palestine are using children in combating Israeli soldiers to achieve its objectives. Some of the children who were used have died or became disabled; some others arrested and were tortured. These children, who combat the occupying forces, generally live in lack of education and poor refugee camps.

Child Labor: poverty that has become more concrete with economic problems, unemployment, low wages, lack of social security, the bad and unbalanced diet, low living standards and other variables' effects can be observed on the life of individuals, family and community. As a result of poverty in Palestine as well as in other countries, it is common to find children begging, selling handkerchiefs, working in industry, organizations, or as car launderer. However, a new way of working was born in Palestine, due to the war and the siege. This can be defined as "work in tunnels". The materials brought by traders from Egypt such as flour, sugar, bread, thinner are carried by children throw tunnels. Due to the physical features of the children they can move freely in tunnels, children contribute to the family with the little money they earn from this work. Some children who are working in the tunnels know their parents were killed or had been disabled in the war.

Experienced health problems due to the siege and war: thousands of children became disabled in the war in Palestine. Some of these children will be disabled for the whole life. Children face more health problems because they have no treatment that they need since they remain under siege that causes poor nutrition and lack of medical supplies. It should be known that children experience very negative traumatic conditions because they live in constant fear as a result of events they witnessed, as well as witnessing the death of all or some of their family members.

Homeless children: the destruction of the homes of children that not only for the meet of their need for housing, but also feeling of being security, is another traumatic event for the children and their families and often takes a long time to overcome. Save the Children UK [14] has done a research about BROKEN HOMES Addressing the Impact of House Demolitions on Palestinian Children & Families. The study found that 97% (92 out of 95) of mothers and fathers whose homes were demolished suffer from trauma-related symptoms. Problems such as depression and isolation in children who had witnessed the destruction of their homes can be observed

Immigrant children: It can easily be observed that children living refugee camps live in extremely poor conditions. Staying too long in these conditions causes negative impact on children's mental and physical health.

Violence in schools due to war and conflict: school children in Palestine still under the influence of the war they see in the street can apply the pattern of violent behavior against each other in school. It is known children are affected by the massacres they saw or experienced and cannot concentrate in classes. Children live in fear that the missile will strike at their school any moment.

Status of trauma in post war children: the effect of war environment on children and the trauma it causes differs from child to child. Some of the children are afraid of the sounds of planes and tanks, and don't feel self-confident. Children hearing these sounds fear that they are going to die at any time. Children who witness death of family members or familiar people in this conflict and war are at greater risk of having psychological problems.

When looking at problems that arise for children living in war environment, it is possible to clearly see that they are in the situation of all kinds of national and international neglect and abuse. Despite the existence of national and international associations and organizations that are responsible for protecting children as well as contracts and agreements that were signed in and came into force, children's rights are still being violated.

7. Conclusions and Recommendations

Protection of children in war and conflict situations, as well as a human task is a responsibility of the social work profession. It is a must to intervene to this problem in both in terms of existing international legal agreements at the macro level and preparing the ground of reconciliation at the community level. The roles and responsibilities of Social Work in this issue can be briefly summarized as follows:

Being with the children during the war and conflict; placing them to safe places, distance them from the events of the conflict in cooperation with existing national and international associations and organizations in war zones to protect the children.

Provide services such as food and beverage, and services to eliminate health problems in order to determine the status of children.

In order to eliminate the negative effects of war on the psychosocial development of children, effort of psychosocial support, the release of children who from prisons of conflict parties and ensure their participation in rehabilitation programs after the war.

Provide support to social workers who are working in war and conflict environment based on the principle of ("help to helpers"), by creating a social worker team from countries that support peace.

In cooperation with the media, to run programs that provide awareness in and inform parents about the effects of violence on children and prevent the families to cause their children to participate in acts of violence.

Make meetings and negotiations on both sides setting the ground to begin peace talks and to prepare room for reconciliation.

Take an active role as a profession with the mission to help people in order to remind the international agreements that are responsible for protecting the children in war environment in the event of any war in the world,

Take the problem to international platforms, in order to intervene in harm of children who are in war environment, organization of international conferences to attract the attention of the world towards this subject and in the light of the

results of these conferences guide the formation of a committee at the international level to protect the rights of children who are living in this environment and

Initiate work in order to protect children in war and conflict environment and prevent harm in this environment by creating special camps in war zones, under the protection of the United Nations.

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Investigating the Influence of Distributed Leadership on School Effectiveness: A Mediating Role of Teachers' Commitment

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Abstract

The purpose of this study is to investigate the influence of distributed leadership (DL) on school effectiveness (SE) in junior secondary schools in Katsina state, Nigeria. The study also investigates if teachers' commitment (TC) mediates the relationship between DL and SE. The study sampled three hundred and one (301) teachers. SPSS version (16.0) and Analysis of Moment Structure (AMOS) version (16.0) were used to analyze the data collected. The results indicated that there is a statistically significant relationship between DL and SE (with standardized coefficient .68). In addition, TC influences SE (with standardized coefficient 0.38). Moreover, TC mediates the relationship between DL and SE (standardized coefficient 0.22). The implication of the study is that all stake holders; head teachers, zonal office staff, ministry officials among others are now better informed about the mediating role of TC on DL and SE. The results contributes to the existing body of knowledge in Nigeria. Very few studies investigate the relationship between DL and SE, in Katsina state in particular, and Nigeria in general.

Keywords: Distributed leadership, School effectiveness, Teachers' commitment, Structural Equation Modeling.

Paper type – Research paper

1. Introduction

No matter from whose and from what perspective, what so called a "leader" was dominantly and gloriously enriching the leadership literature for centuries. From Western perspective however, Daft (1999) argues the need and significance of a strong, purposeful and dynamic leadership in any organizations due to its ability to influence the success and or failure of any organization (Yukl, 2002; Lok & Crawford 2004; Megginson et al., 1983 & Lunenburg, 1995). As from another conception of leaders and leadership, Islamic observes and stresses the importance of appointing a leader **"*When three men travel together, they should make one of them their leader*".**(Prophet ﷺ , narrated by Abu Dawud, Vol. 2, No. **2273 on the authority of Abu Sa'id Al-Khudri).** And about the importance of appointing competence leaders, the Prophet ﷺ further says, **"*Whoever delegates a position to someone whereas he sees someone else as more competent (for the position), verily he has cheated Allah and His Apostle and all the Muslims". (cited in Sahih Muslim, Vol. 3, No. 1013).**

Leadership has also long been seen as a key factor in organizational effectiveness, but the interest in educational leadership area has increased over the recent decades due to the political changes to the education system such as the growth of school-based management in many countries (Mujis, 2011). Regrettably, when new leadership theories have been formulated, it was then packaged and successfully sold to schools without adequate scrutiny or testing (Harris, 2008a) resulting in too many "war stories" of educational leadership. Moos, Krejsler, Kofod and Jensen (2005) note that leadership in a school setting moves among the principal, deputy or vice principals, head of departments, head of sections, teachers as well as students, and this set up makes a school a community where the interactions and reciprocity of all members thrived on. Leithwood et al. (2004) note that instances can be cited of school facing some challenges being reformed with the support of a good, knowledgeable and effective leader. They further argues that there may be some factors that may help in the transformation, but nonetheless, the leader is the most important. In addition, Pont, Nusche, and Moormen (2008) note that in each individual school, leadership can contribute to the improvement of students by providing the conditions as well as climate in which effective teaching and learning can thrive. It has been established that apart from classroom teaching, there is hardly anything that positively or negatively affects students' learning than leadership. Besides, Storey (2004) argues that irrespective of the problems schools face their solutions rested squarely with leadership.

Previously, the responsibility of moving an organization towards its realization of aims and objectives rest squarely on the "solo", "focused" or "heroic" leader. But, of recent there has been a challenge to the ability of a single leader to successfully run an organization (Oduro 2004, Ross & Gold 2005). This challenge is more pronounced in school setting, as a result of the rise in demand for educations, parents' expectations, government policies, and principals' turnover to mention just few. In addition, Nieman and Kotze (2006) argue that the presence of ineffective schools clearly indicates the need towards making school leadership effective is long overdue and the culture that improves effective teaching and learning in those schools need to reviewed. Precisely, there is a need to critically review the ways all schools are being run in realizing their objectives of effective teaching and learning. Moreover, critical areas that need to be reformed in order to enhance effective teaching and learning in schools can no longer be handled single handedly by the head teacher (Spillane 2006, Harris 2008a). It has been argued that student's outcomes are more likely to improve if leadership is distributed in school and teachers collective decisions related to teaching are taken into consideration (Silins & Mulford 2002).

Leadership is also means an interaction of all members of the organization for the purpose of promoting the shared purpose or set of goals that should be pursued and realized for the organization to achieved its objectives (Harris, Day, Hopkins, Hadfield, Hargreaves & Chapman, 2005). Robbinson (2008) equally notes that leadership means leaders' influence on organizational members which is linked to goals and objectives of the organization. Gronn (1999, 2000, 2002a, 2002b & 2008) stresses that there has been increasing dissatisfaction and disagreement with the domination of a single or solo (hero?) leader in most of the leadership literature, but very little rigorous studies on leadership alternatives were conducted in those days. However, time has changed whereby more studies on the alternatives of solo or focused leadership have cropped up and more studies are beginning to support the role of distributed as opposed to solo leadership in term of performance (Iles & Feng, 2011). Distributed leadership (DL) as an alternative to the solo or focused leadership is considered leaning towards the importance of the leadership-followership relationships where the literature observes the 80:20 ratio of the followers contribution towards the organizational success (Kelly, 1992). But, we cannot deny that every great leaders is also a great follower (Bailey, 2013).

2. Leadership types that affect educational outcomes.

We accept every argument and criticism over the results of the relationship between leadership and student achievement and outcome, but please let this article to highlight some of the leadership effects on educational outcomes. Mujis (2011) lays his claim that the leadership literature tends to be quite prescriptive in nature, and factors such as transformational rather than transactional leadership, instructional rather than administrative leadership, and leadership rather than management have all been posited as key elements of organizational effectiveness. Transformational leadership (TL) is usually described as leadership that transforms individuals and organizations through an appeal to values and long term goals. This popular leadership is engaged with hearts and minds, and it is therefore popular in education sector as it is seen as better able to cope with complex situations and together with instructional leadership found to be a characteristic of effective leaders (Hallinger & Heck, 1996, 1998, & 2010) and hence providing some evidence in the literature that TL has positive organizational impacts. Further, Mujis (2011) argues that, although transformational leaders are considered

successful, difficulties arise when this "heroic" person leaves the organization or when not all followers get inspired, leading to problems being stored up for the future.

Instructional leadership (IL) is also identified as a key component of effective schools (Teddlie & Reynolds, 2000). Hallinger and Heck (1996, 1998 & 2010) coin IL as being concerned with hands-on involvement with teaching and learning processes where the principal plays his leadership roles as leader with regard to pedagogy and instruction to promote growth in student learning and making instructional quality the top priority of the school and brings the vision to realization. Mujis (2011) stresses that, in many cases instructional leaders start the school improvement process by implementing a particular initiative promoting a teaching strategy. The relationship between IL and educational outcomes is quite long established where Heck et al. (1990) found an indirect relationship between three latent variables and principal IL such as school governance, instructional organization and school climate affected student achievement. This evidence is still true and accepted until Hallinger (2011) reviewed it 15 years later. However, as stresses by Mujis (2011), we can question the extent to which IL is still feasible due to the quests of principals taking on new roles currently.

The weaknesses of traditional views of TL and IL have enticed many researchers and practitioners to advocate distributed forms of leadership involving all staff levels in leading their organization and this definitely contradicts the views that TL in particular can reside in all members of an organization (Mujis, 2011). This is why, increasingly, researchers and policymakers have called for a move towards a more distributed forms of leadership, that is distributed leadership (DL). Distributed leadership indicates that the practice of leadership is stretched within and across the organization and there are high degrees of involvement of all staff in the practice of leadership (Spillane et at., 2001). Due to this, Gronn (2000) identifies DL as an emergent property of a group or network of individuals in which group members pool their expertise. Fletcher and Kaufer (2003) affirmed that DL is enacted by people at all levels rather than a set of personal characteristics and attributes located in people at the top. It is a form of leadership practice where individuals collaborate in order to extend and enhance the leadership capacity within or across organizations.

3. Distributed leadership (DL) as an alternative factor for student outcomes and school effectiveness.

Gronn (2002), Burke et al. (2003), Manz and Sims (1990, 1991 & 1993) claimed that the recent interest in the field of DL has to some degree been fueled by its association with certain organizational benefits. Other than that, the lacking of other forms of leadership in solving effectively the ever increasing challenges facing in educational organizations, paved the way for the emergence of leadership practice alternatives known as stretched, dispersed, shared and or DL. Furthermore, it has been argued that the future of school leadership as its presently formed does not look good, consequently, the need for entirely different approach to leadership practice cannot be over emphasized, considering the challenges the schools in different parts of the world are facing (Harris 2008b). The most contemporary interpretation of DL theory was contributed by Spillane (2006). DL is a post- heroic leadership model, where the organizational activities are shared among organizational members (Hulpia, Devos & Keer, 2010). Oduro (2004) argues that post-heroic leadership encourages teamwork, participation, empowerment, risk-taking and de-emphasized control over others. Ross et al. (2005) look at DL as a collective effort of members of the organization whereby leadership is the responsibility of all members of the organization, not necessarily restricted to those with leadership and managerial position, In addition, Harris (2008b) looks at DL as any form of stretched, collaborative or dispersed leadership practice in schools. According to Heck and Hallinger (2011) DL can be viewed as collaboration practiced by the head teacher, teachers and other members of the school's improvement team for the purpose of improving the school in terms of effective teaching and leaning.

Unfortunately, Robinson (2008) stresses that the studies on DL has not been tightly focused on students outcomes where she claims that about one thousand published studies of educational leadership, less than 30 have empirically tested the relationship between leadership and student academic outcomes. What worries the educational leadership fraternity is in fact due to the National College of School Leadership (NCSL) report that there are no empirical data on effectiveness of DL in terms of pupil or student achievement (Bennet et al., 2003 & Hartley, 2007). This statement contradicts to Southworth and Doughty's (2006) assertion that three decades of school effectiveness and school improvement research across the world have shown that leadership matters. It is also contradicted to Mujis (2011) where leadership has a significant indirect impact on student outcomes although he also argued that the research base suffers from significant weaknesses such as dualism, over-prescribed, lack of international research, limited methodologies plus poor measurement. Silins and Mulford (2002) who comprehensively studied the leadership effects on student learning, concluded that student outcomes are more

likely to improve when leadership sources are distributed throughout the school community and when the teachers are empowered in areas of importance to them. As a result Harris (2005) and Camburn et al. (2003) and other scholars appealed for more investigation of DL impact on student outcomes.

Harris et al. (2007), Harris (2008a,b) stress that DL cannot be accepted at face value due to critical questions which require serious empirical research. Distributed leadership is beyond a single talented and influential leader who changes an organization, it is a stage where the leadership is stretched and shared to most organizational members for the betterment of the organization (Angelle 2010). According to Spillane (2006) distributed leadership provides another way of looking at leadership in schools, by emphasizing the aspect of leadership practice and assuming that leadership practice is the product of interactions between leaders, followers and situations. While there is some evidence of showing a positive relationship between distributed forms of leadership and learning out comes (Mujis & Harris, 2003; Hallinger & Heck, 1996, 1998 & 2010), this evidence base is still emerging (Leithwood et al. 2006a, 2006b & Harris, 2008a,b). A range of other studies such as Portin (1998) and Blasé and Blasé (1999) also found positive relationship between organizational change and distributed forms of DL practice. These research consistently underline the importance and significance of teachers involvement in decision making- process and the contribution of collegial relationship to positive school improvement and change.

In educational setting, school effectiveness studies started off in the early 1970s as an important and excellent movement to go beyond the existing pessimism with regard to the impact of schools and education on students' educational achievement and or performance (Mujis, 2006). School effectiveness can be viewed as the place of a school academically, which is usually explained in terms of output of the school. Furthermore, the output is mostly expressed in terms of average academic achievements of the students in that school at the end of certain period of their formal schooling (Scheerens, 2000). OCPS (n.d) argues that school effectiveness has seven dimensions particularly safe and orderly environment, climate of high expectations for success, instructional leadership, opportunity to learn and student time to task, clear and focused mission, frequent monitoring of students progress, and last but not the least home-school-relation.

There are a number of factors that influence the school effectiveness including environment, teacher empowerment, to mention just few. However, it has been argued that the most critical and important factor that influences school effectiveness is leadership practices. According to Huber and Mujis (2010), leadership has since been identified as a critical and important factor that influences organizational effectiveness. In addition Leithwood et al. (2006) opines that it's an undisputable fact that educational leadership makes a difference in enhancing students' learning.

Notwithstanding the arguments advanced by scholars regarding the influences of distributed leadership on teachers and school effectiveness, empirical studies regarding the influence is scarce (Harris et al. 2007). However, the studies available indicate that distributed leadership directly and indirectly influences school effectiveness. Mascall et al. (2008) in their study on distributed leadership and teachers academic optimism which in turn affects school performance found that planned approach to distributed leadership positively and significantly influences teachers' academic optimism which in turn affects school performance. Additionally, Heck and Hallinger (2011) in their study on distributed leadership and school improvement and growth in Math achievement found that schools where teachers perceived that leadership is distributed appeared better able to enhance their academic capacity. Similarly, in her study on distributed leadership and students' achievement Angelle (2010) found that there is distal link between distributed leadership and increase students achievement. Moreover, the study found that organizational outcome like; job satisfaction, teacher efficacy, among others increase in a school where leadership is distributed. Salfi (2011) in his study found that 76% of principals in successful schools encourage distribution of leadership and work with and through other staff in order to improve their schools.

There are at least two studies that tried to explore the relationships between DL and student outcomes, one was by Leithwood et al. (2006b) and the other is by Silins and Mulford (2002). Leithwood et al. concluded that distributing a larger proportion of leadership activity to teachers has a positive influence on teacher effectiveness and student engagement. They also agreed that the teacher leadership has significant effect on student engagement and far outweighs the principal leadership effects after taking into account home and family background. Particularly in Australia, Sillins and Mulford found cumulative confirmation of distributed kind of leadership influence student learning outcomes. Similarly, a study by Harris and Mujis (2004) also found the positive relationship between the degree of teachers involvement in decision making and student motivation and self-efficacy. The findings also reveal that the effects and impacts of DL on organizational outcomes depends upon the pattern of leadership distribution such as spontaneous collaboration, intuitive working relations, institutionalized practice (Gronn, 2002), planful alignment, spontaneous alignment and anarchic alignment (Leithwood et al., 2007). Although we tried our very best to claim the significant positive effects of DL on student achievement and

organizational change but we have to admit that DL is not a panacea or a "one size fits" all forms of leadership practice (Fletcher & Kaufer, 2003). Spillane (2006) and Fullan (2001 & 2007) asserts that DL is one potential contributor to positive change and transformation in schools and educational system.

This articles explores, mainly the evidence of relationship between DL and school effectiveness (SE). In addition, this article also explores if teachers' commitment (TC) mediates the relationship between DL and SE. It is hoped that alternative models of lateral and DL which are now promoted as ways to harness the energy, will motivate the professional learning of teachers and school leaders in securing sustainable innovation and improvement (Hargreaves & Fink, 2008).

4. Teachers' commitment (TC) and school effectiveness (SE).

In general, organizational commitment means, organizational members wish to be active players in that organization, have an influence on what is happening in it, feel that their standing in that organization is high and are ready to put in their best effort beyond what is expected of them (Bogler & Somech, 2004). Mowday, Steers and Porter (1979) looked at commitment as the relative strength of an individual's identification with and involvement in a particular organization while Meyer and Allen (1991) proposed that organizational commitment is categorized into three components particularly, affective commitment, continuance commitment and normative commitment.

Razak et al. (2009), stressed that quality education just cannot be realized without the effort and contribution of dedicated and committed teachers. Additionally, Graham (1996) argues that teachers' commitment is an important factor that influences effective teaching and learning in schools. According to Razak et al. (2010) teacher commitment is believed to be an important factor that affect positively on school effectiveness and the success of education system. According to Eginli (2009) committed teachers who have the support of their colleagues and leaders experience the fulfillment of their professional work as a result of their ability to reach every student. Eginli, further noted that committed teachers may likely to stay in the profession and continue to have positive impacts on students' achievement.

In their study on commitment and effectiveness Wiener and Verdi (1980) found that job commitment was strongly related with indices of effort and performance effectiveness. Furthermore, Suliman (2002) in his study on mediating role of commitment on work relation and performance found that organizational commitment mediates the relationship between work climate and performance. In another scenario, Sezgin (2009) found that psychological hardiness is significantly and positively associated with identification and internalization dimensions of teacher commitment.

Figure 1 exhibits the hypothesized model of the study where it is hypothesized that there is a statistically direct significant relationship between DL and SE, a statistically direct significant relationship between TC and SE. Lastly, TC is statistically mediating the relationship between DL and SE. Hence, based on the hypothesized model of the study, the following research hypotheses are presented for testing:

H1. There is a statistically direct significant relationship between distributed leadership (DL) and school effectiveness (SE).

H2. There is a statistically direct significant relationship between teachers' commitment (TC) and school effectiveness (SE).

H3. Teachers' commitment (TC) mediates the relationship between distributed leadership (DL) and school effectiveness (SE).
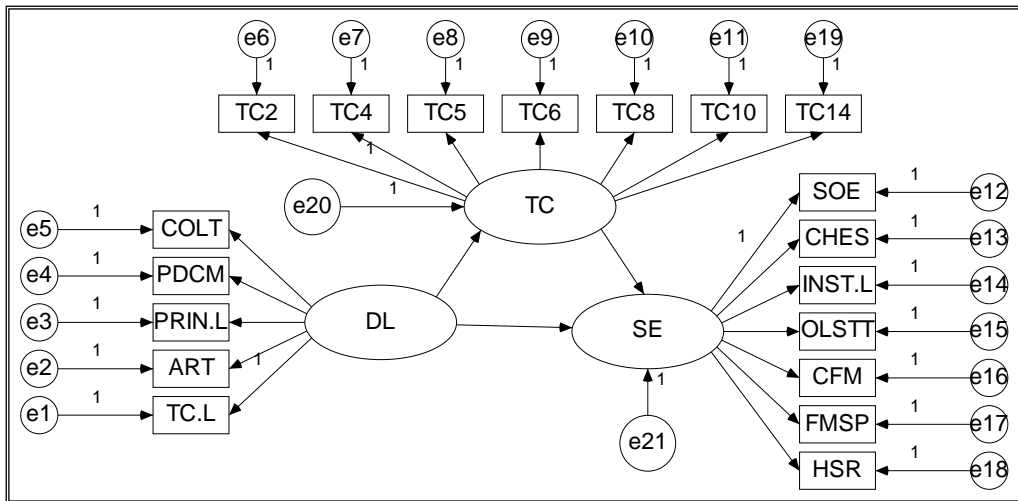
Figure 1. The Hypothesized Model of Study

5. Methodology

5.1 Quantitative approach

The study employed survey method to get the needed information from the sample of the study. McMillan (1992) and Hutchinson (2004) argue that information obtained from surveys can be used for descriptive purposes or for investigating the relationship between variables. The data was analysed quantitatively using a computer software SPSS (version 16.0) and full fledged structural equation modelling (SEM) software i.e. analysis of moment structures (AMOS) versions 16.0. SEM was employed for this study because SEM is the most effective technique when the study involves multiple constructs, each represented by many measured variables, and these construct are differentiated based on whether they are exogenous or endogenous (Hair et al., 2010).

5.2 Sampling

The instruments used in this study were administered to 450 junior secondary students in Katsina state, Nigeria. A total of 330 or 73% of the questionnaires were returned. Out of the questionnaires returned 20 or 6% were partially filled and hence were excluded prior to data analysis (Creswell, 2010; Sekaran & Bougie, 2010). Additionally nine out of the 310 retained cases were discovered to be multivariate outliers and consequently, they were removed from the data set.

5.3 Instrumentation

In this study, the DL scale inventory was adopted from Hulpia et. al. (2010) and Davis, (2009). It is multi-dimensional, with five dimensions particularly: cooperation of leadership team (COLT), participative decision making (PDCM), principal leadership (PRIN. L), teacher leadership (TC. L) and artifact (ART). The first three dimensions were adopted from Hulpia et al. (2010), while the remaining two were adopted from Davis (2009) respectively. The validity and reliability of the instruments were confirmed by the owners. Some of the items of the scale include: "There is well functioning leadership team in our school", "Leadership is broadly distributed in this school", "The principal provides leadership in improving academic achievement", "Informal school leaders play an important role in the school in improving the performance of their colleagues", and "Teachers in my school discuss strategies and share materials".

The school effectiveness scale was adopted from Oregon County Public Schools (OCPS). The scale is a 36 item instrument with seven dimensions particularly: safe and orderly environment (SOE), climate of high expectation for success (CHES), instructional leadership (INST.L), opportunity to learn and student time to task (OLSTT), clear and focused mission (CFM), frequent monitoring of student progress (FMSP) and home-school relation (HSR). The owner of the scale claimed that its content validity is good as it was constructed by a panel of expert. Some of the items of the scale are: "School conduct, rules, and procedures are taught and constantly implemented in the classroom", "All cultures including my own are treated fairly and with respect in this school", "Teachers have access to variety of resources which assist them in being successful with students' achievement", "The principal is perceived as a coach, partner and cheer leader in the instructional process", "The school mission uses 'learning for all' as the basic premise", and "Parents actively participate in school activities and Teachers feel comfortable communicating with different parents".

The last scale used in this study, organizational commitment questionnaire (OCQ) is adopted from Mowday et al. (1979). It is fifteen (15) item instrument. Six of the items were negatively worded, while the remaining nine items were positively worded. In using the scale, the authors argue that the researcher can either use the 15 item at a go, or use only nine positively worded items. According to Mowday et al. the validity and reliability of either the 15 item or positively nine item are almost the same. It should be noted that the study uses the short version (positively worded items) of Mowday et al. organizational commitment questionnaire. Some of the items read: "I talk up this organization to my friend as a great organization to work for", "I am proud to tell others that I am part of this organization" and "I feel very little loyalty to this organization (R)".

All the instruments used were rated on seven points Likert scale: 1= strongly disagree (SD), 2 = moderately disagree (MD), 3 = disagree (D), 4 = Neither agree nor disagree (N), 5 = agree (A), 6 = moderately agree (MA) and 7 = strongly agree (SA). Table 1 below shows the scales and sub-scales used in the study.

Table 1:

Scales and Sub-scales used in the study

Variable (s)	Type of Variable	Sub-Scale	No.of items	Total	Sources
Distributed Leadership (DL)	Exogenous	Cooperation of the leadership team			Davis, M. W. (2009), Hulpia, H. (2010).
		Participative decision-making	10		
		Artifacts	6		
		Teacher leadership	4		
		Principal leadership	6	31	
			5		
School Effectiveness (SE)	Endogenous	Safe and orderly environment	6		OCPS (n. d)
		Climate of high expectation for success			
		Instructional leadership	6		
		Opportunity to learn and student time to task	4		
		Clear and focused mission			
		Frequent monitoring of students' progress	3		
			5		

			Home school relation			
				8		
				3	35	
Teacher's Commitment (TC)	Mediating		Affective Commitment			Mowday et al. (1979).
				15	15	
Total	3		13	81	81	

5.4 Statistical analysis

The study uses Structural Equation Modeling (SEM), with Maximum Likelihood Estimation (MLE) to analyze the data collected from junior secondary school teachers in Katsina state, Nigeria. The analysis was conducted using Analysis of Moment Structures (AMOS) version 16.0 software. The study uses SEM because, it is more versatile compared to other multivariate methods. Moreover, it is possible with SEM to realize multiple dependant relationship between variables simultaneously (Hoe, 2008). In analyzing the data, full fledge SEM model was specified and the model was assessed using both absolute and comparative fit indices. In all, six fit indices were used particularly: CMIN (X^2), p value, degrees of freedom (DF), CMIN/DF, RMSEA and CFI.

6. Results

6.1 Respondents background

Table 2 below depicted the background characteristics of the sample of the study. The table showed that 196 or 65% of the sample were male while 105 equivalent to 35% were female. On the age of the respondents 120 equivalent to 40% were within the age bracket of 20-30 years, 82 or 27% were 31-40 years old and 99 or 33% were 41 years and above. Moreover, the age of the respondents ranged from 20-62 years with an average of 35 years. With regards to working experiences, 91 equivalent to 30% have 6-10 years working experience, 88 or 29% have 11 years and above working experience. The working experiences of the respondents ranged from1-35 years with an average of nine years.

Table 2:

Respondents Background Characteristics

SN	Characteristics	Frequency	Percentage
1	**Gender**		
	Male	196	65.1%
	Female	105	34.9%
	Total	301	100%
2	**Age**		
	20-30	120	39.9%
	31-40	082	27.2%
	41+	099	32.9%

	Total	301	100%
3	**Working Experience**		
	1-5	122	40.6%
	6-10	091	30.2%
	11+	088	29.2%
	Total	301	100%

6.2 Specifying the Measurement Model of the latent constructs.

Before specifying the Structural Model (SM), we specified the Measurement Model (MM) of the latent variables (DL, SE and TC) of the study. This method is known as two steps Structural Equation Modeling procedure (Hair et al 2010). Additionally, Hair et al. (2010) argue that if the MM is specified and fitted well, fitting the SM will be easier. Figure 2 below shows the specified MM.

The fit indices used to assess the model showed that CMIN = 336.031, p = .000 with 149 degrees of freedom. This result indicates that the model failed to fit the sample data as indicated by p value of .000. However, as argued by scholars, CMIN is always sensitive to sample size, hence, other fit indices need to be examined before concluding on whether the model fit to the data or not. Consequently, by examining CMIN/DF (2.25), CFI (.922) and RMSEA (.065), indicate that the model moderately fit the sample data. Moreover, the CMIN/DF, CFI and RMSEA were all within the minimum threshold value of 3.0, .90 and .08 as recommended by scholars (Hair et al. 2010).

Figure 2: The Specified Measurement Model of Study

Specifying the Structural Model

Figure 3 below shows the structural model specified in order to test the three hypotheses postulated for this study. The model was assessed using fit indices, standardized coefficients, Squared Multiple Correlation (SMC) among others. With regards to fit indices, Table 2 above and Figure 3 below indicate that the specified Structural Model fit the sample data moderately well. The X^2 (CMIN) value = 336.031, with .000 p values and 149 degrees of freedom. Assessing the model using X^2 indicates that the model did not fit the sample data. However, as indicated earlier the X^2 statistics is highly sensitive to sample size. Besides, other fit indices; CMIN/DF (2.25), CFI (.922) and RMSEA (.065) indicate that the model fit the sample data fairly well, taking into consideration the cutoff point of ≤ 5, ≥.9, and ≥ .08 recommended for CMIN/DF, CFI and RMSEA respectively. With regards to factor loadings and SMC the model can also be said to reasonably fit the model data fairly well.
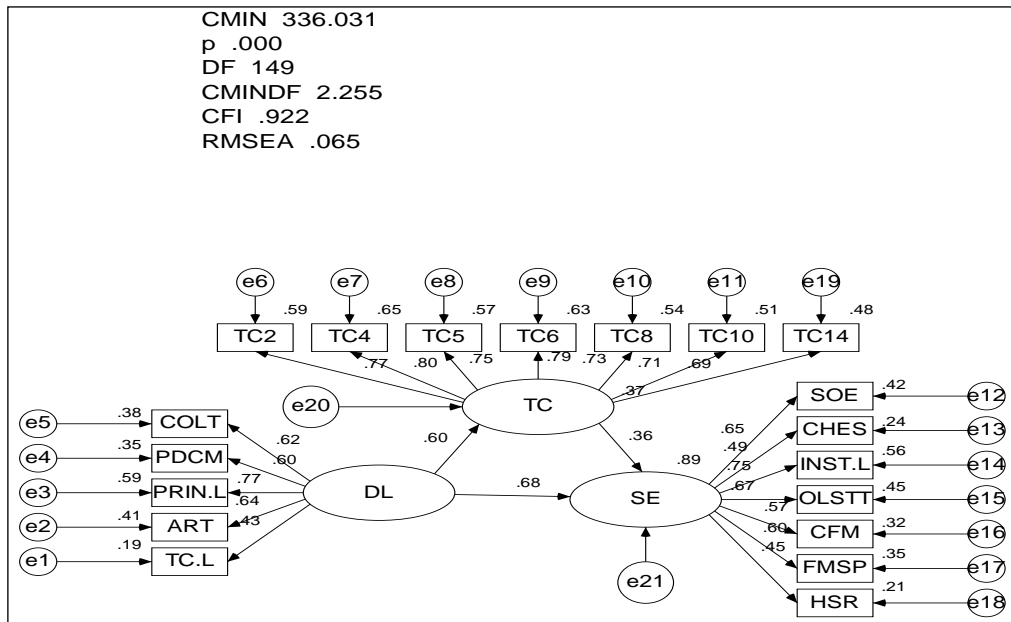
Figure 3: The Specified Structural Model of Study

Table 3 and Figure 3 show that DL influences SE (standardized coefficient .68), TC also influences SE (standardized coefficient .36) and TC mediates the relationship between DL and SE (standardized coefficient .22). This result supports all three hypotheses developed for this study.

Table 3:

Summary of supported hypotheses

SN	Hypothesis	Decision	Justification
1	There is a statistically direct significant relationship between distributed leadership (DL) and school effectiveness (SE).	Supported	Standardized Coefficient (.68)
2	There is a statistically direct significant relationship between teachers' commitment (TC) and school effectiveness (SE).	Supported	Standardized Coefficient (.36)
3	Teachers' commitment (TC) mediates the relationship between distributed leadership (DL) and school effectiveness (SE).	Supported	Standardized Coefficient (.22)

7. Discussions

The main objectives of this study are to examines the influence of distributed leadership on school effectiveness among secondary school teachers in Katsina state Nigeria moreover, the study investigates whether teachers commitment mediate the relationship between distributed leadership and school effectiveness.

The study adopted and adapted the relevant survey instruments/questionnaires (as discussed in methodology) to get the required data from the respondents (sample teachers) in the sampled secondary schools in Katsina state. The data collected was analyzed using Special Package for Social Science Research (SPSS) and SEM to establish the relationship between the variables of the study. SEM was employed and used extensively because it is one of the most effective techniques of establishing relationship between endogenous and exogenous variables (Hair et.al. 2010).

The findings as depicted in the specified structural model of the study (Figure 3) above indicate that DL is positively and directly influences SE (standardized coefficient .68). It should be stressed that a standardized path coefficient greater that .50 indicates a large effect size (Kline, 2010). This implies that teachers in the sampled schools (Katsina State) believed that leadership is to some extent is being distributed effectively in their respective schools and consequently affect positively how the school is governed effectively. This result also revealed that the sampled schools are to some extent effective compared to those schools where leadership is not being distributed or shared between various levels in the organization. The results of the study supports the finding of Pont et al. (2008) who opined that DL across members will reduce the problems that the schools are facing and consequently enhanced the school effectiveness.

The findings of this study also support the earlier findings by Silins and Mulford (2002) that the more distributed form of leadership is practiced the more it influences student outcomes. Moreover, the results of this study concur with that of Leithwood et al. (2006) who found in Canada that distributing high percentage of leadership activities to teachers at all levels has a positive influence on teachers' effectiveness and students engagement (as cited in Harris 2008b). Additionally Harris (2012: 9) argued that "distributed leadership is increasingly been seen as a contributor to organizational growth and success".

Additionally, the specified structural model as depicted in Figure 3 above indicates that TC positively and directly influence SE. It has been established that staff who are committed both organizationally and professionally tend to perform better than those who are less committed and their behavior improves overall organizational effectiveness (Aranya & Ferris, 1984). Moreover, the result also supports the findings of Graham (1996), Eginli (2009) and Razak et al. (2009). Conclusively, the findings indicate that TC mediates the relationship between DL and SE. According to Hallinger and Heck (1998) mediated effects gives a concrete indication of possible ways through which leadership may affect school outcomes and effectiveness.

It is worth noting that the findings of this study is equally supporting the Islamic perspective of leadership which always encourages the Islamic leaders to consult their followers widely before taking critical decisions regarding the overall development of the organization. This is due to if the followers were involved in the decision making, they will demonstrate better commitment towards in implementing the decisions, compared to the situation if they were excluded. This is supported by God that (Al Quran: Surah Al- shura: 38) "Those who harken to their Lord and establish regular prayer; who (conduct) their affairs by mutual consultation". Further, Allah says, "And those who answer the Call of their Lord, and to worship none but Him alone, and perform their prayers, and who conduct their affairs by mutual consultation, and who spend of what we have bestowed on them." Quran 42:38. The Islamic Leadership Model and the principles associated with it offer a leadership alternative which can open the door of excellence and achievement.

As for the implications the study brought to the fore the necessity for educational stake holders, especially, educational administrators at the school and ministry level to come up with more avenues of enhancing teachers' commitment and leadership distribution in secondary schools. The educational leaders at school level need to ensure that enhancing teachers commitment should be one of its priorities as far as strategic planning for school is concerned (Fiedler, 1989). The schools' change management process would be in greatest trouble if the teachers' commitment factor is neglected by the management. Developing and improving the process of organizational learning also is somewhat pertinent in regard to teachers' commitment. This will go along way in enhancing junior secondary school effectiveness. Moreover, the study has theoretically contributed to the existing literature, considering the fact that previously, most of the studies conducted on distributed leadership and school effectiveness were conducted in the West and Asian countries, with few or none in the continent of Africa in general and in the Republic of Nigeria in particular. In addition the study managed to propose a

model of distributed leadership and school effectiveness, which is a significant theoretical contribution to the existing literature and indigenous body of knowledge.

8. Conclusion

Notwithstanding, the above contributions, this study has some limitations. First, the study was conducted in public junior secondary schools, as it does not include private junior secondary schools and senior secondary schools. As such, there is need for caution in generalizing the result to the entire secondary schools in Katsina state, Nigeria. Secondly was time consumption factor. The third reason is the problem of the cooperation from the respondents and participants of the study. They just refused to cooperate in some cases. To ensure that the study get enough respondents, certain steps needed to be taken such as giving a token of appreciation to the participants. As for generalization, more studies need to be to be conducted in senior secondary schools as well as junior and senior private secondary schools in future.

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Fear of Violence and Criminality in the Region of Gjilan, Kosovo

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Abstract

It has already passed a long time since the second half of the XX (twentieth) century, fear of crime has been subjeced to an intensive study of many criminologist. Even today it is difficult to define precisely this notion because we are dealing with something that falls in the domain of subjective perception. Today the fear of violence and crime is considered as a problem, which mostly affects the quality of life not only of individuals but also the wider circle we live in. Many criminologist consider that fear of crime as a bigger problem than the official rate of offenses recorded in modern urban centers. The purpose of this research is to get to know the imensity of this problem compared to official figures, and how some of important factors affect sensivity of Gjialn citizens security in the sense of security of citizens in Gjilan, Kosovo.

Keywords: Fear of crime, violence, victimization, prevention of crime.

1. Introduction

Criminality is a negative social phenomenon, which has been accompanying every society throughout all stages of its development. Most European criminologists believe that fear of crime is a bigger problem than the official rate of recorded offenses in modern urban centers. Crime and fear of crime reduce the quality of life of many Gjilan citizens, especially to elderly, children and minors, those living in the poorest areas with a higher density of population.

Fear of crime can be defined as the experience of an individual or a group that represents trust, perception or emotion in relation to crime and public order, and has a negative effect on human's feelings, thoughts or behavior and quality of life (Gjoni, 2006). In other words, we are dealing with emotional reaction and unpleasant cases in relation with criminals.

Fear of crime is mainly and primarily psychological, but perceived risk of victimization includes cognitive evaluation of probability that in reality happens as victimization (Warr, 2000).

Recent years we have witnessed many events in the field of crime throughout Kosovo, witnessing various criminal acts, seeing and hearing through electronic and print media.

At the same time, according to the annual work report of the Kosovo Police official and police statistics is shown that the total number of offenses in the Republic of Kosovo in 2014 was 36,514, compared with the statistical data of 2014 and those of 2013, the number of offenses was 36642. This indicates that the number of cases and offenses have declined up to 4. 89%, respectively 00:35%. Based on an investigation, cases have increased from 2. 99 in 2014 and from 66. 8% in 2013, to 69. 79% (MIA, 2014). In 2013 the number of offenses has increased by 2. 97% compared to those of 2012 were 35585. Comparing discovered cases of the years 2012/2013 in percentage, is clear that since 2013 discovery of cases has increased up to 2. 01% (MIA, 2013). In the Gjilan Regional Directorate the number of criminal cases in 2014 is the participation of 9% or 3286 criminal cases in total offenses at the national level of 36,514.

Despite the successful police organized at central and local levels, it has been seen a reduction of offenses committed in the past, but the factors that affect the fear of violence and crime in Gjilan region are manifold and complex, where are included socio-demographic characteristics, the earlier victimization, exposure to certain topics in the media, use of personal protective measures, previous contacts with the police and judicial bodies, the perception of neighbors and personal traits, etc.

Most European criminologists believe that the fear of violence and crime is a bigger problem than the official figures of offenses recorded. This situation is quite logical, because, we in Kosovo for years have been hearing official reports on crime which situation is almost a "satisfactory" chronic.

The population of Gjilan still perceives criminality as one of the greatest concerns of this time. In this context, this research is an attempt to provide answers to the question, to what extention is the fear of violence and crime in Gjilan region.

2. Subject of research

Phenomenological analysis needs, we have undertaken an empirical research which includes structure, social - psychological, social - demographic fear of crime - a sense of danger which as such constitutes the subject matter of this research in the town of Gjilan.

Criminality is being fought by all means, and by various national strategies in cooperation with all relevant institutions responsible for it. Nevertheless it is very flexible and is changing the form of action by leaving bad "effects" in the region where it operates. On the other side it lowers sconfidence of institutions which are responsible to fight crime. Therefore, the content of this research is measured by different indicators due to fear of crime.

2.1 The goal of research

The purpose of empirical research plan is trying an objectivity of the security situation in Gjinal town, using some new methods of the criminality accuracy. Volume, dynamics and structure of criminality in any society can be assessed by various methods. Official statistics provide us with data on the number of persons the police dealing with, courts and institutions for enforcement of criminal sanctions. The success of these institutions depends to what extenssion they have managed to lower the citizens fear from crime. If citizens are disappointed by these authorities which are just some factors to measure crime, the fear would be greater towards criminality. Therefore, the main goal of this research would be collecting data of fear in terms of violence and criminality by various factors that influence and determine the perception of citizens in terms of violence and crime in the town of Gjilan.

2.2 Research method

Methodological opus means two methods. In fact, it comes to methods of analyzing the meta-analytic literature and examples of good practice in the introduction section, the theoretical part of the paper, with proper use and the method of content analysis and case studies. In the context of empirical work on which we have been exploring the sense of security of the citizens of Gjilan and compare that feeling on the quality and quantity of official indicators of criminality from the records of formal control bodies. As a tool in this research, we have used the questionnaire survey (for poll violence, N = 270 respondents), arranged in the correct way, with questions formulated previously defined and providing the answers. The survey in this research was the oral survey, where the interviewer ask questions orally based on survey instruments and has recorded responses to the questionnaire.

In this research, we have used individual and anonymous survey which is simultaneous and the most successful and frequent surveys. Knowing the importance of its plot - mass phenomena, the connection with general scientific statistical method, its characteristics: the systematization is provided through a responsible work in the conceptualization and design of research by our staff, the relative duration and economizing. In this process carefully pronounced operationalization facility is dedicated to research, hypothesis, indicators, questionnaires, sampling and training of enumerators.

2.3 Working methodology

2.4 Instrument

In this survey was used questionnaire of Wurffov for fear of criminality which is used in many international researches. (Van der Wurff, A. , Van Staalduinen, L. , Stringer, P. 1989), the used questionnaire consists of several variables summarized in groups:

1. Socio-demographic general characteristics (residence, age, gender and victimization of an offense, the time-period of residence in the last address, residential status, educational level, position in the labor market.)

2. Self perception of the respondents and their behavior. (Calculation of the running speed, the ability of financial survival, self-assessment of health status, frequency of association with people, attending the neighborhood association, attending the visit friends in the neighborhood, risk assessment in certain countries). Fear of violence and crime in Gjilani region is explored through the scale from 1 (impossible, slow, weak, never) to the 5 level (very easy, fast, very well, very often) in which participants have to assess self-perception and behavior among these levels in reply to the posed questions.

3. Eight characteristics of socio-psychological model of fear of crime (I think the most evil men threaten me and my property, I think people are jealous of me, think I'm able to control a potential attacker, usually you deviate problems, generally trusting strangers, I do not believe to some people in my area. There are times when getting back home I thing I might get attecked by somebody, but still I have a faith that the path I have chosen to go back home is safe).

4. Six situations in terms of security feeling or insecurity in relation to criminality is closely connected with four socio-psychological componenets: atractivity, misfaith, power and space criminality.

2.5 The sample of respondents

Sampling, selection of the method to carry out a survey is a complex process in which scientists, experts, supervisor and interviewers participate to choose a certain number of units representative of the knowledge and the completion of the phenomena on the basis of those units . The sample of respondents in this research consists of Gjilan residents aged over 18 years old selected by random method with previously trained interviewers. The starting point of the interviewers and the definition of the way in which they move is not made casually, it has its own importance in the sampling system. The starting point has fulfilled the spatial dimensions of stratification that has surrounded our "area of responsibility«. Selecting family has been a very difficult task in the process of stratification to define in which families survey would be realized.

2.6 Hypothetical framework

The whole instrumental package, the anticipated contents even the purpose, subject and methodological framework is possible, testing through a general hypothesis records: "Official statistics of crime in Gjilan, in quantitative terms, is distinguished from the perception of crime by the citizens of this city gained from their victimology research properties ".

3. Summary of survey conducted in the Gjilan city

The perception of fear of violence and crime in the region of Gjilan, within the research surveyed individuals according to the structure specified below. During the survey interlocutors were informed with the subject of research, and the same individuals voluntarily participated in it. Research based on individual statement in the town of Gjilan on fear from criminality and its danger was conducted with a sample of 270 respondents, aged over 18 years.

Through research on gender variables it comes out the best predictor of fear from crime. This link has been proven by many researchers (Garofalo, 1979; Tolle, 2001; Skogan & Maxfield, 1981; Ferraro & LaGrange, 1987; Rountree & Land, 1996; Borooah & Carcach, 1997; Lane & Meeker, 2000) with results that women have a higher degree of fear than males, while according to research (Fettah of Sacco, 1989) older females were less likely to be victims. These thoughts also match our records where research results have shown us that women feel more fear of crime than men.

Employees are more afraid of crime than the unemployed ones, those who have been victims of crime feel less dose of fear than those who were not. We also have the case of unemployed persons who in this research is shown to have more fear than they used to have it before.

Many scientists have been dealing with the fear of crime research, and studies have confirmed its existence in different populations (Chockalingam & Srinivasan, 2009; Dolezal, 2009; Gjoni, 2006). In the meantime research defined a large number of determinants of fear of crime, including socio-demographics various features, such as gender, age and rural origin - urban.

Table 1. Structure of respondents after socio-demographic model of fear of crime.

Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Running speed: "In relation to average people" running	270	1	5	3.54	1.155
How do you evaluate your health this year?	270	1	5	4.07	1.174
Are you able to collect 250 Euro "in a cuiqk run" without a loan from a bank?	270	1	5	2.72	1.433
I get on well with pople	270	1	5	3.82	1.117
How often do talk with your nbeighbours?	270	1	5	3.85	1.074
Do you visit your neighbours?	270	1	5	3.56	1.211
How often do you walk alone at night?	270	1	5	2.93	1.391
Valid N (listwise)	270				

Regarding the age group of respondents appears that each ¼ is betweeen 18 to 35 years old. If we focus ourselves at the responses from the socio-demographic data, it comes out that the speed (average 3.54) of running and health (average of 4.07) is a good rate compared to the ability "in a quick run" to collect 250 euros without loan from the bank with an average scale of 2.72. Analyzing the two important indicators of high unemployment among respondents with a percentage of 30.37% or the other indicator of young age, 62% of respondents there is a good average in general.

Regarding association with people, talking to people in the neighborhood, and visiting friends who live in the neighborhood, there is an average that is closed to 4 (scale one 1 never, whereas scale 5 often), respectively association with people 3.82, conversation with neighbors 3.85, and visiting friends who live in the neighborhood with 3.56.

Research carried out in Europe (European Communities, 2004), the US (Gallup, 2009), India and Japan (Chockalingam & Srinivasan, 2009) show a lower representation of fear of crime in general population. In a study conducted in 36 countries across Europe, USA, Canada, Australia and New Zealand, which was held in 1989, 1992, 1996 and 2000 and in which the total sample consisted of 162,346 people, participants answered an average of feeling quite safe when walking alone at night in the city, and the level of fear was approximately the same in all European countries and it has not changed significantly over time (European Communities, 2004). The situation is similar in the US, where in 2009 Gallup poll, 66% of respondents state that they feel themselves safe when moving through the city during night.

From other socio demographic data we see that the walk at night by citizens is expressed with an average sample of respondents N = 270 of 2.93. the range of 1 to 5. Namly, citizens of the region of Gjilan do not feel very safe while walking at night. They lack safety and it cannot be compared with other world cities.

The respondents see as a huge problem groups of young-bands where they felt very concerned at a frequency of 180, or with a large proportion of 67.70%.

Table 2. youth gangs (groups)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	A very big problem	180	66.7	66.7	66.7
	A big problem	55	20.4	20.4	87.0
	A small problem	25	9.3	9.3	96.3
	It is not a problem	10	3.7	3.7	100.0
	Total	270	100.0	100.0	

If we take a retroactive look to the last year, police statistics shows that the security situation in Gjilan is not so enviably, since it has been based on the earlier problems of youngsters- groups who are split into two and they have with them large numbers of their members, which is a major problem and concern for all authorities dealing with social control. These authorities have been creating great strategy to combat this phenomenon and to prevent it it in the future.

Nearly half of respondents, respectively, 47.40% or with frequence of 128 from N = 270 felt confident in their district compared to 1/7 or 14. 80% of those who felt threatened.

Table 3. Structure of respondents to the sense of security at night in their district

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very safe	49	18.1	18.1	18.1
	Quite safe	53	19.6	19.6	37.8
	Safe	128	47.4	47.4	85.2
	Risked	40	14.8	14.8	100.0
	Total	270	100.0	100.0	

With an average of 1.68, or 57% of respondents who are ranked in the first degree (1-5) and who feel very concerned with the risk of theft. Their main fear 6 indicators presented in question 3 is theft, a problem for them is very disturbing.

Table 4. Riskiness feeling of theft

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Quite big koncern	154	57.0	57.0	57.0
	Relative koncern	69	25.6	25.6	82.6
	Average koncern	31	11.5	11.5	94.1
	Small koncern	12	4.4	4.4	98.5
	No concern at all	4	1.5	1.5	100.0
	Total	270	100.0	100.0	

But if you look at the statistics of the annual report of 2014 the number of thefts has declined by 10.83% or theft offenses 7748 compared with 2013 by 8689 offenses of theft. This factor alone does not reduce the fear of crime from theft. It is known that this fear is dependent on many different factors. After feeling the danger of theft, respondents feel afraid of the danger or fraud and feel very concerned with the frequency of 134 from N = 270 or 49. 60%

Table 5. Riskiness feeling of fraud

		Frequency	Percent	Valid Percent	Cumulative Percent

Valid	Quite big koncern	134	49.6	49.6	49.6
	Relative koncern	59	21.9	21.9	71.5
	Average koncern	46	17.0	17.0	88.5
	Small koncern	26	9.6	9.6	98.1
	No conceren at all	5	1.9	1.9	100.0
	Total	270	100.0	100.0	

Our respondents to the following question "Is there a part of the city where you would never go alone at night?" 66.70% answered that there is no part of the city where they would not go at night, which is a fair indicator for a good feeling of security in Gjilan. The rest of the respondents answered that there were still places, neighborhoods where there would not attend lonely at night is 33. 33%.

Table 6. Are there parts of the city where they would not go alone at night?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	180	66.7	66.7	66.7
	7 Korriku	35	13.0	13.0	79.6
	Arbëria	21	7.8	7.8	87.4
	Baleci	13	4.8	4.8	92.2
	Dardania	1	.4	.4	92.6
	Dheu i Bardhë	4	1.5	1.5	94.1
	Kodra e Dëshmorëve	1	.4	.4	94.4
	Grave yard	1	.4	.4	94.8
	Sports Hall Yard	6	2.2	2.2	97.0
	Hospital Yard	1	.4	.4	97.4
	Parks	3	1.1	1.1	98.5
	City Suburb	2	.7	.7	99.3
	Zabeli	2	.7	.7	100.0
	Total	270	100.0	100.0	

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They claim that the most dangerous area remains the street "7 Korriku" with 12.96%, or with a frequence of 35 and then Arbëria neighborhood comes with a frequency of 21 or 7.78%. and in third place is the neighborhood of Baleci with 4.81% or with a frequency of 13. But the remaining percentages are very small that will appear in contuinity of this project.

9.60% of our respondents have replied that their propertiy damages would be compensated in case of any possible damage caused by somebody, it is concretely with 2.20%, or with a frequence of 6 of those who have secured property with insurance companies with 7.40% or with a frequence of 20 who have secured their property at a private insurance company.

Table 7. Structure of respondents on the manner of choosing insurance in order to offset any damage caused by possible refraction.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	244	90.4	90.4	90.4
	Insurance company	6	2.2	2.2	92.6
	Private Security	20	7.4	7.4	100.0
	Total	270	100.0	100.0	

Each of the 15th respondents has been a victim of any offense. The risk is theft at a scale of 11.11%, then it is victimization by being fraud at a level of 3.70.

Respondents to undertake various security measures on the fear of crime, respectively feelings of danger from crime have always taken steps to avoid contacts with unknown people at night (with an average of 1.71); often (with an average of 2.17). People usually take measures to avoid certain roads, streets or parks. But (with an average of 3.22) Night respondents sometimes use taxis, etc. Respondents also sometimes (with an average of 3.69) take security measures to keep safe large amounts of money.

Undertaking security measures while getting out from the apartmen is very necessary, and it has to be followed by strict security measures (with a scale of 2.87). To the extent that rarely take as a measure providing hedge funds holding himself responded (with an average of 4.43%) of respondents from Gjilan. Perceived threats to dangerous places among the respondents from the sample N = 270 are in the first place (streets, shops, parks, recreational places) with 66.30%, then the second row of hazards in their view are ranked recreation sites 48.15%, whereas in the first place of not being at risk are shops, sample =270 with 91.85%.

Table 8. Structure of respondents after socio-psychological model of fear of crime

Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
I think, evil pepole put me in risk and my wealth	270	1	5	3.33	1.435
I think people are jealous to me	270	1	5	2.73	1.359
I think I am enough capable to fight any potential attacker	270	1	5	3.14	1.337
Mainly I avoid problems	270	1	5	4.46	1.152
I talk to unknown people in general	270	1	5	2.01	1.354
I do not have faith to some people in my area	270	1	5	2.93	1.410
On the way back home I have a feeling someone might attack me	270	1	5	2.87	1.458
Leaving home, I am pretty sure that the way to my destination is secured.	270	1	5	3.27	1.367
Valid N (listwise)	270				

The socio-psychological model of fear of crime, the questions have different answers from the respondents but not having an extreme departure from the scale 1 (strongly disagree) to 5 scale (completely agree) but a concentration between scale 2 and 3. More specifically, at the question "I think the most evil men threaten me and my wealth" there is an average scale of 3.33%, while the question "I think people are jealous of me" has an average rate of 2. 73%. Whereas the prevalence of potential attackers is of an average of 3.14 Just to avoid the problems there is a grown average that leads towards level 5 (completely agree) with 4.46. Faith to strangers is at the lowest level of socio-pathological model with an average of 2.13.

As far as the risk sentiment as to how much endangered would you feel in the evening when you're alone, you do not welcome visitors, someone knocks on your door, the respondents answered with a rate of 2.86 (from an average of 1-5) this respond relatively is endangered. But enough threatened feel our respondents finding themselves in a cafe in a Serbian village in the municipality of Gjilan where no telephone access is. In thi scase the respondents answered with an average of 1.94. Here the respondents answered with a lower average to all questions to the sense of danger.

As mentioned above, the factors influencing the fear of crime - a sense of danger in Gjilan, are multiple and complex and one of them is the exposure of certain topics in the media. The media largely contribute to the formation of attitude about crime and its presence in society. Graber (1980) showed that 95% of people rely on the media as the main source of

information on criminality. Therefore, fear of crime can be linked to media exposure to crime. Selection of real events and its nonrealistic dramatization distort public perception problem. Doob and MacDonald (1979) have assumed that frequent exposure on television will promote fear of crime, it is not because of greater exposure to television, but for the reason that people who watch television more often tend to live in areas in which objectively happen more criminality.

In this regard when asked respondents "how much information affects the electronic and print media in your sense of security" sometimes there is an answer with the highest percentage up to 21.90, and then we often answer with 21.50%, always 18.50%, rarely 18.50% and 19.60% never. Based on this all the answers varies from a minimum of 18.50% to a maximum of 21.90. Based on this, we can say that this has an impact factor usually followed with a sense of security to the overall percentage of 80.40% (in four scales: always, often, sometimes and rarely).

4. Conclusions

Statistical analysis of this research have shown detection of crimes and their perpetrators have a limited effect in reducing the crime rate without participation of other entities and social communities in preventing and combating crime.

Citizens express a distrust of institutions to social control and feel somehow increasingly insecure. Hereby, it is clear that adequate authorities may be proud of reducing crime statistics, however they can not affect the sense of security among the citizens. During this research we have confirmed our hypothesis. Main - Official statistics of crime in Gjilan, in quantitative terms are distinguished from the perception of crime by the citizens of this city gained from their research of victimology properties. Due to what we have realised in our research there are many factors that affect the criminal fear and sense of danger in Gjilan, which are quite complex and attached to many socio-demographic characteristics. However, previous victimization has not been discovered due to fear facing victims for various reasons. In this domain property protection measures in Gjilan show the following only 9.2 from N = 270 respondents have taken measures. Also, previous contacts with the police and judicial authorities are the key factors affecting the fear of crime and the sense of danger in Gjilan. Discovered offenses by police and meritory dilivery of sentences by the court would reduce to some extenssion fear of crime.

Importan role in reducing fear from criminality has been the role of neighbours and thei perception all along with personality features, etc.

Gjilan city neighborhoods where this research took place almost has the same problem based on an analyse carried out by the Police Statistics in Regional level in Gjilan.

What is interesting, several quarters compared with other quarters, is that those citizens who were victims of crime do not feel a high insecurity now and in principle they are satisfied with the police and have faith in their work.

This research reflects in detail the work to explore and understand the fear of crime and the sense of danger in Gjilan. Such work is very important because it affects in particular the measures needed by police, judiciary authorities, Municipal Assembly, various Directorates of the Municipality of Gjilan for the prevention of recidivism and crime in general. To enhance the trust of citizens, it is necessary commitment of the aforementioned authorities in order to lower the fear of crime.

In this regard, data and results presented in this research, which arose out of the analysis of our work can serve relevant institutions in designing appropriate policies to prevent and combat the negative phenomenon affecting the fear of crime.

A good strategy for crime prevention not only prevents crime and victimization, but increases the safety of the community in the country, and promotes more security to all age groups affected by the fear of crime and simultaneously increases the confidence of the community in all organizations that fight crime.

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Educational Media Tools and Lifelong Education

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Abstract

One of the key factors in lifelong education are also various media including, television, radio, newspapers. The thesis "Educational content in Kosova's television programs" is a thesis that requires multilateral approach as well as psychological, social, pedagogical, andragogical and practical coverage. The importance of this issue remains into the complexity of problem content, because analytic study for the researcher means dividing the problem into two fundamental aspects: the theoretical aspect and practical aspect as well. Actually in Kosova there is a considered number of televisions with 24 hours broadcast, which are identified with a lot of deficiencies, which in fact actualize the problem, but the technological and scientific development especially, have had that impact in human knowledge that the human could not achieve to posses without media help. Latest knowledge become old and are replaced in that speed that it is impossible for human being to cope with these rapid changes if he would not be continuously educated or would not be informed by the media. Besides education, school should prepare the pupil to be able to continue the education further in his life in order to be successful in coping with the latest changes in technology. After finishing the basic education, in order to succeed in his profession and cope with technological, social, economical changes, it requires being continuously educated and informed. Besides everything, the human willingness, involvement and continuous insisting for self improvement help him to achieve success in every field of life, as well as coping with the challenges we face. Without personal involvement for further education even in formal or informal institution, the human as part of society or the society itself could not make it further without media help either television, radio or electronic ones.

Keywords: media, education, culture, television content.

1.Introduction

Before 20 or even more years, when man was educated and prepared for a job, with the knowledge that has earned during his schooling, he was able to achieve results at work. Now is a time of rapid and varied changes, because life itself has become more dynamic, and the man will "lose" in these rapid changes, because the school is not able to prepare enough the individual for changes brought about time.

School besides providing knowledge must prepare the individual to be able to be educated throughout his life, in order to be more successful in dealing with the changes. After completing basic education, in order to achieve success in the profession and to withstand the economic, social and technical – technological chnages,it is required to be educated in continuously. Man begins his education since childhood and his education is affected by a range of factors and tools. Initially he is prepared in the family, later in different institutions, but also durin working life in various forms. It is considered that aftes the acquisition of a certain fund of knowledge, skilled individual should be educated independently, without the presence of teachers.

Different educational television programs help to broaden and deepen the knowledge of various fields, without having individual contact with anyone, or to follow any sort of continuing education course. Continuous education leaves room to be implied the development of other sectors such as: the economy, education, health and technology, enabling the active involvement of citizens in these developmental processes. This kind of education will enable our inclusion in the family of democratic nations. Without inclusion and adapting to advanced countries, we will find ourselves in a situation of social, educational and technological disadvantaged. Our society will deal with major challenges, so to overcome these challenges, our society should be active society, which educated and moving in step with global developments.

2. Research purpose and objectives

Television is a very important source of educational advancement of individuals and lifelong education. The role of television has changed the lives and professional development of people. Now television is a medium and a tool which provides good knowledge in many areas. That a man can be educated throughout life, society must ensure that television programs to be diversified, and also the individual is responsible for his education.

The object of study - is to conclude how educational television content affects lifelong education.

3. Research questions, hypothesis and research methodology

Research questions of this research are: Educational TV contents and their importance in lifelong education.

3.1. Research methodology

For the realization of this research are used different methods, combined, descriptive. Also, the research was based on quantitative and qualitative methodology, and we also reviewed research, and other documents related to the subject that we have researched**.**

3.2. Hypothesis: Does educational TV content influence lifelong education?

4. Research importance

The problem of educational television content and their relevance to lifelong education, as is extensive and actual, is also very complex. This issue must not be confined within a specific area, inter alia due to the multidimensional character it has. Lifelong Education, in addition to general technological and social progress, represents the television as quite an important factor. Along with global developments, television is becoming a medium and a tool, which will serve us in our continuous efforts to the educational and professional raise

5. The purpose of the research

The purpose of this research is: analyzing the current situation, time when television broadcast educational programs, and their quality. As a main purpose of this research is to detect and identify other causes and motives, of any nature, which influence educational content on Kosovo's televisions.

6. Research tasks

From the above statement of the purpose of research derive also the operational tasks. Within the project was envisaged the realization of specific tasks that the nature of the research and work flow enabled to be achieved.

 The tasks of the research were to ascertain:

 What TV channels offer more educational programs for the citizens of Kosovo;

 How much is the television used by the citizens of Kosovo for lifelong education;

 How many of those programs help adults to enhance their knowledge.

 Which resources are used by the citizens of Kosovo for lifelong education

 Which educational programs are the most viewed in our country;

 How satisfied are adults with the diversity and quality of the programs they follow;

6. Lifelong education

The aim of the educational policy of any country is to provide opportunities for achieving the appropriate level of education for each one and for all groups of adults as well ensure that all possess the knowledge, skills and attitudes that are in accordance with the requirements of society and labor market. Because of this, education must be accessible to everyone who lives in this society, regardless of age, gender, religious determination, health, ethnicity and socio-financial situation. Also, education and training must have all the conditions for efficiency and effectiveness, in order to be able to offer all general and professional education. Education should be characterized by a certain dynamic and flexible structure, which would enable mobilization of pupils, students and teachers, which will operate with clear mechanisms that will enable adaptation and willingness to deal with the requests for changes of individuals and society in general. Also, education must overcome issues and eliminate factors that promote absence of education and flood of users of educational services. Particular attention should be paid to the differences that will be manifested in the areas of: quality of teaching, learning conditions, adequate infrastructure, possession with adequate staff and physical access into educational institutions. Society must create comprehensive opportunities for education also encourage and motivate them to use these opportunities to improve their position in society, to aim for self actualization, regardless of their social background and educational level. The individual should aim to be updated and actual in the workplace. If he will not be updated and actual, then the results at work will not be enjoyable

Lifelong education is a continuous process of implementation of real opportunities of learning and self learning, in order to unconventionally, indirectly and directly, to obtain knowledge and functional skills for successfully solving important problems at work, also social, family and personal problems. If you rely on the rapid changes occurring in society, and the explosion of new knowledge and aging of them for a short time, it is considered that lifelong education is a necessity of the time. Scientific, technical, technological changes impose lifelong education so that we can move forward and together with all developed countries towards global change.

6.1 Forms of lifelong learning

Lifelong Education includes all stages of human life and helps in overcoming the youth education and supplementary education for adults. It emphasizes the man who is educated and not the educational institutions, recognizing, in this way, that education can be accomplished in many different ways and not necessarily in school, under the guidance of teachers and giving exams**.**

Lifelong Education includes:

a. formal education

Formal education is realized in education and training institutions, which provide officially recognized certificates and qualifications and it is structured (in relation to the goals, objectives, duration and the means by which is realized). [1]

b. Non-formal education

Non-formal education is provided through the activities of organizations and civil society groups, such as youth organizations, trade unions, political parties, as well as through additional services organizations or formal systems, such

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[1] Prof. dr. Pajtim Bejtja, Të nxënët në shoqërinë e sotme, Tiranë, 2003, fq. 3.

as art classes, music and sports or private lessons preparing for exams, it is typically structured and ends with award certificates that are not formally recognized or even without issuing certificates. [1]

c. informal education

Informal education is follow up of the activities that take place during everyday life at work, at home or at leisure, usually unintentional (accidental), so it is unstructured and does not lead to any certification. [2]

6.2 Factors that determine the individual to determine for lifelong education[3]

In the century which we live in, the changes are enormous, so human must necessarily be lifelong educated otherwise would not be able to perform professional duties that arise. There are a number of factors that determine lifelong education, among others will include:

Motivation to be educated.- This is a very important factor, because the man to be educated continuously must have motive and incentive to learn.

Awareness of the need to be educated.- man must be aware of what he knows, what he learns and what you has to learn in the future;

A clear picture of what should be learned.- man must clearly know what he has to learn what he needs to learn;

Practicality of knowledge – in order the knowledge gained to stay longer in our memory and influence our work they must be exercised. Only with the practicality of knowledge, they can be functional and serve us in our work**;**

Filling, expansion and progressive development of Knowledge- we constantly have to expand and also update new knowledge, in order to go with technical and other scientific –technological developments;

Updating need- Adding knowledge, doubling them for a short time helps the man to be continually educated, because it also imposed for a job and a better life. This rapid change of information, and the desire to be present, promotes aspiration for lifelong education

6.3 Audiovisual technique and the education

The postwar generation of first world war (1914-1918) and especially that of the 1930s witnessed the birth and development of audiovisual civilization. The postwar generation of II world war grew in an environment in which audiovisual techniques was already fully installed. Children and adolescents of 1968s are fully living with picture and sound civilization. While children of after 1980s, already live and will live more and more in the world of computing. This means that, for some of them the audiovisual technique was rather new phenomenon, which failed to accept and use, for others, the environment provided all the conditions for an accelerated learning as this technique began to be a part of their psychological and personality forming development. For youngsters, the presence of "audiovisuals" is an evident fact and a necessity, such that they have the impression that you can not live witout ear headphones. First implications that can be drawn from such a simple conclusion is that pedagogical problems arising out of the audiovisual intervention in the educational process of a few decades ago are no longer the same as those faced today. For this reason there can be distinguished the main following stages.Problems of 1940-1950s were associated with the use of instruments, purely psychological aspects of perception on the screen. In its beginings audiovisual technique was considered as completing the educational process introduced by the teacher, slowly, it was integrated into the teaching process, but always assecond element[4] Audiovisual technique does not remain in the helping role of pedagogical action. It has a central role, being considered today as one of the major elements of the pedagogic action across the spectrum of its constituent ingredients: information, learning and expression.

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[1] Po aty.

[2] Po aty.

[3] Ligjërata të nivelit master, Prof. dr Demë Hoti.

[4] Gastron Mailaret, Pedagogjia e Përgjithshme, Koha, Prishtinë, 1997, fq.430

Until a century before, the knowledge sources of an adult were; the family, the physical environment, economy, schools, newspaper reading books, personal and professional experience. Radio and TV are sources of new knowledge, qualitatively different from the previous ones in terms of quantity as well. Just in front of us now is developed actualization and "internationalization" of knowledge.Information, cultural programms, propaganda, publicity etc.

6.4 Audiovisual technique and new processes

 Audiovisual technique, that one of illustrated publications, cartoons, cinema or television to reach the fixed images on the screen, has caused birth of a new form of perception; two dimensions perception of a reality which is three dimensional itself, a perception that necessarily introduces a form of passivity without reference to J. Piaget works on the child's conception of space. Increasingly the question of how elementary student integrates a highly complex landscape plan that gives adults the notion of depth or distance. The teacher is constantly in the flux of possible errors of interpretation of a document and is bound to make the necessary corrections without delay. In fact, what the film shows us is a series of successive images related to the same subject, figures which we are obliged to follow one after another in the order given, to try to integrate the perceived object, place, event or landscapes in their entirety. Cinema, radio and television, are excellent tools for information transmission, while the inactivity of the auditor or spectator is not indicative of a real communication. It is this reason why the teacher must have a minimum of knowledge about makin a film laws, on the type of film language used to help young viewers develop their critical spirit. Audovisual technique is not neutral in this respect[1].

6.5 Cd player

Cd player is a small instrument, which has not taken its rightful place in the midst of an educational situation. With its ease of use, it is audible witness of what happens in a classroom or what means a certain subject. Its practical use for repeating effect turns in a superb instrument of learning. Thanks to cd player the learning process has been a real revolution. Cd player plays magic mirror role in all educational situations that require verbal expression of subjects. [2]

6.6 Television- short history

In 1947, the US begin the first steps in television engagement in educational work, for which were made plans for first television educational programs. Systematic use of television in education starts around 1948 (Japan, USA, England), and educational programs begin to gain more space in programs and television companies. Television is an invention of the 20th century which conquered the world with great speed. Information was not obtained through the written rows anymore, but directly from the filming reality. People could see from their homes what was happening in the world. Television, in fact, changed people informing so quickly and revolutionary. It turned the world into what we call today global village. Prishtina's Television began work with the program in 1974. Television was discovered by John Logie Bard (british) and Vladimir Zworykin (Russian) in America. On October 2, 1925, in his laboratory Bardi has successfully transmitted the first television appearance.

6.7 Television in schools

Television in school creates conditions that general and vocational education to be acquired mainly through television. All those who wish to finish a certain type of school, get a qualification or further refine their profession can accomplish this with the help of television in school. "via television various curriculum are broadcasted and students watch, listen, take notes and try to remember."[3] the teacher gives adequate explanation, makes additions and gives certain tasks and thus students imbibe certain school program and benefit proper qualification. Students send questions to television, fill in

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[1] Gastron Mailaret, Pedagogjia e Përgjithshme, Koha, Prishtinë, 1997, fq.432

[2] Mirko Bogičević, Tehnologija savremene nastave, Beogra, 1974, fq.177

[3] Petar Mandiq, vep e cit. fq. 258.

answers and tests and undergo other modes of exams, while teachers, taking into account pedagogical requirements, organize and develop their teaching work.

6.8 CD and DVD- television tools

CD and DVDs are modern teaching tools that can be used successfully in the learning process. As Cd as well as DVDs have many options, ranging from their capacity, up to their potential for large scale exploitation for educational needs. CD and DVD also are practical, as their storage and their use. In these learning tools can be found films, documentaries, but recently has become common practice in Cd to be a whole book, from different areas. A CD or DVD can hold hundreds of thousands of information.

6.9 TV contents and their relevance to lifelong education

Through television content, individuals have the opportunity to see various events of great importance, which would hardly be followed closely, or due to economic failure. Television has tremendous opportunity to offer your students an event when it is actually happening or through film, drawings and other material and provide different parts of the world, reconstruct events, provide data, show processes (chemical, biological, etc.), produce rare objects, concretize etc. Thanks to television broad popular masses can follow all political, cultural, scientific and sports events and thus became possible the expansion, deepening and updating of educational content, the modernization of methods and forms of teaching and learning.[1] Television is a very powerful tool for informing the public. Broadcasting of television programs and experience in systematic educational television programs for schools has shown that television throughout the education system is a very important tool for the rationalization and modernization of the education system[2]

1. Lifelong education for you means:

Table nr. 1

Options	level	Nr	Percentage
a	Saving time	292	16.2 %
b	Saving money	148	8.2 %
c	Labor preservation	171	9.5 %
d	spiritual tranquility preservation	394	21.9 %
e	Personal security	28	1.5 %
ë	Anxiety and stress preservation	30	1.7 %
f	Intellectual condition storage	442	24.6 %
g	Social balance preservation	295	16.4 %
	total	1800	100 %

Graph nr. 1

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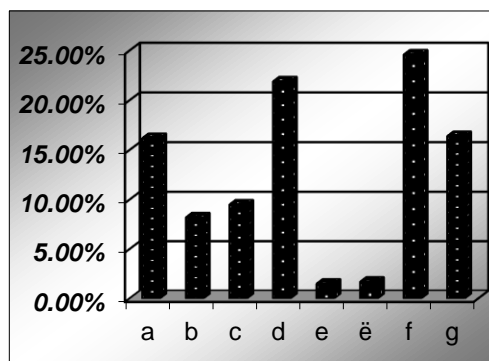
[1] Dr. Petar Mandiq, Novacionet në mësim, ETMM, Prishtinë, 1985, fq. 244.

[2] Rtv pedagogija, vep e cit. fq. 7.

Legend

a. Time; b. Money, c. labor; d. Spiritual tranquility; e. personal security. ë. anxiety and stress; f. intellectual condition; g. society balance.

As to the question of what it means lifelong education for participants in the research, this result has been produced:

In first position is **f** option. Lifelong Education is the intellectual Condition storage. In second position is the option under **d**. Lifelong Education is the preservation of spiritual tranquility. In third position is the option **g**. Lifelong education means preserve the balance in society. In fourth position is **a** option. Lifelong education is saving time, then come work option, money etc.

Lifelong Education is the intellectual Condition storage, preservation and conservation work the pace of change.

2. Do you watch television?

This question was submitted to elicit information from the respondents that do watch television. Depending on the answer given by the respondents, we continued or not with other questions.

Graph nr. 1.
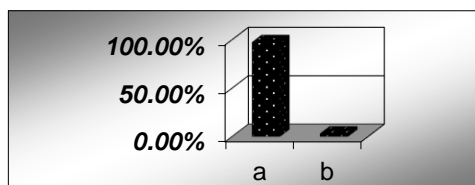
Table nr. 1.

Options	Answers	Number	Percentage
a	yes	1749	97.2 %
b	no	51	2.8 %
	Total	1800	100 %

Caption: On the question Do you watch television?, most of the participants in the research claimed that they watch television, while only are few of them said they do not watch television. Depending on the answer given to this question, we proceed or not with the two following questions. Subjects who said they do not watch television, we did not need to ask the question 2 and 3. The answers show that 97.2% of Kosovo citizens find time to watch and actively monitor television programs. Out of these 57% were male and 40.2% were female. Differentiation based on age, about 35% are aged up to 18, 21% aged 19-25 years, 19% aged 26-45 years, 16.2% aged 46-60 years old, 6% aged over 60 years

About 96% of those living in villages and 98.4 of those living in cities watch television. Most of the citizens of Kosovo are interested to watch and watch TV regularly.

3. Which programs do you watch more?

Question has the purpose of obtaining information by respondents about programs they watch more..

Graph.5
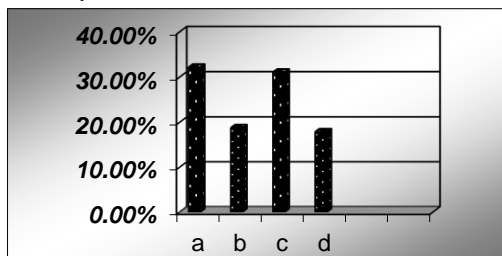
Table nr. 5.

Options	level	Number	Percentage
A	movies (artistic, serials etj)	584	32.2 %
B	Music	341	18.8 %
C	Educational programs	564	31.1 %
D	Other porgrams	324	17.9 %
	Total	1813	100 %

Legend: a. movies b. Music c. educational programs **d**. other programs

In this question we got the following answers: Kosovo citizens mostly watch movies, so in the first place is option **a**, in second place is the option **c**.educational program, in third place is option **b.** music and at the bottom is option **d.** other programs. The outcome shows that educational programs occupy a very important place in the daily programs that citizen s of Kosova watch. However there is further need to provide more, and also educational programs to be followed more by the citizens.

4. Label some national or international tv channels that you watch for your educational raise?

Graph nr. 6Table nr. 6
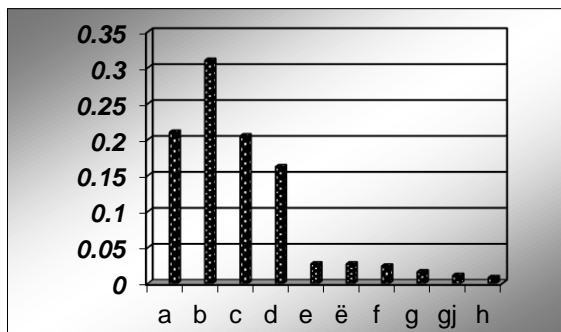
Options	TV channel	Nr	Percentage
a	Explorer	780	21 %
b	RTK	1140	31 %
c	KTV	760	20.5 %
d	TV 21	600	16.2 %
e	Discover	100	2.7 %
ë	Top Chanel	100	2.7 %
f	BBC	90	2.4 %
g	Besa	60	1.6 %
gj	Tema	40	1.1 %
h	Mitrovica	30	0.8 %
	Gjithsej	3700	100 %

Legend: a. Eksplorer; b. RTK; c. KTV; d. TV 21; e. Discover; ë. Top channel; f. BBC; g. Besa; gj. Tema; h. Mitrovica;

Regarding the TV channels that can be watched in our country, we have a rating of about 10 TV channels followed by the citizens of Kosovo, but we will enumerate only a few who followed the highest percentage of citizens. In first position is Kosovo's public television RTK, in second place digital TV channel: Explorer, then comes the television channel KTV and after him comes TV 21. Six other TV channels are followed by a small number of citizens. Some of these TV channels can not be watched by many people because of the extent of their relay. While for some other channels (Explorer for instance), in some rural areas where there are no cable network installation and they cannot afford the digital access, it is impossible to watch these channels.

5. How much are you satisfied with the quality of educational programs that broadcast television Kosovo?

The purpose of this question was to have opinions on how much information is provided for lifelong learning.

Table nr. 5

Options	level	Nr	Percentage
a	A lot	374	25.2 %
b	Relatively	626	42.2 %

Graph nr. 5
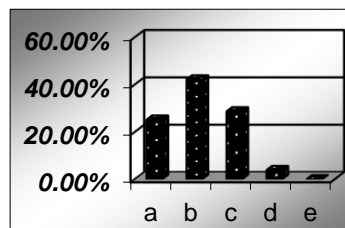
c	Average	427	28.7 %
d	A little	58	3.9 %
e	Not at all	0	0 %
	total	1485	100 %

Legend a. A lot; b. relatively; c. average; d. a little; e. not at all

According to most participants, whether they are satisfied with television channels that broadcast quality educational programs, they say that it helps for new information from the world of latest technical and technological developments, also there are information about books containing, educational programs for kids, etc. The skills to use the print and electronic resources, help you relatively a lot for lifelong education. In second place stand a group of participants who think that these are average qualitative educational content and there is still need for improvement. In third place is the option **a).a lot** there is a high quality of the educational contents in Kosovo's TVs. While the terms of the option d) has stated that few programs that broadcast quality programs with educational character, and to the last question did not have any correspondent who has provided an answer on this question. Quality education programs have great importance to the general public viewer on new information.

6. Do you use other electronic resources and media to your lifelong education?

The purpose of this question was to obtain information whether participant use other resources for their lifelong education.

Table nr. 6   **Graph nr. 6**

Options	answers	Nr	Percentage
a	yes	1508	83.8 %
b	no	292	16.2 %
	total	1800	100 %
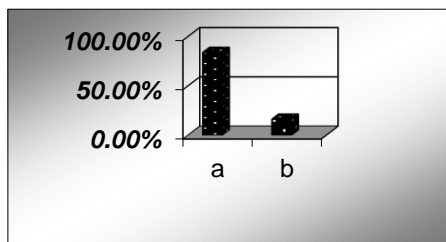
Legend: a. Yes;   b. No.

Most participants in the survey say they use other electronic resources and media for their lifelong education. A small number said they cannot exploit these resources.

The reason why the citizens of Kosovo do not use other resources for their educational establishment is that, as more resources are used more information is taken. If they use only the television they could not take much knowledge as well as a few television channels broadcast educational programs for adults

7. Conclusions and recommendations

Based on theoretical analysis and practical problem, we can see that television is an important medium for educational establishment, however the actual television centers in Kosovo does not offer enough programs for adult education. Regarding this issue, we draw some conclusions:

Most of Kosovo's citizens watching television meaning they have access to television, most follow local channels on television, more viewers and highest broadcast quality has national television RTK, but the citizens of Kosovo use also other educational resources for their lifelong educational advancement. From the results obtained, we concluded that 53.7%

of respondents are constantly educated in order to gain more knowledge, 14.3% of them want to have good income, 5.5% of them want to be advanced at work, equally wish to be updated in the workplace, 2.3% want higher position, 14.7% want to be role models for their children, while 4% of the respondents have other reasons for continuous education.

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Pedagogical Communication –Albanian School Experience Democratic Transition in Years

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Abstract

It is a widely acknowledged the role of teachers in promoting democratic learning through active, participatory approaches is vital. The success of education for democratic citizenship and education human rights depends largely on the teaching profession which is realized through teaching communication. The necessity of a revolution in learning is a reality and duty which best met the recognition changing, endless application of communication tools. Every family, school, educational company, teacher or student can understand the communication apply pedagogical as an effective factor for the realization of a contemporary learning and communicate. Now we must radically reconsider all aspects of school education system. But even if we do not live in a society social group, we have to present and prepare yourself and schools,such programs that reflect the success of the culture of all humanity and do not leave it captive or experience of national success why not and pedagogical communication, which over the past decade has significantly parmisuar academic success. Communication with the theoretical basis entirety understand pedagogical knowledge, the principles that enable the creation of the imagination the nature, mechanisms of realization in practice and the system of meanings. Often, without recourse to knowledge, dealing with the substance of the communication, which are accumulated knowledge from other fields of knowledge, teachers try to "invent" themselves such productive ways of communication, not related to the "technocracy" information exchange. Pedagogical communication, being a form of professional conduct, subject to certain rules and implemented on the basis of a compound prerequisites anthropological, information, semiotic, cultural and social and psychological.

Keywords: pedagogic communication, knowledge, student interaction, notification , professional behavior.

Komunikimi pedagogjik – përvoja e shkollës shqiptare në vitet e tranzicionit demokratik

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Abstrakt

Është një gjë e pranuar botërisht që roli i mësuesve në promovimin e mësimit demokratik është jetik. Domosdoshmëria e një revolucioni në të mësuar është realitet dhe detyrë. Ajo plotësohet më së miri me njohjen, ndryshimin, aplikimin e mjeteve të pafundme të komunikimit. Tashmë na duhet patjetër në mënyrë rrënjësore të rishikojmë dhe ridimensionojmë të gjitha aspektet e sistemit të arsimimit shkollor, duke u përqendruar edhe në rreziqet, që lindin nga programet arsimorë të ngushtë, afatshkurtër, pa vizion, në mënyrë të veçantë në drejtim edhe të komunikimit pedagogjik. Kjo do të na ndihmojë të mos ngelemi robër as të përvojës e suksesit kombëtar, as edhe kulturës sonë kombëtare, përse jo dhe komunikimin pedagogjik, i cili dekadën e fundit ka përmirësuar dukshëm suksesin pedagogjik. Shpesh, pa iu drejtuar njohurive, që kanë të bëjnë me thelbin e komunikimit, njohuri të cilat janë grumbulluar nga fusha të tjera të dijeve, pedagogët orvaten që të "shpikin" ata vetë të tilla mënyra produktive të komunikimit, që nuk lidhen me "teknokracinë" e shkëmbimit të informacionit. Ndërkaq komunikimi pedagogjik, duke qenë formë e sjelljes profesionale, i nënshtrohet rregullave të caktuara dhe realizohet mbi bazën e një kompleksi premisash antropologjike, informative, semiotike, kulturore dhe sociale e psikologjike. Me anë të metodave të analizës dhe të krahasimit do të mundohemi që të sjellim në këtë material edhe rrugë e metoda për përmirësimin e komunikimit pedagogjik në kushtet e shkollës shqiptare, e cila në këto vite tranzicioni të zgjatur demokratik ka krijuar edhe një fizionomi të vetën.

Fjalëkyçe:komunikim pedagogjik, dije, student, bashkëveprimi, njoftimi, sjellje profesionale .

Komunikimi pedagogjik, si faktor i rendesishëm suksesi

Në se për ju është me rëndësi kuptimi, kini mirësinë ta kuptoni vetë. Në se për ju nuk ka rëndësi kujt i takon kuptimi, atëherë duhet të jeni i gatshëm të përvetësoni kuptimin e huaj. Ju lutem, bëjeni këtë...

K.M.Mamardashvili

Dosdoshmëria e një revolucion në të mësuar është realitet dhe detyrë, e cila plotësohet më së miri në njohjen, ndryshimin, aplikimin e mjeteve të pafundme të komunikimit, - dhe ky revolucion po ndodh në ditët tona prej disa vitesh edhe në shkollat tona e më gjerë. Çdo familje, shkollë,kompani arsimore,mësues apo nxënës mund të kuptoj e aplikoj komunikimin pedagogjik si nje faktor mjaft efikas për realizmin e një të mësuari e komunikuari bashkëkohor.

Tashmë na duhet patjetër në mënyrë rrënjësore të rishikojmë dhe ridimensionojmë të gjitha aspektet e sistemit të arsimimit shkollor, duke u përqendruar edhe në rreziqet, që lindin nga programet arsimor të ngushtë, afatshkurtër, pa vizion, para së gjithash në mdrejtim edhe të komunikimit pedagogjik. Por edhe nëse ne nuk jetojmë në një shoqëri, grup shoqëror, ne duhet që paraqesim dhe përgatisim tek vetja dhe shkolla, programe të tilla që pasqyrojnë suksesin e kulturës,të gjithë njerëzimit, dhe mos të ngelemi robër as të përvojës e suksesit kombëtar, apo edhe kulturës sonë kombëtare, përse jo dhe komunikimin pedagogjik, i cili dekadën e fundit ka parmisuar dukshëm suksesin pedagogjik.

Me baza teorike të komunikimit pedagogjik kuptojmë tërësinë e dijeve, të ligjësive, të parimeve që mundësojnë krijimin e përfytyrimit për natyrën, për mekanizmat e realizimit në praktikë si dhe sistemin e kuptimeve, përmes të cilave përçohet deri te ne fenomeni i dhënë.

Shpesh, pa iu drejtuar njohurive, që kanë të bëjnë me thelbin e komunikimit, njohuri të cilat janë grumbulluar nga fusha të tjera të dijeve, pedagogët orvaten që të "shpikin" ata vetë të tilla mënyra produktive të komunikimit, që nuk lidhen me "teknokracinë" e shkëmbimit të informacionit. Ndërkaq komunikimi pedagogjik, duke qenë formë e sjelljes profesionale, i nënshtrohet rregullave të caktuara dhe realizohet mbi bazën e një kompleksi premisash antropologjike, informative, semiotike, kulturore dhe sociale e psikologjike.

Bashkëveprimi – marrëdhënia – komunikimi. Shqyrtimin e natyrës së komunikimit pedagogjik do ta fillojmë me shqyrtimin e kuptimeve të përgjithshme shkencore dhe ndërdisiplinore: "bashkëveprimi", "marrëdhënia", "komunikimi", të marra në kontekstin e lidhjeve të tyre me arsimin.

Bashkëveprimi është njëra prej kategorive më themelore filozofike, në të cilën gjejnë pasqyrim proceset reciprokisht të kushtëzuara të ndikimit të objekteve të ndryshme njëri mbi tjetrin. Është lloj lidhjesh dhe raportesh të drejtpërdrejta apo jo të drejtpërdrejta, të jashtme apo të brendshme. Është e tërë gama e lidhjeve që ekzistojnë realisht dhe që mund të përshkruhen në kuadrin e kësaj kategorie, duke u konkretizuar e trupëzuar në një kontekst apo në një kontekst tjetër. Për sa kohë që në procesin e realizimit të bashkëveprimit ndodh shkëmbim informacioni ndërmjet pjesëmarrësve, ky komponent shërben si burim universal arsimues.

Komunikimi paraqitet si njëra prej formave të bashkëveprimit pedagogjik, në kuadrin e të cilit gjatë procesit arsimor ndodh përçimi i informacionit. Përmes bashkëveprimit të organizuar me synime të caktuara pedagogjike, kryhet të mësuarit, bëhen të njohura modelet e sjelljes, formësohet përvoja e përbashkët e veprimtarive, sigurohet dinamika e pozicioneve që zënë pjesëmarrësit e procesit arsimor, ndryshohen motivet dhe premisat e veprimtarisë së tyre.

Në varësi të shkallës së përfshirjes së brendshmi të pjesëmarrësve në situatën e bashkëveprimit pedagogjik, ky ndodh në nivele me thellësi të ndryshme: në nivel *komunikimi* (këmbimi i dijeve i drejtuar me synim të përcaktuar qartë), në nivel*marrëdhënie* (dialog ndërmjet individëve), në nivel *ngjarjeje* (uniteti shpirtëror i bashkëvepruesve).

Përmes kategorisë *raport (marrëdhënie)* karakterizohet cilësia dhe specifika e lidhjeve dhe e varësive të ndërsjella të elementeve të këtij apo të atij sistemi. Në sistemet arsimore vendosen raporte të ndryshme. Cilësia e lidhjeve ndërmjet

pjesëmarrësve në procesin arsimor ka si tregues *shkallën e aktivizimit* të secilës palë (raporte subjekt-objektive, subjekt-subjektive, subjekt-objekt-subjektive), po ashtu ka si tregues *brendinë e këtij aktivizimi.* Në procesin e bashkëveprimit të ndërsjellë po ashtu krijohen dhe raporte komunikimi, që shfaqen në tipa të caktuar raportesh pedagogjike: si autoritare, si demokratike, si humanitare e të tjera.

Fakti që komunikimi pedagogjik shpaloset në sfondin e marrëdhënieve pedagogjike, në një masë të caktuar kushtëzon specifikën e tyre. Lidhur me raportet pedagogjike po vëmë në dukje këto veçori:

1. Të kuptuarit dhe të ndërgjegjësuarit nga pjesëmarrësit në procesin e komunikimit të rolit që ata luajnë në sistemin e të mësuarit.

2. Kuptimi i njeriut si *vlerë dhe si synim* i veprimtarisë pedagogjike, por jo si mjet i saj.

3. Përkushtimi profesional në punën *me vetitë njerëzore dhe me shfaqjet e ndryshme të natyrës së njeriut.*

4. Gatishmëria e pjesëmarrësve në bashkëveprimin pedagogjik për *ndryshime të ndërsjella.*

5. Prania e *brendisë së lëndës* që ka kuptim arsimues si baza e bashkëveprimit pedagogjik.

Këtë tezë të fundit do të dëshironim që ta shtjellonim në mënyrë të veçantë, sepse aty gjendet i përqendruar dallimi ndërmjet komunikimit pedagogjik dhe marrëdhënieve pedagogjike.

Siç e theksuam, komunikimi është një kuptim ndërdisiplinor. Në kibernitikë me komunikim kuptohet shkëmbimi i informacionit ndërmjet sistemeve të ndërlikuara dinamike, të cilat janë në gjendje që ta marrin informacionin, ta grumbullojnë dhe ta transformojnë. Lidhja e komunikimit realizohet në nivelet e mekanizmave të krijuara nga njeriu (televizioni, telegrafi, telefoni, rrjetet kompjuterike). Komunikimi ekziston dhe si formë e aktivitetit social. Në nivelin e lidhjeve dhe të marrëdhënieve shoqërore ai trajtohet si një proces i kushtëzuar social i dhënies dhe i marrjes së informacionit në komunikimin ndërmjet individëve dhe në komunikimin masiv përmes kanalesh të ndryshme me ndihmën e mjeteve verbale dhe jo verbale.

Pas gjithë këtyre konstatimeve po e përcaktojmë komunikimin pedagogjik si *bashkëveprim i ndërsjellë informativ i subjekteve të procesit të arsimimit, që ka brendi pedagogjike dhe kuptim pedagogjik.* Komunikimi pedagogjik me ndihmën e sistemeve të ndryshme të shenjave mundëson transmetimin e asaj, që posaçërisht është e vlefshme në kuadrin e bashkëveprimit pedagogjik.

Marrëdhëniet pedagogjike dhe komunikimi pedagogjik. Në literaturën psikologjike dhe pedagogjike kuptimet "marrëdhëniet pedagogjike" dhe "komunikimi pedagogjik" përdoren paralelisht, madje jo rrallë kryqëzohen dhe zëvendësojnë njëra-tjetrën në përdorim.

Kuptimi "marrëdhënie" përdoret si sinonim i kuptimit veprimtari komunikuese. Në një burim lexojmë: "Marrëdhënia apo siç përcaktohet shpesh ky proces komunikimi është një kuptim i gjerë dhe me frymëmarrje të madhe".

Dhe me të vërtetë, si marrëdhënia, si komunikimi paraqiten si forma që realizojnë pasqyrimin e të njëjtës dukuri themelore, për të cilën ne folëm më sipër, dhe pikërisht realizojnë pasqyrimin e *bashkëveprimit dhe të lidhjeve të ndërsjella të njerëzve.* Si në rastin e komunikimit, ashtu dhe në rastin e marrëdhënieve bëhet fjalë për mekanizma, që për nga natyra e tyre kryejnë funksione *lidhjeje* dhe shërbejnë për krijimin e një bashkësie të re. Si marrëdhënia, si komunikimi kanë të njëjtën bazë *vepruese,* për rrjedhojë ato mund të shqyrtohen si dukuri që lidhen me qëndrime të caktuara vepruese.

Zakonisht fjala "komunikim" identifikohet me këto dy kuptime kryesore: 1) *rruga* e njoftimit dhe *lidhja* e një vendi me një vend tjetër (kuptimi teknik i fjalës); 2) *Njoftimi* (kumtimi) apo *transmetimi* (përcimi) me mjete gjuhësore i *brendisë*së një thënieje apo dukurie (kuptimi linguistik i fjalës).

Fjala "marrëdhënie" ka këtë shpjegim në fjalor: "Lidhje e ndërsjellë bashkëpunimi, ndihme e bashkëveprimi ndërmjet dy a më shumë njerëzve, palëve, shteteve, organizatave e të tjera në një fushë të veprimtarisë politike, shoqërore, ekonomike e në punë të ndryshme". Në sferën e komunikimit pedagogjik fjala "marrëdhënie" merr kuptimin e bashkëveprimit të ndërsjellë të palëve për harmonizimin e përpjekjeve të tyre për mbarëvajtjen e bashkëveprimit dhe për arritjen e një rezultati të caktuar në veprimtarinë e përbashkët.

Në qoftë se nxjerrim tërësinë e trajtimit të kuptimit në fushën e filozofisë, të sociologjisë, të psikologjisë dhe të pedagogjisë, arrijmë në përfundimin se duhen veçuar tre kuptime kryesore të termit:

- Kuptimi *lloj i pavarur veprimtarie.*

- Kuptimi *atribut i llojeve të tjera të veprimtarisë së njeriut.*

- Kuptimi *formë e bashkëveprimit të subjekteve.*

Në shkencat humanitare "marrëdhëniet" kuptohen si unitet i tre përbërësve: *i komunikimit* (përçimi i informacionit), *iinteraksionit* (veprimi i ndërsjellë) dhe *i peripecisë* (pranimi i ndërsjellë). Me marrëdhënie në kuptimin profesional shkencëtarët e fushës së arsimit kuptojnë sistemin e bashkëveprimit të pedagogut me nxënësin dhe me studentin. Brendinë e këtij bashkëveprimi e përbën shkëmbimi i informacionit, optimizimi i proceseve të mësimit dhe të edukimit, organizimi i punës së përbashkët të nxënësve dhe të studentëve, i kolektivit të klasës dhe i mësuesit, ushtrimi i ndikimit edukues, njohja individuale e nxënësve dhe e studentëve, por edhe e vetvetes nga ana e mësuesit, krijimi i kushteve për vetëzhvillimin e personalitetit të nxënësit. Pedagogu në këtë proces ndodhet në rolin e nismëtarit, të organizatorit dhe të drejtuesit të procesit.

Përcaktimi më i detajuar i funksioneve që kryen termi "marrëdhënie" flet për lidhjet e tij të ngushta me termin "komunikim".

Funksioni i kontaktit dhe i informimit kushtëzohet prej kërkesës për një ndikim sa më të madh brendior dhe emocional dhe për lënien e mbresave sa më të fuqishme.

Funksioni komunikues dhe diagnostikues lidhet me studimin paraprak të situatave dhe të kushteve, në të cilat do të realizohet komunikimi i pritshëm.

Funksioni komunikues prognozues siguron vlerësimin e anëve pozitive dhe negative të komunikimit të pritshëm.

Funksioni komunikues programues synon përgatitjen e brendisë, zgjedhjen e stilit, të pozicionit që duhet zënë dhe të largësisë së njoftimit.

Funksioni informativ komunikues lidhet me transmetimin e informacionit.

Funksioni afektiv komunikues ka të bëjë me anën volitive dhe emocionale të informimit.

Funksionet komunikues organizativ dhe rregullues komunikues lidhen me organizimin e vëmendjes së partnerëve në procesin e komunikimit, lidhen po ashtu me stimulimin e aktivitetit komunikues, me drejtimin e proceseve të bashkëveprimit të ndërsjellë.

Funksioni komunikues ekzekutiv ndihmon në drejtimin e dinamikës së situatave të informimit.

Duke e analizuar natyrën shumë funksionale të marrëdhënieve, shkencëtarët kanë tërhequr vëmendjen në përbërësit informativë dhe komunikues. Po ta shohim problemin në këtë kënd shikimi, do të përcaktonim këto lloje marrëdhëniesh:

Shërbimi që u duhet bërë veprimtarive që lidhen me lëndën, bashkërendimi i veprimeve (shkëmbimi i informacionit, drejtimi, organizimi). Për një rezultat sa më të efektshëm të bashkëveprimit informativ duhet realizuar *komponenti komunikues i marrëdhënieve.*

Marrëdhënie për hir të marrëdhënies, kontaktet miqësore, marrëdhëniet e lira, jo të punës. Në marrëdhëniet e lira që nuk parashikojnë përçimin dhe përvetësimin e një vëllimi konkret informacioni, është i madh roli i *lidhjeve jo verbale komunikuese.* Këto lidhje mundësojnë një perceptim dhe përvetësim sa më adekuat të informacionit si dhe krijojnë kushte për shprehjen e qëndrimeve vetjake në situatat e ndryshme të marrëdhënieve.

Njohja me vlerat që përçojnë marrëdhëniet, përcaktimi i saktë i synimeve, i pozicionit të të tjerëve dhe bashkëngjitja e këtyre vlerave atyre tanimë të disponuara qysh më parë është i pamundur të arrihet jashtë sistemit *të komunikimit social.*

Ekziston mendimi se marrëdhëniet pedagogjike nuk janë tjetër veçse formë e bashkëveprimit mësimor, janë bashkëveprim individual me orientim social. Në të njëjtën kohë përmes tyre realizohet funksioni i komunikimit dhe i interaktivizimit, duke

shfrytëzuar në të njëjtën kohë tërësinë e mjeteve verbale dhe jo verbale, krijuese, simbolike dhe kinetike. Pra, shkencëtarët i përmbahen idesë se marrëdhëniet pedagogjike ndërtohen mbi bazën e komunikimit. Ndërkohë analiza krahasuese e përcaktimeve tregon se marrëdhëniet kuptohen më gjerë në rrafshin e përgjithshëm njerëzor, ato janë më të pasura e më të shumanshme se lidhja e thjeshtë përmes komunikimit dhe informimit. Në nivelin e vetëdijes sonë të përditshme ekziston përfytyrimi për vlerën e pavarur të marrëdhënieve dhe për prejardhjen e komunikimit nga detyra të tjera praktike, përfshi ndër to dhe ato, që lidhen me marrëdhëniet. Sipas mendimit të një specialisti të shquar të fushës së komunikimit (U.Shram) "komunikimi (sidomos komunikimi mes njerëzish) ka të bëjë me atë, që njerëzit kryejnë. Në njoftimet tona nuk ka brendi tjetër, përveç asaj, që futin aty vetë njerëzit.

Analiza strukturore e marrëdhënieve dhe e komunikimit si lloje të veprimtarisë.

Për evidencimin e dallimit më të imët që ekziston ndërmjet komunikimit dhe krijimit të marrëdhënieve si lloje të veprimtarisë po ndalemi në analizën krahasuese të strukturave të tyre. Siç dihet, komponentë të çdo lloj veprimtarie janë subjekti i saj, lënda që përmbahet në të, qëllimi që synohet të arrihet, brendia e marrëdhënieve, raportet që shpalosen në ecurinë e marrëdhënieve dhe rezultatet që arrihen.

Si *subjekte të marrëdhënieve* janë njerëzit, grupet dhe bashkësitë e njerëzve. Objektet jo të gjalla (për shembull, sistemet teknike) nuk komunikojnë me njëri-tjetrin. Ndërkohë lidhja e komunikimit mund të vendoset jo vetëm ndërmjet njerëzve, grupeve dhe bashkësive të njerëzve, por edhe ndërmjet pajisjeve teknike dhe sistemeve të ndryshme të informimit.

Mësimdhënia përmes komunikimt

Të mësuarit përmes komunikimit është një proces i bazuar në njohuri interpretuese. Mësuesi

ka për detyrë të drejtojë nxënësit rreth një çështje të caktuar që mund të përbëjë thelbin e

materialeve të organizuara për atë orë mësimi, duke i nxitur ata të diskutojnë rreth mënyrës

sesi e perceptojnë apo vleresojnë temën e diskutimit. Komunikimi, empatia dhe arsyetimi

janë elemenët të rëndësishëm që e bejnë më efektiv proçesin e mësimdhënies. Dialogu dhe

mbështetja reciproke janë shtyllat e procesit të mësimit përmes komunikimit.

Mësuesi Dje

Komunikimi në klasë dikur kishte arritur në kufijët e një "idhulli", ku mësuesi ishte i

paprekshëm, i pagabueshëm dhe kur nxënësi përballej me të, ndëshkohej nëse prishte

atmosferën në klasë. Mësuesi dje ishte i plotfuqishëm dhe përdorte të gjitha format e

poshtërimit të figurës së nxënësit të cilat ulnin shkallën e komunikimit të ndërsjelltë mësues-nxënës.

Në shumicën e rasteve komunikimi mësues-nxënës ishte i njëanshëm, duke përjashtuar ose

penalizuar të gjithë ata fëmijë, të brishtë psikologjikisht, duke i arratisur në një botë tjetër.

Mësuesi Sot

Mësuesit e ditëve të sotme kanë përqafuar një qasje të re komunikimi dhe kanë ridimensuar

rëndësin e komunikimit të ndërsjelltë me nxënësit e tyre në funksion të mësimdhënies.

Mësuesi model monitorohet në çdo moment të veprimtarisë së tij në shkollë, që nga mënyra

e komunikimit, sjellja, lëvizjet, gjestet etj, dhe është i skanuar nga sytë e përqëndruar në

një pike nga nxënësit e tij. Kështu ai duhet të zotërojë situatën, për të shmangur çdo thyerje

disipline dhe mbi të gjitha të realizojë me sukses procesin mësimor

Politikat arsimore në vendin tonë, ashtu si edhe në vendet e zhvilluara i kushtojnë mjaft vëmendje trajtimit të barabartë të nxënësve nga ana e mësuesit. Nivelet e ndryshme të kontrollit dhe inspektimit të shkollave apo drejtuesit e tyre në çdo rast të çmuarjes së cilësisë së mësimdhënies venë në qendër të vëmendjes trajtimin që mësuesi u bën nxënësve të tij si dhe cilësinë e komunikimit që ai ofron krahas përmbajtjes së lëndës dhe teknikave apo metodave të

përdorura për transmetimin e saj në orën e mësimit. Për të çmuar këtë shkallë barazie është e rëndësishme të mbahen parasysh strategjitë për të rritur shkallën e barazisë së nxënësve në klasë.

Metodologji

Qëllimi i këtij studimi është të identifikojë mjetet e metodat për rritjen e efikasitetit të komunikimit pedagogjik në shkollat shqiptare.

Metodat që janë përdorur janë bazuar në anketa, intervista individuale e vëzhgime .Kryesisht konsistuan në këto pyetje:
1.Cilat janë komponentët e aftësive të komunikimit të mësuesve në procesin mësimor?

2.Deri në çfarë mase komunikimi në marrëdhëniet me nxënësit janë të pranishëm në klasë?

3.Metodat ,strukturat dhe teknikat që perdorni në klase,a krijojnë klime të favorshme bashkëpunimi?

4.Cilat janë disa nga teknikat dhe përparësitë që sjellin ato ?

Në këtë studimin   po i referohem aftësive te përgjithshme të mësuesit,veçanërisht për ata në lidhje me komunikimin .

- Aftësitë metodologjike.

- Komunikimi dhe aftësitë që kanë të bëjnë me të:(të shkëmbesh ide,të bashkëpunosh,të shprehësh mendimet e tua)

- Aftësitë e vlerësimit të nxënësve. Etj..

Standardet profesionale kanë themelin e tyre në një sistem parimesh që shprehin mendimin aktual mbi përmbajtjen specifike të mësimdhënies dhe në cilësitë e një mësuesi të mirë. (Seghedin, 2011).

James A. Kelly (2002) pohon se në mesin e shumë kompetencave profesionale të mësuesit, është komunikimi.

- Mësuesi krijon situatat që favorizojnë komunikimin mësues-nxënës.

- Mësuesi përdor, strategjitë interaktive me pjesëmarrje për të stimuluar bashkëpunimin dhe raportin reciprok ndërmjet nxënësve;

- Mësues përdor gjuhën efikase verbale, jo-verbale dhe paraverbale;

- Mësuesi ka aftësinë për të bërë informacionin e dhënë më të arritshme për nxënësit;

- Mësuesi motivon dhe stimulon nxënësit për të mësuar.

Sot mësimdhënia përqëndrohet në të nxënët që bazohet në përpunimin dhe përdorimin e shprehive të të menduarit ,më shumë sesa në zotërimin e fakteve të shkëputura.Në vend të përvetësimit të njohurive ,sot kërkohet nga nxënësi të ndërtojë dhe krijojë vetë njohuri.

Mësimdhënia me në qendër nxënesin është një formë e vecantë mësimdhënieje e cila përdoret në shumë shkolla shqiptare dhe dallohet nga disa karakteristika.Në shumë orë vëzhgimi me këtë metodë, u vunë re se mësuesi luan rolin e drejtuesit dhe organizuesit ,ndërsa nxënësi gjithëpërfshihet në procesin mësimor.

Opinionet e mësuesve në këtë çështje janë të ndryshëm nga njëri-tjetri, por ato ilustrojnë të gjitha aspektet e procesit mësimor, kryesisht duke e vendosur nxënësin në qendër të veprimtarisë së tyre të mësimdhënies.

Mësuesit i ndajnë në dy grupe të mëdha veprimtaritë:

✓Metoda që kanë në qendër veprimtarinë e mësuesit
✓Metoda që kanë në qendër veprimtarinë e nxënësin

Grupi i parë i metodave përfshin metodat që kanë si synim dhënien e informacionit.Roli i tyre qëndron ne faktin se nxënësit pajisen me njohuri të nevojshme që do të sigurojnë bazën e zhvillimit të të menduarit të mëtejshëm.Këto metoda njihen ndryshe dhe si metoda tradicionale të mësimdhënies .

Grupi i dytë përfshin teknikat dhe metodat që kanë në qendër nxënësin.Ky grup metodash ndahet në nëngrupe:

- Teknikat dhe metodat e punës në grup
- Teknikat dhe metodat e hulumtimit
- Teknika dhe metoda për zhvillimin e të menduarit krijues dhe kritik

Ja disa nga teknikat dhe përparsitë e tyre që mësuesit zhvilluan ne orët e vëzhguara .

1. **Imagjinata e drejtuar**. (Gambrell,Kapinus & Ëilson,1987) eshte nje metode qe ndihmon nxenesit te perfytyrojne kur lexojne, mesojne dhe shkruajne. Te ndihmosh nxenesit te perfytyrojne gjate leximit, i jep jete materialit dhe e ben më me kuptim e tërheqës.

Zbatimi i kësaj metode perfshin keto hapa:

1-Kur t'l parapergatitni nxenesit te perdorin imagjinaten, u thoni qe do te jepni udhezime per ta per te pare ne mendjet e tyre. Sugjeroni nje imazh dhe u kerkoni nxenesve te pershkruajne se cfare shohin me syte e mendjes. Mund te sugjerohen imazhe si: ushqime, ndertesa, kafshe, ngjarje, personazhe te ndryshem etj. I lini nxenesit te punojne per disa caste mbi imazhin qe po formojne.

2-I vini nxenesit te parashikojne perzgjedhjen e pjeses per lexim. Theksoni qe duhet t'i kushtojne vemendje te vecante pikturave, vizatimeve ose grafikeve qe jane ne tekst.

3-U thoni nxenesve te mbyllin syte, te bejne disa frymemarrje te thella dhe te qetesohen. Paraqitni ushtrimin duke u dhene atyre informacione baze mbi situaten qe do te perfytyrojne. U jepni nxenesve nje imazh dhe nje fjali ne te njejten kohe.

4-Kerkojuni nxenesve te ndajne reflektimet e tyre mbi ate cfare imagjinuan. Cfare vune re ne imagjinatat e tyre? A kane ndonje pyetje per ate qe perpiqen te imagjinojne? Kjo eshte nje mundesi shume e mire per t'l bere nxenesit te shkruajne ate qe perfytyruan.

5-Gjate kohes qe nxenesit praktikohen ne imagjinate, u kerkoni te krijojne ushtrimet e veta te imagjinates se drejtuar ne grupe bashkepunuese, te pershkruajne me radhe cfare kane perfytyruar kur lexojne pjese te tekstit.

6- Pas përfundimit të shkrimeve ato mblidhen, përzihen dhe lexohen disa prej tyre në mënyrë anonime.

KUBIMI

Kubimi është një teknikë që ndihmon shqyrtimin e një teme nga këndvështrime të ndryshme .Ai përfshin përdorimin e një kubi me lëvizje të shpejta për të menduarin ,të shkruarin në secilën faqe të kubit .Mund të ndërtohet duke mbuluar një kuti të vogël me letër.

Mënyra zbatimit

Në secilën faqe të kubit shkruhen 6 kërkesa të shkurtra:

Përshkruaj,krahaso,shoqëro,analizo,zbatoje,argumento.

--Paraqitet tema .Më pas nxënësit udhëzohen të mendojnë për t´u dhënë përgjigje pyetjeve të mësuesit dhe ta përshkruajnë atë.Duke vazhduar shkrimin ,nxënësit shkëmbejnë përgjigje për secilën faqe të kubit.

Shembull:Gjuha amtare 4 fq.171 E Bukura dhe Bisha

Teknika mund të përdoret në dy pjesë.Tri faqet e para të kubit ne evokim (etapa I) dhe tri të tjerat në reflektim (etapa e III).

Paraqes dy vizatime ,një të Bukurës dhe një të Bishës.Duke parë këto vizatime nxënësit përshkruajnë ,krahasojnë dhe tregojnë.

Evokim 10′Përshkruaj:Si ju duken në pamje të parë ?Nxënësit do të shkruajnë për ato që u sjell në mendje kjo fjalë.

Krahaso:Me kë ngjajnë ? Nga se ndryshojnë?

Shoqëro:Cfarë ju sjell në mendje?Trego ndonjë histori,kujtim apo film rreth tyre.

Reflektim 10′Pasi pjesa është lexuar e diskutuar ne etapën e dytë të mësimit punohen tri faqet e tjera ne etapën e tretë.

Analizo: Analizoni këto dy personazhe.C′cilësi kane këto?Nga se është I formuar trupi i Bishës?

Zbato:Për cfarë vlen Bisha? Cfarë të mirash ka e Bukura?

Argumento:Nxënësit argumentojnë mendimet për të mirat dhe të këqiat e personazheve.Krijohet një diskutim dhe grupohen sipas opinioneve që japin.

Nga përvoja: Përparësitë

Kjo teknikë shmang pasivitetin dhe monotoninë në mësimdhënie.

-Nxënësit janë gjithë kohën në veprim.

-Nxënësit nxiten të analizojnë sesi përshtaten njohuritë e tyre me materialin e ri.

-Nxënësit shkruajnë duke përdorur mbështetje të organizuar mirë.

-Nxënësit bëhen më të vetëdijshëm për strukturën e tekstit kur shkruajnë dhe lexojnë.

Të tjera:DRTA & DLTA, Brainstorming,Rrjeti i diskutimit, Table e koncepteve, Kllaster,Pesëvargësh, Di/Dua të di/ Mësova.

Disa mësues janë të mendimit ,se ndjekja fanatike e hapave të një metode nuk siguron gjithësesi që nxënësit do të përfshihen në atë lloj të menduari që con në të nxënët e thellë dhe logjik.Nxënësit mund të bien rutinë e të „bëjnë sikur mësojnë".Jo të gjitha metodat të cojnë në mënyrë magjike drejt suksesit.

Prandaj ,ndonjëherë duhet shmangur përfshirja e tepërt në ndjekjen e formulës që bën të shkëputesh nga të nxënët që do të ndodhë në klasë.Në cdo rast metodat duhet të përshtaten sipas nevojave.

Përfundime

 Komunikimi pedagogjik është një çelës dhe kur ky realizohet me cilësi ai është një çelës i artë dhe mjaft i vlefshëm për punën në shkollë.

Për të realizuar këtë sukses të pritshëm nga të gjithë, mësuesit duhet të bëjnë përpjekje të vazhdueshme të ndryshojnë veten, të përmirësojnë cilësinë e punës dhe veçanërisht duke forcuar klimën e bashkëpunimit ,cfarë ka edhe vlera sociale ,dhe në këtë mënyrë të nxënët shndërrohet ne një veprimtari që sjell kënaqësi.

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Strategji të mësimdhënies dhe të të nxënit për klasat mendimtare. Udhëzues për trajnuesit. Botim i projektit "Zhvillimi i të menduarit kritik gjatë të lexuarit dhe të shkruarit".

The Understandings of Genetics Concepts and Learning Approach of Pre-Service Science Teachers

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Abstract

Advances in genetics and related technology have significant influence on our life. Recently, one of the most popular scientific and technological advances are related with genetics such as human genome project, genetically modified organism, cloning of organism, gene therapy and genetic background of various illness etc.. With the discoursing of this, society demands clear cut information to evaluate these genetics related issues having ethic and social characteristics. Becoming of evaluations' skills for genetics related controversial issues required sufficient understanding of basic genetic concepts. At this point science education and science teachers take priority for the supplying of scientific literacy which is required for making informed decision about of genetic related controversial issues imposed by daily life. However, some researches indicated that teachers are one of the reasons of students' misconceptions. In this study pre-service science teachers' difficulties of genetics concepts and relationship understanding level and learning approach was investigated with 196 pre-service science teachers, who were studying at Kastamonu University Faculty of Education. Data collection tools were multiple choice Genetics Concepts Test and Learning Approach Questionnaire, four-point Likert type instrument. Data obtained from Genetics Concepts Test were described by means, variance and most frequently false responses were determined to uncover misunderstanding of genetic concepts. Correlation analyses were conducted to examine relationship between pre-service teachers' understanding of genetics concepts and learning orientations.

Keywords: genetic concepts, pre-service science teachers, learning approach

Introduction

Recently, one of the most popular scientific and technological advances are related with genetics such as human genome project, genetically modified organism, cloning of organism, gene therapy and genetic background of various illness etc. These advancements caused by society curiosity and concern (Kılıç & Sağlam 2014). As experienced in all scientific and technological developments, little information fragments from discussions of scientists and specialists reflected by mass media. For instance genetically modified organism have risks related with health problem and environmental problem but such organism can provide benefits; these controversial opinions expressed by experts (Durrant & Legge 2005). Society by such controversial topics needs basic knowledge to make meaningful decision which is the best one between lots of options. At this point science education and science teachers take priority for the supplying of scientific literacy which is required for making informed decision about of genetic related controversial issues imposed by daily life, because teachers are an critical link for the general public's understanding and perception of scientific developments (Yates & Marek 2013; Nehm & Schonfeld 2007). This mission burden on the teachers that they have the best scientific literacy, however literature shows that teachers play a role by having learning difficulties of students (Sander 1993, Soyibo 1995, Yates & Marek 2014) and pre-service teachers and teachers have difficulties with understanding of various biology concepts (Bishop & Anderson 1998, Yip 1998; Tekkaya, Çapa, & Yılmaz. 2000; Dikmenli, Cardak & Kiray 2011; Kurt, Ekici, Aksu, & Aktaş, 2013; Özgür 2013).

Other side understanding of concepts in genetics contributes meaningful learning evolution which is complex and misunderstood areas of biology such as evolution.

Genetics is a basic topic in biology however it is perceived difficult by students and teachers (Johnstone, & Mahmoud, 1980; Bahar, Johnstone & Hansell, 1999; Knippels et al., 2005). Knippels (2002) determined some difficulties which should be effective in genetic education: the domain-specific terminology, the cytological processes and the abstract nature of the genetics concepts. In addition to the nature of topic, some cognitive factors like reasoning ability and learning orientation have effect on learning of abstract and complex topics. In this scope level of understanding of genetics and effect of learning approach on this situation were aimed with this investigation.

Research Method

Primary aim of study was investigate understanding of genetics. Additionally the correlation between pre-service science teachers' understanding level of genetics and learning orientation was determined. The design of investigation was descriptive study since main aim of study was uncover and interpret inherent condition of pre-service teachers' understanding of genetics.

Research Group

Research group of study consisted of 196 pre-service science teachers at the Faculty of Education in Kastamonu University. The average age of pre-service science teachers was 21.2 years (range 18 - 23).

Data collection tools

In the study multiple choice Genetic Concept Test (GCT) and Learning Approach Questionnaire (LAQ) was used to state students' understanding level of genetics concepts and learning orientations.

Genetic Concept Test (GCT)

GCT was designed to uncover of understanding level of pre-service science teachers about basic concepts of genetics such as DNA, chromosome, gene, genome and cell divisions. Some items of test were designed to determine the understanding level of relationship among these basic concepts. GCT consisted 22 multiple choice type items. For calibration of GCT a pilot study was performed with 125 pre-service science teachers, which were separate from study group. The pilot study of GCT was accomplished by conducting item analysis in which difficulty and discrimination indices of each item were calculated. Item discrimination indices were found to between 0.22 and 0.62, item difficulty indices were between 0.27 and 0.86. To assess internal consistency reliability, the Kuder-Richardson 20 (KR-20) formula was used and KR-20 coefficient was found to be 0.68. These values showed that items functioned in a satisfactory way.

Learning Approach Questionnaire (LAQ)

The LAQ, which is 22-item, 4-point Likert instrument, was designed to state of individuals' learning approach ranging from meaningful to rote (Cavallo 1996). The instrument has two subscales: Learning Approach Questionnaire- Meaningful (LAQ-M) and the Learning Approach Questionnaire-Rote (LAQ-R). The LAQ-M and the LAQ-R consist of 11items each. Participants responded to each statement by indicating their agreement, ranging from 4 (strongly agree) to 1 (strongly disagree). High scores for LQA-R indicated a strong tendency toward rote learning and high scores for LQA-M R indicated a strong tendency toward meaningful learning.

The questionnaire was adapted to Turkish by Tekkaya and Yenilmez (2006) and Cronbach alpha internal consistency of instrument was calculated by authors r = .78 for the LAQ-M and r = .62 for LAQ-R. The LAQ was frequently used by Turkish researchers for uncover the effects of cognitive variables on learning of scientific concepts (Sadi & Çakıroğlu, 2012; Gürçay 2013; Kılıç & Sağlam, 2014).

Data Analysis

The data obtained by GCT and LAQ were described mean and variance. GCT and LAQ mean scores each were tested by one way analysis of variance (ANOVA) and Pearson correlation coefficient was calculated between mean scores of GCT and LAQ. In addition to statistic procedures frequently false answers of participants were determined.

Results

The data about pre –service science teachers' understanding of fundamental concepts of genetics was collected by GCT. Mean scores (M) and standard deviation (SD) obtained GCT were displayed by Table 1.

Table 1. GCT mean scores and Standard deviation distribution according to grade level

Grade level	N	M	SD
Freshmen	65	9,52	3,20
Sophomore	50	8,74	3,88
Junior	81	11,28	3,26
Total	196	10,06	3,57

According to Table 1GCT mean scores show increasing trend across the grade level of pre-service science teachers.

One way analysis of variance (ANOVA) was conducted to examine possible differences in participants' GCT scores relative to their grade levels and results displayed by Table 2.

To examine statistically significance of differences between GCT mean scores according to participants' grade level ANOVA was employed and results displayed by Table 2

Table 2. One way analysis of variance with GCT scores

	Sum of square	df	Mean Square	F	p
Between groups	226,573	2	113,286		
Within groups	225,803	191	11,653	9,721	0,000
Total	2452,376	193			

Statistically significant difference between GCT scores of pre-service science teachers according to grade level was determined [$F_{(2,191)}$ = 9.721, p=0.000].

LAQ was used to determine the learning approach of participants. This instrument had two subscales; LAQ-R and LAQ-M.

Mean scores (M) and standard deviation (SD) obtained LAQ-R were displayed by Table 3.

Table 3. LAQ-R mean scores and Standard deviation distribution according to grade level

Grade level	N	M	SD
Freshmen	65	29,25	4,68
Sophomore	50	26,90	4,59

Junior	81	27,01	3,94
Total	196	27,72	4,48

According to Table 3 LAQ-R scores display a decreasing trend across the grade level of participants.

One way analysis of variance (ANOVA) was conducted to examine possible differences in participants' LAQ-R scores relative to their grade levels and results displayed by Table 4.

Table 4. One way analysis of variance with LAQ-R scores

	Sum of square	df	Mean Square	F	p
Between groups	225,573	2	112,787		
Within groups	3681,549	193	19,075	5,913	0,003
Total	3907,122	195			

Statistically significant difference between GCT scores of pre-service science teachers according to grade level was determined [F (2,193) = 5.913, p=0.003].

Mean scores (M) and standard deviation (SD) obtained LAQ-M were displayed by Table 5.

Table 5. LAQ-M mean scores and Standard deviation distribution according to grade level

Grade level	N	M	SD
Freshmen	65	30,91	5,89
Sophomore	50	32,04	4,39
Junior	81	31,41	4,16
Total	196	31,40	4,85

According to Table 5 LAQ-M scores were close to each other and total mean score calculated as 31.40.

One way analysis of variance (ANOVA) was conducted to examine possible differences in participants' LAQ-R scores relative to their grade levels and results displayed by Table 4.

Table 4. One way analysis of variance with LAQ-M scores

	Sum of square	df	Mean Square	F	p
Between groups	36,236	2	18,118		
Within groups	4546,922	193	23,559	0,769	0,465
Total	4583,158	195			

There were no statistically significant difference between LAQ-M scores of pre-service science teachers according to grade level [F (2,193) = 0.769, p=0.465].

The correlation coefficients were calculated to determine possible relations between participants' understanding of genetics concepts, reasoning ability and learning approaches, and the results of this correlation matrix are presented in Table 6.

Table 6. Correlation coefficients between GCT and LAQ subscales

	GCT	LAQ-R	LAQ-M
GCT	1	-0,044*	,182*
LAQ-R	-0,044*	1	0,068
LAQ-M	0,182*	0,068	1

*p<.05

GCT: Genetic Concept Test scores

LAQ-R:=Rote Learning Approach Questionnaire scores

LAQ-M: Meaningful Learning Approach Questionnaire scores

Significant weak correlations were found between GCT and LAQ-M (r = .182;p<.05) also between TGCT and LAQ-R (r = -.044;p<.05). So it can be allege that participants higher level understanding genetics concepts have prefer meaningful learning approach, however it must be considered low level of correlation coefficients.

Responses of teacher candidates for GCT were analyzed so frequently emerged misunderstandings of teacher candidates were detected. In Table 7 detected misunderstandings were displayed.

Table 7. Frequently encountered misunderstandings of pre-service science teachers

- Genetic information about a protein molecule transmitted from one generation to the next by

tRNA nucleotide sequences

-. Genetic diversity between organisms emerged due to replication

- After cell division disappeared parent cell

-Spindle fiber originate from chromosomes

-Gene genome concept confusion

- The gene for eye color is located in the iris of the eye

Discussion

The results of the study revealed that science teacher candidates' understandings' level is quite low. However junior teacher candidates have highest GCT scores but their mean score can reach only half point of the maximum test point. The analysis of the false responses showed that teacher candidates have some misunderstandings which have students of primary and secondary school. For instance Saka et al. (2006) have determined that 9th and 11th graders had confusion about chromatin and spindle fiber. Science teachers candidates have misunderstanding of concepts related to cell division. These findings are compatible with the findings of Flores et al. (2003).

One of the reasons for difficulty of genetics concepts is unfamiliarity of students with the definitions of the genetics related terms because terms look and sound very similar, e.g. transcription, translation, chromosome and chromatide (Bahar et al, 1999). But this explanation seem not suitable for science teacher candidates because in science teacher training program there are two semester general biology and one semester genetics courses, so teacher candidates should be familiar with such concepts. In this case should be learning orientation of teacher candidates more adequate explanation for low understanding level of genetics concepts. In this study a positive but weak correlation between understanding level of genetics concepts and level of tendency of meaningful learning approach. It is expected results since abstract characteristic

of concepts of genetics is commonly expressed reason for the learning difficulty (Saka et al. 2006; Yenilmez 2011; Dikmenli et al. 2011, Kılıç & Sağlam 2014). The abstractness of genetic concepts makes meaningful learning approach indispensable by preventing from getting misunderstanding. In contrast to this many students' learning approach display rote learning tendency and students don't construct the relationship between concepts (Cavallo & Schafer, 1994).

It is not surprising that science teacher candidates have decreasing preferences for rote learning approach, increase their grade level, since teacher training programs, in which there are lectures about leaning theories, learning strategies etc. instructed, have positive effect on learning approach positively.

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Electrical Equipment and Electronic and Their Impact of Waste in the Republic of Kosovo

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Abstract

Managing waste electrical and electronic equipment is a challenge both for Kosovo and for all developed countries in the world bugs. Waste electrical and electronic equipment (MPEE) , or ' e-waste ', are a growing challenge for governments around the world . It is clear that we must change the way that designed, manufactured, used and managed electronic equipment after their exit from use, if we wish to continue to harvest the benefits that brings technological development, while at the same time not hurt people and the planet. In some states have not yet defined legal instruments, and also continue to see how e-waste going from rich countries, which have the capacity to handle it safely and appropriately. Kosovo so far no special legal regulation which would be included this type of waste, but as part of the process for adoption of EU legislation, the Ministry of Planning should prepare the Law on Waste Management of electrical and electronic equipment. While consumption of computers and electronic equipment is growing slowly in all parts of the world, it is not in balance with the associated increase in infrastructure for safe management of such waste electrical and electronic equipment. There are some problems that are caused by the use of increasingly large electronic devices and which pose a risk to human health, and also represent the ecological disaster. In Kosovo have different types of electrical and electronic waste such in this paper will be presented some data which will show how to manage respectively handle e- waste electrical and electronic equipment such.

Keywords: electrical and electronic equipment, waste management and ecology

Introduction

E -waste is a generic term, used to describe electronic equipment old, obsolete or disposed, which contains electrical components. This includes a large part of the waste electrical and electronic equipment, and not just those related to the electrical grid, but also working with battery products, gain energy from wind or solar power other. These include many items, ranging from household white goods such as refrigerators and tester, up devices such as laptops and smart phones, extensive use items such as televisions and MP3 PlayerNet, to tools such as borer electric and sewing machines.

Waste electrical and electronic equipment (MPEE), or ' e-waste ', are a growing challenge for governments around the world. Environment Programmed United Nations estimates that some 50 million tons of e-waste generated each year around the world. Given current trends in the design and manufacture of electronic devices, which give impetus to more frequent cycles of replacement of these waste generation will not be reduced for a certain time. It is clear that we must change the way that designed, manufactured, used and managed electronic equipment after their exit from use, if we wish to continue to harvest the benefits that brings technological development, while at the same time not hurt people and the planet.

In this regard, steps have been taken in terms of policies, such as the European Union's Directive MPEE (WEEE Directive), which regulates the regime of e-waste management, with emphasis on the responsibility of producers to cover management costs after the obsolescence of electronic products. However, some states have not yet defined legal instruments, and also continue to see how e-waste going from rich countries, which have the capacity to handle it safely and appropriately, in some countries, do not have to fix this issue. Kosovo so far no special legal regulation which would be included this type of waste, but as part of the process for adoption of EU legislation, Ministry of Environment and Spatial Planning Law must be prepared to manage electrical and electronic waste electrical and electronic equipment in Kosovo. The document should be prepared starting point for all that should follow after the Law on management of electrical and electronic equipment and waste electrical and electronic equipment , as well as the obligations and challenges that will be its result . Qualitative research method is used where the first hand sources, such as interviews and legal documents, as well as secondary

sources such as analysis of the perception of citizens of the Republic of Kosovo for e- waste and e - waste quantities in households

1.0 Electronic Equipment modern short path towards seniority

Electronic devices have special features that manufacture and their use make influential source of ecological and social, and therefore they represent waste problematic and challenging. Some of the ways in which bad design and other practices make modern electronic devices obsolete very quickly and they are:

⬇ Hardware problems - according to one report, 24 % of laptops will break down in the first three years as a result of hardware problems.
⬇ Software upgrades - New software can increase the volume of e - waste due to non-compatibility with older computers. For example, many computers do not have enough memory or processor speed to work with Windows Vested new.
⬇ Shifts of the best phones - Companies often offer customers the best phones, for free or for very cheap price, encouraging frequent replacement of functional mobile phones.

In this regard, steps have been taken in terms of policies, such as the European Union's Directive MPEE (WEEE Directive), which regulates the regime of e-waste management, with emphasis on the responsibility of producers to cover management costs after the obsolescence of electronic products .

1.1   The design of the evil and aggressive marketing by the companies that produce electrical and electronic equipment.

Modern electronic devices quickly become obsolete and discarded. Innovations, such as mini - devices, resulting in equipment increasingly smaller and more functional , which are increasingly difficult to dismantle or to split into parts that are recyclable. In fact, many products are cheaper to replace than to fix, even if there who do it. Also , in addition to technological development , which renders obsolete equipment , as well as aggressive marketing of electronic companies doing that work equipment, to become obsolete after just one or two years of use. This results in rapid cycle's replacement artificially. When I would not want these devices are facing a big problem of waste that occurs in Kosovo.

1.2   Electrical and electronic equipment contain many toxic substances.

Over 1,000 materials used to produce our electronic devices and their components - semiconductor chips, circuits, drives (disk drives), and so on. Many of them are toxic, among which PVC, heavy metals (such as lead, mercury, arsenic and cadmium), Hexavalent Chromium, plastics and gases, which are harmful to human health if not properly managed. Disposal to landfill is one of the most common methods of e- waste disposal, despite the fact that due to the toxic contents of electronic devices, e-waste is very dangerous.

1.3 Some of the risks to your screen television

In your TV are toxic substances that can cause serious pollution, if your old TV sends to landfill. Old televisions with cathodes tube (CRT), containing from two to four kilograms of lead, which can release toxic chemicals when disposed in landfills, by contaminated groundwater.

New LCD TVs are starting to dominate the market, mercury containing lamps to illuminate their screen. Every LCD television uses only a few milligrams mercury. However , this metal is so toxic that even just one gram of mercury, and carried through the air each year to a lake of 80 meters, is enough to keep contaminated lake water at that level, the fish of the lake not be safe to eat.

EU accepted the toxic nature of the materials used in electronics and tries to respond to this situation through the Directive on the restriction of hazardous materials (DKMR), which bans and controlled use of certain materials in electronics, to all

products sold in the European Union. If manufacturers would agree to make safer design with which to eliminate toxic materials, will be diminished risks after emerging from the use of our electronic devices.

Electronic devices contain precious materials and rare. Besides that contain many harmful and toxic substances, electronic devices also contain substances that are very valuable. Much of precious substances found in printed circuits board (printed circuit boards). The computers can be found iron, aluminum, copper, lead, nickel, tin, gold, silver, platinum and palladium. Metals and other precious materials exist in other electronic components, such as copper wire, aluminum and iron and household equipment. Quantities of 14 minerals that are used in modern electronics are critical level, while it is expected that the demand for these materials to triple by 2030.Many materials that are of great importance for the production of ICT equipment, are extremely rare, which makes them valuable. Rare materials, such as gallium indium and begin to play an important role due to their implementation of new technologies (for example, flat screens and touch screens, as well as photovoltaic solar energy). In addition, some of the materials used in electronics come very unreliable sources, places where crimes against humanity are made to extract them. With the disposal of old equipment in landfills or recycling no qualitative not use again materials that can be drawn from them despite the fact that some of them are really rare and due to criminality in society.

Even in Kosovo will deal with this very serious problem and the communities and environment in Kosovo would have been the victim of toxic and bad design and inadequate management e-waste. Reuse and recycling e- waste is difficult, because it contains components dangerous and unstable. A large number of electronic devices that do not need them anymore, end (illegally) in the landfill, the waste incineration ovens, along with other municipal waste, or removed in any other way inappropriate. Given the dangerous nature of certain materials in electrical and electronic equipment, mismanagement of e-waste means that people and the environment pay the price for toxic and bad design manufacturers.

 Minimizing the impact of electronic devices and the real - technology spending wastes include social and environmental impacts throughout its life cycle. Current trends in production and consumption of electronic equipment, together with the lack of options for safe management of e- waste in many countries suggest that, as communities and the environment pay the price for toxic and inefficient design. The current situation in Kosovo is unfair and unsustainable simultaneously.

To prevent e-waste crisis and to protect the environment and human health in the chain of electronic products have all parties to take action.

Manufacturers should:

- To make cleaner products
- To make a more lasting products
- Let's take back their products for reuse and recycling safe

Government of Kosovo should:

- To prohibit the import and export of e - waste
- Prohibit dumping of e - waste in landfills - promote reuse of hardware and make it mandatory recycling e - waste.
- Bring law and producer responsibility to promote design.
- To supervise actors and punish offenses

Consumers should:

- Buy less, and buy ecologically.
- To return their goods back to the manufacturer for reuse and safe recycling.

Any approach to minimize the negative impact of electronics and e-waste, requires that manufacturers take primary responsibility for their products throughout the lifecycle. However, this does not mean that others should not play any role. For example, the government of the Republic of Kosovo should ensure the right policies and laws which will encourage design and ensure respect for the rights. Also, to minimize the negative impact of electronic equipment and waste is, should

be treated the issue of skills for consumption and disposal of equipment by consumers, which means that customers have key roles.

Categories of products MPEE Directive are:

• Large household appliances

• Small household appliances

• Equipment for IT and telecommunications

• Equipment for entertainment electronics

• Equipment for lighting

• Electrical and electronic tools

• Games, facilities for leisure and sport

• Medical Apparatus

• Instruments for inspection

• The machines

For wastes that do not come from families, manufacturers have individual responsibility for MPEE new, but the old MPEE have responsibility only when offering new products during product exchange old with new. Other major obligations include access for users to information necessary for Antes how to avoid e-waste properly and manufacturers to mark their products and provide information for re-use and safe handling of their products. Also, countries have an obligation to do checks and monitoring the situation, to make appropriate implementation, including appropriate penalties for possible violations of law Directive.

2.0 Limitation of hazardous substances

The European Parliament adopted the Directive on the restriction of hazardous substances (DKMR) in 2003, but it entered into force in July 2006. DKMR considered as a supplement Directive MPEE, because the limited production phase, although there impact on products that are obsolete. It aims to restrict the use of certain hazardous substances in electrical and electronic equipment. In this way, the protection of human health and ecological assisted is restoration and waste removal. With this Directive, the Member States are required to adopt the national legal framework, which will limit the use of four heavy metals (lead, cadmium, mercury and chromium hexavalent) and two groups of refractory materials with bromine (GDP and PBDE) the production of new electronic devices (although there are exceptions for certain uses of these substances until replacements are found). The Directive has a global impact because it treats the products imported into the EU, not just those that are produced within its borders

2.1 Products that use energy

These products have intended to improve the environmental performance of products throughout their lifecycle, through systematic integration of environmental aspects into product design phase. As a framework directive, it has no direct provision for the necessary requirements for certain products, but only defines the conditions and criteria for determining the conditions for each product separately.

Products candidates for measures to be implemented are those that:

⊹Have a considerable impact on the environment.
⊹Circulation in the EU.

✦ Clear potential and significant environmental improvements.

Measures for implementation may be different forms, including the necessary regulation, voluntary industry initiatives etc. Until now adopted a number of measures for implementation, including those for computers and monitors, TV sets, refrigerators and refrigeration appliances, and home lighting. In 2009 it was decided that ordinary bulbs are contrary to the Directive and started their gradual removal from use, in the context of the Directive.

2.2. How would Kosovo faces e-waste management law for electrical and electronic equipment and waste electrical and electronic equipment.

Kosovo with this law regulates the requirements for environmental protection that must meet legal and physical persons who produce and bring to market the Republic of Kosovo electrical and electronic equipment and who treat waste electrical and electronic equipment, and other entities that participate in the production and marketing of electrical and electronic equipment, limiting the use of certain hazardous substances in the manufacture of electrical and electronic equipment, method of collection, handling, processing and waste disposal electrical and electronic equipment, as well as other issues relating to the management of waste electrical equipment and electronics.

The goals of this draft law should have been:

✦ Reducing the negative impact of waste electrical and electronic equipment on the environment and human health at the lowest level possible;
✦ advancement of standards for environmental protection by producers, traders and end users throughout the life cycle of products, especially during the treatment, processing and disposal of waste electrical and electronic equipment;
✦ obstructing the creation and disposal of waste electrical and electronic equipment;
✦ achieve high levels of reuse, recycling and other types of waste processing electrical and electronic equipment, as well as reducing the disposal of waste electrical and electronic equipment in landfills;
✦ creating conditions for the establishment and development of the market for reuse, recycling and other types of processing waste electrical and electronic equipment, and
✦ Ensuring equal position in the market for natural and legal persons domestic and foreign, as well as avoidance and removal of trade barriers that can distort the market of electrical and electronic equipment.
✦

3.0 Analysis and Recommendations

Proposal Preparation and Management Law electrical and electronic equipment and waste electrical and electronic equipment and its entry into parliamentary procedure mean a lot for Kosovo. Draft law should be harmonized with the European directives and the proposed text is clear aim of proposing to contribute to preserving the environment in the Republic of Kosovo

3.1 Draft Law adaptation according to EU directives

Draft law includes key needs for waste management of electrical and electronic, but, however, consider that in some articles must be some necessary changes, which will facilitate the interpretation and application of the law in the future.

3.2 Goals of the collection.

In the territory of the Republic of Kosovo, until December 31, 2020, must be collected at least 4 kilograms of household waste per capita per year . Revision of Directive 2002/96 / EC showed MPEE fixed targets such collection does not address the problem in the best way. A large part of the Member States has failed to meet its target, while for some other countries, it definitely was not a challenge. Therefore, the proposal for revision of the directive is that the collection targets to be a certain percentage of equipment put on the market, and that 65 % of the average amount of electrical and electronic

equipment put on the market during the past two years. Research shows that families, as well as companies, have large amounts of equipment to throw , so that this target can be met quickly .
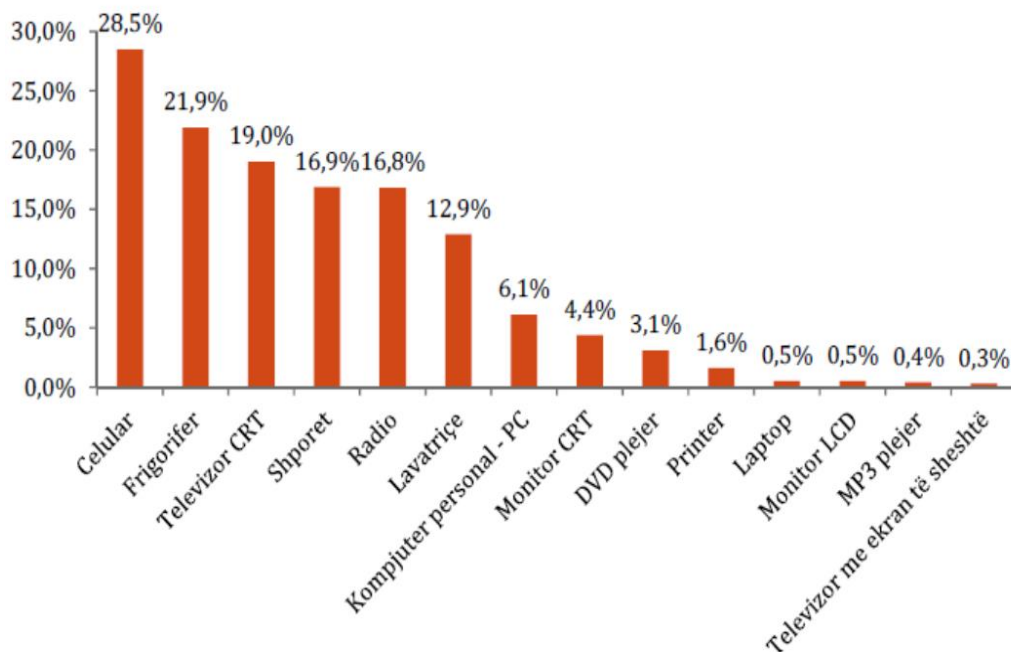
Percentage of household not already used, but kept at home

This graph shows the percentages of household not already used to being kept in the houses of Kosovo. These devices represent potential e-waste can be found soon cast along with other municipal waste. All these devices are stored in the house a long time and enabling their disposal, will probably reach the target set by law, but coming years could be coming to a reduction of the amount of e- waste collected.

4.0 The simple way to remove household waste

Currently, the draft law envisages to have a collection center 30 000 inhabitants and citizens have the opportunity to leave free waste electrical and electronic equipment from which traders buys new equipment.

Some data indicate that a citizen of prefer the system that is proposed by this law, but a part considers that there should be some solution / center to left as Gift waste electrical and electronic equipment, close to home them.

4.1 Activities of the Government of Kosovo

Government can play an important role in policy development and regulation of habits, in order to promote good practices related to electronic equipment and e-waste. Therefore, the Kosovo government should implement the following recommendations:

Should not be allowed to e-waste:

Get in - or out.

The essentials are restrictions on import and export of e-waste, in order to protect communities and the environment in countries without safe infrastructure for e-waste.

Waste exported represent lost valuable resource for the recycling industry in the country of import, while imported waste can overflow waste management systems of importing countries. Also, is-waste export suffocates innovation that is needed to address the problem from the beginning, during the design and production.

Do not let e-waste going to landfill.

E-waste dumped in landfills, or in any other location, not only deadly, but it also presents an opportunity to release.

Toxic materials in e-waste can contaminate soil, water and air, but when electronic devices are not reused or recycled, lost valuable resources. Instead, they should be handed legitimate waste operators.

If that is functional, the device must be re-used, and if it is not functional, it must be recycled safely. Adopt a legal framework for responsibility of the manufacturer, design encouraged.

To enable electronic equipment manufacturers pass from toxic and inefficient design in that it is safe for people and the planet, the Kosovo government should:

Planning to introduce a ban on substances that initially manufacturers to reduce, with no time even to eliminate toxic substances in electronics.

Transfer the individual responsibility for managing the products after the obsolescence of their manufacturers.

To implement ambitious goals for collection and retrieval, in order not to allow e-waste end up in landfills and motivate manufacturers to develop appropriate and effective infrastructure for collection, disassembly, reuse and recycling.

To implement serious and applicable standards for treatment and processing.

Since an end to harmful practices for waste treatment (for example, dumping in landfills, burning in oven and exports), and to encourage continuous improvement of e- waste management , all operators of collecting and treatment waste must be licensed and have passed inspection by the relevant national agency for the environment.

Termination

Managing waste electrical and electronic equipment poses a challenge for developed countries. The adoption of the Law on electrical and electronic equipment and waste electrical and electronic equipment, Kosovo begins long war with the hazardous waste, which representing one of the most dangerous destroyers of the environment in modern society. Harmonization of Kosovo legislation with European legislation and the approach to the European Union is an additional motive for behavior and implementation of this law. Metamorphosis will continue to follow the law and implement activities that will assist in its implementation in Kosovo.

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Western Europe and its Historical Engagement in the Balkans

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Abstract

The European continent and in particular the Western Europe have always been involved in a range of events and developments. History has always shown and made us aware that the Western Europe in particular has been the cradle and the instigator of many positive developments, as well as many destructive conflicts and wars in the past. Geographically, this region has undergone the great challenges long time ago and it now cherishes the benefits of the mutual organization and cooperation, whereas other regions tend to approach and join the European values, namely the united democratic Europe and its organization as foreseen within the European Union. If we would only take a look at the Balkans, we would see that besides geographically, it is also closely related to Europe politically and economically. The historical period to be considered in this paper is that after World War II, namely the post-Cold War period, after the big changes in central Europe, and the eastern and southern Europe, i.e. the Balkans. The Western Europe, after the declaration of the end of Cold War in particular, will be actively involved in all major events and developments in the Balkans. The turbulences that fell upon this region will present a challenge and often put on the state of alert the western world and the organizations and institutions which emerged as a result of their consistent cooperation. There is no doubt that the Western Europe will have a key role in the ending of hostilities and conflicts, a key role in the development and the realization of strategic aspirations of the Balkan countries in their endeavors to join the NATO Alliance, the EU and other international organizations.

Keywords: Europe, Balkan Region, conflicts, cooperation, integration.

Introduction

Looking at the map of Europe we can see the large diversity of many geographic, social, economic, political, security and other specific divergences. Historically through the centuries, "the Old Continent", as many scientist like to call Europe, was the main locomotive for development, different ongoing processes, wars and conflicts. However, this contains different events and occurrences for this particular part or region of Europe.

Europe as celery, through the time perspective, not always had the same developments or even the same problems. Part of the continent occasionally was partially under the control or occupation of different Emperies such Roman, Ottoman or Russian in periods when they took under control different parts of European soil.

Main goal of this paper is to address the problem or issue of different approaches of Europe to the developments in the Balkan region or part of it. So, if we want to do that in a proper way, we should look forward to address the main topics for European engagement observing them from different perspectives. Thus, we can establish three ways of explanation and analyzing of the topic of this paper.

Firstly, the historic aspect presents one of the inalienable issue through which we must pass. We don't want to go into so many details and analyze historic data and fact sheets but the only thing we want to do is to address the main historic developments where we can find the connection between Europe and Balkan as a part or region.

Through the centuries the Balkan was on "apple of discord" between the interests of grand powers. Some critics tend to call the Balkans as a "civilizations crossroad" or some of them "gunpowder keg". We recognize the rights of the groups for such a qualification[1]. But, if we make one timeline retrospective what had happen in the Balkans with or without European

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[1] Ismail Kadare, Predrag Simic, Ljubomir Frckovski, Ylber Hysa, "Ballkani i Jugut", Onufri 2001.

engagement[1], we can find many events, stories and developments. Wars and conflicts were just a segment of the issues but the most influential one. The Balkan as a region occasionally was under war, or under different crises and other conditions not even close to peace. Many international peace Conferences such us in Paris, London, Bucharest and others are more than a prove for this engagement. The Balkan Wars in the 20-th century provide the right answer of that how this region can be influenced or can influence, to trigger conditions and events with huge size or global world developments such as First World War. Most of the critics share the opinion that the Balkans and all the Balkans circumstances initiated and triggered the start of First World War. This war expanded and imperfect wars as the Balkan First and Second War. Honestly, this period was one of the most difficult in the history of Balkan. Stepping out from one of the largest timeless occupation (Ottoman Empire), the interests of the independent countries, big powers and new born countries was totally different and some time even unreal.

Europe at that time was represented with England and France vs. Prussia (Germany) and Austro-Hungary, always took into consideration the nonpermanent alignment of Tsar Russia and totally different positions of the Turkish Empire. Although, the Balkans in this context of different interests and influences, will be hard a subject of a hard dispute for the common relation between relevant actors as I mentioned before, sometimes even the traditional relations between them will be challenged. All those circumstances will provoke many agreements and alliances just to prevent each other on having an advantage in the position of international relations. Many of those alliances and agreements will be just piece of paper and never not been implemented in practice.

So the dissolution of Ottoman Empire left enough space for engagement and influence of others and especially Russia, who directly and indirectly influenced and supported Serbia and Greece in their efforts to expand their state borders. This issue will also be very interesting for the rest of the Europe especially for the France, Great Britain and other powers.

First World War expressed how much is the Balkan region interesting for "the special interests" and how it can be "an arena" where big powers crosswalk their military, economic and political outwitting to each other just to grab as much as they can and be in advanced position[2].

The Balkans region, even during the efforts for establishing the League of Nations, was also a part of the agenda for many discussions between the main world players because of its potential for instability, relations and wars.

Honestly speaking, even the positive approach towards the Balkans will not be able to change anything in historical context in the Balkans and between the countries of this region. Hostilities grew stronger and stronger, many disputes characterized the relations between the countries and we can conclude that the ongoing processes in this region do not provide straight perspectives. Maybe this is a very strong statement and not so realistic or positive approach, but we can elaborate on this later.

Our intent is not to address and explain what happened and predict the future of the Balkan region through the scope of the European perspective, but to show what the engagements actually were during in the course of different timeframe. An analysis of various events and developments where Europe was the driver of significant efforts with positive approach is more then we showed before. The Second World War can prove the conclusions that we drove before. The battles of this war also affected the Balkan region. The main developments during the war were affected by the countries from the Balkans. Some allied with the Nazi ideologies and some with the western European countries and the USA.

All the events during the World War II and after that were top priority in agenda of the western powers (USA, UK and France), and directly influenced many results of the war and post war processes. Honestly speaking the termination of the World War Two in the Balkans resulted in the formation of Yugoslavia as a sovereign federal country composed with republics and other parts and included the larger part of the region of the Balkans.

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[1] When we spoke for European engagement into Balkan we think and would like to express the influence, interference and commitment of the countries of Western Europe in all the developments and events. This is the main intent firstly and later to combine with the engagement of NATO, EU and other European organization.

[2] Ylber Sela, "The Balkans Yesterday, Today and Tomorrow: On Behalf of the 100 Anniversary of the Balkans Wars 1912-2012", Dictus Publishing, Jun 3, 2013.

After the World War II, Yugoslavia became a leading country of Non-Aligned Movement during post war period, and the greater part of the rest of the world divided itself into two ideologies -Western and Eastern that was more than a reason for the initiation of the Cold War[1].

The launch of Marshal Plan for reconstruction of Europe after war and the support from the USA excluded the Balkans as a region and a part of South-Eastern Europe due to many reasons but mostly because of the neutral status of Yugoslavia and the intention not to belong and be part of any strict ideology regardless of whether it comes from the east or the west.

We can freely state that the Balkan region was one of the most important issues and collision among the West and the East even during the period of Cold War. The ambition for enlargement of both groups confronted in the Balkan region.

The foundation of the UN and the NATO and later the European Coal and Steel Community (EU) was mostly based on interests and developments, a fact that we can analyze as a topic in this paper. Everything we have said so far was in this spirit and describes the European engagement during different timeframe and various historic perspectives.

In the following text we address more aspects of the engagement of Europe into Balkan.

Secondly, we will analyze issues and processes of enlargement and integration in the main international organization such as NATO and EU through the scope of Balkans.

Analyzing the establishment of the NATO, we can conclude that the first and the main policy of this military-political organization is the collective security. From this aspect we can say that the Balkan region rested between the silent conflict of the East and West.

The establishment of the NATO and its geostrategic positioning did not include countries from the Balkan Peninsula or their neighborhood (excluding Italy). But the influence of the Eastern predominant ideology (the one of the USSR and the partner countries from the Warsaw Pact), in the Balkans determined the quick reaction of the NATO and the US interests to find partners from this region or close enough for the purpose of closing some strategic exits to the Mediterranean and Middle East. This issue was resolved during the first NATO enlargement in 1952 when Greece and Turkey became full-fledged members. The admission of Turkey was a strategic issue for opening an exit towards the Middle East and closing the doors to Russia and it became of very high importance to NATO, Western and the US policy.

This was only one way of perspective of looking to the ongoing problem such was the Greece-Turkey dispute and lots of centuries old antagonism. This was a message to the all that peace interests are more than just having an ambition for influence. It was also a clear message to the East to leave the Balkan out of the overlapping interests of the East and the West.

If we take into consideration the aspect of borders and influences we can see that Hungary was forced into the Eastern ideologies. Also the same destiny shared Bulgaria and Romania, and other countries close to the Balkan region and neighbors to Russia.

Europe and its organization played an active role in many processes during the Cold War. Couple of in-country revolutions were suppressed by Russia and the Warsaw Pact being characterized as "not obedience" of some members of the Pact.

On other hand the foundation of first model of today's EU also played a very active role especially in the economy. So, if the NATO was political-military organization, the European Coal and Steel Community was something else and its main objective was the cooperation in economy and other fields related to this issue.

The time challenge also touched both of these organizations, something that we already mentioned before. A future that cannot be predicted, the problem of not enough resources, freedom of movement, trade, disputes, conflicts and other issues directly impacted the policy of these organizations and their acts. The Balkan region was not immune of those challenges. Directly or indirectly the West and Europe applied their expanding interests to this region. We witnessed and analyzed the first enlargement of NATO and what it mean in the context of the Cold War.

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[1] Denko Maleski, "Politicki Esei", Edicija Makedonija, Skopje 2012.

The New era started with the end of the Cold War. This was the main reason for shifting of the policy of the NATO but also the EU. The fall of Berlin Wall as a symbol of the Cold War, the reunification of Germany, the revolution in USSR, the dissolution of former Czechoslovakia and Yugoslavia were the main events that marked the 90'. So, parallel to those challenges began an adoption of western policy in accordance to the needs and upcoming processes such were the integration of the regions and countries and their stepping out from the so called umbrella of East ideologies.

The enlargement of the EU in the post Cold War period with the countries from the Central, East or South Europe (Malta, Cyprus, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Slovenia, and Hungary in 2004) expressed how fast the policy can change and the engagement of Europe in some parts can change. Except This "big bang" enlargement included only Slovenia and other Balkan countries were excluded. The next enlargement in 2007 with Bulgaria and Romania was something that seemed impossible for many reasons[1]. This process of integration of the countries into EU was preceded by the process of enlargement and integration of the NATO. Most of those countries were members of the NATO. In 1999 three joined NATO and in 2004 seven countries including Bulgaria, Romania and Slovenia as countries from the Balkan became NATO members. In 2009, Albania and Croatia became full-fledged members of NATO.

Thirdly, the dissolution of Yugoslavia triggered the open hostilities between the new independent countries. Open conflicts and disputes between the newly formed independent countries and the part of Yugoslavia that wanted to preserve the status and conditions from before, produced a lot of problems and headaches for Europe and provoked its encouragement engagement in the Balkans. Setting up a two-side problem, efforts were made to find an acceptable solution for all parties involved in the conflict and make real the aspiration of becoming a full member in NATO and EU.

Historically we saw that Europe was engaged in the Balkan for long time, at the beginning to be an active role player after the end of the Cold War and to influence developments in the region. The launching of different tools from NATO and EU according to the situation in region clarifies the role and commitment of Europe. Partnership for Peace, International Crises Group, Process of Association and Stabilization were the main initiatives that could address the Balkan. Lots of conferences and agreements according to the different events and developments directly will be agenda of the Europe and their institutions and organizations.

The process of integration of the countries from the Balkan region in the NATO and the EU means conducting hard reforms in many social, political, economic and security areas. The leadership of those countries should work harder on the affirmation of the benefits and values of those expectations from the EU and NATO fulfilling membership criteria.

So, in this part we analyzed in what were the manners of the Europe's engagement in the region looking from juridical and policy perspective.

Different countries from the region had different status about issues for the relations and membership in the NATO and EU. Now we would like to emphasize where we are as a R. of Macedonia and where the whole region is. As the country became independent after the dissolution of Yugoslavia, the R. of Macedonia started a relation with Europe and both of the organizations right after the referendum for independence. Becoming a member of the Initiative Partnership for Peace and initiating the process of preparation (reforms) for membership in NATO we started to implement the Membership Action Plan (16-th cycle) and we are still conducting the transformation and reforms of the security sector[2].

In the spirit of EU membership in 2001 we signed the Stabilization and Association Agreement and in 2005 we became a candidate for full-fledged member country. Both of the processes went through many challenges and difficulties. If we just mention the crises and conflict during the 2001 and the difficult process of reconciliation and reconstruction according to the Ohrid Framework Agreement[3], we can conclude that the country was under permanent engagement of Europe and its institutions and organizations. So, those European efforts one more time showed that they are still interested and helpful to the region with many tools and policies.

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[1] Also Croatia became a full member of EU in 01.07.2013.

[2] Annuals Rapports from the European Commissions and North Atlantic Council - NATO about process of integration of the countries from southeast Europe.

[3] Ohrid Framework Agreement was achieved on 13.08.2001 in Ohrid under suspicions of EU, NATO and US representatives with four main political leaders in Macedonia after conflict between government security forces and National Liberation Army –military formation of the local Albanians

Conclusion

As we mentioned during the whole paper we divided the engagement of the Europe in three pillars. First we elaborate how and in what kind Europe was engaged with the Balkan region and countries into in historic aspect. With the full right we can conclude that Europe and their initiatives for this region were only on way to influenced to the events and developments. It's more than facts how the Europe and its powers during the different time framework they drive some of the processes in not proper way. They even make a wrong efforts staying away or taking a side in some of the developments or events. So all those what we said are well known historic described facts.

Secondly, we stop with the challenges of foundation and formation of organization and institution in Europe such us NATO and EU directly showed how they was included and engaged into main events and developments into Balkan region and their countries. Making a parallel between processes of integration and enlargement common with numerous challenges during the different time and Europe and organization (NATO and EU), influenced directly or indirectly in some of the disputes or event just to prevent more bloodshed during different conflicts.

Thirdly, trying to present engagement of Europe into Balkan, we compare this issue with the positive reflection of the processes of enlargement and integration vis-a-vi reforms and preparation of the countries for the full membership into European Union and NATO Alliance. Intent of this perception was based into so many initiatives and tools using by those organizations in advance to help and prepare those countries to meet criteria's.

Summary based on what we conclude before, we can say that Europe during the different time had different approach and different level of commitment according to developments and events into Balkan. Going from one extreme to another Europe was positioning about the issue and engagement to Balkan.

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International Administration of Kosovo as a Driving Factor in Appearance of Trafficking in Human Beings

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Abstract

Opinions, stances of the Albanian community about self-determination and the political demands for an independent political and territorial status of Kosovo by various colonial regimes, are longstanding. The disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) was followed with wars among its constituent parts, and after the international military intervention, the peace was established in the region. By the Resolution 1244 of the Security Council of the UNO, in its 4001 meeting, adopted in June 1999, Kosovo was set under the international civil administration, which was accompanied by the deployment of military defence structure of KFOR, reaching a number of 35 000 soldiers, and the UNMIK civilian structure comprising a staff of 15 000 officials. A lot of various international non-governmental and governmental organizations were also deployed to Kosovo, which tremendously increased the presence of persons with origin of other countries. Such a situation created some favourable conditions for the criminal groups in order to expand the phenomenon of trafficking in persons to such a place as Kosovo being until 1999, trafficking in persons appeared on a low capacity and dynamics, and mainly as a transitional country with the intent of sexual use, while domestic trafficking was still unknown. However, this criminal phenomenon has been constantly increasing and reaching a concerning level, especially after 1999, on the occasion of setting Kosovo under the international administration by the UNO, the territory of Kosovo was no longer considered only a transitional country but also as destination location for the victims of trafficking in persons. The introduction and prevalence of this criminal phenomenon is as a result of Kosovo getting opened to the world, the organization of national criminal groups in cooperation with international organized criminal network. Undoubtedly, the increased number of persons originating from other countries as personnel of the international organizations to Kosovo contributed in increasing the number of trafficking in persons, because it was established that many potential clients using victims sexually were foreign citizens. Moreover, the lack of legal infrastructure on the combat and prevention of trafficking in persons as defined by international legal acts.

Keywords: International Administration, Kosovo as a Driving Factor, Trafficking Human Beings

Introduction

Opinions, stances of the Albanian community about self-determination and the political demands for an independent political and territorial status of Kosovo by various colonial regimes, are longstanding. In the course of history, Kosovo has gone through various stages of functioning, thus always as a political-legal and territorial autonomous entirety, this is proved also by the period of Ottoman Empire ruling, wherein Kosovo functioned as a special administrative – legal unit established by the Turkish regulation of 1864, naming Kosovo Vilayet, which was one of four vilayets of the Ottoman Empire.[1] The constitutional – legal position of Kosovo constantly underwent changes based on the flow of political events after the end of world wars and the regional ones. The Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) 1974, likewise the Constitution of the Socialist Autonomous Province of Kosovo (SAPK) of 1974, determined Kosovo as: a political, territorial autonomous unit and a constituent element of Yugoslav federalization[2]. The disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) was followed with wars among its constituent parts, and after the international military intervention, the peace was established in the region. By the Resolution 1244 of the Security Council of the UNO, in its

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[1]Sh. Rrahimi, Vilayet of Kosovo, published by Office of Textbooks and Teaching Materials of KSAK, Prishtina, 1989, pg. 12

[2] A. Bajrami, Kosovo Law in Transition, published by Prishtina University, Prishtina, 2002, pg. 48

4001 meeting, adopted in June 1999, Kosovo was set under the international civil administration.[1] The international administration of Kosovo by the Resolution 1244 was of an interim character and aimed the establishment of proper democratic conditions for resolution of the final status of Kosovo. [2] At that moment, a military defence structure of KFOR, reaching a number of 35 000 soldiers, and the UNMIK civilian structure comprising a staff of 15 000 officials, were deployed. A lot of various international non-governmental and governmental organizations were also deployed to Kosovo.[3]

Such a situation created some favourable conditions for the criminal groups in order to expand the phenomenon of trafficking in persons to such a place as Kosovo being until 1999, trafficking in persons appeared on a low capacity and dynamics, and mainly as a transitional country with the intent of sexual use, while domestic trafficking was still unknown. Before 1999, the territory of Kosovo was not a destination of victims of trafficking, but a transitional country for other countries (Macedonia, Serbia, Montenegro, etc.). However, this criminal phenomenon has been constantly increasing and reaching a concerning level, especially after 1999, on the occasion of setting Kosovo under the international administration by the UNO, the territory of Kosovo was no longer considered only a transitional country but also as destination location for the victims of trafficking in persons. The introduction and prevalence of this criminal phenomenon is as a result of Kosovo getting opened to the world, the organization of national criminal groups in cooperation with international organized criminal network. Undoubtedly, the increased number of persons originating from other countries as personnel of the international organizations to Kosovo contributed in increasing the number of trafficking in persons, because it was established that many potential clients using victims sexually were foreign citizens, as well as the lack of legal infrastructure on the combat and prevention of trafficking in persons involving the international personnel employed in Kosovo. Trafficking in persons causes direct and multiple damages to the quality of life to each society in which it appears, regardless of the fact whether the country of such society is the origin, transition or destination.[4]

This can be verified in the best way by the cases assisted for rehabilitation of victims of trafficking who did not have Kosovo citizenship. A Turkish victim reported the UNMIK Police in Rahovec that she had been raped and forced to prostitution by a Kosovo man called N.C. She also stated that some of her clients were UNMIK Police Officers, stationed in Rahovec, and that she could identify them easily, she should even show where their apartments were.[5]

The international staff deployed in Kosovo not only incited smugglers to increase the number of victims of trafficking for sexual use as clients, but some UNMIK employees[6] even contributed in increasing and developing this criminal offence, by providing assistance in transporting victims of trafficking. In one case, victims of trafficking stated that they were transported by UN white-coloured vehicles (known as their official vehicles) from Mitrovica to Fushë Kosovë. The vehicle was driven by a Russian member of UNMIK.[7] The involvement of UNMIK staff in criminal offences – trafficking in persons in Kosovo – is verified also by the UNMIK press conference, held in Prishtina on 13 August 2001, which confirms the dismissal of four members of UNMIK, being the only punishing measure against them as a result of such involvement, which were considered as violation of code of conduct and norms.

Participation of some of KFOR and UNMIK staff members, at least as users of services provided by victims of trafficking, is indicated by the fact that mainly the public houses/bars being full of victims are situated at locations visited by KFOR and UNMIK members or in the vicinity of KFOR military bases and UNMIK. Participation of individuals of UNMIK personnel, who had immunity, in such a criminal phenomenon, was a serious obstacle in combating and preventing this criminal offence by the KSP, the prosecution office and local judges.

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[1] A. Bajrami, Parliamentarianism, Publisher by Fama College, Prishtina, 2010, page 381.

[2] It should be emphasized that Kosovo declared its Independence on 17 February 2008, and on 15 June 2008, the Constitution of the Republic of Kosovo entered into force, while UNMIK started reconfiguration of its presence in this country.

[3] B. Reka. UNMIK as an internacional governance in post-war Kosovo: NATO's Intervention, UN
Administration and Kosovar Aspirations, p. 153

[4] S . Gërxhaliu, Trafficking and Prostitution of Women , ADEA, Prishtina, 2003, p. 181

[5] OSBE/SMSL. Report, p. 55

[6] Clarification: No official evidence was published, which would contain the exact number of persons as staff members in UNMIK and KFOR, who were accused or convicted for commission of the criminal offence of trafficking in human beings for the period 2000-2006.

[7] OSCE Report, Kosovo of the Criminal Justice System, 01 September 2000 – 28 February 2001.

Kosovo Legislation on Trafficking in persons

As stated above, the first report on existence of criminal phenomenon, such as trafficking in persons, in the Republic of Kosovo occurred in 1999. The applicable law of Kosovo at that time had no legal provisions sanctioning this criminal phenomenon. This legal gap was an obstacle to fight and prevent trafficking in persons. Such a circumstance was used by criminal organizations by increasing the level and dynamics of prevalence of trafficking in persons. The approach in fighting and preventing trafficking in persons, under the situation of lacking legal regulations, became a significant challenge for the law enforcement bodies and for the judiciary.

Following the entry into force of the Regulation No 4/2001, on 12 January 2001,[1] an instrument was provided, which addressed all forms related to combat and prevention of trafficking in persons, at the meantime the legal gap in the applicable law of Kosovo was eliminated.

The UNMIK Regulation No 4/2001, of 12 January 2001, established a part of legislation that could particularly serve for prosecution and punishment of the perpetrators of the criminal offence of trafficking in persons and for assistance and protection of victims of trafficking until drafting and approval of the Criminal Code of Kosovo. This regulation comprises of three chapters, divided into 15 articles. The Chapter I, which comprises of 4 articles, provides the definition of the criminal offence and the sanctions. The Chapter II, which comprise of 4 articles, deals with criminal prosecution, confiscation and court proceedings. The Chapter III, the last one, comprises of seven articles and it administers protection and assistance to the victims of trafficking.

In compliance with international conventions and other acts, the Criminal Code of Kosovo, which entered into force on 6 April 2004, in its chapter XIV, wherein criminal offences against international law were foreseen, has foreseen four articles sanctioning various forms of slavery: establishing slavery, slavery-like conditions and forced labour, Article 137 of the Provisional Criminal Code of Kosovo (PCCK), smuggling of migrants, Article 138 of PCCK, trafficking in persons, Article 139 of the PCCK and withholding identity papers of victims of slavery or trafficking in persons, Article 140 of the PCCK.[2] Because of the entirety that is reviewed this paper, a special significance in the paper is given to the explanation and interpretation of Article 139 of the PCCK,[3] trafficking in human beings.

By analysing and comparing the definition provided in Article 139 of the PCCK with the definition provided in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, we identify 3 constituent elements of this criminal offence: actions, means and the purpose, which are presented as in the definition of Article 139 of the PCCK, as well as in Article 3 of Palermo Protocol, which is recognised as international definition. The two first elements are objective, while the third element is subjective. In order to find guilty and sentence a suspect for committing the criminal offence of trafficking in persons, three of these elements should be present. According to the fourth paragraph of Article 139 of the PCCK, this criminal offence is committed by a person who negligently facilitates the commission of trafficking in persons, whereas according to the fifth paragraph of this article, this criminal offence is considered to be committed by a person who uses the victim of trafficking for sexual service.[4] The qualified forms of the criminal offence of trafficking in persons are foreseen by paragraphs 3, 6 and 7 of the Article 139 of the CCK. Along these serious forms of this criminal offence, I consider that that a more severe form should have been foreseen in cases when trafficking in persons is committed in a way that it causes danger to the life and security of trafficked persons.

Moreover, a more severe form of this criminal offence should be foreseen also the fact that if by a dangerous manner of trafficking in persons death was caused to one or more persons.[5] Foreseeing these two forms, sanctioned by Article 139 of the CCK, by applied a severe punishable policy, would increase the efficiency in fighting and preventing the criminal offence of trafficking in persons.

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[1] See UNMIK Regulation 4/2001.

[2] See: Provisional Criminal Code of Kosovo, adopted by the Kosovo Assembly, 2013.

[3] Provisional Criminal Code of Kosovo, Article 139.

[4] This provision was applied for the first time in Sweden in 1998. This law is called "Women Peace" that sanctions the use of sexual services from victims of trafficking.

[5] I. Salihu. Criminal Law, CC; Prishtina University, Prishtina, 2006, p.97.

All of these forms of this criminal offence, foreseen by Article 139 of the PCCK, may be committed by a person with criminal liability, except for the criminal offence foreseen by paragraph 7 of Article 139 of the PCC, which can be committed only by an official person.

With regard to the guilt, all forms of this criminal offence may be committed willingly, the only exception here is the form of the criminal offence foreseen by paragraph 4 of Article 139 of the PCCK, which may be committed as a result of negligence.

Article 139 of the PCCK also foresees criminal sanctions that may be imposed to the perpetrators of all forms of the criminal offence, trafficking in persons, foreseen by the paragraphs of this Article.

If a comparative overview is made to the UNMIK Regulation 4/2001 and Article 139 of the CCK, it is noted that in the Criminal Code of Kosovo some articles are not corporate, which have a special significance in fighting and preventing the criminal offence, trafficking in persons, and there is no clarity whether respective articles of the Regulation 4/2001 also after 6 April 2004, when the PCCK entered into force, are applicable. According to the statement of the legal advisor of the SRSG, in the Memorandum 2004 – 01323, a part that is referred to protection and assistance of the victim (Sections 2, 3 and 4) of the UNMIK Regulation No 4/2001, remains applicable, since they were not included in the CCK or in the Criminal Procedural Code of Kosovo.[1]

From the analysis of the provisions of the UNMIK Regulation No 4/2001 and the Article 139 of the PCCK, it comes out that Kosovo should amend and supplement its legislation in fighting and preventing trafficking in persons.

Conclusion

Trafficking in persons is still today an extremely concerning criminal phenomenon in all modern societies, including also the Kosovo state. Studies and analyses conducted so far have indicated that there are all form and types of this criminal phenomenon in Kosovo, which are present either with local victims or victims coming from other countries, as well as clients coming from Kosovo or from other countries transforming Kosovo from a transit country into a destination for trafficking in persons. Moreover, it appear that in Kosovo, this criminal phenomenon was present at locations where international bodies were deployed or at locations visited by the employees coming from other countries. Undoubtedly, this is related to the fact of impact by many factors (economic – social, political, educational, etc.) that make such a criminal phenomenon to happen. Eros and sentimental feelings are considered as inner psychological traits and their appearance in the client type of manner using sexual services of victims of trafficking is concerning for the entire modern society, because by trafficking in persons the integrity and dignity of a person is violated. However, this was regulated by the UNMIK Regulation No 4/2001, the Provisional Criminal Code of Kosovo (PCCK), and by other laws, but not directly. Nevertheless, the legislation should be amended by provisions concerning a certain rehabilitation and reintegration of the victims in society, in relation to protection of victims of trafficking, compensation of victims in criminal proceedings, meaning while examining the criminal matter and imposing the sentence to the perpetrator of the criminal offence – trafficking in persons, to decide also on compensation of victims of trafficking, establishment of a public fond to ensure compensation of victims of trafficking and the use of confiscated items in order to raise such a fund. Regulation of the status of victims of trafficking should define the incitement of trafficking in persons as a criminal offence.

The necessity to provide a legal basis for such amendments derived from the international conventions and other acts, such as UN Convention against International Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Framework Decision of the Council of Europe dated 12 July 2002 on Combat against Trafficking in Persons, European Convention on Action against Trafficking in Human Beings of the Council of Europe (2005 CETS No 197).

With regards to the consequences of this criminal phenomenon, of course they are huge consequences, including: psychological, social, ethical, economical and many other consequences.

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[1] Trafficking of Children, UNICEF, Prishtina, 2004, p .15.

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Field Base Teaching: a Malaysian Experience

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Abstract

This paper narrates the field base teaching method that has been incorporated in Northern University of Malaysia. By tradition, the university is a management university, which emphasis on management skills, such as banking, finance, entrepreneurship and other essential components of management. Beginning of 1995, the university realizes that a wider curriculum scope is needed to cater ever growing demand on humanities programs. As a result of this, courses such as history, sociology, anthropology, geography and other courses related to humanities programs were introduced. Components of geography were introduced as regional geography and environmental management in 1997 as one of the elective subject in Public Administration Undergraduate Program. Generally, the teaching method being employed at the university was lectures, tutorial and the assessments were more exams oriented. Starting from the academic session of 2000/2001, the evaluation processes were altered and assignments were introduced. I took this opportunity to introduce assignments based on report writing about development projects and its impacts on natural environment surroundings the university. This paved way for the students to conduct surveys and data collection prior to the report writing. Slowly, I introduced the idea and the importance of field base teaching to the students and the management. Initially it was well perceived by the management and the students. Latter, when the number of students increased from merely 20 to few hundreds, issues such logistics, cost and other related issues influenced the management to rethink the idea of field base teaching. At present the number of students varies from 1,000 to 1,500 per academic semester. The numbers of instructors were also increased from one to fifteen. Unfortunately my present role as an instructor and coordinator does not provide the luxury of practicing field-based teaching due to financial and man power constrain. It is an uphill task to design a syllabus and convince the faculty members to participate in the field based teaching.

Keywords: field base teaching, teaching, method, university

Introduction

Education plays a fundamental role in creating a well-structured society. Education promotes self-identification, creates self-ability in order to participate and function in a society. Discovering self is very important because this lead to harmony in a society. Each individual are unique in the sense that he/she displays a different pattern of thinking and displays various ways of doing things. This is called process of education. It is very crucial that each individual must attain self-knowledge or self-excellence (Romeo Aquino, 2010). So education is an essential tool that our modern society needs to progress in various fields.

Education plays vital role in transforming society and improving community's living standard. Education also plays an important role in enhancing economic growth and economic development. So, the government has the responsibility to run the education system for the benefits of the public. In this context the tertiary education system also comes under the state's social responsibility. Meanwhile the stakeholders involved are government, public, parents, students and many others. It is an essential for the stockholder's active participation to ensure the maximum benefits from the public education system. In Malaysia, several public universities were formed to cater the ever increasing demand for tertiary education. *Universiti Utara Malaysia or* Northern University of Malaysia was one of the public universities funded fully by the Federal Government to fulfill the government's agenda in education transformation.

Northern University of Malaysia or *Universiti Utara Malaysia* was formally incorporated on 16th February 1984, with the unique mission to provide academic excellence in the areas of business management, education, information technology, and quality management. Faced with this challenging task, the university has since its inception, ensured that its academic niche areas are focused on such disciplines as management, accountancy, economics, information technology, entrepreneurial development, tourism management, banking & finance, social development, human resource development

and international affairs management. Active learning occurs when students are mentally engaged in processing knowledge in order to construct understanding. Through mental engagement, meaning is made, learning is internalized, and knowledge, skills, and concepts are applied (Starnes & Carone, 2002).

In many classroom settings today, however, it is not uncommon to observe students taking a fairly passive role in their learning. This is especially the case when instructors employ mainly traditional methods of teaching (i.e., lecturing, note-taking, and using multiple-choice and true-false exams). Unfortunately, while these methods can be convenient for the instructor, they often do not impact student learning in a significant way. As reported by Wingfield and Black (2005), passive methods of teaching are likely to be more instructor-centered. Conversely, active styles of teaching foster greater student participation, which oftentimes results in more intense and longer-lasting learning. Active learning has also been linked to critical thinking, increased levels of social integration resulting in subsequent institutional commitment, and enhancement of the well-being and personal growth of students (Braxon, Milem, & Sullivan, 2000; Koljatic & Kuh, 2001). Field-based instruction, a form of active learning, has proven to be worthwhile to enhancing student learning outcomes, including retention of the subject matter, and improving student's problem solving skills (Davis, 1993). Field experiences are learner-centered, allowing students the opportunity to apply ideas and concepts taught in a traditional classroom setting to an environment that stimulates critical thinking and analysis (Hickcox, 2002). Field experiences enable students to further develop cognitively from more simplistic positions (Barr & Tagg, 1995; Ediger, 2001).

As a geographer I was trained and exposed well in field based teaching. Unfortunately my present role as an instructor and coordinator does not provide the luxury of practicing field-based teaching due to financial and man power constrain. It is an uphill task to design a syllabus and convince the faculty members to participate in the field based teaching.

The Puzzle

Geography was first introduced as regional geography in 1997/98 academic session at Northern University of Malaysia. The author was given the responsibility to outline the curriculum syllabus. Based on the university's practice at the time, the teaching mode were lectures and assessment based on exams. Furthermore the subject was only an elective subject, part of the Public Management Program. The first batch consists of 16 students and none of the students had previous learning experience on geography or geography related issues. This was really challenging for the author to design the lecture notes in order to cater the student's needs. The issue was whether to introduce a different set of leaning objectives and learning outcomes. The teaching method also designed differently with introduction of field work observation and data collection. Since the students did not have any knowledge on field observation techniques, they were given simple assignment such as fauna and flora observation (natural geography) and traffic analysis (human geography). Unfortunately the students cannot perform this simple task due to lack of knowledge. The first puzzle was that, what is the best teaching method to employ to this group of students?

For the past 5-10 years the author was involved in teaching courses such as Environmental Management and Social Science Studies. As a coordinator for the Social Science Studies, part of my responsibilities is to design the syllabus. The Social Science Studies comprises of various disciplines and one of which is Geography and Environmental Management. Each semester the number of students ranges from one thousand to two thousand five hundred from various faculties (Law, Accounting, Finance, Business Management, Computer Studies, International Studies, Public Management, Developmental Management, Project Management, Housing Management, Communications, Communication Business, International Business and many other courses. Devising a workable field-based program was contentious because the change entailed much than combining faculty and curriculum.

Due to the large number of students, basically the approach is 32 hours of theoretical teaching and 10 hours of field-based teaching. The students will be divided into smaller groups (10-15) and given first-hand experience (one day trip) on the issues such as policy formulation and policy implementation by various government agencies. The students will be placed (for one day) in government agencies and private sectors which is related to environmental management, such as irrigation agency, land agency, department of environment, river agency, department of agricultural, local authorities, housing developers and public utility departments. Then students will come out with a mini report (15 pages) and a presentation (10 minutes) based on the field trip. The report and presentation must entirely base on their experience gained from the various agencies.

The author realized that there are several shortcomings: i) one day field trip is not sufficient, ii) participating government agencies are below par, iii) the accompanying officer from the government agencies are not equipped with proper knowledge or information and iv) the total number of students and too many groups are too large for a field-based teaching. Due to various constrains the field-base component being revised and probably will be phased out sooner. This is due the instructors were not keen and the monetary resources cannot sustain the field-based teaching expenses.

Discussion

Fortunately the field-based teaching of Environmental Management is more pragmatic and futile towards end results. During the past three years I am involved designing the suitable field-based teaching syllabus that benefited most to the students and the instructors. This course is about managing the environmental resources such as water, forest, land, coast, wetlands, rivers and etc. The course involves three phases starting from the third semester until the sixth semester. The third semester comprises of 32 hours of theoretical teaching and 10 hours of field-based teaching. The theoretical teaching is about four earth spheres and various ecosystems and the relation to human activities. The field trip involves visit to Forest department, Irrigation department, Department of environment, Department of minerals and other government agencies that deals directly about environmental resources. Based on the theoretical findings and the relations to the field trip will be presented in the class room comprising 15-20 minutes presentation.

The fourth semester is 20 hours of theoretical teaching and 22 hours of field-based teaching. The field-trip involves visiting and experiencing the management of reservoir, wetlands, rivers, forest reserves, forest parks, beaches and etc. This is really exciting because the students will get to see natural process at work, the importance of hydrological cycle, the importance of trees, coastal processes etc. The students will prepare a report how man interacts with nature.

The fifth and sixth semester is about 30 hours of field-based teaching. The students will collaborate with local communities such schools, business communities, farmers, professionals, non governmental agencies to design a project that reflects man's responsibilities' towards environmental resources. This involves projects such as: a) adopting a stream, b) conserving water, c) clean water streams and fish, d) water pollution, e) earth day, f) ecosystems, g) importance of mangroves, h) plant a tree, i) pollution, j) recycle. At the end of the sixth semester a comprehensive report will be prepared. The most outstanding report will be given priority to be developed into a graduation thesis. Refer to table 1.

After 3-4 years of experimenting, I realize that field based teachings with sound theoretical background; the whole teaching and learning process were much more educational and practical. It also gives a new dimension to the teaching profession at the tertiary level. Let me share my experience with a good case study involving the replanting of mangroves in Penang Island. During the Third Semester the students were taught about mangroves and its importance to the coastal system especially in Malaysia. A visit to the one of the best managed mangrove forest in Malaysia that is Matang Mangrove Forest[1] in Perak, Malaysia, enhance the participants/student knowledge to understand better the mangrove ecological system.

To practice what had been learned in the classroom and at Matang mangrove Forest, we decided to volunteer for two programs called "Save the Mangrove Forest in Penang"[2] and "Clean the Gurney Drive Coastal Waters"[3] organized by the Penang State Government in 2009 and 2010.

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[1] Matang Mangrove Forest Reserve in the largest single forest in Peninsular Malaysia, covering an area of 40,151ha. It is one of the world's best well-managed mangrove swamps. The forest reserve has received various international awards. Mangrove eco-systems are highly productive and represent the life support systems for fisheries, forestry, medicine, food and other products. Within this mangrove swamp are found multitudes of tree species, birds and marine life which is haven to natural lovers (Perak Tourism Board, 2014).

[2] The eastern coastal of Penang Island is undergoing tremendous changes in the past 30 years. Observation would tell us that once the east coast of Penang Island was full of mangroves forest with various species of flora and fauna. The swamps were reclaimed to cater for the ever growing industrial, commercial and housing sectors.

[3] Gurney Drive is a popular seafront promenade in Georgetown, Penang, Malaysia. The road also one of Penang's most popular tourist destinations, famous for the hawker food. Previously known as the New Coastal Road, which was completed in 1936 and renamed in 1952 after Sir Henry Gurney, the British High Commissioner of Malaya (1950-1951). Over the years, the beaches along Gurney Drive have largely been lost to coastal erosion. More recently, a land reclamation project near by area Tanjung Tokong has reversed the erosion, leading to accretion of silt and mud off Gurney Drive. Mangrove sapling has sprouted in the mud, which is now frequented by egrets and other birds, as well as mudskippers. There have suggestions that the Gurney Drive coastal area, formerly earmarked for reclamation under

The students were divided into two groups and the first groups were involved in the mangrove replanting and the other groups were involved in the cleaning of Gurney Drive. Some 1,000 saplings were planted off the Marina Bay condominiums near Tanjung Tokong. The other group was involved in making EM mud balls[1] and throwing into the Gurney Drive coastal waters. Both the activities were instrumental for the undergraduates about understanding the process of nature that they decided to continue to participate on their own during weekends. This is just one of the examples that I experimented and bravely can say that the field-based teaching has great potential to offer compare to the class room based method. Nevertheless the number of participant is very essential in-order to achieve the outlined objectives of the syllabus.

Table 1 Summary of the field-base teaching that relates to activities, evaluation and cost.

Item	Sem	No. of students	Teaching (hrs)		Activities	Evaluation	Cost
			Theory	Field-base			
1	3	60	32	10	Educational Visits; Forrest department, Irrigation department, DOE, etc	Group presentation; policy formation & policy implementation	10-15 usd per student
2	4	60	20	22	Educational visits; Reservoir, Wetland, river, Forrest reserve, Beach parks	Report writing; how man interacts with nature	20 usd per student
3	5 & 6	60	12	30	Design a project which reflects men's responsibilities towards mother nature; planting trees, recycling, adopting stream		10-15 usd per student

Source: Raman, 2010.

Advantages

Mary Jane Gray (1975) argues that field base teaching must be incorporated in elementary school. She outlines three major areas; cooperating teachers, cooperating schools and evaluating effectiveness of students prepaid in this way. She emphasizes on availability and usage of a laboratory, which plays essential role in this education system. In the long run the system brings the result which is far better than class room base teachings.

Maryellen Weimer 2009, on the other hand carefully scrutinizes the following which supports the PBL. From the student's perspectives, PBL creates student centered approach, which can be used as yardstick to outline the ability of the student's achievements. PBL also creates an enjoyable and satisfying scenario. This can be explained by sighting an example where any kind of interaction with public or specific person will create anxiety and develop interest from the students to participate actively. A personal experience encourages greater understandings with gathered information. This garners higher abilities and develops lifelong learning skills. From the instructor's perspectives, PBL enhances the class attendance increases due to intense class room discussion among students. This method affords more intrinsic reward and encourages students spend more time studying. PBL also promotes interdiciplinary interaction, which benefits the students. From the

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the Penang Outer Ring Road project (at present suspended), be reclaimed for a recreational park or allowed to develop into mangrove forest.

[1] EM mud balls are a bio-remedial environmental solution of reducing water pollutants and improving water quality of rivers. The fermentation emitted from the mud balls will prevent algae growth and pathogenic microbes which causes infectious diseases

institutions perspectives, PBL makes student learning a priority and helps students' retention. PBL also may be taken as evidence that an institution values teachings.

The PBL promotes a dynamic learning approach. It also creates a suitable atmosphere for group discussions, synthesizing ideas, promotes lifelong learning experiences, new studying approaches cultivates student centered learning process, betterment the sharing process, instills sense of belonging among students, creates networking with outside world, connects people from various disciplines and promotes active participation.

Disadvantages

Maryellen Weimer 2009, from the students' perspectives, prior learning experiences do not prepare well for PBL. It also takes more time and takes away study time from other subjects. PBL creates anxiety because learning is no more in systematic manner. Due to group dynamics issues compromise PBL defectiveness and maybe less content knowledge may be learned. From the instructors perspectives, to create suitable problem scenario is difficult. This again warrants more preparation time for the lessons. It is very difficult to pinpoint the exact needs of each student. Sometimes group dynamic issues may require faculty intervention. Lastly the assessment being employed may be in question mark.

Other than that, one of the most disadvantages using the field base teaching method is the high costing involved. The table 1.1 shows, every aspect of the field base teachings involves expenses. Initially the expenses were low, but as the number of students gets bigger as per semester, the expense also soars up. The faculty does not want to burden the students with the extra expenses and at the same time the faculty also does not want to own the responsibility of sharing the expenses. From the institutions perspectives, PBL requires a change educational philosophy for faculty who mostly lecture. To support the additional burden, the faculty will need to incorporate faculty staff development and support for PBL. Again it involves more recruitment of instructors. It also needs a better classroom, if possible a laboratory with flexible classroom space. Definitely it will engender resistance from faculty who questions its efficacy.

Conclusion

This paper is about sharing the experience on the field-base teaching method. Field-base teaching offers variety in the context learning. It also enhances and enriches the learner's ability to analyze a particular issue from different perspective. The instructor also gains valuable experience through trial and error. Teaching and learning becomes very much interesting and the whole process of learning is given a new dimension.

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The Life of Yahya Ibn 'Adi: a Famous Christian Philosopher of Baghdad

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Abstract

Among Christian translators who especially distinguished themselves in the 10th/11th century Baghdad were Yahya Ibn 'Adi (d.974), Ibn Zur'ah (d.1008), Ibn al-Khammar (d.1017) and Abu 'Ali al-Samh (d.1027). Some of these Christians were no longer relying on the Caliphs or other patrons of learning, but often found their own means of living which in turn prolonged their own academic interest. Consequently, some of them were no mere translators any more, but genuine scholars. The chief architect among them was Yahya Ibn 'Adi. He was not only the leader of his group but was also dubbed as the best Christian translator, logician and theologian of his times. This is justified, in addition, by his ample productivity in those fields of enquiry. A considerable number of such works have evidently been used by contemporary and later writers, and have also reached us today. Hence we consider that it is in these aspects that his distinctive contributions to scholarship lie, and therefore he deserves more serious study. Thus, this qualitative study which uses content analysis method seeks to introduce Yahya Ibn 'Adi in terms of his history, life, career, education and writings.

Keywords: *Yahya Ibn 'Adi, his life, education, career, writings*

Yahya's Early Life and Education

Yahya's full name as given by his biographers, contemporaries and attested by his own testimony is Abu Zakariyya' Yahya Ibn 'Adi Ibn Hamid Ibn Zakariyya' al-Takriti al-Mantiqi (See al-Sijistani 1974; al-Tawhidi 1929; Ibn al-Nadim 1872; and al-Qifti 1903). He received the name Yahya (John) at birth. Later on when he became a father and head of his family, he was given, as customary among the Arabs, the surname taken from one of his sons, "Abu Zakariyya' (father of Zakariyya'); the addition of his ancestors' names to his own, "Yahya Ibn 'Adi (father) Ibn Hamid (grandfather) Ibn Zakariyya' (great grandfather)", is also necessary not only for exactness, but also for avoiding any possible confusion with those of similar name; his nick-name *"al-Mantiqi"* (the logician), is beyond doubt, awarded to him for his skill at dialectic (Ibn al-Nadim 1872; al-Qifti 1903; and Ibn Abi Usaybi'ah 1982, 1); while his ethnic name, *al-Takriti*" (the man from Takrit), indicates his home town.

Yahya was born in Takrit (the northern frontier district of 'Iraq) in 893 A.D. of Jacobite or Monophysite Christian parentage. Takrit, the old metropolis of the East, was situated on the right bank of the Tigris, about 100 miles north of Baghdad and almost equidistant from Mawsil. Some writers attribute its foundation to the Sasanian King Sabur, son of Ardashir, and it is also said to have been named after a Christian woman, Takrit bint Wa'il. Later, it was the birth place of al-Malik al-Nasir Salah al-Din Yusuf 1, Saladin (d. 1193), the third crusade hero, whose father Najm al-Din al-Ayyub (d. 1173) was appointed commander of the fortress Takrit under the Saljuq rulers (1055-1100) (Kraemer 1986; Perier 1920).

Takrit was one of the important intellectual centres of that time where both theological and philosophical discussions were held among Christians of different sects, and also between Christians and Muslims. The contemporary Muslim historian, al-Mas'udi (1893) for example, related about a debate he had with the Syrian philosopher and historian, Abu Zakariyya' Dinha' at the Green Church, Takrit in 313 A.H./925 A.D.; and on another occasion al-Mas'udi likewise affirmed that he had

seen a voluminous work on ancient philosophy. These hints show that the birth place of Yahya was among the oldest philosophical centres though very much inferior in comparison to Baghdad.

During Yahya's time, the Eastern Church was divided into three main bodies namely: the Nestorians, who dominated Armenia and Persia; the Jacobites or Monophysites, to which Yahya belonged, prevalent in Mesopotamia, Syria and Egypt; and the Melkites (Orthodox) in regions under the Byzantine emperors (Atiyeh 1968). Takrit, Yahya's home town, was the seat of a Jacobite bishop from the fourth century until the middle of the twentieth century, when the diocese was combined with that of al-Mawsil.

Al-Sijistani (1974: 377- 389), who was in contact with each of the three groups, remarked on the diversity of their convictions. This was among the earliest indications that has reached us about their diversity. He observes:

"Some of them (Christians) professed that the entities with which (this Being / *zat*) unites are human substances. Some among them held that of all these substances that with which it unites is one, namely, the substance of humanity (*nasut*) of the Messiah (scil. Jesus). These are the Christians, with their divergent opinions concerning this. The Jacobites claim that from the two substances, I mean the substance of humanity (*nasut*) and the substance of divinity (*lahut*), one substance and one hypostasis (*uqnum*) emerge. The Nestorians hold that the union is only through good pleasure, and the two substances remain two and two hypostases. The Melkites hold that two substances and one hypostasis emerge through the union".

The debate between these three Christian confessions, as reflected by the writings of Yahya and his immediate pupils, was bitter. However, though their dogmas, primarily those of the Nestorians and Jacobites, had been condemned as being heretical by the more powerful westerly branches of the Christian church, it is rightly claimed that it was they, particularly the Nestorians, who had played a markedly important role in cultivating Greek sciences and who later transmitted them to the Muslims, and in particular the Muslim philosophers (Rescher 1964).

As to Yahya's early life and education, biographers leave us ignorant. Nevertheless, we know that, probably after completing his early education in Takrit, Yahya went to Baghdad to continue his studies and pursue his interest sometime between 910 and 915 A.D., when he was aged around 17 to 21. From the epithet *"nazil Baghdad"* (resident of Baghdad). which is often attached to both his life and career, it may be gathered that he had spent most of his academic life in Baghdad, and become a distinguished scholar at the important centres of learning (al-Qifti 1903; and Ibn al-Ibri 1958). Thus, Yahya seems to have been one of the distinctive scholars at the time, as with many other intellectuals who had received the same title.

Most sources mention Abu Bishr Matta Ibn Yunus (d. 328/940) and Abu Nasr al-Farabi (d. 339/950) as Yahya's teachers in philosophy, particularly logic. The first was the Nestorian logician, physician and translator, reputed in his lifetime as a "master" and "chief authority" on logic in Baghdad, mainly during the reign of Caliph al-Radi (932-939 A.D.). The second was the greatest ever of Muslim Philosophers, the most excellent among the notables, who was well-grounded in philosophy and famous for almost all of his philosophical writings, which eventually earned him the nick-name, *"al-Mu'allim al-Thani"* (the second teacher), the first being Aristotle. Al-Bayhaqi (1935), states that Yahya was the best *(afdal)* of al-Farabi's pupils, who summarises the literary works of his master and possesses a compendium of them. This is also confirmed by al-Mas'udi (1893), one of Yahya's associated friends, who reports that he is aware of no one who relies on al-Farabi's philosophy except one man in Baghdad known as Abu Zakariyya' Ibn 'Adi.

Further information supplied by al-Mas'udi (1893) that the basis of Yahya's thought was that of his study of the system (*tariqa*) of Muhammad Ibn Zakariyya' al-Razi (d. 925), that is, the theory of the Pythagorean on the first philosophy (i.e., metaphysics), tells us of another important master of Yahya. However, it appears that Yahya could have been in contact with al-Razi only for a limited time, possibly somewhere between 910 and 915A.D., just after his migration to Baghdad which was, coincidentally, the period in which al-Razi was reported to have been residing there shortly before returning to his home town al-Rayy (Meyerhof 1930). The precise subjects which Yahya could have studied under al-Razi are not known. Nevertheless, since the latter was "the greatest physician of the Islamic period", and one of the greatest physicians of all time, it was very likely that medicine was their major theme of inquiry, though other disciplines including logic, ethics and metaphysics, as mentioned by al-Mas'udi (d. 957), could also be included (Mayerhof 1984; and Arberry 1957).

Al-Razi (d. 925) also wrote on ethics, *al-Tibb al-Ruhani (The Spiritual Medicine)*, which appeared as "an admirable synthesis of science and metaphysics, shaped in the mind of a master physician and given a verbal form by a master of language" (Arberry 1957). This is in perfect agreement with the subject matter of Yahya's ethics, namely, the correction of the metaphysical side of man, the soul. Further, the fact that he was listed by Ibn Abi Usaybi'a (1982, 1) as among the Arabic physicians, may also cause us to believe that al-Razi (d. 925) was a formative influence of Yahya.

Early Arabic sources noted that Yahya also studied with a group of scholars of his day, though none of their names were specifically mentioned. Al-Tawhidi (1953,1), who was in close contact with Yahya as well as with other contemporary men of letters, may indirectly have alluded to this particular group for he named some of them, including Yahya, as his colleagues (*ashabuna*). Others included al-Sijistani (d.1001), Ibn Zur'a (d.1008), Ibn al-Khammar (d. 1017), Nazif al-Rumi (tenth/eleventh century), al-Qumisi (tenth/eleventh century), Miskawayh (d. 1030), 'Isa b. 'Ali (d. 1001), and others. We do not know for certain which of them Yahya had actually been studying with. However, in seeing that science embodies numerous disciplines, even philosophy, as was usual in those days, encompassing many areas - geometry, medicine, astronomy, music, logic and arithmetic - so were the students of science, more particularly the encyclopaedic men of mediaeval Baghdad, very often dubbed with more than one field of specialisation: Yahya himself received the designation of logician, theologian and translator, while Miskawayh received that of historian, ethicist and physician.

Hence, the possibility that Yahya could have studied under any particular one of his associates or more, and with other contemporary scholars, especially with those who specialised in different skills from his own, is high. Moreover, most members of the group like al-Sijistani, Ibn Zur'a, Ibn al-Khammar and so forth, studied logic with Yahya, but still acquired additional specialised knowledge from among themselves and from the various experts during their period.

His Career

Most scholars in those days (during the tenth/eleventh century Baghdad) were no longer dependent on the patronage of the rulers or their viziers, as were their immediate predecessors, but they made their own living as physicians, teachers, scribes, translators, or booksellers (Rescher 1964). Yahya too seems to have earned his own livelihood as a professional copyist and bookseller, a livelihood, which he may have inherited from his father, 'Adi Ibn Hamid. The profession could perhaps be the bread and butter job of many of the literate men of his time (Kraemer 1986; and Walzer 1962). The anecdote given by Ibn al-Nadim (1871-1872), which criticised Yahya for copying too much may substantiate this fact: "Why be amazed at my patience?" Yahya replied. "I have transcribed with my hand two copies of the *Tafsir* (Qur'anic Commentary) of al-Tabari (d. 923), which I have taken to the kings of the frontiers, and I have copied innumerable works of the Muslim theologians. In fact, I have forced myself to write a hundred pages each day and night, thought I felt this to be little".

Yahya was a prolific copyist of manuscripts and also a keen lover of books, who constantly replenish his book supply for the benefit of his customers as well as for his friends and pupils. Nevertheless, he was not simply a slavish copier, but very often he revised and rectified many of the existing versions and, more importantly, he prepared numerous translations of Greek works mostly from Syriac into Arabic since he knew no Greek (Rescher 1964). Not surprisingly therefore, his contemporary biographer, Ibn al-Nadim (1871-1872), depended on him as a bibliographical source and utilised the catalogue of his books when writing the section on "ancient philosophy" in his well-known book *al-Fihrist*. Another piece of information again furnished by Ibn al-Nadim (d. 990), that Yahya was distressed by the discovery that the works he had diligently sought for, had already been sold, while still others had been burnt. This confirms his position as an avid collector of books. The fact that he was also designated as a "translator" by Abu Hayyan al-Tawhidi (1953, 1), is of course justified by his expertise in such a field in addition to his copious productivity in translation.

Like Miskawayh (d. 1030), Yahya was also listed by Ibn Abi Usaybi'a (1984, 1) as among one of the Arabic physicians. But unlike the former, who had been credited by Ibn Abi Usaybi'a with precise medical treatises, Yahya was neither attributed with the works as such nor with any translation of them. Modern scholars including Graf (1910) and Rescher (1964), assert that Yahya earned his livelihood as a qualified medical doctor. We are not aware of the source of such a statement, apart from the tale circulated by one of his fellow countrymen, al-Mas'udi (1893), that Yahya was once the pupil of the great Muslim medical doctor al-Razi (d. 925). This was reinforced by the frank confession made by Yahya himself about his incompetence in medicine, despite being singled out as a physician by Ibn Abi Usaybi'a (1984). In any case, all this lead us to believe that Yahya must also have had some interest in medicine, but does not appear to have practised the art. Even

if he did, it was perhaps only a little, or only when forced to do so by circumstances as with his other associated contemporaries, Miskawayh (d. 1030) and Ibn Zur'a (d.1008), who were both counted as physicians by Ibn Abi Usaybi'a. However, no further source informs us whether or not they practised the profession for their living.

Following the death of his master, Matta b.Yunus in 940, and with the absence of al-Farabi (d. 950), who had left Baghdad long before, specifically to travel to study in Syria and Egypt and set himself up at the court of Sayf al-Dawla (d.967) of Aleppo in 942, Yahya became the new leader of philosophical studies in Baghdad. He was now in his late 40s and exercised a truly intellectual sovereignty for the next three decades at the centre; the intellectuals of the new generation, comprising Muslims, Christians, Jews and others alike joined his *majlis* (school) (Kraemer 1986). Among his celebrated Muslims disciples were al-Sijistani (d. 1001), 'Isa b. 'Ali (d. 1001), Muhammad al-Badihi (d. 990), and Abu Hayyan al-Tawhidi (d. 1023). The Christians were, namely, Ibn Zur'a (d. 1008), Ibn al-Khammar (d. 1017), and Abu 'Ali al-Samh (d. 1027). There was also a Jew, Wahab b. Thaqif al-Rumi; and a Sabian, Abu Ishaq al-Sabi' (al-Tawhidi 1953:1; and Kraemer 1986).

Al-Tawhidi (1953), who was a pupil of Yahya as well as a member of the group, tells us that most of his colleagues were prominent in the *majlis* set up by Yahya, who was also the *ustadh* (master) of the school. This is attested as well by the reminiscences of two contemporary biographers, Ibn al-Nadim (1871-1872), who considers Yahya as the leader among his associates and unique in his time; and al-Mas'udi (1893), who portrays Yahya as the chief authority of philosophy, particularly logic, during the period. Thus, we notice the continual use of the Alexandrian title, "Head (*scholarches / ra'is*) of the school" in the tenth/eleventh century Baghdad, and the succession of Abu Bishr Matta b. Yunus (d. 940), al-Farabi (d. 950), Yahya Ibn 'Adi (d. 974), and Abu Salayman al-Sijistani (d. 1001), as head of the school.

It is a singular fact that so little is known about the precise syllabus of Yahya's school. The vivid portrayals given by al-Tawhidi (d. 1023) in many of his biographical works, touching particularly on the intellectual life of the period, though centred on the philosophical school of al-Sijistani (d. 1001), echo the ancient sciences as always being the main subjects studied by the succeeding philosophical school of Baghdad. As to that of Yahya, Kraemer (1986), decisively remarks that: "The school of Yahya b. 'Adi, following the lead of its master, engaged mainly in philosophical work; copying, translating, and editing ancient philosophical and scientific texts". Touching on the different interests of its members, J.L. Kraemer further observes that: "Ibn 'Adi's Christian pupils - continued the (predominantly Christian) tradition of meticulous textual editing, translating, and commenting"; whereas his Muslim pupils, "studied and interpreted ancient texts, but they were not as involved in translation and editing - they evinced a keen interest in the history of philosophy".

This educative system, in many respects, is similar to the one adopted by the school of Hunayn Ibn Ishaq (d. 874), about a century earlier as averred by Hunayn himself:

"Our Christian friends (the Nestorians) today assemble every day at those places of instruction known as "school" (schole) for the study of one of the "major works" of the books of the Ancients. But as regards the remaining books, it was customary to read them individually, everyone for himself, after he had grounded himself in the books which I have mentioned, just like our (Nestorians) friends today read the commentaries to the books of the ancients". (Cited by Rescher 1964: 21-22).

A similar teaching practise appeared to have been adopted by the school of Yahya, though it was not apparently committed to a specific philosophical work or trend. Nevertheless, logic had been the fundamental theme of the voluminous writings of its members and notably its master, as Yahya himself was better-reputed in his lifetime as "the logician" rather than as a "translator", "copyist", "physician", "teacher" or "bookseller"; so were his masters, Abu Bishr Matta (d. 940) and al-Farabi (d. 950), who both successively antedated him as the heads of the school. Even the "school" as a whole was called that of "the logicians" (*al-mantiqiyyun*). All these indications have persuaded us to conclude that "logic" was probably the focal subject studied by the Yahya school, notwithstanding the fact that other branches of Greek science had also been widely cultivated by its members, as singled out by Kraemer (1986: 7):

"Ibn 'Adi and his pupils corrected and refined previous translations, added their own, deliberated over textual and terminological problems, and engaged in philosophical speculation. The relationship between philosophy and religious doctrine was a major intellectual preoccupation of theirs. The philological finesse and philosophical insight of Ibn 'Adi and his pupils are evident in the editions of Aristotle's Organon and Physics that emanated from his school."

That the Islamic subjects and other fields of learning have also been fostered by the school of Yahya is also evident. Ibn al-Nadim (1871-1872) for instance, relates that Yahya had a keen interest in the works of the Muslim theologians (*mutakallimun*), as well as in the *Qur'anic* commentary (*tafsir*), especially that of al-Tabari (d. 923). Al-Sijistani (d. 1001), who studied logic with Yahya, on the other hand, proclaimed that his teacher had a high regard for the Indian sciences, but neither al-Sijistani himself nor other sources yielded any further clues concerning this fact. Besides, the other members of the school such as Ibn al-Khammar (d. 1017), 'Isa b. 'Ali (d. 990) and al-Tawhidi (d.1023) also had their own respective areas of curiosity apart from philosophy. For example, the first studied Islamic jurisprudence (*fiqh*) and memorised the *Qur'an*, the second applied himself actively to the science of tradition (*hadith*), and the third was active in the field of belles-lettres as evoked by his ample productivity in the field.

It seems that Yahya headed his school of philosophy for almost 35 years, from 940 A.D. to 974 A.D. He lived to the ripe old age of eighty-one and died in Baghdad on Thursday 21st of Dhu'l Qa'da 364 A.H., corresponding to 13th August 1285 of the Alexandrian Calender or 974 A. D. He was buried in the church of St. Thomas (Mar Tumar) in Qati'at al-Raqiq, north-western Baghdad. His disciple Ibn Zur'a (d. 1008) carved on his tomb the following epitaph

"Often enough the dead remains alive via knowledge, whereas the living dies via ignorance and malaise. Acquire therefore knowledge to gain immortality give no value whatsoever to an ignorant life" (Ibn Abi 'Usaybi'ah 1982-1984, 1).

His Literary Works: Ethics

Yahya was not a minor writer or a second order philosopher. As a disciple of the most eminent masters of his age, Abu Bishr Matta b. Yunus (d. 940) and al-Farabi (d. 950), he seemed to represent the first, or at least one of the earliest Christian philosophers who was well-grounded in the three major traditions of learning of the time, namely, Greek, Christian and Islamic, although his skill in the first and the second, as reflected in his numerous writings, is much more obvious. Among the early Arabic biographers, who deal extensively with the transmission of Greek sciences into the Muslim world during their time, such men as Ibn al-Nadim (1872), al-Qifti (1903) and Ibn Abi Usaybi'a (1984), all admire Yahya's astonishing output. Through Ibn al-Nadim we know most of Yahya's translations and commentaries. Yahya made Arabic translations, from Syriac, of many of Aristotle's major works including *Categories, Topica, Sophistica, Poetica, Physica* (second section) and one part of *Metaphysica,* as well as Plato'*s Law* (*al-Nawamis*).

Yahya also corrected earlier translations of the first fragment of Aristotle's *Physica* and the whole of Plato's *Timaeus*. He also wrote a commentary on the former's logical work, *Topica*, and possessed a compendium of other Greek treatises and commentaries including *De Anima, Books of Animals,* and *Ethics* (perhaps the *Nicomachean Ethics*) of Aristotle, the *Republic, Timaeus* and other writings of Plato, as well as a number of commentaries by Ammonius, Themistius and Alexander of Aphrodisias. Al-Qifti (d. 1248) and Ibn Abi Usaybi'a (d. 1270), Ibn al-Nadim's close successors, on the other hand, rely heavily on the information supplied by the latter when they both wrote their parallel brief entries on Yahya. Al-Qifti listed altogether 41 titles of Yahya's literary works, whereas Ibn Abi Usaybi'a included seven. Most of these writings, however, are already found scattered in the *Fihrist* of Ibn al-Nadim (d. 990).

In the constant contact between the three great civilisations, Greek, Muslim and Christian, more especially the last two, as well as the frequent exchange of views, discussions and polemics, Yahya stood then, as agreed by many, as an apologist. Or, we would say, as a scholar who offers a defensive method of argument and concerns himself with the rational justification of Christianity. That is the origin of almost all of his own independent minor treatises. Sometimes they are brief like journal articles, giving replies to objections or questions put to him by others, and sometimes lengthy, with elaboration on Christian dogmas, setting objections, replies and instructions most suitably together.

Perier (1920), was among the first in modern times to provide a comprehensive list of Yahya's works together with their relevant manuscripts in 1920. Soon thereafter Yahya's personal contributions, both on theology and philosophy, mainly the former, received extensive scholarly attention and were featured in almost every piece of research carried out on him. To name but a few, we may include the studies by Endress (1977), al-Takriti (1978), and Samir in (1980). Nevertheless, the one which has been prepared by Endress stands alone in being solely restricted to the literary productions of Yahya, and therefore, represents the most exhaustive inventory on the subject. Since Yahya's writings have already been actively researched on, there is nothing more, as far as we can see, which can be achieved in the research of this nature. However,

the significance of this study, especially with regard to the understanding of Yahya's life and works, especially on ethics, remains to be clarified. It is this area that this brief section seeks to clarify.

Notwithstanding the fact that theology was the chief subject of Yahya's thought, while logic, by contrast, was the centre of his philosophical writings, he also produced works on ethics which can be broadly divided into two main groups. The first are those short treatises on some minor aspects of moral practice including *Treatise on the Care for Children and their Neglection, A Discussion of Arguments for and Against Celibacy* (*Maqala wa-Munazara fi Hal Tark Talab al-Nasl*), and *Replies to Three Questions on Celibacy, Submitted by Yahya Ibn 'Adi to a Friend in Muharram 353 A. H. / 964 A. D.* (*Ijabat Sadiqina 'Amma Staftaynahu fihi min al-Masa'il al-Thalath al-Warida fi Muharram Sanat 353*). Neither the manuscript nor the Arabic title of the first treatise is at present identified; whereas that of the last two are traceable. The second category of Yahy's literature on ethics fall under those works which provide a much more elaborate philosophical analysis. They are his chief ethical treatise *Tahdhib al-Akhlaq* (*The Refinement of* Character), and *Maqala fi Siyasa al-Nafs* (*A Discourse on the Management of the Soul*).

The title *Tahdhib al-Akhlaq* does not appear among Yahya's listed works in the earlier Arabic sources, for example, in *Ta'rikh al-Hukama*' by al-Qifti (1903), and in *'Uyun al-Anba' fi Tabaqat al-Atibba'*, by Ibn Abi Usaybi'a (1982), when they both wrote their sections on Yahya; nor was it listed by his close friend Ibn al-Nadim (1871), when he included Yahya's works in his most important catalogue on philosophy among the Arabs, *Kitab al-Fihri*st. This catalogue ends with the year 377 A.H./987 A. D. or approximately thirteen years after Yahya's death. Hence, by such time, all Yahya's writings might have been available and known by Ibn al-Nadim.

It is possible, therefore, that the title *Tahdhib al-Akhlaq* was not used by early Arabic biographers although they might have known about it by another name or title. The title *Siyasa al-Nafs*, which was mentioned by Ibn Abi Usaybi'a (1982) as a genuine work of Yahya, may refer to the present treatise. The expressions: *siyasa al-nafs* (the improvement/management of the soul), *siyasa al-akhlaq* (the improvement/refinement of character), *tahdhib al-nafs* (the refinement of the soul) and *tahdhib al-akhlaq* (the refinement of character), are not only used interchangeably by Yahya, but also appear to be synonymous. Both terms, *siyasa* and *tahdhib* connote almost the same meaning, i.e., "improvement", "management", "refinement" and the like; while the term *al-nafs* (soul) corresponds to that of *al-akhlaq* (character), since Yahya defines character as the state of the soul. Hence, *Siyasa al-Nafs* and *Tahdhib al-Akhlaq*, could probably have stood for the title of one single work under discussion. The fact that the former has not yet been found may substantiate this possibility. Furthermore, the expressions: *siyasa al-akhlaq* and *tahdhib al-nafs* are both employed by Yahya to describe the subject matter of the present *Tahdhib al-Akhlaq* in the concluding portion of the book.

Although neither Yahya himself, nor his contemporaries such as al-Sijistani (1974), al-Tawhdi (1929, 1953) and Miskawayh (1966) or others ascribe a treatise entitled *Tahdhib al-Akhlaq* to him, the weight of modern scholarly studies favours the view that Yahya is the true author of the present work. To name a few, we may state the studies by Augustin Perier (1920), Gerhard Endress (1977), and Naji al-Takriti (1978).

Nevertheless, the study on *Tahdhib al-Akhlaq* in this article will give a few more clues to help solve the problem of its authorship. Firstly, no references were made to either al-Qur'an or al-Hadith in the text. Despite the presence of the *basmala* at the beginning of some of the manuscripts and editions of the *Tahdhib al-Akhlaq*, it could have been added by the pens of its copyists or editors.   Secondly, its author is rather reluctant to use the terms which have been in common use among the Muslims of his time. For instance, it is noticeable that the terms such as, *ahl al-'ilm, al-ruhban, al-zuhhad, al-kana'is and ru'asa' al-din* are used everywhere in the text, instead of *al- ulama', al-awliya', al-mutasawwifun, al-masajid, al-imam* and the like which have been widely accepted by Muslim writers then.

Further, the *Tahdhib al-Akhlaq* advises the one who wishes to improve his character to be moderate when taking alcoholic drinks or whenever possible to give up drinking completely. Muslim writers including Ibn al-Arabi (d. 1240), Ibn al-Haytham (d. 1039), and al-Jahiz (d. 868), to whom the present treatise has sometimes been attributed, would certainly not have been so permissive. This is also similar with respect to other Muslim scholars, for al-Qur'an (5: 93-94), for instance, prohibits: "0 ye who believe! Intoxicants and gambling, (dedication of) stones, and an abomination, - of Satan's handiwork: eschew such (abomination), that ye may prosper. Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of God and from prayer: will ye not then abstain?" All these indications might suggest that its author could not have been a Muslim. Therefore, he must be a Christian, Yahya Ibn Adi. Here are brief outlines of Yahya's *Tahdhib al-Akhlaq:*

(i) *Muqaddima* (introduction): Why be Moral?

(ii)   The Foundation of Ethics on the Tripartition of the Soul: the Rational, the Irascible and the Concupiscent.

(iii)   List of Moral Virtues.

(iv)   List of Moral Vices.

(v)   Method of the Refinement of Character: on how the three Faculties of the Soul, namely, the Irascible, the Concupiscent, and the Rational can be controlled by Man.

(vi)   The Character of the Perfect (Happy) Man and the Way towards Perfection.

Conclusion

In his survey of Muslim philosophy, Professor De Boer (1970, 17) remarked that: "The Syrians (Yahya probably being no exception), it is true, produced nothing original; but their activity as translators was of advantage to Arab-Persian science." However, our study on Yahya enables us to modify this statement, in the sense that Yahya was a translator with a strong theological interest, who never left his career at a purely commercial level, but sought to apply theology, in his own ways, into the practical ethical reality of his days. To this end, Peter's (1968:162) comment on his talent is in all probability correct: "Yahya was a commentator, and theologically, he was an apologist; in neither case did he leave behind a systematic presentation of his views".

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Gender and Citizenship Models: Reflections from Feminist Literature

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Abstract

Prominent literature on citizenship is both gender-neutral and gender-sensitive. Yet, as many feminist scholars have argued, the concept of citizenship itself has been historically framed as quintessentially male, thus excluding women from the equal status of citizenship. Therefore, in order for women to be fully recognized as citizens, feminist scholarship considers the re-articulation of the concept of citizenship as well as its related concepts of public and private. Along these lines, women's citizenship as a status and practice allows space for women's agency to be exerted in the civil society sphere as well as within the governmental domain of politics. The most important factor of women's political citizenship, women's self-identification as political actors, is crucial in order for them to exercise their political citizenship rights. This paper offers a theoretical insight into the concept of citizenship, citizenship theories and women's citizenship as political agency. Moreover, the paper presents three models of citizenship that have emerged from the feminists' attempts to re-gender the concept of citizenship aiming the deconstruction of power relations and attacking the concept of citizenship as being quintessentially male.

Keywords: gender, citizenship, feminist literature, women's agency, public, private

1. INTRODUCTION: WHAT IS CITIZENSHIP?

Citizenship can be seen as the relationship between a state and a citizen as well as the political relationship between citizens. At present there exist four main modern ideas of citizenship: a communitarian, a civic-republican, a neo-liberal and a social-liberal one (Voet 1998, 9). The most influential scholar of citizenship theory in Britain, T.H. Marshall, has defined citizenship as a "status bestowed on persons who are full members of a community" (Marshall 1950, 14). The key elements in Marshall's concept of citizenship are membership in a community, equality of the members of that community and rights and obligations that result from membership.

All these elements involve the relationship and regulations between the state and individuals as well as social relationships between different individuals within the state where they live. So, the first and foremost reference to citizenship is related to its meaning as a status, one that people can obtain as they live within a well-defined territory. The status of citizenship, according to Marshall, includes civil, political and social rights and obligations, and all those who possess this status are equal with respect to the rights and duties with which the status is endowed (Marshall 1950, 28-29). This definition of citizenship is gender neutral; therefore it does not specify or distinguish rights or duties as belonging to either sex.

2. GENERAL ANALYSIS OF CITIZENSHIP: INFLUENTIAL THEORETICAL VIEWS

2.1   Citizenship theory according to T. H. Marshall

The civil, political and social aspects of citizenship as delineated by Marshall are related to specific packages of rights that are supposed to be equally distributed to all holders of the citizenship status. The rights obtained by the civil aspect are rights "necessary for individual freedom – the liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice… [i.e.,] the right to defend and assert all one's own rights on terms of equality with others and by due process of law" (Marshall 1950, 10).

The political aspect of citizenship as explained by Marshall might also be recognized as including duties apart from rights when referring to political participation as part of citizenship. In this respect, the "right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body" (Marshall 1950, 10), explicitly states the obligation of citizens to employ their political capacity.

The third citizenship aspect according to Marshall is mostly linked to "the whole range from the right to a modicum of economic welfare and security to a civilized being according to the standards prevailing in the society" (Marshall 1950, 11). So, if the civil element is related to the necessary rights for individual freedom, the political element has to do with the right to participate in the exercise of political power, while the social element involves the rights to welfare.

2.2 Citizenship theory according to other authors

Another definition of citizenship as expressed by Bryan Turner maintains that there exists a typology of citizenship that is based on two dimensions: the active/passive and the public/private. "The first concerns the passive or active nature of citizenship, depending on whether citizenship is developed from above (via the state) or from below (in terms of more local participatory institutions, such as trade unions). The second dimension is the relationship between the public and the private areas within civil society. A conservative view of citizenship (as passive and private) contrasts with a more revolutionary idea of active and public citizenship" (Turner 1990, 209). The active/passive discourse of citizenship that stems from the typology of Bryan Turner conceptualizes citizens either as mere subjects of absolute authority or as active political agents. Although these two dimensions are gender-blind or gender-neutral in their language, they have often been used by other scholars to describe gender differences in general and differences in relation to women's citizenship in particular (Yuval-Davis 1997, 5). Hence, both Marshall and Turner view citizenship in terms of a relationship between individuals and the state, a relationship that is operationalized either in the form of a status or a practice depending on the particular citizenship context and activity.

Moreover, Thomas Janoski also relates citizenship to rights and obligations, which he classifies as belonging to different levels. "Citizenship rights and obligations exist at the individual, group or societal level… At the micro-level, the individual definition of citizenship focuses on how each person sees the relationship of rights and obligations within a framework of balance or exchange. It traces the development of the "self" in relation to the state as a critical part of citizenship, especially the development of self- or community-oriented attitudes and behaviors" (Janoski 1998, 11). The conceptualization of citizenship as closely related to the state-citizen relationship is unavoidable, especially if connected to the rights and duties discourse. However, as Janoski has pointed out, the set of rights and obligations can be differently applied to citizens depending on whether their relation to the sets of rights and obligations is based on personal or group level. T. H. Marshall's definition on citizenship makes particular reference to citizenship as an individual rights based discourse where demands are addressed to the legislature and the state.

3. WOMEN AND CITIZENSHIP

3.1 Women's Citizenship as Rights and Duties

Within the rights and duties discourse as part of citizenship literature, feminist scholars are particularly concerned with rights in terms of what women are entitled to. As a matter of fact, as Rian Voet states, all citizenship vocabularies relate citizenship to the rights that this status offers to citizens. However, citizenship rights, as she points out, "are not all the rights one can possibly think of, because there remains a key distinction between human rights and citizenship rights. Human rights may be defined in international resolutions, but citizenship rights are those rights that a particular state guarantees its citizens by law (Voet 1998, 60)".

Citizenship rights are also divided into formal and substantive rights of citizenship, where formal rights include civil and political rights and substantive rights consist of social and economic citizenship rights. Yet, as Einhorn maintains, "gender-based constraints tend to make it difficult for women to implement their formal rights or to transform their formal rights into substantive rights, particularly within the currently dominant neo-liberal paradigm which emphasizes the responsibilities rather than the rights of citizenship (Einhorn 2001, 107)".

From the perspective of the feminist scholar, Ruth Lister also explains citizenship's relation with rights and duties as a dynamic process in which the two dimensions of status and practice interact with each other, linked through human agency (Lister 1997, 8). So, according to Lister, citizenship is both a status that primarily involves rights that are accorded to individuals and also a practice that involves responsibilities in relation to the wider society. To Lister, "citizenship as participation can be understood as an expression of human agency in the political arena, broadly defined; citizenship as rights enables people to exercise their agency as citizens" (Lister 2003, 4).

Yuval-Davis claims that a holistic definition of citizenship exceeds formal rights such as the right to carry a particular passport (Yuval-Davis 1999, 5). Moreover, rights are seen by Rian Voet as a means to achieve citizenship and according to her women should exercise their rights, especially in the political sphere, if they want to develop women's citizenship to what she refers to as "active and sex-equal citizenship"(Voet 1998, 11).

So, the rights discourse constitutes a solid ground for discussing women's opportunities, achievements or failures to attain their social, political and economic status as citizens. Yet, as Einhorn points out in the quote above, the rights discourse disregards intervening factors that limit women's potential of exercising their rights. For example, even though women are eligible by law to exercise their rights in the political sphere, their result is affected by the existent power structures where women's access is restricted.

3.2 Women's Citizenship as Political Agency: to *be* or to *act?*

As Phillips, another feminist, states, "the value of citizenship lies in the way it restates the importance of political activity" (Phillips 1993, 87). Also, Ursula Vogel associates citizenship with engagement in political actions, and according to her, "in its most general meaning 'citizenship' refers to an individual's status as a full member of a particular political community" (Vogel 1991, 62). The major importance of citizenship lies in the recognition of the strong political potential it possesses, whose appropriate exertion can be particularly positive for women. Basically, through citizenship all men and women are entitled to the right of participation and involvement either as representatives or as the electors of their representatives, even though, at present, women's participation in politics is disadvantaged.

Evidence shows that in most countries there exists a considerable gender gap between men and women's political activity, which varies from voting to other more active forms of political participation. However, as Lister maintains, the fact that many women manage to overcome numerous constraints means that they are either consciously or unconsciously committed to the ideals of political citizenship (Lister 1997, 147). Still, in order to be fully part of the political citizenship aspect, women have to engage with the formal and informal political system (Lister 1997, 155).

So, citizenship's political potential does not lie only within the concept of direct representation in the decision-making bodies. Citizenship is also the means of entitling citizens to having access to issues of importance for their daily life and changing the existing situation by providing alternative choices. As Keith Faulks puts it, "…citizenship provides a framework for the interaction between individuals within civil society" (Faulks 2000, 107). The consideration of citizenship as the generator of either individual or community action links active citizenship to civil society and creates an alternative way of exerting political influence without being incorporated into the existent political decision-making bodies. The importance of women's engagement as active citizens, either within the governmental structures or in the civil society domain lies not only in the fact that through their active participation they address women's issues, but, most importantly, in the fact that they identify and position themselves as political actors that can have an influence on their lives, those of other women as well as men's lives.

This paper argues that the discursive shift from citizenship as entitlement of rights and duties, to citizenship as enabler of agency through participation and engagement in local or broader issues puts emphasis on the individual citizens, which in their turn risk to be identified as a greater homogenous group. So, as Phillips has pointed out, the call to act *as citizens* first, implies action in individual terms instead of action undertaken as "women or men, black or white, manual worker or professional, home owner or council tenant" (Phillips 1993, 81). Moreover, the performed action as primarily addressed to individual citizens can sum up to the "greater collectivity" (Phillips 1993, 81), thus attributing agency only to citizens as such. In these terms, women's agency as women is not recognized.

What is worse, as Pateman righteously denounces, [w]omen's "contribution" is not seen as part of, or as relevant to, their citizenship, but as a necessary part of the private tasks proper to their sex" (Pateman 1998, 10). This denial of women's recognition of their political citizenship leads to the need of promoting women's equality as citizens but pointing out, at the same time, their open recognition as women, which to Pateman is crucial for women's political citizenship.

Clearly, not all citizens who are entitled to the status of citizenship are, at the same time, able or willing to be committed to problems whose solution they can foster through their personal engagement. In these lines, the status and practice of citizenship as used in Lister 's work are useful in making the distinction between citizens and active citizens, where Lister uses different verbs in order to distinguish between the two. So, according to Lister," [t]o *be* a citizen, in the legal and sociological sense, means the enjoyment of the rights of citizenship necessary for agency and social and political participation. To *act* as a citizen involves fulfilling the full potential of the status. Those who do not fulfill that potential do not cease to be citizens" (Lister 2003: 5).

The same differentiation between active and non-active citizens is present in Rian Voet's term "full citizen". It further describes the meaning of active citizenship as related to participation in legislation or decision-making in public affairs as well as cooperation between citizens, which includes the reflection upon common goods, the bearing of responsibility and the ability to judge and decide (Voet 1998, 7). Moreover, Voet's concept of active citizenship is fragmented into different types of activities, revealing in this way the wide and inclusive nature of active citizenship activities. So, as she puts it, "being an active citizen need no longer be a an 80-hour-a-week profession for a few during their whole working life, but a capacity in which many more people are involved at some stage in their life: in public office or other decision-making bodies, paid or voluntarily, elected or nominated (Voet 1998, 141). However, the common thread between all types of citizenship activities is that at some point they all engage the capacity of decision-making and fostering some change, thus acquiring the potential of becoming "political".

Voet's view on what she calls full citizenship also extends the concept of "being political" beyond decision-making bodies, recognizing in this way the broad meaning that can be applied to the political aspect of citizenship. "Full citizenship does not only consist of participation in decision-making, but also of having a political subjectivity, knowing how to play political roles, and being capable of political judgment. It means showing in your actions that you are not a subject, but a citizen; that you are not an obedient slave but someone who is capable of determining, together with others, the future of public affairs (Voet 1998, 138)."

4. THE PUBLIC PRIVATE DEBATE

Framed as a dichotomy that associates a particular sex and its subsequent characteristics, specificities and performativities with a particular domain, the concept of the public-private division implies mainly patriarchal power relations and therefore is greatly criticized by many feminist scholars. Most literature on citizenship is criticized as being gender blind portraying citizenship as a "quintessentially male practice and ideal" (Hobson and Lister 2002). The historical portrayal of men as the norm for citizenship inclusion has automatically excluded women as not belonging to the citizen category.

Women's positioning as second class citizens goes back to their exclusion not only from the full citizenship status and practice but also to their isolation in activities belonging to the private sphere. As Ruth Lister puts it, "nowhere was this more obvious than in classical Greece where the active participation of male citizens in the public sphere was predicated on women's labor in the 'private' domestic sphere which rendered them as unfit for citizenship" (Lister 2003). In addition, Yuval-Davis and Werbner affirm, while referring to other feminist scholars as well, "…that the exclusion of women from citizenship was an intrinsic feature of their naturalization as embodiments of the private, the familial and the emotional. It was thus essential to the construction of the public sphere as masculine, rational, responsible and respectable. Women became the 'property' that allowed married men, even the working classes, the right to be active citizens in the public sphere (Yuval-Davis and Werbner 1999, 6)".

Therefore, as many feminist scholars have pointed out, it is evident that men's full recognition and inclusion as citizens in the public sphere is supported by the private sphere where women were historically transferred based on the claim that they were unable to develop the "male" superiority and features of citizenship. This is the reason why feminists argue for a re-articulation of the public and private, aiming in this way to challenge the clear distinction between what is considered public and what is considered as the private sphere.

The process of challenging the distinction between the two spheres, as Vogel points out, is connected to other issues that can in no way be ignored, especially as we take into account the historically inherited inequalities between men and women. So, in order to: "challenge the traditional distinctions between the public and private, political and non-political spheres as they have affected women will lead us to a question of wider implications – whether the spatial categories in which we tend to convey the meanings of citizenship are still adequate. Similarly, the prerequisites of women's participation refer to the obstruction of citizen equality by the unequal access to the resources of participation – money, knowledge, work patterns and, most pertinently, time (Vogel 1991, 78-79)". The issues here pointed out by Vogel are crucial when it comes to women's real life experiences and their daily activities as citizens.

In other words, as Ruth Lister states, it is exactly the ideological construction of the public private divide that is "pivotal to the feminist reinterpretation of citizenship" (Lister 1991, 120). Yet, feminist scholars have different views in relation to the public private boundary. For example, Carol Pateman and Ursula Vogel challenge the association of the public sphere to the political and the private sphere to the family domain. Moreover, other feminists use the slogan "the personal is political" in attempts to blur the clear-cut division between what is considered public and what private. Jean Bethke Elshtain opposes this slogan and is for the separation of the two spheres requiring the autonomy of the private realm of the family and its intimate relationships rather than the encroachment of the political (Elshtain 1981). In solution to the private public debate, Nira Yuval-Davis' suggests that if we agree that the "private" means the sphere where the individual is autonomous, the same thing can be extended to all social spheres where men and women can act both as part of social structures and collectivities with all the constraints provided by them, as well as autonomous individual agents, whether it is in the family, civil or political domain (Yuval-Davis 1997, 13).

5. RE-GENDERING CITIZENSHIP

Within the framework of theory on gender and citizenship, there exist three models of citizenship that have emerged from the feminists' attempts to re-gender the concept of citizenship aiming the deconstruction of power relations and attacking the concept of citizenship as being quintessentially male. The first model, which is centered on the allocation and exercise of rights and obligations, corresponds to the gender-neutral citizen, therefore making the gender of the citizen irrelevant (Voet, 1998). The key to the inclusion of the gender-neutral citizen, though, has been located in the public sphere. The priority of this model is that it might enable women to compete on equal terms with men in the political sphere and the labor market (Hobson and Lister 2002, 37).

Two main exponents of the gender-neutral citizenship, Susan Moller Okin and Anne Phillips, recognize the importance for citizenship change in the private sphere, particularly in the gendered division of labor (Hobson and Lister 2002, 37). Okin envisions a 'genderless' family and society (Okin 1989), while Phillips concentrates on the division of domestic labor as one that can provide the context where "the notion of the citizen could begin to assume its full meaning, and people could participate as equals in deciding their common goals" (Phillips 1991, 7).

The second model of the feminist attempts to re-gender the concept of citizenship is gender-differentiated citizenship, which appeals to "difference" rather than "equality" and puts great emphasis on women's experiences. The difference in women's experience according to this model is motherhood; therefore political motherhood is used as basis for promoting women's claims as social and political citizens (Pateman 1992; Elshtein 1981). This model of gendering citizenship, as Pateman points out, has been historically promoted through maternalist arguments in order to equate motherhood to the male civic republicanism, which is rooted in active political participation and the ability to bear arms (Pateman 1992).

Gender-pluralist citizenship, the third model, that is founded on group differentiated citizenship was first proposed by Mouffe and criticized by Young and others (Mouffe, 1992; Young, 1990). The gender pluralist approach to the regendering of citizenship allows for the accommodation of social divisions such as sexuality, class, race, religion and age, which all intersect with gender to shape men's or women's citizenship. What is more, they also help the diffusion of the gender binary at the center of the equality vs. difference dichotomy (Hobson and Lister 2002, 38).

6. CONCLUSIONS

By recognizing the political capacity in all citizens that act as such in the benefit of their lives and those of other citizens, feminists place agency in the heart of citizenship, this way transforming the citizenship status into an active practice as citizens. So, what is vital to stress with regards to women's engagement in formal and informal politics is women's agency, which as Birte Siim claims, lies at the heart of the theorization and politics of women's citizenship (Siim 2000). Through agency, women are positioned as actors instead of mere subjects, and as feminist theory on citizenship maintains, through the exertion of their agency, women are not positioned and framed as victims of "discriminatory and oppressive male-dominated political, economic and social institutions" (Lister 1997, 6). Yet, as Voet states, women can not be active citizens and agents in their communities or beyond if they do not first of all identify themselves as political actors (Voet 1998, 142). The self-identification as a political actor is very crucial in women's involvement in active citizenship activities because they can not undertake any kind of action for change unless they believe in their capacities to achieve certain goals.

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Are the Malaysian Adolescents' Behavior At-Stake?

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Abstract

This study explored attributes of at-risk behaviors amongst Malaysian adolescents in secondary school and factors underpinning these behaviors. Clustered random sampling procedure was administered and approximately 738 respondents' questionnaires were finally considered for the final analyses of the data collected. A survey form which comprised demographic variables, types of at-risk behaviors and factors affecting them was pilot-tested and administered. Descriptive statistics (namely mean scores and standard deviations) was employed to describe the demographic variables related to Malaysian adolescents and types of at-risk behaviors prevalent among Malaysian adolescents. Inferential statistics (Anova and t-tests) were administered for comparing gender, age, and location – urban versus rural, family SES differences as regard to the type of at-risk behaviors prevalent. Findings based on the descriptive statistic and inferential statistics indicated that incidences of at-risk behaviors such as substance abuse, alcohol consumptions, suicide ideations and attempts, pre-marital sex, teen pregnancy and abortion, runaways were minimal and not alarming. Findings from this study shed light on the importance of developing intervention strategies which involved all quarters namely; parents, school, society and positive portrayal of adolescents' image and icons via media in our attempt to improve the life quality of adolescents.

Keywords: *Adolescence, at-risk behaviours, smoking habits and substance abuse, suicide ideations and attempts premarital sex orientation, abortion, runaways.*

Introduction

Every child develops at different rate and phase in his or her life. Child's development is very much influenced by the elements of "nature versus nurture" i.e. developmental aspects which are very much influenced by his/her genetic make-up and as well as the environment he/she grew in. Findings from research have also indicated that children from the baby boomer's period are different from the generation X and generation Y children. (Jackson, 2012; McKay, 1997).

Children from the baby boomer's period were said to be highly disciplined and displayed good working ethics and motivation to work. Children from generation X were said to be highlydependent and children from generation Y were known to be playful and least accountable for their own doings. Based on these observations, it is possible to deduce that the "nature versus nurture" debate truly has strong influence in shaping contemporary children's behavior, attitude, perception and mentality.

Parenting style is also a notable aspect of "nurture" which very much shapes the children to become either responsible or irresponsible adults in their later years. Their early childhood experiences may shape them to become responsible or irresponsible adults. Brought up via "permissive" or "lassaire faire" upbringing is known to destroy children's behavior. Authoritarian on the other hand is known to hamper normal children's development.

Many of the 20th through the 21st centuries children were left to thrive on their own and labelled as "latch-key kids". Unready for many things but involuntarily forced to pull their way through adolescence and adulthood.From the psychological point of view, adolescence is known as the period of "*storm and stress*". This is the stage where adolescents experience rapid physical development and hormonogenal changes.

According to Santrock (2011), adolescents experience pressure from both external and internal sources. They also crave for recognition, love and attention from significant others. Their inability to cope with problems and to delay their gratifications would result in hasty and bad decision-makings. When confronted with severe problems, they become suicidal, turn to substance abuse, involve in gangsterism, addicted to pornography, engage in illegal racing (motorcycle/car), human trafficking and vandalism.

All these may lead children to commit immoral offences such as sodomy or unconsented sexual intercourse (rape, incest or molestation). For example, a boy was found a leader of an illegal group in his school and the girl was found sexually active with adults outside school hours. There were phase two students from a primary school in the Klang Valley. This case study was conducted for IIUM action research subject for counseling students. This scenario was captured unintentionally by the researchers during the group dynamic.

Such an alarming rate of social misconduct creates awareness and concern among educators, education administrators and policy-makers. In line with the country's ten years Education Blueprint strategies, the Daily School Management Division (Ministry of Education) collaborated with IIUM researchers and undertaken a study related to at-risk behavior among Malaysian secondary school students.

The aim of the study is to identify types of at-risk behaviors among secondary school adolescents and to examine attributing factors of this social misconduct

A survey on the adolescents' behavior issue were examined for the purpose of this study. Clustered sampling procedure will be applied in five zones throughout Malaysia. Data were examined via descriptives and inferential statistics.

The Purpose of the Current Study

In the context of this study, the alarming rate of social misconduct (ie. suicide ideation and teen rape cases) has raised awareness and concern among Malaysian parents, educators, education administrators and policy-makers and non-governmental organizations (NGOs). In line with the country's ten years Education blueprint strategies (year 2013-2025) and the national philosophy of education, the Ministry of Education has stepped in and aspired to develop the students holistically. The main objective of this paper to explore the current truth related to adolescents' at-risk behaviors in secondary schools throughout the country and to highlight these findings to the appropriate parties concerned for further action.

Problem Statement and Justifications:

The rise of at-risk behaviours namely substance abuse, suicide ideation and premarital sex engagement among the Malaysian youths is a new pattern of life in Malaysia which requires new body of information. Minimal empirical research and information related to the above matter in the Malaysian context need to be addressed seriously so to as to minimise

or at least to bring the youth social problems to a standstill. Our inability to address and ease the problem will result in massive loss of potential human capital for the future. Empirical data related to understanding adolescent's developmental crises in Malaysia is still minimal, thus this study aimed at addressing this gap and intended to examine the Malaysian adolescents' developmental needs and related emerging issues.

The objectives of this study are:

1. To identify the highly at-risk behaviors of Malaysian lower secondary school

students. (items: 41 – 105)

2. To investigate the contributing factors towards the highly at-risk behaviors among

Malaysian Lower secondary school students.

3. To examine significant differences in terms of at-risk behaviors as regard to the following demographic variables:

a. Gender

b. Age

c. Family SES

d. Student's background (urban versus rural)

e. Parents' marital Statuses

Research Questions:

1. What are the at-risk behavior found among Malaysian lower secondary school pupils?

2. What are the contributing factors towards the rise of highly at-risk behaviors among Malaysian lower secondary school pupils.

3. Are there significant differences with respect to at-risk factors as regard to the following"

a. Gender

b. Age

c. Family SES

d. Student's background (urban versus rural)

e. Parents' marital statuses

Literature Review

There was an alarming increase of crime rate among adolescents in Malaysia (Ting, 2011). These socially unacceptable behaviors are becoming a concern of every sector at governmental and individual level for they disrupt the society in many ways (Mey, 2010; Kassim, 2006). In Malaysia, more efforts have been exerted to curb the situation, however, fewer studies have been conducted to explore highly at-risk misconducts or behaviors among adolescents so that counselors, teachers or psychologists alike may address them proactively and appropriately (Mey, 2010).

Numerous studies have identified that, successful counseling programme is needed in preventing at-risk behaviors among the youth in order to guide them to be more productive and functional members of the society (Chaih & Baharudin, 2012; Hishinuma, Johnson, Kim, Nishimura, Makini, Andrade, Yates, Goebert, Mark, Mayeda, & Revilla, 2005). Youths' inability to abandon their negative behaviors may impede the learning process and results in school dropout eventually (Morton, Crump, Haynie & Saylor, 1999; Mey, 2010; Ting, 2011).

Statistics has shown that, from the year 2000 through 2007, numerous light and heavy offenses have been committed by students in Malaysian schools (Malaysia Department of Social Welfare, 2006; Malaysia Ministry of Education, 2008) namely: drug abuse (Malaysia Anti-Drug Association, 2005), pornography, impoliteness, destructive behavior, inappropriate dressing, truancy (Mey, 2010), rude and aggressiveness, crime, hooliganism, indecent behaviors, and vandalism (Malaysia Department of Statistics, 2007) to name a few.

A study on Malaysian adolescence and violence in one of the Malaysian states indicated that they were mostly involved in physical fights, injured in fights and carried weapons (Lee, Chen, Lee, & Kaur, 2007).

Moral decadence and delinquency were not only limited or confined to Malaysian youths but are globally prevalent. Theoretically, authors have demonstrated that, the drastic surge of problem behaviors namely; substance use, school misconduct and delinquency during adolescence are the national concern in many societies (Morton, Crump, Haynie & Saylor, 1999; Dryfoos, 1990; Feldman and Elliot, 1990; USDHHS, 1991; Takanashi, 1993).

Empirically, cross-cultural studies conducted in U.S which compared U.S, Australian and Asian youths regarding behavior disorders revealed that, youth in the United States and Australia engaged in more misconduct than those in Asia (Greenberger, Chen, Beam, Wang, & Dong, 2000; Jessor, Turbin, Costa, Dong, Zhang & Wang, 2003; Weisz, Chaiyasit, Weiss, Eastman & Jackson, 1995). A study carried out among Hong Kong youth found that those who were more westernized involved in greater misconduct (Cheung-Blunden & Juang, 2008) as opposed to those who embraced traditional lifestyle.

Anti-social behaviors in tender age almost transpire due to the fact that adolescents are searching for their identity and autonomy. This requires them to struggle with the transitional stage from childhood to adulthood (Mey, 2010).

From the developmental psychology perspectives, adolescence is seen as a period of "storm and stress". It involves biological, cognitive, socio-emotional (Ting, 2011), and psychological transformation (Ozer, Macdonald & Irwin, 2002; Arredondo, 2003; Reinherz, Paradis, Giaconia, Stashwick & Fitzmaurice, 2003; White, 2004; Papathanasiou & Lahana, 2007). These changes vary widely in timing and tempo (Brooks-Gunn, Petersen, Eichorn, 1985; Feldman and Elliott, 1990).

Adolescence is a stage where adolescents experience rapid physical development and hormonogenal changes. According to Santrock (2011) adolescents at this stage, experience pressure from both external and internal sources. Their inability to delay their gratifications and to cope with pressures would result in unexpected and premature hasty problem solving and abrupt decision-making.

Examples of which are; suicide ideation or attempts, motivated to be sexually active, engage in substance abuse, opts truancy or commit heavy sexual offences namely; sodomy or unconsented sexual intercourse (rape, incest or molestation) or extortation.

Since, adolescent's highly at-risk behavior has been identified as being too costly to the nation, an impediment to education, society and the country as a whole, it would be worthwhile to identify and understand the factors that underlie their misconduct and to identify effective interventions which have been found instrumental by researchers in recent years. This vital information will be instrumental to all stakeholders namely; the Malaysian Ministry of Education, policy makers, school counselors and educators alike.

Adolescents and Highly At-Risk Behaviors

Review of existing literature suggested that multiple factors predict highly at risk behaviors of adolescents. Kassim, (2006) stated that:

"The increase in criminal misconduct among adolescents is influenced by several factors particularly involving those directly involved with adolescent development such as parents, the school, the family, social institutions, the community and the government" (p.2).

Youth Socialization and Engagement

Several studies revealed that, Asian Americans' involvement in problem behavior (Choi & Lahey, 2006; Kim & Goto, 2000; Zhou & Bankston, 1998) is an indication of unsuccessful socialization (Feldman, Rosenthal, Mont-Reynaud, Leung, & Lau, 1991) which predicts later problems as adults (McCord, 1990).

Parenting Styles and Family Conflicts

Empirical studies have shown that parental monitoring buffered problem behavior (Barnes, Hoffman, Welte, Farrell, & Dintcheff, 2006), while poor parenting practices (Blumstein, Farrington, & Moitra, 1985; Hoge, Andrews & Leschied, 1994; Klein, Forehand, Armistead, Long, 1997) were found to be related to adolescent misconduct. In addition, research shows that, family mismanagement was reported to be highly correlated with male misconduct during adolescence and a predictive of criminality that continued into adulthood (Loeber & Dishion, 1983).

Studies based on Bandura's theory indicated that conduct disorder/immoral behavior is hereditary. On one hand, it is also possible that adolescents will emulate/imitate these behaviors as a result of experiences with their environment. For instance, a young boy who always sees his father battering his mother would be more than likely to become an abusive parent and husband in the future (Lai, 2011; Siegel, 1992).

Replicated or experimental studies found that adolescents with conduct disorder came from families with significant lower levels of interconnection (Haddad, Barocas, & Hollenbeck, 1991) and families with conduct disorder adolescents have higher levels of aggression (Dadds, Sanders, Morrison, & Regbetz, 1992; Fendrich, Weissman, & Warmer, 1991; Lai, 2011).

According to David and Murphy (2004), the more children are exposed to their parents' marital conflicts, incompatible personality, relationship dissatisfaction and even violence the most they would develop negative personality traits such as aggressiveness, impulsivity, negative attitude towards school or academic achievement, experience peer rejection and exposure to delinquent behaviors.

Peer Influence

Findings from studies conducted among U.S., Korean and Chinese youths showed that bad companionship results in more adolescent misbehavior (Greenberger, Chen, Beam, Wang & Dong, 2000). It was also found that close friend's misconduct was found to be positively associated with adolescents' serious trouble with the law and aggressive symptoms (Hishinuma, Johnson, Kim, Nishimura, Makini, Andrade, Yates, Goebert, Mark, Mayeda, & Revilla, 2005). Peer group influence has also been found as a predictor of social misconduct among adolescents and juveniles (Kassim, 2006).

SPIRITUALISM AND MORALITY

Fewer studies have examined the importance of spirituality or in depth understanding of religious knowledge which may impede juvenile delinquency (Kassim, 2006). In some studies, full involvement in religious activities buffers the chance to engage in violence or misbehavior (Herrenkohl, Tajima, Whitney and Huang, 2005).

OTHER PREDICTORS OF MISCONDUCT IDENTIFIED

Poverty and mental disorder are said to have caused social problems among juveniles (Kassim, 2006). Delinquency may be attributed by; conflict with the authority, cognitive distortions, personality disorders, and most common than not juvenile's socioeconomic status (Santrock, 2008).

Other common factors namely; lack of social skills, low social competency, low academic achievement, negative attitudes toward school and lack of parental guidance have commonly been identified as highly at-risk factors for causing problem behavior among juveniles (Hawkins and Weis, 1985; Dryfoos, 1990; Steinberg, 1990; Schinke, Botvin, Orlandi, 1991).

METHODOLOGY:

This study will employ qualitative and quantitative research methods; using survey, focus group interview and observation in collecting the data. Result from the survey will be discussed in series of focus group workshops for improvement. While for the open-ended interview data gained from counselors and clients will be triangulated. Sample will be chosen using multi stages clustered sampling procedure in all states throughout Malaysia. The sample will cover rural and urban area, minority and at risk students (remote area, orang asli and students with special needs).

SAMPLING PROCEDURE:

The targeted population the study intends to generalize its findings is Lower Secondary School students in Malaysia. This population will include all Form Two students in Lower Secondary Schools in the northern, central, southern, and eastern zones of Peninsular Malaysia and also the Sabah and Sarawak zones.

The sample representing the Form Two student's population will be selected using the random sampling procedure. Random sampling procedure has been chosen to increase generalizability through a good cross-section of the population which is truly representative of the population. Representative sampling enables the researcher to generalize and make claims of knowledge about the population. According to Gay and Airasian (2006) samples should be as large as possible; in general, the larger the sample, the more representative it is likely to be, and the more generaliszable the results of the study are likely to be.

The sampling in this study will be collected via the multi-staged clusted sampling procedure at the institutional level and followed by convenient sampling procedures during visits to the institutions to meet the respondents. In this study the targeted Form Two students were selected based on the randomization of parliamentary constituencies of each state and later narrow down to northern, middle, southern, east coast states and East Malaysia zones. From each constituency, three rural and three urban schools were selected.

The current total enrollment of secondary school students from West and East Malaysia is 2,299,669 (Ministry of Education Malaysia, 2013). Based on Krejcie and Morgan (1970) if the total population is 1,000,000, hence the sample size recommended is 384 respondents. However due to students' diversity in this country, problems related to form's completion and the return rate are critical, hence this study has identified randomly 60 schools throughout Malaysia, and has selected 1,500 secondary school students to participate in this study. Kindly refer to the schools listed in Appendix E.

Selection in each zone is based on several important features; that is urban and rural schools; types of schools (A, B and C), students' population as representativeness is given a *priori*.

As for the second level of data collection, open-ended interview sessions (via prepared interview protocols) with selective school counselors will be conducted. In the multi-staged clustered sampling procedure, schools in all states of Malaysia will be considered as the population to be studied. located in the northern, middle, southern, eastern zones as well as schools in east Malaysia will be taken into consideration. The sample will be representative in terms of school location (both rural and urban schools), minority and at risk students (remote area, orang asli and students with special needs).

PILOT STUDY:

A pilot study was conducted in November 2012 and a secondary school in the Klang Valley was identififed. Approximately 81 participants participated in the pilot study. The items in the questionnaire uses differing likert scales for the different constructs measured by this study. The pilot study yields astounding reliability estimates except for suicide ideations and attempts. Most of the major constructs used Likert scale of 1(strongly disagree) through 5 (strongly agree). Table 1 tabulates the individual realiability estimates of each construct measured. The aplha values ranged from as a low of 0.52 through a high of 0.98.

Table 1: Pilot study Internal Reliability Estimates of Constructs

Highly at-risk behaviors constructs	Items	Internal Reliability Estimates
Sunstance Abuse (Tobacco, alcohol, drugs and related reasons)	41 through 62	.801
Suicide ideation / suicide attempts	63 through 71	.818
Runaways and related reasons	77 through 90	.875
Sex, pregnancy, abortion and related reasons	91 through 102	.984

INSTRUMENTATION:

An instrument has been developed which is known as the Highly At-Risk Behaviors Questionnaire (a questionnaire to gauge adolescents highly at-risk behaviors) – HARBQ. Approximately 1,500 questionnaires were posted to 60 schools (with the urban and rural features selected randomly) throughout Malaysia. 800 questionnaires were returned through snail mail but only 738 questionnaires were finally considered for analysis due to the completion of the information found in the questionnaires.

The original questionnaire had 94 items and was administered on secondary public schools located in the urban and rural areas of Peninsula Malaysia, Sabah and Sarawak. These questionnaires were sent through snail mail (Poslaju service) to these schools together with an enclosed Poslaju envelope. However for the purpose of this paper only the demographic items and at-risk behaviors items (41-94) were analyzed and tabulated in the tables and figures.

DATA COLLECTION

In the context of this study, stratified multistage sampling procedure has been identified. For instance if we were to do a national survey of adolescent's highly at-risk behaviors, stratified sampling would first be used to select the urban, semi urban and rural geographical school locations for study.

In this study, the states in Malaysia will be classified randomly as the following: Northern states (Perlis, Kedah and Pualau Pinang); Central states (Perak, Selangor and Wilayah Perrsekutuan Kuala Lumpur); Southern states (Negeri Sembilan, Melaka and Johor); Eastern states (Kelantan, Terengganu and Pahang) and East Malaysian states (Sabah and Sarawak). Data will be collected from the aforementioned zones. The total population came from the number of secondary school students enrolled early in 2013. In the second stage, the secondary schools were assigned according to zones In the third stage, 60 schools were randomly drawn from these zones and 1,500 students were identified. Finally 25 boys and 25 girls were selected from each school to participate in this study.

Table 2: Data Analysis

No.	Research Question	Statistical Analysis
1	What are the at-risk behaviors found among Malaysian lower secondary school pupils?	Descriptives (Means, Standard Deviations), Percentages.
2	What are the contributing factors towards the rise of highly at-risk behaviors among Malaysian lower secondary school pupils.	Linear Multiple Regression Analysis (MRA)

3	Are there significant differences in terms of at-risk behaviors as regard to: a. Gender	Anova & t-tests
	b. Age	
	c. Students's Location (urban versus rural)	
	d. Family SES	
	e. Family types	

JUSTIFICATION

It is fervently hoped that findings from this study may shade some lights on the current situation of highly at-risk behaviors among secondary school students in this country. The findings will be instrumental to both the Ministry of Education Malaysia and as well as the School Counseling Unit and help identify their strengths and weaknesses. The strengths of the counseling units may be recorded and emulated by other counselors and they may further react or respond to the grey areas identified by this study.

FINDINGS

The number of schools met the targeted 95% of the confidence interval. Several respondent's demographic variables were identified namely; age, gender, mother tongue, religions, home address, type of home, parents' marital statuses, siblings, stay with siblings, stay with grandparents, marital status, frequency of communicating with mom, frequency of communicating with dad, raised by both parents, closer to either parent.

The response rate is equivalent to 74.7%. According to Diem (2003) 50-60% of response rate is classified as an acceptable return rate for any survey research. Babbie (1989) mentioned that if the return rate is 50% it is then considered adequate, 60% of response rate is considered good and the response rate of 70% is considered as very good. Thus, this allows the researchers to proceed with the data analysis.

DEMOGRAPHIC VARIABLES

The following are the demographic characteristics of the respondents of the study undertaken. Table 3 tabulates the age range of the respondents who completed the entire questionnaire. Comparatively the respondent's age ranged from as young as 13 through 17 years old. Apparently majority of the respondents were 15 (230) years old, 14 years old (193), 17 years old (142), 16 years old (91) and the least was 13 years old (82).

Table 3: Age Range

Demographic Variables	Frequency	Percent
Age Range		
13		
14	82	11.1
15	193	26.2
16	230	31.2
17	91	12.3
Total	142	19.2

Missing	738	100
Grand Total	-	-
	738	100

Table 4 tabulates the gender break down of the respondents' gender whose questionnaires were finally analysed. The difference between male and female respondents were 102.

Table 4: Respondent's Gender

Respondent's Gender	Frequency	Percent
Male	304	41.2
Female	406	55.0
Missing (9)	28	3.8
G. Total	738	100

Comparatively, there were more females 406 (55.0%) as opposed to males 304 (41.2%). These breakdown of gender is basically based on the number completed items found in the questionnaires.

Table 5 depicts the respondents' mother tongue. Apparently, the respondents mostly spoke the national language, Bahasa Malaysia 523 (70.9), followed by the Chinese dialect 131 (17.8%), other ethnic languages 24 (3.1), and Tamil speakers 22 (3.0).

Table 5: Respondent's Mother Tongue

Mother Tongue	Frequency	Percent
Malay Language	523	70.9
English Language	13	1.8
Chinese Language	131	17.8

Tamil Language	22	3.0
Others	24	3.1
Missing (9)	25	3.4
Total	738	100

Table 6 depicts the respondents' belief system. Majority of the respondents were Muslims 510 (69.1), followed by Buddhist 138 (18.7), Hindu 19 (2.6), free thinkers 9 (1.2), and others 57 (7.7).

Table 6: Respondent's Religion

Religion	Frequency	Percent
Islam	510	69.1
Buddhist	138	18.7
Hindu	19	2.6
Free thinker	9	1.2
Others	57	7.7
Missing (9)	5	0.7
Total	738	100.0

Accordingly, Table 7 tabulates the respondents' parental marital statuses. Comparatively 648 (87.8) of the respondents' parents were still married, 52 (7.0) of the respondents' parents were divorced, 10 (1.4) of the respondents' parents were separated, and finally 12 (1.6) of the respondents' parents cohabitated.

Table 7: Respondent's Parental Marital Status

Parental Status	Frequency	Percent
Married	648	87.8
Divorced	52	7.0
Separated	10	1.4
Cohabitate	12	1.6
Missing (9)	16	2.2
Total	738	100

FINDINGS:

This section addressed the research questions formulated for this paper and the results were discussed and tabulated in several tables which were as follow:

1. What are the at-risk behaviors identified among the Malaysian lower secondary school students?

Descriptive statistics namely frequency counts and percentages were employed to address this questions. Tables 8, 9, 10 respectively displayed information on at-risk behaviors related to smoking patterns; alcohol and substance abuse; speeding, suicide ideation and attempt, eating disorder; and premarital sex orientation as perceived by respondents. Respondents' rating ranged from "Strongly Disagree" (SD) - "1", "Disagree" – 2, "Agree" – 3, and the highest point "Strongly Agree" (SA) is "5" respectively. Negative statement was recoded for the ease of analysing.

Table 8: Smoking Patterns

Statement	SD N (%)	D n (%)	A N (%)	SA n (%)	Mean ($\overline{X}$)	SD
I have smoked before	624 (54.5)	51 (6.9)	44 (6.0)	19 (2.6)	1.55	1.58
I started smoking at the age of less than 13 years old with one or two puffs only	644 (87.2)	51 (6.9)	31 (4.2)	12 (1.6)	2.52	2.94
I smoked more than 20 sticks of cigarette within the last 30 days.	653 (88.5)	23 (3.1)	45 (6.1)	17 (2.3)	2.50	2.91
I smoked cigarette everyday	722 (97.8)	10 (1.4)	5 (.70)	1 (.10)	4.34	3.92
I have no intention to quit smoking	679 (92.0)	20 (2.7)	20 (2.7)	18 (2.4)	2.62	3.08
I did buy cigarette within the last 30 days	709 (96.1)	9 (1.2)	6 (.8)	14 (1.9)	2.55	3.09

n = 738

As regard to smoking habits among students, majority of the students surveyed indicated "SD" and "Disagree" on almost all items related to it. However, a small number of students; 63(8.6) indicated "Agree" and "Strongly Agree" on the item "I have smoked beforehand" compared to 693 (61.4). Comparatively 732(99.2) of the students indicated they "Never" and "Seldom" smoked cigarette every day. With regard to item "I have bought cigarette for the last 30 days", about 718 (97.3) respondents indicated "strongly disagree" and "disagree". Approximately 699 (3.62) students surveyed indicated their intention to stop smoking despite the fact that the item is negatively worded.

Table 9: Alcohol and Substance Abused

Statement	SD n (%)	D n (%)	A N (%)	SA n (%)	Mean ($\overline{X}$)	SD
I have consumed alcohol beforehand	686	17	15	18	1.50	1.73

	(92.9)	(2.3)	(2.0)	(2.4)	
I started drinking alcohol since I was 13 years old.	667	33	21	16	1.50	1.67
	(90.5)	(4.5)	(2.8)	(2.2)	
I had a can of alcohol since the last 30 days	643	48	28	19	1.59	1.75
	(87.1)	(6.5)	(3.8)	(2.6)	
I had too much of alcohol since the last 30 days	632	51	31	21	1.59	1.72
	(85.5)	(6.9)	(4.2)	(2.8)	
I did buy alcoholic drink for the last 30 days	674	29	19	15	1.51	1.72
	(91.5)	(3.9)	(2.6)	(2.0)	
I have used inhalant drugs beforehand (sniff)	677	28	16	17	151	1.72
	(91.7)	(3.8)	(2.2)	(2.3)	
I have used hallucinating drugs beforehand.	684	24	11	19	1.53	1.78
	(92.6)	(3.3)	(1.5)	(2.6)	

Pertaining to the issue of alcohol consumption among the students, most of the students surveyed had indicated "Never" and "Seldom" on all items. However, a small number of students indicated that they "Always" and "Sometimes" on item "I have consumed alcohol beforehand" (n = 19 (3.2%)). For items such as "I had a can of alcohol since the last 30 days", "I had too much of alcohol since the last 30 days" and "I did buy alcoholic drink for the last 30 days", less than 1% of the students surveyed had indicated that they "Strongly agree" and "Agree" on these items.

As for the drug intake among students surveyed, only 33 (4.5) of the students surveyed had indicated "Strongly agree" and "Agree" on the item "I have used inhalant drugs beforehand (sniff)". In addition, only 30 (4.1%) of the students surveyed had indicated "Strongly agree" and "Agree" on the item "I have used hallucinating drugs beforehand".

In addition to the above findings, students were also asked to provide perceived reasons for alcohol or drug intake. The following Table 10 tabulates the reasons given by students based on number of students who had "Strongly agree" and "Agree" on the statements provided.

QUESTION 2: ATTRIBUTING FACTORS OF AT-RISK BEHAVIORS AS PERCEIVED BY RESPONDENTS

As regard to the possible attributing factors for alcohol and substance abuse, only a handful respondent wrote reasons qualitatively for tobacco and substance abuse and it was just based on their perceptions. Table 10 indicated the possible reasons for alcohol and substance abuse as perceived by the respondents of this study.

Table 10: Reasons for Alcohol and Substance Abuse

Reasons	N	%
Family problems. (eg.: divorce/siblings rivalry)	7	1.10
Problems with partner/separation with partner/woman	7	1.10
Feel aroused/feel excited/wanted to try & looking for experience	7	1.10

Peer influence/wanted to be accepted by peer	6	1.00
Electronic and printed media influences	7	1.10
Lacked of parental education and information from teachers.	7	1.10

Basically the reasons for alcohol and substance abuse were attributed by adolescents' inability to cope with family problems namely divorce or sibling rivalry, separation with intimate partner(s), sense of curiosity or excitement, peer acceptance and pee rejection, influences that came from electronic and printed media and lacked of guidance and information from parents and teachers in school. However these reasons didn't represent the entire sample as the percentage (1.10%) for each reason was very small indeed.

Table 11: Suicide Ideation and Suicide Attempt

Statement	SD	D	A	SA
	n (%)	N (%)	n (%)	n (%)
Had serious suicide ideation for the last 12 months	662 (89.8)	38 (5.1)	20 (2.7)	18 (2.4)
Had attempted suicide once for the last 12 months	712 (96.4)	10 (1.4)	8 (1.1)	8 (1.1)

n = 738

This section utilized the Likert scale which ranged from Strongly Agree (SA) - 5 to the lowest (Strongly Disagree) – SD – 1 point. Among all the students surveyed, 38 (5.1%) students had indicated "Strongly Agree" and "Agree" on the item related to "Has serious thought of committing suicide" and 16 (2.2%) students had indicated Strongly Agree" and "Agree" on the item "Had attempted suicide once". Attention need to be given to suicide ideation and suicide attempt found among these respondents as it highlighted that 54 students were having suicide ideations and made suicide attempt from the total number of respondents examined by this study. The following table indicated the perceived reasons for youngsters to have the tendency to have suicide ideation and make suicide attempts.

Table 12: Possible reasons for suicide ideation and attempt as perceived by secondary school students

Reasons	N	%
Emotionally disturbed due to some kind of frustration (eg. Failing in examination)	7	1.10%
Felt so ashamed / sad (made fun by friends)	5	0.80%
Lost loved objects / pets / friends	5	0.80%
Sexual harassment by close family members or classmates (via vulgar nicknames)	6	0.10%

PREMARITAL SEX ORIENTATION:

Descriptive analysis was employed to ascertain activities related sexual relationship among the Malaysian adolescents. The findings were depicted in Table 13.

Table 13: Premarital Sex Orientation

Items	Never (%)	Once (%)	Twice (%)	Frequent (%)
Have had premarital sex	648 (87.8)	18 (2.4)	48 (6.5)	24 (3.3)
Had premarital sex after 13 years old	651 (88.2)	14 (1.9)	40 (5.4)	33 (4.5)
Had once been infected by STD due to my sexual relationships	642 (86.4)	11 (1.5)	54 (7.3)	35 (4.7)
Became pregnant due to my sexual relationship	660 (89.4)	8 (1.1)	53 (7.2)	17 (2.3)
Have had an abortion	660 (89.4)	5 (0.7)	55 (7.5)	18 (2.4)

N = 738

Five items were utilized to examine premarital sex among secondary school adolescents. About 87.8% of the respondents admitted that they never had premarital sex before as opposed to 24 (3.3%) frequently had premarital sex. Comparatively 651 (88.2%) never had premarital sex even after 13 years old as opposed to 33 (4.5) of them who frequently had premarital sex. On the contrary 642 (86.4%) of the students had never been infected by STD and 35 (4.7%) had been frequently infected by STD. As for teen pregnancy, 660 (89.4%) of the students were never pregnant as compared to 17 (2.3%) of them. As for abortion, 660 (89.4%) never had abortion as opposed to 18(2.4%) who had several abortions.

RUNAWAYS:

Similarly, descriptive statistics namely frequency counts and percentages were employed to examine students' runaway history. Findings of this analysis were tabulated in Table 14 below.

Table 14: Runaway from Home

Items	SD %	D %	A %	SA %
Runaway history - 2/more times	712 (96.48)	23 (3.12)	3 (6.41)	0
Runaway attempt - 2/more times	697 (94.44)	32 (4.34)	7 (0.95)	2 (0.27)

N= 738

Table 14 indicated that only (3) 6.41% of the respondents indicated history of run away from home more than once while only 9 (1.22%) reported that they made more than 2 runaway attempts. Majority of the respondents strongly disagree or opposed the concept of runaway and making runaway attempts.

CAUSES OF RUNAWAYS AS PERCEIVED BY RESPONDENTS:

Table 15 tabulates findings on causes of runaway among Malaysian adolescents. These scores were tabulated in frequency counts and percentages.

Table 15: Causes of Runaway as Perceived by Respondents

Items	SD %	D %	A %	SA %
Peer influence	644 (87.27)	37 (5.01)	31 (4.20)	26 (3.52)
Having fun	620 (84.01)	51 (6.911)	47 (6.37)	20 (2.7)
Alcohol addiction	680 (92.14)	20 (2.71)	24 (3.52)	14 (1.90)
Drug addiction	684 (92.68)	7 (0.95)	26 (3.52)	21 (2.85)
Follow boy / girl friend	664 (89.97)	17 (2.30)	25 (3.39)	32 (4.34)
Fought with parents	614 (83.20)	58 (7.86)	41 (5.56)	25 (3.39)
Fought with siblings	596 (80.76)	75 (10.16)	54 (7.32)	13 (1.76)
Lost interest in study	637 (86.31)	50 (6.78)	36 (4.88)	15 (2.03)
Fear of threats	651 (82.21)	41 (5.56)	30 (4.07)	16 (2.17)
Were punished / humiliated	650 (88.08)	51 (6.91)	23 (3.12)	14 (1.90)
Uncomfortable house / home – small size	671 (90.92)	31 (4.20)	22 (2.98)	14 (1.90)
had premarital sex and was pregnant	683 (92.55)	9 (1.22)	19 (2.57)	27 (3.66)
Sexually harassed by significant others	682 (92.41)	14 (1.90)	21 (2.85)	21 (2.85)
Fear of police due to involvement in illegal gang	677 (91.73)	16 (2.17)	26 (3.52)	19 (2.57)
Found jobs - to earn extra money	658 (89.16)	29 (3.93)	26 (3.52)	25 (3.39)

N= 738

The above table demonstrates that the highest causes of runaway (between 11.2% and 11.4%) as perceived by the respondents and were attributed by personal, internal and external factors. Personal factors ranged from fun searching, experimenting with drug and alcohol, lost interest in study, lost self-esteem, in love, fear of threats and wanting independent and to earn money. As for external factor, they ranged from home environment, sibling rivalry, incest and sexual harassment, family disputes and divorce. However these personal, internal and external reasons for runaways were isolated cases and small in terms of their percentages. Majority of the respondents were either strongly disagree and disagree with other statements.

ABORTION AND BABY ABANDONMENT

Majority of the respondents reported that they disagree or strongly disagree with the issue of abortion (99.59%) and attempt of abortion (99.73%) as opposed to the percentage of agree and strongly agree with "had abortion" and "had tried abortion". There is still strong awareness with regard to the rights of significant others to live.

Table 16: Abortion and Baby Abandonment

Items	SD %	D %	A %	SA %
Had abortion	735 (99.59)	2 (0.3)	1 (0.13)	0
Had tried to abort pregnancy	734 (99.46)	2 (0.27)	2 (0.27)	0

N=738

CAUSES OF PREGNANCY AS PERCEIVED BY RESPONDENTS:

The following were causes of teen pregnancy as perceived by the respondents and were tabulated in Table 17.

Table 17: Causes of Pregnancy as Perceived by Respondents

Items	SD %	D %	A %	SA %
Influenced by porno film	580 (78.59)	24 (3.25)	106 (14.36)	28 (3.79)
Had frequent sexual relationship with boyfriend without prevention measures.	592 (80.22)	11 (1.49)	99 (13.41)	36 (4.88)
Sex addiction/unable to control sexual desire.	587 (79.54)	19 (2.57)	90 (12.20)	42 (5.69)
Rape victim	591 (80.08)	17 (2.30)	96 (13.01)	34 (4.61)
Involved in prostitution	596 (80.76)	10 (1.36)	94 (12.74)	38 (5.15)

N= 738

The table above indicated that the main causes of teen pregnancy as perceived by the respondents were attributed by pornography influences (18.15%), sexual relationship without prevention measures (18.29%), addiction to sex (17.89%), rape victim (17.62%) and involvement in prostitution (17.89%).

CAUSES OF ABORTION AS PERCEIVED BY RESPONDENTS

Table 18: Causes of Abortion as Perceived by Respondents

Items	SD %	D %	A %	SA %
Aborted - ashamed with parents/friends/community	585 (79.27)	21 (2.85)	86 (11.65)	46 (6.23)

Aborted - fear if discovered by parents/school/peers/ neighbors	586 (79.40)	15 (2.03)	84 (11.38)	53 (7.18)
Aborted - boyfriend refused to be responsible	588 (79.67)	17 (2.30)	89 (12.06)	44 (5.96)
Aborted - not prepared to be a mother	587 (79.54)	29 (3.93)	92 (12.47)	30 (4.07)
Aborted – forced by boyfriend	589 (79.81)	18 (2.44)	88 (11.92)	43 (5.83)

N=738

Table 18 tabulates respondents' perceptions on the causes of abortion and was perceived as being attributed by the feeling of shame towards others (17.88%), fear of being discovered by parents/ school/ peers/ neighbors (18.56%), boyfriend's refusal to take responsibility (18.02%), not prepared to be young mothers (16.54%) and forced by boyfriend (17.75%).

RESEARCH QUESTION 3: ANOVA ANALYSES

Are there significant differences in premarital sex orientation as regard to the following"

a. Family SES

b. Student's background (urban versus rural)

c. Parents' marital statuses

Comparison on adolescents' selected at-risk behaviors namely smoking patterns, alcohol and substance abuse, suicide ideation and suicide attempts and premarital sex orientation was made using ANOVA and the findings were tabulated as the following:

Table 19: *Comparison of Smoking Patterns by Age, Family SES, and Parents' marital Statuses*

Variable		N	Mean	SD	*df*	SS	*MS*	*F*	*P*
Age groups	13	82	2.52	1.89					
	14	193	2.52	1.48					
	15	230	2.42	1.44					
	16	91	2.40	1.69					
	17	142	1.98	1.73					
Btw. Groups					4	28.41	7.10	2.80	.030*
Within Groups					733	1860.100	2.54		
	High	94	2.45	1.55					

Family SES	Average	233	2.51	1.44					
	Low	390	2.23	1.59					
Btw Groups					3	26.38	8.79	3.46	.020*
Within Groups					734	1863.0	2.54		
Parents' marital Statuses	Married	648	2.40	1.64					
	Divorced	52	1.95	1.07					
	Separated	10	2.41	1.23					
	Cohabitated	12	2.49	1.30					
Btw Groups					6	16.07	2.68	1.05	.400
Within Groups					731	1873.3	2.56		

Significant at p < .05

Table 19 tabulates findings on ANOVA analysis on adolescent's smoking patterns by respondents' age, family SES and parents' marital status. Adolescents' smoking patterns were compared based on their age groups via ANOVA analysis. The only significant differences in adolescents' smoking patterns were found in adolescents age groups, $F(4,733) = 7.44$, $p = .000$. The mean score was higher for the age groups of 13 through 14 years old respectively.

Table 20: *Comparison of alcohol & substance abuse by Age, Family SES, and Parents' marital Statuses*

Variable		N	Mean	SD	*df*	SS	*MS*	*F*	*P*
Age groups	13	82	1.55	1.77					
	14	193	1.26	1.05					
	15	230	1.35	1.21					
	16	91	1.55	1.68					
	17	142	2.16	2.48					
Btw. Groups					4	77.94	19.50	7.44	.00*
Within Groups					733	1921.0	2.62		
Family SES	High	94	1.81	2.13					
	Average	233	1.56	1.74					

					df	SS	MS	F	P
	Low	390	1.41	1.34					
Btw Groups					3	24.54	8.18	3.04	.030*
Within Groups					734	1974.4	2.69		
Parents' marital Statuses	Married	648	1.56	1.72					
	Divorced	52	1.25	.453					
	Separated	10	1.20	.363					
	Cohabitated	12	1.143	.298					
Btw Groups					6	13.63	2.27	.84	.54
Within Groups					731	1985.3	2.72		

*Significant at P<.05

As regard to alcohol and substance abuse, significant differences were found in adolescents' age groups $F_{(4,733)} = 7.44$, $p = .00$. and family SES, and Parents' marital Statuses $F_{(3,734)} = .030$ respectively. As regard to alcohol and substance abuse, the mean scores were higher for respondents whose ages were 17, 13 and 16 years old respondents.

Table 21: *Comparison of Speeding, Suicide Ideation & Suicide Attempt and eating disorder by Age, Family SES, and Parents' marital Statuses*

Variable		N	Mean	SD	*df*	SS	*MS*	*F*	*P*
Age groups	13	82	1.92	2.08					
	14	193	2.31	2.19					
	15	230	2.71	2.31					
	16	91	2.53	2.16					
	17	142	2.92	2.45					
Btw. Groups					4	69.24	17.31	3.37	.010*
Within Groups					733	3769.9	5.14		
Family SES	High	94	1.81	2.13					
	Average	233	1.56	1.74					
	Low	390	1.41	1.34					

Btw Groups					3	43.03	14.34	2.77	.041*
Within Groups					734	3796	5.17		
Parents' marital Statuses	Married	648	2.55	2.30					
	Divorced	52	2.45	2.04					
	Separated	10	1.67	1.80					
	Cohabitated	12	1.94	1.98					
Btw Groups					6	38.98	6.50	1.25	.280
Within Groups					731	3800.2	5.20		

Significant at P <.05

Similar comparison via ANOVA was made on respondents' perception of motor speeding, suicide ideation and suicide attempt and eating disorder. Significant differences were found in respondents' age group: $F(4,733) = 3.37$, $p = .01$ and family SES; $F(3,734) = 2.77$, $p = .041$. Higher mean score were found amongst 17 years old right through 15 years old respondents. Similarly the highest mean score was found amongst respondents from the high SES background as regard to motor speeding, suicide ideation and suicide attempt and eating disorder.

Table 22: *Comparison of Premarital Sex Orientation by Age, Family SES, Parents' marital Statuses*

Variable		N	Mean	SD	*df*	SS	*MS*	*F*	*P*
Age groups	13	82	3.00	1.48					
	14	193	2.81	.86					
	15	230	2.62	1.17					
	16	91	2.97	1.21					
	17	142	3.49	1.73					
Btw. Groups					4	70.1	17.52	10.82	.00*
Within Groups					733	1186.7	1.62		
Family SES	High	94	3.13	1.47					
	Average	233	2.82	1.38					
	Low	390	1.14	1.14					

Btw Groups					3	7.22	2.41	1.41	.24
Within Groups					1249.6	1249.6	1.70		
Parents' marital Statuses	Married	648	2.95	1.35					
	Divorced	52	2.62	.65					
	Separated	10	2.72	.790					
	Cohabitated	12	2.49	.950					
Btw Groups					6	14.52	2.42	1.42	.203
Within Groups					731	1242.3	1.70		

Significant at P <.05

Table 22 tabulates findings on ANOVA analysis of adolescent's premarital sex orientation. This comparison was made by considering respondents' age groups, family SES and parent(s) marital statuses. The findings indicated that significant difference was only found in respondents' age groups $F (4,733) = 10.82$, at $p = .000$ and not for Family SES and parents' marital statuses. The mean score indicated higher mean score for adolescents whose age groups were between 13 and 14 years old respectively. This suggests the "storm and stress" period are experienced by many adolescents and as well developmental progression in age which have some effect on adolescents involvement in premarital sex.

FINDINGS FROM *T*-TEST ANALYSIS:

t-test analysis were executed to examine significant gender and location differences as regard to smoking patterns among the Malaysian adolescents. Findings from the *t*-test analysis were tabulate in Table 23

Table 23: Comparison of smoking patterns by gender and respondents' location via t-tests Analysis

Variable		N	Mean	Std. Deviation	*t*	df	P
Gender	Male	301	3.12	1.61	12.84	705	.000*
	Female	406	1.76	1.20			
Location	Rural	278	2.07	1.26	4.04	736	.000*
	Urban	460	2.55	1.75			

*the mean difference is significant at $p < .05$

T-test analyses indicated that significant gender differences were found between male and female in teen smoking patterns; ($p = .000$). Male had higher mean scores compared to female. Similarly significant differences were found in the respondents' location where urban respondents had higher mean scores than their rural counterparts ($p = .000$).

Table 24: Comparison of Alcohol and Substance Abuse patterns by gender and respondents' location via t-tests Analysis

Variable		N	Mean	Std. Deviation	t	df	P
Gender	Male	301	1.42	1.43	-.84	705	.403
	Female	406	1.51	1.60			
Location	Rural	278	1.57	1.75	-.55	736	.579
	Urban	460	1.51	1.58			

T-test analyses was undertaken to examine significant gender and location differences in alcohol and substance abuse patterns. The findings indicated that no significant gender (*p* = .403) and location (p = .579) differences were found in alcohol and substance abuse.

Table 24: Comparison of Motor Speeding, Suicide Ideation & Suicide Attempt and eating disorder by gender and student's location

Variable		N	Mean	Std. Deviation	t	df	P
Gender	Male	301	3.79	2.48	14.69	705	.000*
	Female	406	1.58	1.49			
Location	Rural	460	2.44	2.23	.21	736	.35
	Urban	278	2.60	2.32			

As regard to motor speeding, suicide ideation and suicide attempt, t-test analyses was undertaken to examine significant gender and location differences in them. The findings showed that significant gender differences (p =.000) were found in suicide ideation, suicide attempt and eating disorder. Male had higher mean scores as opposed to female. no significant location differences (p = .35) were found between students who came from rural or urban schools. On the contrary, significant gender differences (p =.000) were found between male and female respondents.

Table 25: Comparison of premarital sex orientation by gender and respondents' location via t-tests Analysis

Variable		N	Mean	Std. Deviation	t	df	P
Gender	Male	301	2.89	1.11	.204	705	..84
	Female	406	2.87	.1.30			
Location	Rural	278	3.03	1.24	-1.80	736	.072
	Urban	460	2.86	1.34			

Table 25 shows that no significant gender differences was found in adolescents' premarital sex orientation (*p = .84*). *Inspection of the two groups* indicated that the differences in mean scores were small. Similarly inspections on the students' location indicated no significant difference (*p* = .072) in adolescents' premarital sex orientation that either come from rural or urban areas.

DISCUSSION AND CONCLUSION:

With respect to adolescents' at-risk behaviors which have been identified by previous studies and ascertained by this study, with respect to smoking habits, majority of the respondents disagreed with the smoking habits. In spite of the respondents' positive attitude, small percentages of the respondents reported that they had smoked before. This fact should not be dismissed and attentive measures are necessary so as to curb smoking habits among the Malaysian adolescents. It was also notable that majority of the respondents were also against alcohol consumption and substance abuse except for a few minorities. Findings on drug abused revealed that majority of the respondents disagreed with drug abused except for a handful of respondents. Similarly, majority of the respondents were against motor speeding, suicide ideation and suicide attempt and eating disorder except for small percentages of the respondents were for this lifestyle. As for premarital sex orientation, majority of the respondents examined were not in favor of this lifestyle which is perceived as health hazard. Even though only small percentages of the respondents embraced such lifestyle, attention must be given to these unhealthy and devastating practices. Adolescents are the country's future stakeholders and they will be assuming the country's leadership in the near future. Thus, exemplary roles models among Malaysian adolescents must be generated from the current pool of adolescents in this country. The current political leadership, NGOs, school, community and parents must work hand in hand to realize these aims and objectives of producing future leaders who are highly competent, conversant, creative and innovative, charismatic and holistically developed to serve the noble aims of education of this country. Hence joint efforts must be taken to rule out these negative elements in schools and homes. In summary, at-risk behaviors among secondary school students are relatively low. Nevertheless preventive measures as well as appropriate intervention strategies are needed to minimize the occurrence of at-risk behaviors among Malaysian adolescents and to produce mentally and physically healthy adolescents who will pave and lead the country's future..

FUTURE RESEARCH

Findings from this study can be used as parameters for developing modules and inventories for examining at-risk behaviors among the Malaysian youngsters based on Malaysian norms. Future research on similar area may include new variables such social media addiction (video-gaming), truncy, gangsterism and bullying, participation of youth in misconceived "jihad" and international terrorism.

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Educating Rita: the Muted Woman Raises Her Voice

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Abstract

For centuries, women have been excluded from the literary canon which has been under the dominance of male authors. The socio-political and domestic spheres of life have been divided according to the Cartesian dualism between the mind and body which is based on the already determined characteristics of man and woman by the patriarchal order. Woman has been doomed to the domestic sphere with certain responsibilities as a wife and mother; thus, she has been deprived of an active participation in the social sphere of life. If woman stays at home, she is drowned in a lack of a self, however, if she wants to pave her way towards an intellectual life, she will have to obtain a masculine position which, again, absorbs her female identity. In Educating Rita, Willy Russell narrates the story of Rita, a working class woman, who is devoid of a self and tries to overcome the difficulties life brings to her due to her social status and her sex. This paper is going to discuss Rita's personal struggle to pass beyond these restrictions via reading and writing in order to obtain her own thinking and critical self that gives her the right to choose rather than to be chosen. Thus, overcoming the distinction between the reproductive body and contemplative mind, woman is able to assert her sophisticated self through active participation in the intellectual life outside the domestic sphere. Consequently, the muted woman is able to raise her voice by claiming her own independent identity.

Keywords: Woman's identity, reading theory, woman's writing.

In *What Is a Woman?* Toril Moi discusses that science and philosophy are based on the Cartesian mind/body dualism. The patriarchal worldview structures society on the separation of the mind and body from a sexist perspective. Within this structure, man represents the mind while woman is pre-destined to be the symbol of the body. The socio-political and domestic spheres of life are divided according to this dualism which is based on the determined characteristics of man and woman by the masculine order. Thus woman is believed to be fit to be a good wife, mother and housekeeper while man's way is paved for a more social, political and philosophical life in which he can use his creative intellect. From this point of view, woman's tasks are the ones that do not necessitate a creative-thinking process such as bearing and rearing babies, cooking and cleaning the house while man's duties are more social and enable him to be part of the social structure. Moi (1999) emphasizes that "the rational, active, masculine intellect operates on the passive, objectified, feminized body" (p. 348). Hence woman is doomed to a submissive state as the object in this subject/object relationship between the sexes.

As an ultimate result of this dualistic approach, science, philosophy and literature have always been under the dominance of man; therefore, if woman is ever eager to be part of this system in order to include herself in philosophy and literature, she is supposed to have a masculine status ignoring her womanhood. Otherwise, Moi (1999) asserts, she has to obey the sexist structure that destines women to become the irrational and thoughtless bodies of the rational and creative minds (p. 348). The problem woman faces within this patriarchal structure is that she is left without a true self, and this causes her to forget about her existence and identity; eventually she becomes part of the male world as an object, and she ends up being both the tool and victim of patriarchy. If she stays at home as expected from her, she is drowned in the lack of a self, however, on the other hand, if she wants to pave her way towards a more social and philosophical life, she will have to obtain a masculine position which, again, absorbs her identity. In *Educating Rita,* Willy Russell narrates the story of Rita, a working class woman, who is devoid of a self and tries to overcome the difficulties life brings to her due to her social status and her sex. This paper is going to discuss Rita's personal struggle to pass beyond these restrictions via reading and writing in order to obtain her own thinking and critical self that gives her the right to choose rather than to be chosen.

For centuries, women have been excluded from the literary canon which has been under the dominance of male authors. This male dominance in the literary and philosophical domains has been caused by the Cartesian dualism between the mind and body as discussed above. Because of their procreative status as mothers, women have been regarded as pure wombs, and they have been devoid of other creative activities like thinking and writing that were attributed to the male

genius with his creative intellectuality. Sandra M. Gilbert and Susan Gubar (2000) begin their discussion about the male-dominated philosophy and literature in *The Madwoman in the Attic* with the following question: "Is a pen a metaphorical penis?" (p. 3). Literature and philosophy have always been under such an influence of the patriarchal structure that women have been almost completely alienated from the process of creative thinking and writing since they have been supposed to be the irrational and passive side of the dual structure. Gilbert and Gubar (2000) continue their debate about this comparison between the pen and penis questioning the position of woman within this structure:

If the pen is a metaphorical penis, with what organ can females generate texts? The question may seem frivolous, but both the patriarchal etiology that defines a solitary Father God as the only creator of all things, and the male metaphors of literary creation that depend upon such an etiology, have long "confused" literary women, readers and writers alike. For what if such a proudly masculine cosmic Author is the sole legitimate model for all earthly authors? Or worse, what if the male generative power is not just the only legitimate power but the only power there is? That literary theoreticians from Aristotle to Hopkins seemed to believe this was so no doubt prevented many women from ever "attempting the pen" and caused enormous anxiety in generations of those women who are "presumptuous" enough to dare such an attempt. (p. 7)

As stated above, if the pen is a metaphorical penis, there is no way left for a woman to be included in this patriarchal literary canon since she clearly lacks the penis which prevents her from raising her voice in the masculine order of literature and philosophy. Beginning with God the Father as the creator of all things in the world, man is attributed the quality of intellectual creativity while woman is left out as the passive object on which the male intellect operates. Since woman is doomed to stay as the mere womb which is a tool to help male procreation, man has been regarded as the chief being within the philosophical thinking and critical writing process. Since the ancient times of the primary philosophers like Aristotle and Plato, men have been considered to be the only legitimate generative power, and this patriarchal view of philosophy and literature has determined the restricted position of woman.

The exclusion of woman from the literary and philosophical domains has eventually resulted in the belief that the women who attempt to include themselves in this creative process are actually "presumptuous" since they betray their nature doing so. At this point, arguing about the so-called female nature that is betrayed by the women who try to exceed their boundaries surrounding their domestic lives, Gilbert and Gubar (2000) assert that these women are not only called to be "intrusive" and "presumptuous", but they are also completely "unredeemable" because there is a big mistake in trying to overcome the boundaries drawn by nature (p. 8). However, it is vitally important to emphasize that these boundaries that the woman, who is interested in philosophical thinking, is considered to cross betraying her nature are not determined by nature itself but only by the patriarchal system that situates man as the primary intellectual and creative subject.

This is actually what Rita tries to do in Willy Russell's *Educating Rita*. As a working class woman, Rita struggles very hard in order to cross the boundaries that enclose her within a structure that is chosen for her. All her attempt is to become the one who is capable of choosing for herself avoiding the patriarchal power that determines her fate as a true wife and mother. The way she chooses to liberate herself goes through studying, and she tries to learn reading and writing critically. She is enrolled in the Open University, and she also takes courses from an English professor Frank. The play includes the relationship between Rita and Frank which eventually affects not only Rita's but also Frank's perspective for reading and writing critically; as a result, they end up teaching each other and switching their roles. In the early beginning of the play, Frank is on the stage talking to his girlfriend on the phone. While he is talking about Rita, his sexist prejudices appear clearly:

Yes?... Of course I'm still here… Because I've got this Open University woman coming, haven't I?... Yes, I probably shall go to the pub afterwards, I shall need to wash away the memory of some silly woman's attempts to get into the mind of Henry James or whoever it is we're supposed to study on this course… (Russell, 2001, p. 3)

Frank's first ideas about Rita who studies at the Open University show man's reaction to woman's attempts to participate in the literary sphere. Mocking Rita as a prototype of all women who try to learn critical thinking and reading, Frank makes the prejudiced male opinion clear. According to this perspective, women are not capable of critical reading and thinking since they can easily be over-identified with the author or the characters in the story. In *Theories of Reading* Karin Littau (2006) discusses the problem of over-identification especially for women readers who are believed to end up devouring stories by reading fleetingly. However, Littau asserts that over-identification is not the only problem that makes reading fiction dangerous. She asserts that another important aspect of this danger is the belief that "unlike serious reading which 'lifts the reader from sensation to intellect', the novel actually does the opposite" (p. 65). Since woman has always been

made synonymous with sensation, her over-identification and absorption in novel reading is explained as her lack of capability for critical and objective reading.

On the other hand, focusing on the comparison between the lack of a penis and the female exclusion from philosophy, Toril Moi (1999) asserts that:

First, woman is perceived as lacking the phallus. According to the patriarchal imagination, what a woman needs is a man, not philosophy. If a woman declares that she too feels the philosophical lack, her desire for knowledge can only be a compensation for her primary sexual frustration. On this logic, then, the thinking woman necessarily becomes synonymous with the bluestocking, the frustrated spinster of patriarchal ideology: the female lack is never *truly* a philosophical lack. In other words, the woman is always suspected of not being able to think simply because she is taken to suffer from the *wrong* lack. (p. 356)

Based on the sexual discrimination that is structured on man's physical and sexual power deriving from the phallus, Toril Moi (1999) argues about the patriarchal belief that the true lack of woman is not philosophical thinking but the male sexual organ which gives him autonomy. Thus, what woman needs to fulfil the absence of the phallus is not philosophy but man himself. This analysis of woman's lack stems from the dichotomy within the patriarchal structure that controls the sexist approach based on the certain gender roles attributed to both sexes. That is why, Moi asserts, woman's attempt to fulfil herself philosophically is actually considered to be seeking for fulfilment for a wrong lack because the true lack that she suffers from can be fulfilled only through submission to male sexual and intellectual power. Thus, woman's desire for knowledge is regarded as a wrong way of compensation for the female lack of the generative phallus and her ultimate sexual frustration from the masculine perspective (p. 356). As a result of this active male physical and sexual power, man has claimed himself as the authoritative voice in the socio-political, economic and philosophical life subordinating woman to a passive status in which she is absolutely objectified, and her voice is silenced within the domestic sphere. As clearly seen in the example of Rita, woman is not considered to be capable of philosophical and critical reading, and her wish to pave her way into a more literary life forces her to be part of this male-dominated structure. Thus the most important aspect of this process for Rita is not only to become an acknowledged person but also to be a free one to choose for herself rather than being a dependent woman for whom others choose. As discussed above, woman's attempts to be included in this sphere ultimately results in detaching her from her identity since this literary canon is dominated by the masculine power. As a result, woman is forced to choose between her womanhood and her literacy in an unjust way. However, for Rita this process of being taught by Frank becomes a way for her to seek her independent choice without the male authority.

When Rita meets Frank for the first time, this is actually not the beginning of her reading process. While she introduces herself as Rita, Frank who checks her admission papers realizes that her name is written as Mrs. S. White. Although her actual name is Susan, she renames herself after Rita Mae Brown, the author of *Rubyfruit Jungle* which is one of her favourite novels in the beginning. In a sense, she identifies herself with this author she likes most, and this shows her wish to become a reader and writer at the same time.

In his arguments about woman's tendency for identification David Bleich (1986) indicates that, woman tends to identify more with the author of the story or with the characters in it. For him, the reason for woman's tendency for identification stems from "the condition of less otherness" (p. 264). Bleich points out that the difference between man and woman in regard to this topic stems from their different responses to otherness and objectivity. According to him both men and women attempt to objectify things, however, this act of objectification does not seem to be an immediately necessary one for women as it is for men. David Bleich (1986) tries to explain this notion of "less otherness" biologically focusing on the fact that although both man and woman are born of women, man needs to detach himself from his mother to find his own identity. On the other hand, as woman tries to detach herself from her mother to discover her self, she will have to turn back to her mother while trying to acquire her gender based identity. This case is completely different for man who gets more and more detached from his mother as he continues to shape his gender based identity (p. 265). Eventually, the result is that man feels the urgent need to objectify his readings while woman lacks this urgency, and she is more easily absorbed in the fictional lives of characters as well as the creators of that fictional life. Thus Rita's naming herself after her favourite fiction writer shows us her struggle to find her liberation out of the prison she is entrapped in both as a working class member and a woman in the patriarchal order.

In the first conversation Rita and Frank have, Rita talks about her previous readings, and all the names she utters are the ones Frank is not even familiar with. This shows us her social and literary background; she comes from the working class environment, and her taste in the literary field is actually shaped by junk literature. The first time when they begin teaching each other in the opposite ways is when she gives *Rubyfruit Jungle* to Frank to read while she borrows *Howards End* from him. As she takes *Howards End* to read, Rita says she will post it to him if she decides to drop the course because she "might decide it was a soft idea" (Russell, 2001, p. 8). At this point she still seems to be in conflict with what she is struggling for since it is obviously a betrayal for her so-called nature both in her working class environment and in the overall patriarchal structure. The problem for woman in this masculine system is that her voice has been silenced by the male-dominated philosophical canon, and eventually she is doomed to her so-called feminine nature to deal with the female sphere of life. This position of woman in the patriarchal society has affected her existence as a reader and writer at the same time.

Thus arguing about reader's construction of meaning and the effects of gender on comprehension, Mary Crawford and Roger Chaffin (1986) focus on women as a muted group and state that,

The theory of muted groups was developed to describe situations in which groups of people exist in asymmetrical power relationships. The theory proposes that language and the norms for its use are controlled by the dominant group. Members of the muted group are disadvantaged in articulating their experience, since the language they must use is derived largely from the perceptions of the dominant group… In order to be heard, muted group members must learn the dominant idiom and attempt to articulate within it, even though this attempt will inevitably lead to some loss of meaning. (p. 21)

Due to the male dominance in literature and philosophy, language is also under the control of the patriarchal point of view which excludes women from the canon. As a result, women have been subordinated as the muted group while men have been included in the dominant group that controls language. Extremely surrounded by the patriarchal dominance, the muted group of women has been forced to identify with this language in order to tell about women's experiences. However, since this language serves the dominant group, the muted group always lacks the proper way of expression for its own experiences. As Crawford and Chaffin (1986) also point out, the muted group is supposed to learn the dominant group's idiom in order to be heard within this structure, and this will eventually cause women to lose their intended meaning within the male idiom (p. 21).

Since man and woman have different backgrounds that are shaped according to their sex, their reading and critical thinking will also be affected deeply by the contexts they find themselves in the patriarchal society. As a direct consequence of the masculine language in the philosophical and literary canon, woman has to face her loss of self, and her attempts to find herself in the masculine language dooms her to a contradictive status between her real female identity and the masculine representation of her femininity. Hence, man's authority in philosophy has silenced woman's voice to be lost in the male sovereignty. The women who have been interested in critical thinking and writing have been doomed to the masculine dominance both in literature and language which has resulted in their contradictory position between a real female self and the male representation of the female gender.

Focusing on the problem of the representation of woman in the male-dominated language, Judith Butler (2006) discusses that:

For feminist theory, the development of a language that fully or adequately represents women has seemed necessary to foster the political visibility of women. This has seemed obviously important considering the pervasive cultural condition in which women's lives were either misrepresented or not represented at all. (p. 2)

As Judith Butler argues, the development of a language that is not based on the patriarchal power and its representation of woman has been one of the most important points of the feminist movement so far. Since the masculine language either misrepresents or does not represent the circumstances women find themselves in at all, woman has been doomed to an absolute loss of self, and this loss subordinates her to the passive and irrational status she is entrapped in. Therefore, the development of a language free from the masculine domination is necessary to pave woman's way into a creative and philosophical sphere. However, it is also necessary to keep in mind that the only way to develop such a language goes through getting familiar with the male dominated literary canon so that woman can face man's representation of woman and then assert her own representation of herself. Thus, woman should betray her so-called nature that is determined by the patriarchal system in order to cross the boundaries that surround her within the limited space she is allowed in. For Rita, this is also the first step she needs to take in order to educate herself. She needs to be familiar with the literary canon

that is dominated by the male authors who also control the language that is used. As Patrocinio P. Schweickart (1986) asserts, "The feminist inquiry into the activity of reading begins with the realization that the literary canon is androcentric, and that this has a profoundly damaging effect on women readers" (p. 40). In the beginning, the first novel Rita borrows from Frank is E.M. Forster's *Howard's End*. Her education begins and continues with male authors until the very end of the play, and this shows us Frank's tendency to associate literature with male authors as well as woman's need to become familiar with the male authority in the literary canon so that she can raise her voice later on.

Upon their discussion on "packing it in" Frank questions Rita why she has enrolled in if she is still in conflict about what she wants. Rita answers, "Because I wanna know" and upon being questioned about what she wants to know, she says she wants to know everything (Russell, 2001, p. 8). In this dialogue what is obvious is Rita's hunger for knowledge. In the patriarchal society, woman's hunger for knowledge is generally replaced by her maternal functions like bearing and rearing babies; therefore, she is not supposed to feed her own identity with literary or philosophical knowledge. Her so-called nature demands her to act as a womb which means she is doomed to be a tool for the male procreation, and her creative function is restricted to child-bearing. However, Rita does not want to be restricted to what is pre-determined for her; on the contrary, she dreams for freedom out of this imprisonment both as a working class member and a woman. Her wish for freedom becomes more obvious when she questions, "God, what's it like to be free?" (Russell, 2001, p. 9). Rita is not free as a working class woman, and she dreams about freedom that would enable her to find her own self. And the only possible way to have this independence she seeks is to change, and this change should come from inside.

Working as a hairdresser Rita observes woman's wish for physical change, and she becomes critical of this claiming that, "But these women, you see, they come to the hairdresser's cos they wanna be changed. But if you want to change y' have to do it from the inside, don't y'? Know like I'm doin" (Russell, 2001, p. 14). She sees the reality about woman's position, and she understands that the ultimate solution lies within an inner change for woman. When women come to the hairdresser's, they expect too much according to Rita because each wants to leave as a completely different person, however, the change in the hair or physical appearance does not bring any changes for woman's problem in the patriarchal society. That is why as a working class woman who is suffering not only because of being a woman in a masculine order but also because of her financial and cultural position in her class, Rita seeks her inner change through reading and eventually writing objectively so that she can raise her own voice within this male-dominated canon.

Rita is also a woman whose pre-determined destiny in the patriarchal structure dooms her to be a wife and a mother while her working-class background forces her to work outside the home in order to contribute to her family financially. Her position as a woman necessitates her to have a baby, however, although everyone expects her to do so, she says she does not want a baby yet. Thus, she deceives her husband saying that she has stopped taking pills although she has not. The explanation she gives in order not to have a baby shows that Rita's primary purpose is about herself and her position as a woman. She says, "See I don't wanna baby yet. See, I wanna discover meself first" (Russell, 2001, p. 15). As a woman, Rita's role has been pre-determined for her by patriarchy but she does not want to be subordinated by this fate, and she tries to change it via educating herself in an intellectual way. Through her reading and writing, Rita aims at discovering her lost self and voice as a woman under the masculine domination.

Rita's quest for her identity causes many problems in her relationship with her husband. In the beginning Rita tries to explain her husband what she is struggling for and why. However, all her attempts end up being in vain because when she says she wants "a better way of living her life", her husband answers, they might begin saving money in order to move to a new house in Formby (Russell, 2001, p. 16). Her reading and watching something different drives her husband mad since he cannot understand the real reason behind her discomfort. Her search for a new self does not mean anything for a man who thinks that they should have a baby now. Having a better house with babies is more than enough to make a woman happy from man's perspective, however, Rita cannot be satisfied with that, and she begins a discovery in order to seek her right to choose. However, while she is trying to obtain the right to choose, this process disturbs her husband Denny deeply that she cannot even study at home, and she has to write her essays at work. When she talks about Denny's reaction to her studies, she says, "It makes me stronger comin' here. That's what Denny's frightened of" (Russell, 2001, p. 36-37). Rita realizes that man is afraid of losing his pre-given power and authority in the patriarchal system if woman begins searching for her free self which cannot be controlled. This is actually what Denny feels about Rita's education. He is completely disturbed by her addiction to this education since he is aware that she is getting more conscious of her identity and directly more powerful.

Thus when Denny finds out that Rita is still taking pills not to have a baby; he gets completely mad and burns all her books and essays. Rita's more subjective purposes as a woman disturbs her husband extremely since she does not act properly according to the family structure in society. In "Women's Time" Julia Kristeva (1986) argues about woman's sacrifice in the patriarchal society and claims that the new generation of women has begun to revolt against this sacrifice. Kristeva asserts that, "The new generation of women is showing that its major social concern has become the symbolic contract as a sacrificial contract… And we consequently face a mass phenomenon – that they are forced to experience this sacrificial contract against their will" (p. 200). It is possible to mention Rita's name within this new generation of women Kristeva is alluding to since she is also in a struggle against this symbolic contract that forces women to sacrifice themselves in order to serve for the well-being of the other sex. Her rejection of having babies is obviously her first step that she takes towards obtaining a free self that is not based on the expected sacrifice. Rita's refusal to exist for others becomes obvious when she tells Frank how Denny has burnt all her books. She emphasizes how she is busy finding herself and that is why she cannot even have an affair with somebody else because having an affair means that she will forget about herself for the sake of him. While she is talking about her discovery inside, she focuses on her/self, and she says although this might sound selfish, the only thing she is interested in is what she has begun to find in herself (Russell, 2001, p. 39).

In her struggle to obtain her free self, Rita replaces her expected function as a woman to bear babies with her ambition to read and learn more in order to become an educated woman who can raise her voice against the socially constructed gender roles and woman's sacrifice. Focusing on Rita's choice of literature over having babies to fulfil her maternal function, it would be useful to refer to Julia Kristeva's (1986) argument about woman's choice of literature when she tries to answer the question of "Why literature?" as follows:

This identification with the potency of the imaginary is not only an identification, an imaginary potency, as a far too normative view of the social and symbolic relationship would have it. This identification also bears witness to women's desire to lift the weight of what is sacrificial in the social contract from their shoulders, to nourish our societies with a more flexible and free discourse, one able to name what has thus far never been an object of circulation in the community: the enigmas of the body, the dreams, secret joys, shames, hatreds of the second sex. (p. 207)

Kristeva (1986) asserts that a woman reader's identification with the imaginary world of literary texts stems from her wish to overcome the barriers that are set up in front of her. The social contract necessitates sacrifice for woman while man is allowed to fulfil his identity. Thus, Kristeva claims that this identification in literature presents new worlds for women in which they can define their bodies, pleasures, joys and hatreds at the same time (p. 207). Before enrolling in the Open University, Rita's devouring pulp fiction shows us her over-identification especially after she reveals that she has named herself after her favourite fiction writer. This can be analysed as her escape from the social contract that dooms her to self-sacrifice. She accepts that she has always had this feeling that she lacks something important in her life, however, each time she has tried to overcome this feeling via buying some new dresses. This is completely similar to what other women she is being critical of do when they try to change themselves at the hairdresser's. But now, after she decides to change herself inside, Rita says she has not been buying new dresses for twelve months, and she will not have one until she becomes acknowledged enough to pass an exam (Russell, 2001, p. 22).

Frank claims that Rita should learn objective criticism in order to succeed in her struggle, and he begins teaching her how to be objective in her criticism supported by references to "established literary critique" without including any sentiments (Russell, 2001, p. 22). But the important aspect of this process of getting educated by Frank is that Rita is absolutely absorbed in the male dominated literary canon reading male authors. Jill LeBihan (2001) also focuses on the lack of women writers in English departments in her article titled "Feminism and Literature" claiming that until the 1980s English literature departments at British Universities were extremely dominated by the works of the male authors. She continues to assert that even though a few female authors like George Eliot and Jane Austen were taught, this teaching had nothing to do with the feminist issues. Within this male authorized canon, feminists were generally dealing with the representations of women in the works written by men; these works, Jill claims, shaped the definition of woman "by representing women as sexual objects rather than politically powerful subjects"; thus "women receive a version of femininity and womanhood that is perpetually limited and therefore limiting" (p. 129). Also Rita's way towards a more critical self goes through her knowledge of literature dominated by men.

Discussing woman's reading, and the subject-object relationship between a text and its reader, Patrocinio P. Schweickart (1986) focuses on the immasculation of women via reading male-authored texts. Arguing whether the text manipulates the reader or the reader manipulates the text to make meaning, she highlights how the male texts affect the woman reader in

her reading process. Eventually she asserts that, although some feminist critics believe that male texts have damaging effects on the woman reader, actually women themselves become the agents of their own immasculation via reading, and their autonomy in this process cannot be ignored. She questions what it means for a reader to take control of the reading experience:

Recall that a crucial feature of the process of immasculation is the woman reader's bifurcated response. She reads the text both as a man and as a woman. But in either case, the result is the same: she confirms her position as other. Taking control of the reading experience means reading the text as it was not meant to be read, in fact, reading it against itself. Specifically, one must identify the nature of the choices proffered by the text and, equally important, what the text precludes – namely, the possibility of reading as a woman *without* putting one's self in the position of the other, of reading so as to affirm womanhood as another, equally valid, paradigm of human existence. (p. 50)

From this perspective, even the feminist critics cannot avoid reading androcentric works because literature in the patriarchal structure is dominated by the male authors. Therefore, Schweickart (1986) asserts, by the time a woman becomes a feminist critic, she has already read various androcentric works. Throughout this process of the female inclusion within the male literary canon, the woman reader becomes immasculated. However, as Schweickart emphasizes, it is not possible to think of women as mere victims of patriarchy in this process; on the other hand, it is unavoidable that women end up being the agents of their own immasculation via their attempts to pave their way into the male dominated literary canon. When the woman reader reads male texts, as stated above, she reads both as a man and as a woman. In both cases, either when she reads as a man or as a woman, she has the same consequence of approving her position as the other. However, what she actually needs to succeed within this process of reading is to assert herself as an autonomous another that exists with her own worth and values. For Schweickart, this is possible by means of reading the text against itself focusing on what it includes as well as what it excludes (p. 50). In Rita's case, her immasculation begins at the moment when she prefers reading and educating herself into a more philosophical way of life instead of having babies as a proper wife. Her devouring pulp fiction in a feminine manner is shifted towards a more male reading of male texts under the guidance of Frank who provides her with the major texts of the male authors. However, the fact that Rita chooses to read also as a man does not only mean that she completely ignores her femininity in order to be absorbed in the male literary canon; on the contrary, this is the way she chooses in order to assert her own identity that is as valid as the male one.

On the other hand, while Rita is trying to educate herself in order to seek for a female self that is not pre-determined by the patriarchal structure; she also tries to find the meaning of life which the working class people are devoid of. Thus it would not be enough to assert that the barriers in front of her that prevent her discovery of self are established by the subordination of woman. As well as being a woman in the masculine order, Rita also comes from a working class background which makes her conditions even more difficult compared to other women in the upper class. Thus her fight is not only against patriarchy but also against the working class life that is devoid of a meaning and a proper culture. Beginning with her desire to go to school as a child, the shallow perspective of her mates and her family that "school could be anythin' other than useless" turns out to be a clear example of the lifestyle she has been forced to adopt within the environment she has grown up (Russell, 2001, p. 21). After she decides to educate herself in order to free her restricted identity both as a woman and a working class member, her first criticism about E.M. Forster's *Howards End* that she considers as crap stems from her subjective dislike with the author who says, "We are not concerned with the poor" (Russell, 2001, p. 23). Here Frank indicates that she is being completely subjective with this approach, and if she wants to be an objective critic, she has to learn to analyse the texts from an objective point of view. During this process, Frank emphasizes that "Devouring pulp fiction is not being well read" and he tells her she needs to be more selective while reading (Russell, 2001, p. 30). However, for a long time until the very end of the play, Frank is the one who chooses what to read for Rita, and, as has already been stated, what he chooses is always a male-authored text.

During the process of education, Rita also fights against the meaninglessness of the working class life she has been pursuing. Thus, she is not only struggling against the subordination of woman but also against her social background. In her discussion of patriarchy Sheila Rowbotham (2006) refers to the working class women who lack the opportunities the upper class women have. She claims that:

It has often been said that as women we have come to know that the personal is 'political' because we have been isolated in the personal sphere. I think this is only half the story. We *were* isolated in the personal sphere, but some of us were hurtled dramatically out of it by the expansion of education and the growth of administrative and welfare work, and while some (working-class and black women) were never so luxuriously confined. (p. 55)

Although the restriction of woman within the male-dominated culture cannot be ignored, the differences among women themselves should not be disregarded, either. So, while considering Rita's case and her struggle to search for her free self, it is clearly not enough to analyse her position only as a woman without referring to her social background. As Rowbotham points out above, the circumstances of the working class women differ from the others who have at least the comfort and luxury of their financial status.

Thus, Rita does not only search for a free female self but she also tries to find the meaning of life which the working class people lack. When she talks about *Peer Gynt* to one of the women at the hairdresser's, the woman thinks it is a new perm lotion. However, when Rita tells about the play, they woman says, "I wish I could go off searchin' for the meanin' of life" (Russell, 2001, p. 35). Contemplating about this wish, Rita asserts that although the working class people seem to be content with what they have, they are actually not deep inside because there is no meaning in their life. Despite of their better positions compared to the past, she claims, "there's like this sort of disease, but no one mentions it" (Russell, 2001, p. 36). There is a disease in this part of society, but nobody dares to mention or do something about it; therefore, Rita appears to be the courageous one as a woman who can dare to stand against both the disadvantages of being a woman in the patriarchal system and a working class member in a capitalist society. She ceases to pretend any more as others do, she understands the reality behind what is visible especially when she sees her mother who begins crying just after she sings in the pub claiming that they could actually sing better songs.

Rita's entire attempt is to sing better songs through her education in literature and philosophy. She does not want to join the dinner at Frank's house because she does not want to be mocked as a silly woman who tries to learn. She wants to become as serious as those educated men and women from the upper class so that she can raise her voice among them in order to be heard, and she works hard for this purpose. When Frank claims it is enough for her to be herself, she answers, "I don't want to be myself. Me? What's me?" (Russell, 2001, p. 52). Both as a subordinated woman and a working class member, she is devoid of the meaning of life as well as an independent self that can enable her to make individual decisions. Nevertheless, she cannot keep her silence against this fate, and she makes her first important decision not to go on living as emptily as she has been doing until she is twenty-six. Although her husband Denny claims hers is not the age to get educated, she insists on her own decision.

Considering Rita's insistence not to conform to her pre-determined fate, it is possible to conclude that she does not accept to be the tool of her own victimization as a woman. In "Feminism and History" Judith M. Bennett (2006) indicates that:

Women have a large part to play in this historical study of patriarchy, not merely as victims, but also as agents. Women's support has always been crucial to the endurance of patriarchy; hence, we must examine and understand the motivations of women who have colluded in their own oppression. (p. 67)

The belief that women are fragile beings and the pre-determined space is the safest one for them which protects them from the dangers outside has been imposed on women who have ended up admitting their subordination for the sake of safety instead of dangerous freedom. However, in Rita's case, she makes her most important decision when she has to choose between her education and her matrimonial life. One day she comes home to find her case packed by her husband who forces her to choose. Eventually Rita makes her choice of education to have her independent self sacrificing her family life. That means Rita rejects to be the agent of her own victimization under the masculine order. Denny's fear that Rita gets more powerful as she attends the courses with Frank is eventually realized when Rita makes this important decision leaving her so-called safe home for the dangerous outer world without being afraid of her vulnerability.

In the beginning of Act II when Rita is back from the summer school in London, she is in a new, second-hand dress. This dress on her shows the change she has been through as a result of her reading and writing. Especially after the summer school, Rita appears to be a woman who can contemplate and talk about important works of art in an objective and critical way. Even her new house and her flatmate Trish appear to be the symbols of the big change in her life; she has a room now full of plants and books like Frank's office. She even attempts to alter her voice in order to talk properly. On the one hand, as Rita changes towards Frank's lifestyle as well as thinking style; on the other hand, Frank begins to change towards Rita's old way of acting and thinking. While Rita can understand the difference between pulp fiction and serious literature now, Frank begins to think that *Rubyfruit Jungle* is an excellent book. This shift in the roles of Frank and Rita becomes obvious when Rita sits "in the armchair by the window, reading a heavy tome" and Frank "enters carrying his briefcase" (Russell, 2001, p. 68). Clearly the roles are shifted between Frank and Rita, and eventually each becomes a teacher for the other. While Frank teaches Rita how to be an objective and critical reader, Rita teaches Frank how to be more

sentimental and subjective judging the education system. Hence, Frank concludes that he wants to change his name to Mary Shelley; in a way, he compares himself to Frankenstein who creates a monster. Frankenstein is also very enthusiastic with what he intends to create in the beginning, however, upon seeing the monster that is born, he runs away not to see him again. He cannot even dare to look at his own creature. In Frank's case, as he helps Rita change in the way she wants, he himself changes, and consequently he cannot tolerate seeing Rita in her new existence that is dependent on nobody.

As a result of her education process Rita fulfils her search for an independent self in order to make her own choices. Discussing the self-less existence of woman under the domination of patriarchy Sandra M. Gilbert and Susan Gubar (2000) point out that:

Whether she becomes an *objet d'art* or a saint, however, it is the surrender of her self – of her personal comfort, her personal desires, or both – that is the beautiful angel-woman's key act, while it is precisely this sacrifice which dooms her both to death and to heaven. For to be selfless is not only to be noble, it is to be dead. A life that has no story is really a life of death, a death-in-life. The ideal of "contemplative purity" evokes, finally, both heaven and the grave. (p. 25)

Obeying the patriarchal structure that confines woman to the domestic sphere asserting that the outer world threatens her safety, woman sacrifices her identity. Eventually if she chooses to be protected, she does it at the cost of her independent self; thus, she becomes selfless and dependent. All her desires and pleasures are sacrificed for the male protection, however, this safety dooms her to a passive and repetitive lifestyle which lacks a philosophical and critical approach to life. As Gilbert and Gubar also point out, this sacrifice causes her to die while she is still alive because this lifestyle does not allow her to be actively creative. Within these circumstances Rita seeks for a rebirth which she believes she might have via education. As a result, she is capable of claiming her free self in order to choose for herself without being dependent on either a husband or a teacher. At this moment, she gets furious with Frank because he also tries to shape her according to his own ideas, and he cannot tolerate her thinking differently. She does not want to be dependent on anybody, what she would like to do is to make her own reasonable decisions without being bound to anybody else. As Frank goes on calling her Rita, she announces that there is nobody left who calls her Rita any more. Frank's reaction to this is whether she has changed it to Virginia, or Charlotte, or Jane, or Emily (Russell, 2001, p. 79). For the first time in the play, Frank utters the names of famous women writers in British literature, and this gives hope about Rita's future as a woman writer.

The most important aspect of Rita's change is that now she can choose what she wants to do. In the end of the play she emphasizes the importance of this difference saying, "I dunno. I might go to France. I might go to my mother's. I might even have a baby. I dunno. I'll make a decision, I'll choose. I dunno" (Russell, 2001, p. 83). Then she puts on the new dress Frank has bought for him, and this is a dress an educated woman would have. In her new mood and new appearance, Rita's life completely changes. She has so many options, and obviously she is happy to have the luxury to choose without obeying the pre-determined decisions for her. Now, she might even have a baby because it would be her own wish not somebody else's. Consequently, Rita's cutting Frank's hair in the last scene of the play can be regarded as man's emasculation by woman's creativity. Frank who has represented the male dominated philosophy and literature throughout the story is eventually emasculated by a woman who is able to raise her voice after getting familiar with the dominant male voice in literature.

The early discussion in this paper about the Cartesian dualism between the mind and body each represented by each sex ultimately results in woman's subordination as the lacking other who does not have the potential to think critically. However, this so-called defection of woman is actually not natural but constructed by patriarchy in order to serve man. The woman whose voice has been silenced by the male domination in literature first needs to have a familiarity with this male-dominated literature in order to raise her own voice as an objective and critical reader and writer. This is what Rita experiences during her education studying the male authored texts chosen by Frank, however, eventually she causes Frank to utter the names of women writers which shows a hopeful sign for Rita's future as a reader and writer. In the end, when she cuts Frank's hair, she also proves her power over him via attempting to give him a new appearance. Thus, the woman that has represented the body on which man's mind operates claims her own self not only as a passive body but also as a creative intellect. Consequently, the muted woman is able to raise her voice by claiming her own independent identity.

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The Firm-Specific Determinants of the Target Capital Structure: Evidence from Bosnia and Herzegovina Panel Data

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Abstract

The purpose of this study is to carry out a comprehensive and robust analysis of the determinants of the capital structure of the Federation Bosnia and Herzegovina (FBiH) companies at the industry level. A large number of hypotheses of different classes of theories are tested. Estimating the dynamic panel models using the system of generalized method of moments (GMM) estimator, we captured both cross-sectional and inter-temporal relationships between the leverage in companies and its determinants. The results show that profitability, collateral value of the assets and the risk, measured by earnings volatility, negatively affect company's leverage, while inconsistent results were for the relationship between different proxies for firm's future growth opportunities and leverage, whereby the firm size overall has no relationship with the firm' s leverage. The findings reflect the transitional nature of the FBiH corporate environment.They suggest that some of the insights from modern finance theory of capital structure are applicable in the FBiH in that certain firm-specific factors that are relevant for explaining capital structure in developed economies are also relevant in the FBiH. Overall, the empirical evidence presented in this Study finds it difficult to demonstrate the validity of the trade-off and the pecking order theories as stand-alone models. The Study's results also point at several unique aspects of financing behavior in developing countries, from which specific implications for further research follow.

Keywords: capital structure, transition economy, pecking order theory, trade-off theory

1. Introduction

Determinants are variables successfully used as leverage predictors. A large number of factors have been identified in the extent literature that influence the financing decisions of companies based on financial theories of capital structure.However, there is no consensus in the literature whether such theories adequately explain the capital structure adopted by firms in the context of developing economies. Therefore, this chapter empirically investigates the effects of firm-specific determinants on firms 'capital structure. Of course, for a number of reasons, we would expect the capital structure to vary considerably across industries and moreover, for the capital structure to vary among firms within a given industry. In an attempt to clarify those variations, the academics and practitioners have developed a number of theories and the theories have been subjected to many empirical tests.

This Study is an attempt to give a comprehensive and robust analysis of the determinants of the capital structure of FBiH firms at the industry level to reveal the differences between the industries in the capital structure during the period of ten years including the economic up - and down turns. The empirical analysis focused on 10 years (2003-2012) of the data on a sample of private non financial companies in order to test the relationship between the capital structure and the leverage determinants, combining all variables affecting the determination of the capital structure. The explanatory variables included in the model vary across both firms and time and in our empirical investigation we use two capital structure measures.

This Study will answer the question as to which factors determine the capital structure of FBiH companies and whether existing financial theories of capital structure hold true in that context. The determinants of the capital structure decisions should guide companies on how to choose their strategic financing mix. In other words, this research results may draw the attention on those factors, which are worth considering if the corporate structure is determined. Those findings will certainly advance our understanding of a firm's financing behavior.

Such a Study would contribute to the current references in several ways. Firstly, as far sa we are aware, it is the first attempt at a direct testing of the affect of company variables on the capital structure decisions in the companies in the FBiH. Secondly, despite the fact that there is evidence that features of an industry do matter in the capital structure decisions of companies, we are yet to find a study that examines variations across industries in the capital structure decisions in the companies in FBiH. To our knowledge, there no empirical work that focuses on inter-industry variation in the financing decision of firms in FBiH. As in other developing countries, FBiH government sometimes institute policy interventions to foster investment in certain sectors/industries by way of subsidies and directed credit. Understanding the place of the industry factor in the financing decisions of a firm is crucial for the purpose of crafting appropriate policy interventions. In the context of FBiH, there is no published work that investigates the dynamic partial adjustment of a firm's capital structure. This chapter aims to fill this gap by investigating whether firms in our sample adjust their capital structures to a certain target level.

The remainder of this chapter proceeds as follows. The next section lays out the firm-level determinants of capital structure. Section 3 provides explains the construction of variables, with the specification of the hypothesis presents the research methodology and models and discusses the empirical models. Section 4 reports the statistical analysis and empirical results. The findings and conclusions are presented in the last section.

2. Empirical Literature Review

The firm's capital structure can be determined through several factors. Those observable elements for leverage should be linked to the theories on the capital structure since they are the assumed proxy for the forces that underpin theories, such as the financial distress and information asymmetry costs. However, the this relationship is not always clear, and hence it is important to resolve the elements that are reliable and economically important in order to predict the leverage. Some of the attributes which affect the choice of capital structure are the same for firms within the same industry. However, the effects of some of these attributes, for example, type of output market and type of products, are not testable because these attributes themselves are not easily measurable. Therefore, in the table below the existing theoretical framework are set out to explain the determinants of the capital structure.

Table 1. Summary of the Capital Structure Theories Predictions

No	Variables	Static trade-off theory		Asymmetric information theory	
		TBT	Agency	POT	ST
1	Firm Size	+	+	-	+
2	Profitability	+	+	-	+
3	Growth opportunity	-	-	+	+

4	Asset tangibility	+	+	+/-	
5	Tax shield	-			
6	Risk	-	+	-	
7	Dividend policy		-	+	+/-
8	Uniqueness of product	-			
9	Managerial equity ownership		-	+	+/-

Source: H. Asgharian, Essays on capital structure, 1997, p.41

Note: The table shows the expected effects of different attributes on capital structure, as implied by the capital structure theories. TBT refers to the tax-bankruptcy static trade off theory. POT denotes the pecking order theory. ST refers to the signalling theory. The + (-) sign shows the expected positive (negative) relationship between the leverage and the designated variable. The (+/-) sign signifies the possibility that plausible arguments could be made for a positive as a negative relationship using a given theory. * The profitability has a positive sign for Static trade of theory, whether the Dynamic one foresees the negative sign.

Fifty years after Modigliani and Miller's (1958) made their ground-breaking analysis, there is yet no unifying theory on the capital structure for the corporate finance. Despite this, the applicable theories serve as analytical tools in order to probe the empirical findings. However, none are capable of explaining all the aspects in the capital structure choice. Even though some of the stylized facts can be successfully accounted for in each theory , there are incongruities with some of the others. The current reference materials say that the most reliable elements explaining the corporate leverage are the market-to-book ratio (–), tangibility (+), profitability (–), company size (+), expected inflation (+), and median industry leverage (+ effect on leverage). Frank and Goyal (2009) refer to these factors as the "core leverage factors" affecting the decisions on the capital structure. On the sample of publicly traded U.S. firms from 1950-2003, they examined an extensive list of elements which could arguably reason why there is heterogeneity between capital structures across companies. With a market-based definition of leverage, they found out that those six factor account for more than 27% of the variation in leverage, while another 19 factors improve the explanatory power of the model by only 2%. Furthermore, those six core factors provide a more powerful explanation of a market-based definition of leverage than a book-based definition of leverage. According to the authors if focus would be on a book-based definition of leverage, the market-to-book ratio, firm size and expected inflation would have all have been excluded from the core model (Bessler, et.al, 2011). The table below provides the summary of selected empirical findingsregarding the relationship between chosen firm-specific characteristics and leverage.

Table 2. Summary of Empirical Evidence from Selected Empirical Studies

Summary of empirical evidence from selected empirical studies					
Study	Determinants of capital structure				
	Firm size	Profitability	Growth opportunity	Asset tangibility	Risk
Bradley et.al (1984)				+	-
Kim and Sorensen (1986)			-		+

Kester (1986)		-	+		*
Friend and Lang (1988)	*	-		+	*
Rajan and Zingales (1995)	+	-	-	+	-
Asgharian (1997)	+	-	+	+	
Titman and Wessels (1998)	-	+/-	*	*	*
Shyam-Sunder and Myers (1999)		-		+	-
Fan, Titman and Twite (2003)	+	-	-	+	
Flannery and Rangan (2006)	+	-	*	+	
Antoniou et.al (2008)	+	-	-	+	*
Talberg et. al (2008)	-	-	-	+	
Clark et al. (2009)	+	*		*	
Chang et al. (2009)		+/-	+/-	+/-	+/-
Frank and Goyal (2009)	+	-	-	+	

The + (-) sign indicates a significant positive (negative) relationship between leverage ratio and the capital structure determinant. The * designates an included but insignificant variable in the model. Empty cells mean that there was no testing of the variable.

Anotherimportant remark to be done is those "six core factors" together only explain about 25% of the total variation. Additionally a recent paper of Lemmon, Roberts and Zender, (2008) argues that determinants of traditional leverage explain a minor part of the leverage variation (30% at most), while 60% is yet to be explained. The foregoing variation stemming from an unobserved firm-specific, time-invariant component responsible for the persistence of leverage ratios over time. Due to the fact that the authors focused on the economy in the US, which can be considered as relatively stable economy, it is actually unclear if the leverage ratios show a similar level of persistence if there are rapid changes in the economic environment over time (Shamshur, 2012). Therefore, a Study like this one, is more than welcome when carried out using the example of a transitional economy.

The theory of capital structure has developed considerably in the last ten years, but empirical work is still far from analyzing all the implications of the theories. Research into the empirical corporate finance gave many studies that tried to identify those elements which are driving the company's capital structure. The evidence on the capital structure determinants is strong between companies and various countries. These studies greatly differ in terms of the sample selection, variable definition, sample period, sample size, and the econometric methodology.

Obviously, there is no uniformity when it comes to the theoretical predictions or empirical results. Empirical research has been restricted by difficulties in finding appropriate proxies for attributes which are supposed to determine the capital structure of a company. In addition, the use of book versus market value for measuring the firm's equity and assets differs among studies.

Consistent with the above-mentioned study, but having in mind the availability of data required to calculate those variables, this Study includes a following set of firm level variables that capture the factors that are known to affect the capital structure: the firm size, profitability, growth opportunities, asset tangibility and earnings volatility. What follows is a brief description of each of them and the development of hypothesis in accordance with the dynamic tradeoff theory.

Namely, recent literature critiques the studies on determinants of capital structure on the grounds that they do not take into account the typical rebalancing behavior of firms as far as their capital structure is concerned. It draws on dynamic trade-off theory and develops a theory for dynamic capital structure (Flannery & Hankins 2007). We may group the literature on the study of dynamic capital structure into two succinct clusters: (i) those investigating whether firms adjust towards a

target capital structure; and (ii) those investigating the factors that influence the pace at which firms adjust their capital structure. This Study analyses the first one.

3. The Empirical Framework

The empirical analysis focused on 10 years (2003 – 2012) data pertaining to a sample of non-financial firms in Federation of Bosnia and Herzegovina (FBIH). The current study examines the influence of firm level factors in the determination of basic capital structure. As this Study involves an examination of the determinants of inter-industry differences, the firm-specific data used for the analyses in this chapter was extracted from the financial statements of non-financial, privately owned, listed as non-listed firms in FBiH. The analysis carries out both for the entire sample and for the individual industries.

The main *research objective*isto estimate the effects of firm's level determinants on their capital structure measures in different industries.Considering the research objective, the relevant *research question* is whether the stylized relation between capital structure measures and several firm level variables obtained from the literature can be generalized to firms in FBiH. This brings us to the following *hypothes*es:

✓Firm level variables such as the firm size, profitability, growth opportunity, asset tangibility, risk are statistically significant determinants of capital structure measures.

Most of the research studies on capital structure have used the data from the US and European companies. This Study provides a unique opportunity to examine the validity of the above statements and whether the capital structure of FBiH firms can be explained by the finance theory. Survival and growth necessitates the resources, but financing of these resources has its limits.

3.1 Econometric Framework

A panel data analysis may capture both cross-sectional and inter temporal relationships between firm leverage and its determinants. Given that our empirical models have a dynamic paneldata context, we use the robust two-step system dynamic panel data estimator also known as "system GMM" estimator–proposed by Blundell and Bond (1998). In contrast to the conventional ordinary least square (OLS), Within-Groups and first-difference GMM estimators, the system GMM estimator not only mitigates potential endogeneity problems, controls for heterogeneity across individual firms, and removes unobserved firm-specific fixed effects, but it also allows researchers to make use of different instruments with different lag structure for both the levels and the first-differenced equations (Blundell &Bond,1998, 2000; Bond, 2002).

Arellano and Bond (1991) suggest using a dynamic panel data estimator based on the GMM methodology that optimally exploits the linear moment restrictions implied by the dynamic panel model. GMM estimator uses both lagged values of all endogenous regressors and lagged and current values of all strictly exogenous regressors as instruments. Models can be estimated using the levels or the first differences of the variables. For the difference estimator, the variables are measured as first differences and their lagged values are used as appropriate instruments.

The Arellano-Bover/Blundell-Bond (Arellano &Bover, 1995; Blundell & Bond, 1998) dynamic panel estimator augments Arellano-Bond by making an additional assumption that first differences of instrument variables are uncorrelated with the fixed effects. According to this estimator, the lagged levels of variables are likely to be weak instruments for current differenced variables when the series are close to random walk. In these conditions, the differenced GMM estimates are likely to be biased and inefficient. The authors suggest the use of a more efficient system GMM estimator that combines the difference-equation and a levels-equation in which suitably lagged differenced variables are the appropriate instruments. It builds a system of two equations (the original and the transformed one) and is known as system GMM. The xtabond2 command implements these estimators (Roodman, 2009).

We applied the Hansen (1982) test for over identifying restrictions and the Arellano and Bond (1991) test for autocorrelation to ensure the validity of the instruments that we use in our estimations. More precisely, to test for the validity of the instruments, we use the J-statistic of Hansen (1982). This statistic is asymptotically distributed as χ2 with degrees of

freedom equal to the number of over identifying restrictions (i.e., the number of instruments less the number of estimated parameters). Under the null hypothesis, the instruments are orthogonal to the errors. We employ the Arellano and Bond (1991) test for autocorrelation. Under the null of no serial correlation, the test asymptotically follows a standard normal distribution. It also provides a further check on the correct specification of the System-GMM process. In a dynamic panel data context, the first-order serial correlation is likely to be present, but the residuals should not exhibit the second-order serial correlation if the instruments are strictly exogenous.

3.2 Operationalisation of Variables

For the purpose of this study we have chosen to measure leverage by two variables (Welch, 2011):

[pcs1] the financial-debt-to-capital ratio (financial leverage) that does not consider non-financial liabilities as debt

• [pcs3]the total-liabilities-to assets ratio (balance sheet leverage) that treats financial and non-financial liabilities alike

There are five variables expected to be important as determinants of the capital structure. The remainder of this section discusses the exogenous variable and their proxies.

To control for any possible heteroscedasticity, the natural logarithm is used, while to ensure linearity in the data, due to its capabilities to standardize values thus, bringing them on the same platform for a more efficient analysis to be done:

• [pfsa] natural logarithm of the total assets (Padron et al., 2005)
• [pfsr] natural logarithm of the total revenue (Titman &Wessels, 1988; Rajan&Zingales, 1995; Wiwattanakantang, 1999; Graham, 2000; Ozkan, 2001; Gaud et al., 2005)
• [pfse]natural logarithm of the number of employees (Asgharian, 1997).

We use following ratios to measure *profitability*:

• [pp1]the return-on-total assets ratio (ROTA) that measures a company's earnings before interest and taxes (EBIT) against its total net assets (Rajan&Zingales,1995; Ooi,1999; Ozkan,2001; Gaud et al.,2005)
• [pp2]the return-on-assets ratio (ROA) that measures a company's net income against its total net assets (Wiwattanakantang,1999)

The proxies for the *growth opportunity* include as follows:

• [pg1] the ratio of difference in the book value of total asset between $year_{t-1}$ and $year_t$ divided by the book value of the total assets in $year_{t-1}$ (Titman &Wessels,1988; Ooi,1999; Chen,2004)
• [pg2] the ratio of difference in total revenues between $year_{t-1}$ and $year_t$ divided by total revenues in $year_{t-1}$ (Asgharian, 1997)
• [pg3] the ratios above are based on a two-year difference in values; we also estimated growth using information spanning several years. We run the regression of book value of total assets over ten years on a time trend and use the coefficient of the trend, scaled by the book value of the total assets, as a proxy for growth (Asgharian, 1997)

We use the following indicators to measure collateral and/or liquidation value of assets (*assets tangibility*) which are considered to be good candidates for borrowing.

• [pat1] the ratio of tangible/physical assets to total assets; this measure is the most common one applied to determine the collateral value of the assets (Asgharian, 1997). This measurement is expected to be positively related to the collateral value of the assets.
• [pat2] the ratio of tangible/physical assets to total assets; Some intangible assets are not good candidates for debt financing because it is difficult to put them to an alternative use (Shleifer&Vishny, 1991) and cannot be transferred to

another industry when the industry they are employed in suffers an adverse shock. This measurement is expected to be negatively related to the collateral value of the assets (Titman &Wessels, 1988).

• [pat3] the ratio of inventories to total assets; This measurement is expected to be negatively related to the collateral value of the assets. Although debts are used partly to finance inventories, and in most cases inventories maintain some value when the firm is liquidated, they do not serve as good collateral.

• [pat4] the ratio of receivables to total assets; Because of difficulties associated with the collecting receivables, including high collections costs, they are not good as collateral. (Asgharian, 1997). This ratio is expected to have negative effect on the collateral value of the assets.

The total revenue volatility [pev] is used as a proxy for a firm-specific *risk*. Since the focus of this Study is mostly non-publicly traded firms, we follow Morgan, Rime and Strahan (2004) to compute the time-varying measure of the firm-specific risk. We regress the firms' total revenue-to-total assets ratio on firm and year fixed-effects and then we use the absolute value of the residuals obtained from this regression as proxy for the firm-specific risk.

4. Results and Discussion

The data are collected from 26506 companies during the period from 2003 to 2012. Data are unbalanced and for 50% of companies, the data are available for a period of 7 years minimum.

Table 3. Number of Companies per Industry and Year

Industry	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
A	255	279	353	355	375	350	413	368	370	377	**3.495**
B	14	13	17	13	14	15	17	12	14	15	**144**
C	108	117	133	134	139	137	145	144	148	145	**1.350**
D	2.961	3.062	3.328	3.567	3.672	3.473	3.537	3.358	3.392	3.399	**33.749**
E	74	75	90	100	110	108	132	150	148	145	**1.132**
F	1.316	1.365	1.469	1.579	1.639	1.542	1.583	1.454	1.464	1.456	**14.867**
G	6.058	6.419	7.164	7.686	7.891	7.306	7.589	6.900	6.996	6.922	**70.931**
H	417	437	477	514	524	486	515	489	485	499	**4.843**
I	1.301	1.342	1.445	1.561	1.594	1.548	1.552	1.520	1.528	1.525	**14.916**
J	46	56	67	78	84	97	98	88	85	87	**786**
K	1.624	1.727	1.952	2.148	2.328	2.343	2.570	2.500	2.551	2.620	**22.363**
M	94	95	137	111	113	118	185	125	124	129	**1.231**
N	64	65	221	77	85	75	217	101	102	110	**1.117**
O	326	337	418	415	444	405	492	458	466	473	**4.234**
Total	**14.658**	**15.389**	**17.271**	**18.338**	**19.012**	**18.003**	**19.045**	**17.667**	**17.873**	**17.902**	**175.158**

Under the assumption that proposed regressors/independent variables are exogenous, estimation of dynamic panel models are conducted using the two step Generalized Method of Moments (GMM) through xtabond2 formula in STATA, as proposed by Roodman (2009).

Dynamic panel models are developed for entire sample and subdivided by each industry. Each dynamic panel model is tested against the existence of serial correlations with residuals using the Arellano-Bond test and if the instruments are exogenous using the Sargan/Hansen test of over identifying restrictions. All two models at the level of entire sample (as including some industries) perform rather poorly against Arellano Bond test and Sargan/Hansen test indicating issues with serial correlations and endogenity of instruments.

In the first Dynamic panel model with **Financial Leverage** - Debt to Capital Ratio= Debt/(Debt +Equity), only industries C, M and N don't have serial correlations significant. Instruments in all industries have issues with proposed exogenity of independent variables.As presented in the Table 4 in the Dynamic panel model with **Balance-sheet Leverage** - Total liabilities to assets= Total Liabilities/Total assets per most of industries don't have problems with serial correlations (except for industry K, and total sample model) where industries A, B, C, E, H, K, and M don't have issues about endogenity of instruments.

Applied remedies to improve serial correlations and endogenity (higher lags, changing variable lists from iv style to gmm) yields no better results. Both dynamic panel data models are statistically significant at the level of entire sample and per industry. But since the post estimation tests within the first panel model (financial leverage), do not yield the required levels, it is going to be left out from the further discussion. The dynamic panel model as describe above do not fully respond to data and should be further analyzed using other dynamic panel data models and/or using the balanced sample. In this Study, we will focus only on the results of the Dynamic panel model with **Balance-sheet Leverage** since the post-estimations tests are met by most of industries and therefore can be generalized.

The proposed dynamic panel model (balance-sheet leverage) of the capital structure fails to provide a model that describes capital structure change for the entire sample, due to remaining serial correlation between regressors and residuals and their endogenity, but does succeed in providing a model of the firm-level determinants for most industries. The results confirm the view that differences in industry characteristic lead to an inter-industry variation in the capital structure. We observe differences in the basic capital structure of firms in our sample attributable to firm-specific characteristics.

The number of analyzed companies working at the agriculture, hunting and forestry industry (A) over the period of ten years is 2238. The study found that only **profitability and asset tangibility** is the statistically significant leverage predictor for this industry. Profitability, measured with ROA, has a negative influence on leverage. The nexus between asset tangibility and leverage is dependent on how the latter is defined. We document that ratio of tangible and intangible asset to total assets negatively influences leverage whether the ratio of accounts receivable to total assets has a positive influence on leverage. The number of analyzed companies in the fishing industry (B) over the years varies from 10 to13. Although the results are statistically significant and post-estimation tests are satisfactory, due to low number of companies further analysis is not completed for fishing industry.

The number of analyzed companies in the mining industry (C) over the ten years amounts to 882. We find a robustly significant and inverse relationship between **profitability** and the capital structure. The results also relieved a negative relationship between the **asset structure** measured by tangible assets and the capital structure choice.The number of analyzed companies in the production and distribution of electric energy, gas and water industry (E) is 701. Among all the firm-level variables, only **profitability** (ROE) is observed to have a negative relationship with the leverage.

Table 4. Dynamic Panel Model - Balance sheet Leverage

	Total sample		Industry A		Industry B		Industry C		Industry D		Industry E		Industry F	
N of instrumen	35		35		35		35		35		35		35	
Wald chi2	77861.6	0.000	2458.43	0.000	5398.15	0.000	1492.05	0.000	19252	0.000	1892.5	0.000	6428.08	0.000
N of obs	121648		2238		81		882		23533		701		10235	
N of groups	22980		466		20		158		4300		151		1862	
	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p
L1.pcs1	0.7910	0.000	0.9047	0.000	0.0000		0.7403	0.000	0.8362	0.000	0.8828	0.000	0.7928	0.000
pfsa	0.0032	0.392	-0.0405	0.088	0.0000		-0.0670	0.498	-0.0085	0.333	-0.0717	0.327	0.0315	0.026
pfsr	0.0052	0.151	0.0337	0.121	-0.3649	0.000	0.0774	0.357	0.0098	0.241	0.1074	0.206	0.0135	0.322
pfse	-0.0020	0.323	0.0070	0.614	-0.1496	0.035	0.0059	0.875	0.0044	0.326	-0.0536	0.136	-0.0070	0.336
pp1	-0.0105	0.000	0.0079	0.628	-0.0210	0.462	-0.0280	0.365	-0.0023	0.666	0.0260	0.471	-0.0035	0.695
pp2	-0.2164	0.000	-0.2064	0.000	-0.1921	0.000	-0.1456	0.000	-0.1946	0.000	-0.1159	0.014	-0.2313	0.000
pat1	-0.0549	0.000	-0.0443	0.028	-0.3892	0.000	-0.1168	0.011	-0.0672	0.000	-0.0902	0.237	-0.0676	0.000
pat2	0.0025	0.184	-0.0370	0.021	0.0085	0.856	0.0233	0.375	0.0012	0.779	0.0180	0.366	-0.0007	0.921
pat3	0.0097	0.000	0.0091	0.477	-0.0262	0.681	-0.0251	0.213	0.0037	0.369	0.0176	0.556	0.0104	0.088
pat4	0.0126	0.000	0.0355	0.010	0.0451	0.376	0.0037	0.883	0.0072	0.111	0.0038	0.935	0.0185	0.016
pg1	-0.0322	0.000	-0.0193	0.205	-0.0424	0.384	-0.0307	0.361	-0.0214	0.000	-0.0188	0.561	-0.0553	0.000
pg2	-0.0072	0.000	-0.0022	0.858	-0.0714	0.069	0.0146	0.376	-0.0115	0.001	0.0079	0.693	-0.0150	0.006
pg3	0.0538	0.000	0.0033	0.831	0.0935	0.003	0.0378	0.167	0.0423	0.000	0.0653	0.129	0.0644	0.000
pev	-0.0287	0.000	0.0077	0.627	-0.2020	0.000	0.0124	0.783	-0.0258	0.000	0.1077	0.183	-0.0335	0.000
_Iyearn_2004														
_Iyearn_2005	-0.0119	0.000	-0.0121	0.308	0.0238	0.523	0.0195	0.169	-0.0183	0.000	-0.0420	0.027	-0.0144	0.005
_Iyearn_2006	-0.0123	0.000	0.0107	0.381	-0.0339	0.305	0.0030	0.845	-0.0152	0.000	0.0043	0.837	-0.0158	0.003
_Iyearn_2007	-0.0095	0.000	-0.0037	0.739	0.0667	0.092	0.0202	0.154	-0.0167	0.000	-0.0014	0.933	-0.0045	0.357
_Iyearn_2008	-0.0004	0.758	-0.0090	0.446	0.0443	0.261	0.0027	0.849	-0.0013	0.672			0.0069	0.181
_Iyearn_2009	-0.0160	0.000	-0.0139	0.245	0.0224	0.536	0.0103	0.508	-0.0177	0.000	-0.0306	0.214	-0.0169	0.001
_Iyearn_2010					0.0181	0.657					-0.0121	0.617		
_Iyearn_2011	-0.0132	0.000	-0.0051	0.670			-0.0018	0.899	-0.0138	0.000	-0.0160	0.346	-0.0115	0.033
_Iyearn_2012	-0.0117	0.000	-0.0101	0.367	-0.1126	0.003	0.0016	0.917	-0.0123	0.000	-0.0164	0.258	-0.0108	0.027
_cons	0.2468	0.000	0.1759	0.000	1.1988	0.000	0.2507	0.003	0.2255	0.000	0.0770	0.539	0.2511	0.000
AR(1)	-39.47	0.000	-5.82	0.000	-2.32	0.020	-4.27	0.000	-17.90	0.000	-3.83	0.000	-13.37	0.000
AR(2)	3.72	0.000	0.36	0.715	1.45	0.147	-1.32	0.188	2.41	0.016	0.06	0.952	1.79	0.073
Sargan test (chi	68.32	0.000	8.72	0.794	14.36	0.349	13.13	0.438	25.22	0.022	12.61	0.478	30.86	0.004
Hansen test (ch	56.94	0.000	6.57	0.923	0.00	1.000	10.71	0.635	19.45	0.110	14.29	0.354	23.03	0.041
Adj. Speed (%)	20.9		9.5		100.0		26.0		16.4		11.7		20.7	
Half life	3.0		6.9		-		2.3		3.9		5.6		3.0	

	Industry G		Industry H		Industry I		Industry J		Industry K		Industry M		Industry N		Industry O	
	35		35		35		35		35		35		35		35	
	41314.6	0.000	4713.2	0.000	5183.48	0.000	547.54	0.000	7611.21	0.000	1099.09	0.000	855.56	0.000	2018.66	0.000
	49655		3233		10492		533		15766		800		599		2900	
	9381		667		1920		124		3077		171		109		574	
	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p	Coef.	p
	0.7843	0.000	0.7871	0.000	0.7509	0.000	0.8232	0.000	0.7636	0.000	0.8127	0.000	0.8471	0.000	0.8358	0.000
	-0.0042	0.462	-0.0194	0.366	0.0117	0.385	0.1413	0.101	0.0553	0.000	0.0404	0.446	-0.0614	0.149	-0.0204	0.428
	0.0094	0.103	-0.0020	0.915	0.0002	0.990	-0.0498	0.483	-0.0094	0.358	-0.0569	0.340	-0.0896	0.071	0.0380	0.147
	-0.0050	0.092	0.0015	0.899	0.0028	0.704	-0.0412	0.227	-0.0067	0.275	0.0249	0.446	0.1090	0.002	-0.0017	0.911
	-0.0102	0.014	-0.0347	0.015	-0.0273	0.000	-0.0494	0.235	-0.0151	0.108	-0.0599	0.077	0.0211	0.445	0.0086	0.548
	-0.2233	0.000	-0.1885	0.000	-0.2091	0.000	-0.2282	0.000	-0.2259	0.000	-0.1796	0.000	-0.1595	0.000	-0.2625	0.000
	-0.0462	0.000	-0.0861	0.003	-0.0615	0.000	-0.0090	0.863	-0.0480	0.000	0.0010	0.972	-0.0764	0.067	-0.0423	0.069
	0.0095	0.001	0.0069	0.604	-0.0156	0.052	-0.0452	0.225	-0.0037	0.498	-0.0683	0.110	-0.0736	0.020	0.0002	0.987
	0.0102	0.003	0.0224	0.041	0.0074	0.215	0.0049	0.936	0.0111	0.080	-0.0070	0.807	0.0208	0.520	0.0000	0.997
	0.0172	0.000	-0.0062	0.564	-0.0166	0.028	-0.0151	0.608	0.0134	0.026	0.0112	0.660	0.0332	0.230	0.0080	0.579
	-0.0311	0.000	-0.0026	0.846	-0.0288	0.000	-0.0910	0.079	-0.0553	0.000	-0.0251	0.345	0.0299	0.228	-0.0375	0.011
	-0.0036	0.152	0.0199	0.021	-0.0072	0.155	-0.0068	0.851	-0.0129	0.005	-0.0151	0.411	-0.0488	0.078	0.0007	0.941
	0.0516	0.000	0.0192	0.157	0.0846	0.000	0.1752	0.000	0.0562	0.000	0.0475	0.032	-0.0053	0.864	0.0329	0.039
	-0.0255	0.000	-0.0631	0.000	-0.0230	0.001	-0.0605	0.043	-0.0269	0.000	-0.0360	0.184	-0.0512	0.024	-0.0412	0.003
	-0.0170	0.000					0.0016	0.967			-0.0194	0.340	0.0597	0.026	0.0219	0.014
	-0.0151	0.000	-0.0040	0.576	-0.0007	0.883			-0.0046	0.333	-0.0823	0.001	0.0305	0.156	-0.0189	0.042
	-0.0120	0.000	0.0019	0.785	0.0023	0.634	-0.0078	0.815	-0.0008	0.852	-0.0565	0.015	0.0716	0.007	-0.0001	0.987
	-0.0003	0.895	0.0041	0.580	0.0021	0.666	0.0088	0.805	-0.0029	0.497						
	-0.0215	0.000	0.0025	0.731	-0.0071	0.132	-0.0360	0.255	-0.0106	0.013	-0.0470	0.020	0.0527	0.104	0.0134	0.130
			0.0091	0.298	0.0053	0.305	0.0006	0.985	0.0022	0.627	-0.0222	0.280	0.0550	0.032	0.0070	0.481
	-0.0152	0.000	-0.0099	0.224	-0.0044	0.366	-0.0383	0.213	-0.0108	0.012	-0.0544	0.008	0.0570	0.014	-0.0026	0.755
	-0.0131	0.000	-0.0096	0.242	-0.0071	0.135	-0.0041	0.906	-0.0068	0.110	-0.0829	0.000	0.0562	0.025	-0.0013	0.875
	0.2459	0.000	0.2720	0.000	0.2668	0.000	0.2414	0.018	0.2568	0.000	0.3130	0.000	0.1917	0.041	0.2404	0.000
	-24.34	0.000	-6.91	0.000	-11.90	0.000	-2.00	0.046	-14.35	0.000	-3.98	0.000	-4.67	0.000	-6.59	0.000
	1.14	0.254	-0.07	0.941	0.66	0.512	0.85	0.394	2.09	0.037	0.76	0.445	1.52	0.128	-0.21	0.899
	49.07	0.000	11.68	0.554	21.40	0.065	18.97	0.124	19.61	0.105	15.79	0.261	17.57	0.175	27.67	0.010
	34.56	0.001	9.54	0.731	20.93	0.074	25.29	0.021	12.75	0.467	14.87	0.316	17.79	0.166	10.69	0.636
	21.6		21.3		24.9		17.7		23.6		18.7		15.3		16.4	
	2.9		2.9		2.4		3.6		2.6		3.3		4.2		3.9	

The number of analyzed companies in the accommodation and food service industry (H) over the ten years is 10235. The results suggest that four out of five analyzed firm-level variables are statistically significant for this industry. We found a strong negative relationship between **profitability** and leverage ratio. The estimated coefficients for our two profitability proxies are both statistically significant, though with bigger magnitudes when we use ROTA then ROA. We also find evidence that **tangible assets** are negatively related to the leverage while the ratio of inventories to total asset positively affects the leverage ratio. Another robust result is positive relationship between leverage and the **growth rate** measured by total revenue growth. The results demonstrate that riskier companies (measuring risk as the within-firm volatility of earnings) tend to be less total leveraged.

The number of companies in the real estate industry (K) over the ten years has been 15766. This is the only industry for which all firm-level determinants showed significant coefficients. The f**irm size**, measured by total assets, has a positive relationship with the leverage ratio, which can be interpreted that larger firms (firms with larger total assets) have more access to outside financing in general. ROA as proxy for **profitability** document an inverse relationship with leverage. **Asset composition** measured by level of tangible assets available is negatively related to the leverage ratio while the same variable measure by the ratio of accounts receivable to the level of total asset is positively related to the leverage. All three proxies for growth opportunities are statistically significant predictors of total leverage but with inconsistent direction. There is a negative relationship between leverage and the **growth rate**, if the latter one is measured by the annual asset and total sales growth, while there is a positive relationship between the leverage ratio and growth opportunities measured as the size of the deviation from average growth of total revenue. Finally, the study indicates that **risk variable** negatively affects the leverage.

The number of companies in the education industry (M) over the years accounts for 800. For companies operating in this industry we could find only two statistically significant firm-level determinants, **the profitability and the growth opportunities**. The first one is negatively while the second one is positively related to the leverage ratio.

Overall, the variation in the capital structure - total liabilities to assets is explained by 1st lag of the capital structure - total liabilities to assets, **profitability** (both regressors), **assets tangibility** (except for - the ratio of intangible assets to total assets), **growth** and **earnings volatility**.

A highest change in the capital structure - total liabilities to assets have companies with highest difference in the capital structure - total liabilities to assets in comparison with the previous year (change in 1 unit of difference, make app. 79% of unit increase in the capital structure - total liabilities to assets). The second highest change in the capital structure - total liabilities to assets have size of ROA, where for each positive change of **ROA** for 1 unit it is expected to have app. 22% of unit decrease in the capital structure - total liabilities to assets. Remaining significant repressors' affectthe change in the capital structure - total liabilities to assets from 1 to 5%. In all models per industry change in ROA has negative relationships with change in the capital structure - total liabilities to assets and coefficients vary from -0.12 to -0.26.

A consistent negative relationship with the capital structure - total liabilities to assets is in the ratio of **tangible fixed assets** to the total assets and e**arnings volatility**. Remaining regressors have an inconsistent relationship with the capital structure - total liabilities to assets, mainly statistically insignificant. The results indicate that one-period lagged dependent variable (total liabilities to assets) has a significant and positive effect on leverage (except for the industry B),indicating the existence of adjustment to the target capital structure.

5. Conclusion

The research aimed at testing the validity of capital structure theories in the FBiH. In this paper we have developed a model to explain firm characteristics (the micro-factors) determining the capital structure, measured by two dependent variables. We conducted our empirical analysis using an unprecedented database with non-financial firms from 14 different industries based in the FBiH, spanning 10 years of data from 2003 through 2012. The data are strongly unbalanced, meaning that we allow firms to enter or leave the sample during the referred period, thus avoiding any survivorship bias. We examined the data using a dynamic panel System GMM estimator, which is robust to firm heterogeneity and data endogeneity problems.

The proposed dynamic panel models of the capital structure measured **bythefinancial leverage** fails to provide the models that describe the capital structure change, mostly due to remaining serial correlation between regressors and residuals and their endogenity. The proposed dynamic panel model of the capital structure measured **by the balance-sheet leverage** fails to provide a model that describe the capital structure change for the entire sample, due to remaining serial correlation between regressors and residuals and their endogenity, **but** succeed to provide model of firm-level determinants at the industry level. The industry in which a firm operates seems to have an influence on the basic capital structure decisions of firms in our sample. We observe that the inter-industry differences appear to be a function of how the capital structure is defined. This signifies the role that the industry specific operating characteristics and regulations play in the firm's capital structure decisions.

The empirical analysis also investigates the dynamic behavior of the leverage ratios in our sample. We find that capital structure is highly persistent. Indeed, a lagged leverage is the best predictor of subsequent leverage in all regressions. So, the proposed regressors have statistically significant relationships with the capital structure of which most important is first lagged period of dependent the capital structure variable that explains most of explained variance of the capital structure, while profitability (ROA) follows as the next most important determinant of the capital structure. Assets tangibility, growth, firm size and earning volatility are statistically significant proxies of the capital structure, but with low effects on the capital structure change (2-7%).

To examine the relationship between the profitability and capital leverage in the FBiH corporate sample, we find a strong and robust negative relationship between **profitability** and the leverage ratio, consistent with most of the extant empirical literature (Friend & Lang, 1988; Rajan&Zingales, 1995; Antoniou et al. 2008). Therefore, we evidenced that more profitable firms tend to have less leverage, while less profitable firms tend to have more leverage. Table 4 indicates that this inverse

relationship persists even after accounting for the influence of industry. Thetrade-offtheory can be denied, which assumes a positive connection between the two factors– saying, that the profit making firm strive to utilize the interest taxshield via rising loans. This is in line with the pecking order hypothesis suggesting that a company's financing process - due to the asymmetric information and thus a high transaction costs, does follows a specific hierarchy–using first internal sources available, and only then resort to external finance; first debt and only as a last choice to equity. In other words, the evidence that more profitable firms tend to have less leverage while less profitable firms tend to have more leverage may also be interpreted as evidence of the firm's limited access to outside financing.

In the Study, we found inconsistent results for relationship between different proxies for **growth opportunities** and leverage. For the proxies based on the two years differences, whether in total assets or total revenue, the relationship was negative. That is in line with the trade-off theory and similar to the findings for developed countries (Banerjee, Hesmati, &Wihlborg, 2004). But the positive correlation was found when the growth rate was measured as the coefficient of the trend, scaled by the book value of the total assets, from the regression of book value of total assets over ten years on a time trend, which supports the pecking order hypothesis rather than other theories.

The negative correlation of share of **tangible assets** and leverage is valid for the whole period, which is in line with the evidence from the previous studies (Cornelli, Portes& Schaffer, 1996; Nivorozhkin, 2002). This is due to the dominance of short-term debt in total debt, which does not necessarily require collateral. The trade-off theory and the agency theory obviously didn't prevail in this period in FBiH. This means that the company with high fixed assets value should employ less debt in its capital structure components and it is vice versa. The company with low level of tangible assets seeks for external source of fund, in terms of short-term debt, which does not necessarily require collateral, or other forms of non-financial financing.

We have found the connection proposed by the theory between the volatility of earnings and the level of capital leverage. This type of **risk** negatively influences the liabilities/equity ratio significantly in the examined period. This suggests that firms appear to reduce their use of total debt in their capital structure when they face higher risks in their own business activities.

Neither positive nor negative relationship between the **firm size** and the capital leverage cannot be proved, expected for two industries. Those results are opposite with the assumption of the trade-off theory, agency theory and signaling approach of positive relationship existence as with the assumption of negative relationship made by pecking order theory. None of them could be proved from the FBiH corporate database.

Finally, the empirical evidence displayed in this Study finds it difficult to demonstrate the validity of the trade-off and pecking order theories as stand-alone models. This contradicts the standard academic view that they are mutually exclusive perspectives or models. The two models provide very different predictions as to what we should expect to observe empirically about financial leverage. However the employment of fairly flexible targets for financial gearing, accounts for this discrepancy between the theory and practice.

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The Youth Language as Witness of Changes in Albania after '90s

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Abstract

Language is a communication and expression tool which at any time and in any society is presented in different versions in dependence of many factors. In sociolinguistic viewpoint when we investigate the links between language and social context, is noted that the language is very diverse, changes in time, in space, in different classes or social strata and in concrete situations. This paper aims to present a comparative view between youth slang, namely the vocabulary used by them in Albania before the 90s with the one after '90s. We tried to argue that the language is made in certain circumstances, especially under the pressure of factors out-linguistic, witness or mirror of the social mentalities. However, this is a superficial treatment, which will be the subject of a more detailed research in the future.

Keywords: language, young, changes, lexicon.

Introduction

Adolescence is not only a result of physical, physiological and psychic development, but also of the cultural and social changes. In modern concepts of personality development, it is understood as specific stage in development that is characterized by sensational psychic, emotional and moral crisis. It is treated as a phase of transition from childhood to maturity. Language (spoken or written), is a tool that allows the expression of concepts, feelings and needs of young people. According to Berruto in language happen 4 types of changes: diachronic (depending on time), diatopic (depending on space), diastratic (depending on social classes) and dysphasic (depending on communication situations).

It is understandable in this context that the language of youth, just like the language of any other social group is not a static phenomenon. It is a socio-demographic phenomenon in constant evolution, both from a demographic perspective, and from it chronologically. It is known that young people talk between them using a language almost "invented" and somehow "strange", with a vocabulary that results often unintelligible from adults. This is a way that young people use to break away from the world of adults, and not being understood by them. The ultimate goal is to customize the language, to leave off their world the adults and create a kind of independence and individuality.

The youth language has always constituted a temptation for researchers, particularly linguists, sociologists and psychologists. The researchers are trying to find a definition to the language of youths and assign a place in the national language vocabulary. But if we consider the fact that adolescence includes a broad age groups (11-19 years old), and appears in dialectal variants, this venture is impossible. Much of sociolinguistics, believe that the language of youth is a new area of research. Arno Scholz says there is no language to young people, because there is no youth as social homogeneous group. (A. Scholz, 2005)

But, according to Radke, in the last century the young were separated for the first time as a group and found their social space. The trend of today's youth is grouping, especially in towns. Their social and communication networks are very extensive. And this creates the circumstances of the creation of a "language" especially for them. According to Radke, the variability of language of youth's is caused by variability between generations. Each generation wants to leave a mark and create a social space for themselves. (E. Radke, 1992)

According to sociologists and psychologists in the language of youth is essential idea of the group. In particular, in their language affects the social environment, relationships with peers. According to K. Mannheim, becoming part of a group means more than just the acceptance of the values that characterize the group; means to "catch" things in that sense, to unbuckle the concepts in that context, to "catch" psycho-intellectual components that are present and accessible to the group. (K. Mannheim, 1975).

On the other hand, this "mission" of young people, so that they purposely modify their language not to be understood by adults, is a factor that hinders the realization of a deep study and with a value of all times on their language . This is because the language of each generation of young is characterized of special features and reflects the social, political, phenomenal at the local level and beyond. As such, it can become a mirror of social mentalities of certain societies in certain epochs.

The object of our research is diachronic change, so the change in time of the language of young people, according to different evolutionary periods. And for the sake of truth, in Albanian studies it is a relatively new experience. In Albanian lexicology there is not any genuine tradition of research in this area.

Early studies in this regard in particular are based on questionnaires that have revealed lexical terms of the specific semantic fields (Klerk 1997; Labov 1992; Walter 1993). Other studies consider lexical collected material (Banfi / Sobrero 1992). Lexical analysis is based on both questionnaires as well as the collection of lexical material. In fact, there is a tradition, though not so scientific of the dictionaries of youth's language, as the one of Heinemann (1990), Ehmann (1996) for German, Goudaillier (1997) Eliane / Kernel (1996) for French etc.

The lexical material examined by us in frame of this work is provided through collection of vocabulary words and expressions of Albanian language explanatory dictionary of 80s and questionnaires conducted among today's youth.

From this observation, we show that lexical of Albanian language has changed enormously after 90s. It has its own explanation. Due to specific circumstances where was found Albania in second world war, and particularly the establishment of communist dictatorship regime that lasted nearly half a century, the youth language of that period was a language more "political" . This was a period when youth language modeling influenced above all by schools and fictional literature that was studied in school, selected precisely by the leadership (ruling party).

The language, took over political task trying to fit Marxist- Leninist theory. She began to solidify and calcify, being fed with templates. It was rich with typical expressions that reflect more than everything else the formation communist and communist ideology. Communism built an entire machinery that fabricated the opinion and social behavior. He engaged in this enterprise schools, media, cinema, theater, to party structures in each work center. The official ideology elaborated its vocabulary, which was injected every day in society, through the mental measures of processing industry . The Albanian language of the "new man" was the only window of understanding the world, which of course dictated schematic mentalities hampering any freedom and intellectual lucidity.

We believe that this ideology is clearly expressed in words and expressions mirrored in Albanian language vocabulary of 80s. An overview of the key terms used in everyday think of youth reveals not only changes quantitative and qualitative nature. Concepts of the world, beliefs, life, civic duties, are far of the worldview of the youth today.

Everyday basic topics that are expressed in the youth lexicon, in fact did not differ greatly from those of other social groups. This was understandable, as intended shaping a new generation of revolutionaries who would inherit the revolutionary ideas and worldview. In lexical fund of youth language before 90s highlight some lexeme and typical phrase:

There is no god, do not believe in god, as he conceived as a religious and mystical vision as being higher supernatural, invented by various religions, which allegedly created the world, stands on it and runs everything.

The struggle against revisionism, as revisionism was seen as a bourgeois, opportunist and Marxist ideological and political trend, who was born in the late 19th century in the bosom of the international communist movement, which tried to review the basic principles of revolutionary Marxism -Leninism, especially the theory the Marxist class struggle, the socialist revolution, the dictatorship of the proletariat and the party of the new type, and replace them with the reactionary and anti-scientific theory...

Proletarian revolution, to think and live as revolutionaries:

Revolutionary: (...) fighter steadfast and determined to accomplish the end the issue of the working class and its party in every field of life. Communist of the first hours , the Communists example: named a member of the Party of Labor of Albania, Communist: The one who was imbued with the principles and ideas of scientific communism and acted upon those ideas and principles; The one who conscientiously top supported the program of Communist Party and fought to bring it to life.

*Youth (*second meaning): political organization that includes boys and girls at a young age, guided by the PLA (Party of Labor of Albania). The naming above was used in order to cut instead of "Youth organization" and the "Union of Youth of Labor of Albania".

Powerful influence in molding the youth in Albania before the 90s had schools, newspapers, textbooks, television. Schools used to play a crucial role in the indoctrination in communist and revolutionary ideas. Furthermore in each school once a week was held the so-called "*political information*", which consisted in reading a political binding material from one newspaper propaganda, "The voice of the people".

Youth Action, or *above the spirit of shares*, was a colorful event, with the participation of the youth, to perform quickly and with revolutionary spirit an important task political, social or economic. It was a great work of socialist construction that was done with volunteer force focused as building roads, rail, forestation , etc. Foreign performances were condemned not only by the youth but the whole society in the figurative sense, they were called actions or concepts that conflict with the principles of Marxism-Leninism.

Enver pioneer, were members of an organization that included children from 10-15 years old and headed by the Youth Union of Labor of Albania, who ministered and propagated communist ideas of Enver (head of state).

After years "90 current political situation changed; was down nearly 50-year dictatorial regime and settled democracy. Major political changes in history of changes is also accompanied by changes in other natures. Albanian society after '90 was faced with extreme variations in terms of the perception of the world and the place of the individual in it, he realized that his civil rights were denied for 50 years and that legally belonged to him. This company had to be oriented towards a world open to the mentality, behavior and freedoms. When a national social community develops and progresses in various fields, economy, science, art, culture, politics, it starts getting complex and this complexity is reflected in the language of that community. As largely political concepts, which were characterized by language, subsided to exist (or at least did not have the semantic nuances that had to dictatorship), the language of the youth was stripped of political tasks.

  In the civilized world, that so rapidly included from modern life, alongside various flows that have always existed, but now they have increased, such as shopping, schools, libraries, theaters, cinemas, discos, pubs etc, and massive displacement towards larger centers have received tremendous importance invisible flows, which are not the sole property of the city, such as radio, television, e-mail, the Internet, magazines, books etc. (Shkurtaj Gj., 2009).

According to Sh. Rokaj, one fundamental changes Albanian language after 90s is its gradual release of "wooden language", which we consider the rigidity imposed within the framework of half a century ideological dogmas. This was reflected in the language of youth, which was void of political terminology.

This resulted not in favor of Albanian, as the gap created by these terms, over the years brought its distortion ... Geopolitical barriers were removed and Albanians began to move more not only from one province to another, which brought mixing of dialects and creating sociodialects, but also outside its borders. The opening of borders to the world increased inflow of remittances from foreign languages, of which were imported ready syntactic structure, away from the usual structure of the Albanian language.

The youth language today is distinguished among other things by some typical topics that are far from the former Albanian society. Many of them were taboo subjects such as sex, love, drugs, dress, music, etc. Even the vocabulary of young people today, revolves around these themes that are part of their everyday life. Lexical Corps used by them which generally has a short duration, consists of words borrowed from the media, the world of the Internet, many popular television programs for youth, advertising slogans, or actuality characters adored by young people as humorous programs, for example: actors and TV presenters, singers, athletes, etc. All of these are foreign to the former Albanian society.

The pressure of globalization brought the use of foreign words, mostly of English and Italian, and later under the influence of television, uses short formulas "discharged" from soap operas, so much in vogue, Spanish and Turkish. Politics governing the pre '90s suffocating pressure exerted mainly Russian, who had been a long tongue of communist Albania's political allies. Youth of the former was oriented mainly towards learning Russian, English and French. After '90s the use of foreign words in the teaching of young people in Albania, as in other countries, there is a tendency that constitutes mode. This influx of foreign words came for different reasons. In the first phase many foreign words readily entered everyday language of youth with new concept or imported from foreign cultures, as week-end, pijama-party, gay, vip etc. On the other

hand we have some foreign words, mainly from English: hot, sexy, nice, miss, star, trendy, lucky, party, crazy; from Italian: firmato, frate, amore, from Spanish: ermanita, Pappie Chulo, ritardato, loco etc., that reflect the desire of young people to be the trend, consistent with the cloud, doggy snob, fashionable and to be separated from adults.

 The youth anguage is in constant change. As we saw, it becomes spokeswoman for mentalities, desires and modern trends. While maintaining links with political realities, social and cultural, influenced by the linguistic and outside language, has different views at different times. One thing is certain; what is fashionable today, suddenly, tomorrow may be a phenomenon of aging.

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Industry Differences in Firlm Financial Decision: Evidence from Albania

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Abstract

This paper attempts to explore the importance of industry to financial decision of firms, which operate in Albania, over the period 2008-2011. In this paper is used total debt to total assets (TDTA) as dependent variable and ten independent variables: profitability (ROA and ROE), tangibility (TANG), liquidity (LIQ), size (SIZE), risk (RISK), flexibility (FLEX), and non-debt tax shields (NDTSH), GDP growth rate (GDP) and inflation rate (INF). The investigation uses cross-sectional time series data which are collected from the Balance Sheet Annual Reports, the official document delivered to the State Tax Office. The macroeconomic data are retrieved from the statistical reports of Bank of Albania. This study found that the "dummy" variable is statistically significant in determine the total debt ratio of firms, because his p-values are lower than the 1 percent significance level. This shows that the choice of total debt ratio among commercial firms and noncommercial ones is statistically different for the two groups selected.

Keywords: Albania, Capital structure, Industry, Firm's Specific Factors, Country Factors.

1. Introduction

The Modigliani and Miller (1958) pioneering work commonly known as the MM theory, on capital structure led to the development of several other theories which had in focus to explain the main determinants of the capital structure in firms. Earlier literature about capital structure and investments, suggested that the investment decision may be disconnected from the financing decision (Modigliani and Miller, 1958). Their theorem states that, in a perfect market, how a firm is financed is irrelevant to its value. For this reason their theorem is called "The Irrelevance Theorem" (Modigliani and Miller, 1958). But in the real world capital structure is relevant, that, a company's value should be affected by the capital structure it employs. Modigliani and Miller (1958) have identified two criteria of rational decision-making which are the maximization of profits and the maximization of market value.

In developed countries there is a vast literature on capital structure, but very few studies have been done with data from the developing countries. Also empirical study of capital structure determinants in Albania is inexistent, despite the importance of this issue. There is no empirical evidence to answer the questions like:

(1) What are the factors affecting the capital structure decision of Albanian firms?

(2) Is there an evidence of significant difference in capital structure choice among Albanian industries?

This study is focused on providing empirical evidence on the relationship between firm's specific factors (profitability, tangibility, liquidity, size, risk, financial flexibility and non-debt tax shields) on the capital structure choice among debt and equity, of firms in Albania. The data has been retrieved from the Annual Reports submitted by the firms to the State Tax Office. A sample of 69 firms over a four year period, 2008-2011, is used in the analysis and in lack of an active stock market we have taken only accounting measures to estimate the capital structure of each firm.

This study will present whether commercial and non-commercial firms have different mean capital structure, which industry has the highest and lowest mean capital structure using total debt ratio as a measure of capital structure.

The rest of this paper is organized as follows: the next section is literature review on the issue discussed; the third section describes the data, variable definition and the regression model; the fourth section is hypothesis development of this study. The last section summarizes descriptive statistics and the regression results.

2. Literature Review

Different researchers conclude that the industry in which operates the firm, effect capital structure decision (Jensen and Mecklig, 1976; DeAngelo and Masulis, 1980; Jensen, 1986; Harris and Raviv, 1991; Hovakimian et al., 2001; Drobetz and Fix, 2003; Frank and Goyal, 2009). Harris and Raviv (1991) noted that it is generally accepted that firms in a given industry will have similar leverage ratios while leverage ratios vary across industries.

Industries can be characterized by their growth rates. Rapidly growing industries have more possibilities to undertake projects with positive net present value comparing with slow-growth firms. So Jensen and Meckling (1976) study conclude that firms with limited opportunities of asset distribution will have higher levels of debt. Jensen and Meckling (1976) suggest that capital structure decision can be used as a monitoring and controlling device for managers. Further, Jensen (1986) study which developed the "free cash flow" argument points out those slow-growth firms will have large amounts of excess cash that managers may decide to use for personal perquisites and other non-positive net present value projects. If the firm issues debt, then the manager will own an increasing percentage of the firm's stock. Furthermore, excess cash will be reduced, and the debt covenant and bondholders will act as monitoring and controlling agents over the manager's behavior. Low growth firms and their industries should demonstrate increasing debt levels in their capital structure.

Hovakimian et al. (2001) study provide evidence that firms adjust their debt ratios towards the industry average and in contrast to previous empirical work their tests explicitly account for the fact that firms may change over time, causing their target ratios to change (Hovakimian et al., 2001, p. 2). They used firm data from the 1997 Standard and Poor's Compustat annual files with 39.387 firm years covering the 1979-1997 periods. They conclude that firms that increase their leverage ratios generally have higher operating incomes than those firms that choose to decrease their leverage ratios, but although past profits can predict debt ratios, firms often make financing and repurchase decisions that offset these earnings-driven changes in their capital structures. According to them stock prices are important in determining a firm's financing choice. Firms that experience large stock price increases are more likely to issue equity and retire debt than are firms that experience stock price declines (Hovakimian et al., 2001, p. 22). Drobetz and Fix (2003) quoted that drugs, instruments, electronics and food industries have consistently low leverage while paper, textile mill products, steel, airlines, and cement have consistently high leverage (Drobetz and Fix, 2003, p. 18). Frank and Goyal (2009) study used a sample of U.S. firms on Compustat for the period from 1950 to 2003. The data used are annual and are converted to 1992 dollars using the GDP deflator. They take the ratio of total debt to market value of assets (TDM) to verify if several factors including industry effect leverage. They started their investigation with a large set of factors and found that a set of six factors were significant to be taken in consideration (Industry median leverage, Tangibility, Market-to-book assets ratio, Profitability, Log of assets, and Expected inflation. The basic model was:

$$L(i,t) = \alpha + \beta * F\ (i.t - i) + \mathfrak{z}(i,t)$$

Where: Li,t is the leverage of firm i on date t ,Fi,t-1 are the set of factors observed at firm i at date t-1 and the constant α and the vector β were the parameters to be estimated.

Frank and Goyal (2009, p. 38) conclusions where:

- Firms that compete in industries in which the median firm has high leverage tend to have high leverage.
- Firms that have a high market-to-book ratio tend to have low levels of leverage.
- Firms that have more tangible assets tend to have more leverage.
- Firms that have more profits tend to have less leverage.
- Larger firms (as measured by book assets) tend to have high leverage.
- When inflation is expected to be high firms tend to have high leverage.

According to them industry differences in leverage ratios have several possible meanings:

1-Managers use industry median leverage as a benchmark as they contemplate their own firm's leverage. Thus, industry median leverage is often used as a proxy for target capital structure as suggested by Hovakimian et al. (2001).

2-Firms in an industry face common forces that affect their financing decisions including product market interactions, the nature of competition, industry heterogeneity in the types of assets, business risk, technology, or regulation.

The above review of empirical research cited same studies which had documented a relationship between industry and capital structure but Hatfield et al. (1994) study doesn't support that firms in a given industry tend to have similar capital structures. Their study concludes that the market does not support the existence of a strong relationship between a firm's leverage ratio and the industry's leverage ratio. Their finding is consistent with Modigliani and Miller (1958) proposition that financial leverage is irrelevant to the value of the firm. Hatfield et al. (1994) study tests DeAngelo and Masulis' (1980) theory that a firm would seek an "optimum debt level" and that a firm could increase or decrease its value by changing its debt level so that it moved toward or away from the industry average. Their sample consists of 183 firms which announced a new debt issue for the period January 1, 1982, through December 31, 1986. They compared each firm's leverage ratio to its industry's leverage ratio using two separate data sources to identify industry leverage ratio (Value Line Investment Survey and the Compusat tapes). Using long-term debt to net worth (LTD/NW) from the balance sheet and total debt to market value of equity (TD/MVE) to measure the leverage ratio they didn't find support for the argument. So according to them the relationship between a firm's debt level and that of its industry does not appear to be of concern to the market.

3. Research methodology

3.1 Data and sample

Table 3.1. Division of firms into trade and non-trade sector

	Nr. of firms	Nr. of years	Nr. of observations
Trade sector	25	4	100
Non-trade sector	44	4	176
Total	69	4	276

Table 3.1 shows the division of the firms into two main groups: the commercial sector with 25 firms (100 observations in total) and the non-commercial firms including in one single group all the other sectors with 44 firms (176 observations in total).

Table 3.2. Average capital structure for the trade sector

Year	SDTA	LDTA	TDTA
2008	54.29%	23.84%	78.12%
2009	43.38%	23.72%	67.10%
2010	46.57%	23.15%	69.72%
2011	39.56%	23.78%	63.35%
Average	45.95%	23.62%	69.57%

Table 3.2 shows the average values of short-term, long-term debt, total debt and total debt over total equity for the firms which belong to the trade and.

Table 3.3. Average capital structure for the non-trade sector

Year	SDTA	LDTA	TDTA
2008	39.74%	20.81%	60.56%
2009	37.21%	21.26%	58.47%
2010	36.11%	19.47%	55.58%
2011	36.91%	17.86%	54.77%
Average	37.49%	19.85%	57.34%

Table 3.3 shows the average values of short-term, long-term debt, total debt and total debt over total equity for the firms which belong to the non-commercial sector.

It is observed from the tables above that the commercial sector has mean short-term debt ratio of 45.95 percent while the other firms have mean short-term debt ratio of 37.49 percent. Also the commercial sector has mean long-term debt ratio of 23.62 percent while the other firms have mean long-term debt ratio of 19.85 percent. The mean total debt ratio for the commercial sector appears to be equal to 69.57 percent and for the other group is equal to 57.34 percent. So in general we can say that the commercial firms use in average more short-term debt and long-term debt and the figures below present a comparison of the capital structure choice between the two groups of firms.
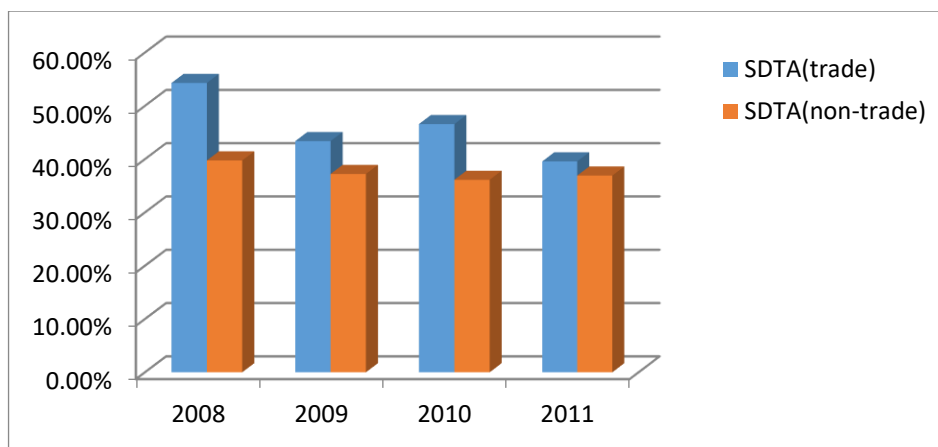

Figure 3.1. Short-term debt rate for the firms belonging to the commercial and non-commercial sector
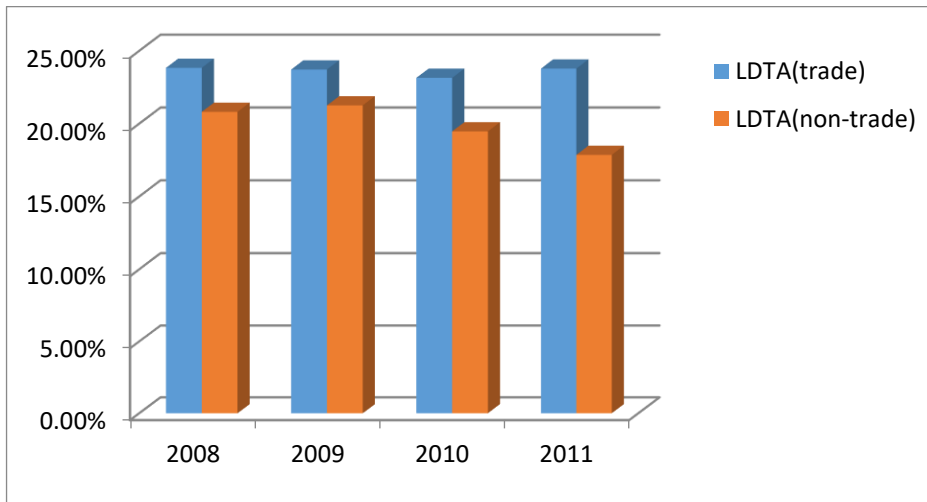
Figure 3.2. Long-term debt rate for the firms belonging to the commercial and non-commercial sector
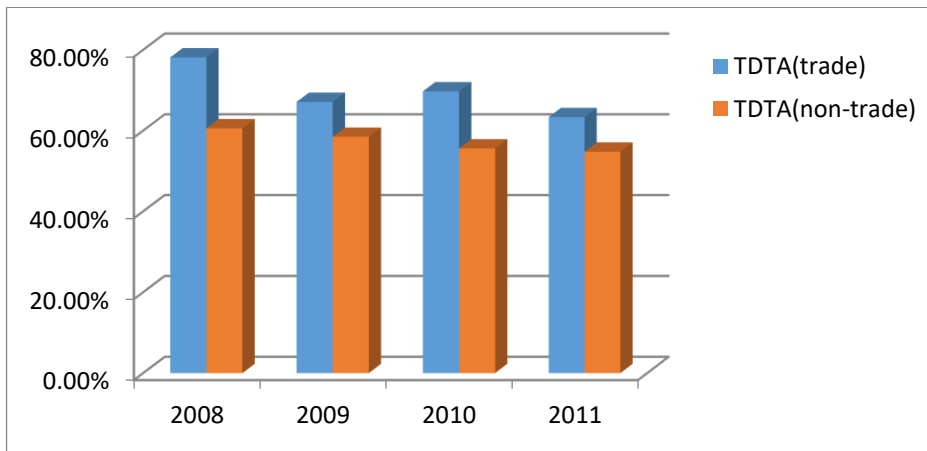

Figure 3.3. Total debt rate for the firms belonging to the commercial and non-commercial sector

Figures 3.1-3.3 shows that during the period of the study the commercial firms have used more short-term debt and more long-term debt that the others firms. So we can say that the capital structure choice differs among the two groups.

3.2 Variables definitions

The independent variable used in the analysis is:
TDTA =Total debt to total assets.

And the dependent variables are:
ROA (Return on asset) = Earnings after taxes to total asset.

ROE (Return on equity) = Earnings after taxes to total equity.
TANG (Tangibility) = Net fixed assets to total assets.
SIZE= Natural logarithm of total sales.
RISK= Standard deviation of EBIT to average value of EBIT.
FLEX= Monetary assets to current assets.

NDTSH= Depreciation expense to total assets.

GDP= Yearly growth of the gross domestic product.
INF= Yearly inflation rate.

To test if there are differences among the capital structure of the two groups of firms and if these differences are statistically significant this study will introduce a dummy variable which will take the value 1 if the firm belongs to the commercial sector and the value 0 if it doesn't. A dummy variable is an artificial variable created to represent an attribute with two or more distinct categories (equal to one if the firm belong to the commercial sector and equal to zero if not). A model involving a dummy variable allows different intercept terms for the different categories represented by the variables. So in this study is used a dummy variable to test if the capital structure choice of commercial firms differ from the other firms of the sample. So, the coefficient and significance of the dummy variable will tell if the firms on the commercial sector are behaving significantly differently from the rest of the firms, and by how much.

D (Dummy) =1; if the firms belong to the commercial sector.

D (Dummy) =0; if the firm belong to the other sectors.

3.3 The model

We use a simple multiple regression analysis to test ROE and ROA as dependent variables against the above mentioned independent variables. The econometric functional model used is specifically given in the equation.

$$Ytdta = \alpha0 + \alpha1 * ROA + \alpha2 * ROE + \alpha3 * TANG + \alpha4 * LIQ + \alpha5 * SIZE + \alpha6 * RISK + \alpha7 * FLEX + \alpha8 * NDTSH + \alpha9 * GDP + \alpha10 * INF + \alpha11 * D + \varepsilon$$

Where *ytdat* indicates firm's leverage which will be measured through TDTA indicating total debt ratios for the firms in sample. α are the regression coefficients and ε is the error term. Using data as described earlier we will estimate all coefficients of the equation.

4. Hypotheses

In order to identify the effect the selected determinants on the firm's capital structure decision and the effect of industry the study used nine hypotheses which are presented below:

H 1: Profitability (ROA, ROE) is negatively related to capital structure decision.

H 2: Asset tangibility is positively related to capital structure decision.

H 3: Liquidity is negatively related to capital structure decision.

H 4: The size of the company is positively related to capital structure decision.

H 5: Risk is negatively related to capital structure decision.

H 6: Flexibility is negatively related to capital structure decision.

H 7: Non-debt tax shields are negatively related to capital structure decision.

H 8: GDP is positively related to capital structure decision.

H 9: INF is negatively related to capital structure decision.

H10: There is difference in capital structure choice among industries.

Hovakimian et al. (2001) study found that firms adjust their debt ratio towards industry median debt ratios. "Firms in the same industry should experience similar amount of business risk, because they produce similar products, incur similar costs, rely on similar technology and operate under similar set of rules, regulations, guidelines and environment" (Mohapatra, 2012, p. 3). Mohapatra (2012) study took in examination 626 non-government and non-financial companies, using the financial statements published by the Reserve Bank of India and covering a period of 23 years from 1987-88 to 2009-10. This firms where clubbed into five groups, called the industry classes (IC), providing evidence that the means of the financial leverages of IC1, IC2, IC3, and IC4 differ significantly. Hence, the null hypothesis that financial leverage is independent of industry class was rejected.

5. Empirical results

5.1 Descriptive statistics

The tables below present the correlation coefficients between the dependent variables and the independent ones.

Table 5.1. Correlation coefficients [TDTA], using the observations 1:1-69:4, 5% critical value (two-tailed) = 0.1181 for n = 276

TDTA	ROA	ROE	TANG	LIQ	SIZE
1.0000	-0.4682	0.1485	0.1970	-0.0438	0.2270
	1.0000	0.2702	-0.2336	-0.0632	-0.1318
		1.0000	-0.0792	-0.0540	-0.0697
			1.0000	0.1256	0.1153
				1.0000	-0.0534
					1.0000

Table 5.1 (Continous). Correlation coefficients [TDTA], using the observations 1:1-69:4, 5% critical value (two-tailed) = 0.1181 for n = 276

RISK	FLEX	NDTSH	GDP	INF	
0.1858	-0.2858	-0.0397	0.1089	-0.0068	TDTA

0.1510	0.2751	0.0314	0.0482	-0.0656	ROA
0.0890	0.1082	0.0077	0.1558	0.0176	ROE
0.0177	-0.0306	0.2795	0.0027	-0.0053	TANG
-0.2405	-0.1139	-0.0313	-0.015	0.0313	LIQ
0.1294	-0.2261	0.0735	-0.093	0.0360	SIZE
1.0000	0.0217	0.0864	0.0000	-0.0000	RISK
	1.0000	0.0842	0.0567	0.0274	FLEX
		1.0000	-0.0480	-0.0464	NDTSH
			1.0000	0.2329	GDP
				1.0000	INF

Table 5.1 shows the correlations between the explanatory variables regarding TDTA. As you can see TDTA is negatively correlated with ROA (46.82 percent) and FLEX (28.58 percent) and has a weak negative correlation with LIQ (4.38 percent), NDTSH (3.97 percent) and INF (0.68 percent). Also it shows that TDTA has a positive correlation with ROE (14.85 percent), TANG (19.70 percent), SIZE (22.70 percent) and GDP (10.89 percent).

Table 5.2. Summary statistics, using the observations 1:1 - 69:4

Variable	Mean	Median	Minim.	Maxim.	Std. Dev.	C.V.
TDTA	0.6177	0.6553	0.0014	1.4546	0.2867	0.4641
ROA	0.0677	0.0519	-0.2247	0.6913	0.0985	1.4544
ROE	0.2186	0.1852	-1.8212	3.3657	0.3744	1.7126
TANG	0.2668	0.1691	0.0000	0.9979	0.2768	1.0374
LIQ	16.9332	1.7490	0.0829	583.188	68.2277	4.0292
SIZE	17.5362	17.4169	14.5250	20.9756	1.3780	0.0786
RISK	-1.1107	0.4009	-70.6467	2.9900	9.0255	8.1259
FLEX	0.2122	0.0664	0.0000	1.0000	0.2750	1.2963
NDTSH	0.0189	0.0050	0.0000	0.3952	0.0396	2.0990
GDP	0.0436	0.0361	0.0272	0.0750	0.0187	0.4282
INF	0.0320	0.0345	0.0230	0.0360	0.0053	0.1642

Note: TDTA = total debt to total assets; ROA = the return on assets; ROE = return on equity; TANG = fixed assets to total assets; LIQ = current assets to current liabilities; SIZE = natural logarithm of total assets; RISK = standard deviation of EBIT to average value of EBIT; FLEX = monetary assets to current assets; NDTSH = depreciation expense to total assets; GDP = Yearly growth of the gross domestic product; INF = Yearly inflation rate.

Table 5.2 reports summary statistics for the dependent and independent variables used in this study. As for dependent variable, it shows that the average of total debt ratio (TDTA) is 61.78 percent which varies from 0.14 percent to 145.46 percent. Return to assets (ROA) varies from negative 22.47 percent to as high as positive 69.13 percent with mean ratio of 6.77 percent. With a mean ratio of 21.86 percent, return of equity (ROE) varies from negative 182.12 percent to 336.57 percent. The mean ratio for tangibility is 26.66 percent, which varies from as low as 0 percent to as high as 0.9979 percent. The mean ratio of liquidity is 16.93 times, ranging from 8.29 percent to 583.19 times. The mean ratio for business size is 17.54 times, varies approximately from 14.53 times to 20.98 times. Business risk has a mean value of -1.11 times, varies approximately from -70.65 times to 2.99 times. Financial flexibility has a mean value of 21.22 percent and varies from 0 percent to 100 percent. The mean ratio for non-debt tax shields is 1.89 percent, varies from 0 percent to 39.52 percent.

5.2 The research results

Employing panel data (cross pooled sectional data) analysis (Gujarati, 2004) and using Gretl (2012) statistical package we obtain the following output of regressions:

The estimated regressions equations obtained are given below:

$$Ytdat = 0.2412 - 1.6242 * ROA + 0.2400 * ROE + 0.1526 * TANG - 0.0003 * LIQ + 0.0256 * SIZE \\ + 0.0082 * RISK - 0.1693 * FLEX - 0.2831 * NDTSH + 2.1943 * GDP - 3.6250 * INF \\ + 0.0762 * D + \varepsilon$$

This is equivalent with the regressions:

Trade firms:

$$Ytdat = (0.2412 + 0.0762) - 1.6242 * ROA + 0.2400 * ROE + 0.1526 * TANG - 0.0003 * LIQ \\ + 0.0256 * SIZE + 0.0082 * RISK - 0.1693 * FLEX - 0.2831 * NDTSH + 2.1943 \\ * GDP - 3.6250 * INF + \varepsilon$$

Non-trade firms:

$$Ydat = 0.2412 - 1.6242 * ROA + 0.2400 * ROE + 0.1526 * TANG - 0.0003 * LIQ + 0.0256 * SIZE \\ + 0.0082 * RISK - 0.1693 * FLEX - 0.2831 * NDTSH + 2.1943 * GDP - 3.6250 * INF \\ + \varepsilon$$

Table 5.3. Summary of the regression model

Variables	Model
Independent	TDTA
Constant	0.2412 (*)
ROA	-1.6242 (***)
ROE	0.2400 (***)
TANG	0.1526 (***)
LIQ	-0.0003 (***)
SIZE	0.0256 (***)
RISK	0.0082 (***)

FLEX	-0.1693 (***)
NDTSH	-0.2831
GDP	2.1943 (***)
INF	-3.6250 (**)
Dummy (D)	0.0762 (***)
R-square	0.6728
Adjusted R-square	0.6592
F (10, 265)	49.3477
P-value (F)	1.13e-57

Note: *$p<0.1$ (10% significance level), ** $p<0.05$ (5% significance level), *** $p<0.001$ (1% significance level).

Table 5.3 presents the results from the regression analysis for the total debt ratio, using the variable "dummy", which identifies trade sector. As we can observe, the coefficient of the variable "dummy" is statistically significant. Its p-value is lower than the 1 percent significance level. This shows that the choice of the total debt ratio among commercial and non-commercial sector is statistically different for the two groups of firms. The coefficients of the "dummy" variable is approximately 0.0762 and shows that, if other factors are held constant, trading firms have the total debt ratio 7.62 percent higher than firms of the other sectors.

6. Conclusions

This paper examines the role that the choice of capital structure has on firm leverage for non-traded commercial firms in Albania. The results indicate that there is empirical evidence to show that:

a) The total debt ratio is negatively related to ROA but positively related to ROE.
b) The total debt ratio is positively related to tangibility, size, firm risk and GDP growth rate.
c) The total debt ratio is negatively related to liquidity, flexibility and inflation rate.
d) There is no evidence of a significant relation between non-debt tax shields to total debt ratio.
e) The coefficient of the variable "dummy", which identifies firms within commercial sector, resulted positive and statistically significant for the total debt ratio. This suggests that differences in the use of financial leverage (measured by TDTA) between commercial and non-commercial firms is statistically significant. Trading firms use more debt than the rest of the firms. Despite the research of firm characteristics to predict the lever, there are limits to what we can know about the choice of its capital structure, besides analyzing financial statements and returns from shares it provides. For this reason, some researchers include the "dummy" variable for the industry (Parson and Titman, 2009, p. 12).

There are at least two ways in which this study could be further extended. First, employing other performance measures may provide supplementary results. Second, other variables should be considered as control variables, such as business risk or age of the firms.

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The Semantic Potencial and Functional Characteristics of the Present Tense in Albanian Language

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Abstract

In the Albanian language grammar as far as synthetic present tense is regarded, the verb (run - vrapoj), has been traditionally called as an undefined tense since it rarely defines a certain moment of the action. On the other hand the analytic form of present continues (po vrapoj - I am running), deals with a certain connection between the action and the moment of speech. The real difference between the undefined action and defined action has always been considered as the main characteristic of the contravention among analytics and synthetics forms of the Albanian language. Actually, the main reason that we use the present tense of the indicative form is to show the way an action is in total accordance with the action of speech. But linguistic facts prove that the action expressed by the present instant transcends the limits of discourse, while fragment of the situation that is in the scope of the speakers at the "moment of speech", as a rule, is part of a whole situation, where the beginning and the end of the action is not affected from it. However, the Albanian language deals with the present tense of verbs just like other forms of the verbs in an attempt to limit the connection between the action and the moment of speech. This happens even in other tenses which may be sort of the same but that stand in different semantic meanings. The scope of this paper is of indicative in Albanian language, the semantic potential and functional features of its synthetic and analytic forms and linguistic interpretation issues of semantic content of this tense. Among other forms of indicative, present tense of Albanian is characterized by large semantics due to the ability of its forms to express not only time relations with the moment of speech (proper temporal semantics), but also how verbal action develops or is distributed in time (aspectual semantics). Idea of time underlies both mentioned semantics, but they stand in different linguistic planes.

Keywords: synthetic present, analytic present, concrete/abstract action, potential semantic etc.

Introduction

In linguistic the semantic aspect of present tense is generally defined as the simultaneity of the action which is expressed at the moment of speech. Kind of the same definition has been introduced even in the Albanian linguistic. The core aim of using the present simple in the Albanian language is to express an action which includes the moment of speech as well. (Grammar of the Albanian Language 1, 2002).

But, as a matter of fact there are some cases in the Albanian language that shows it quiet clearly that the action expressed in the present simple, can overcome the moment of speech, since the fragment of the situation that is taking place is nothing but a slice of all the situations. In other words, the action in the present simple can not express the beginning and the end of the situation. The unfinished situation that takes place in front of the speaker is not only an action that happens at the moment of speech (for example; look who is coming) but also as an repeated action in the past that has the probability to be repeated even in the present. For example 'Every time he comes to the city he becomes sick.'

The present simple in the Albanian language has been traditionally defined as a synthetic tense which is not defined, because it does not show an action related to a specific moment. While the analytic form of the present tense such as 'I am running' shows a certain connection with the moment of the action since it has the same values for the same moment. The meaning of a certain action/uncertain action has always been seen as a characteristic fact of the contravention between

the analytic and synthetic forms of the present. The only difference in this contravention is the fact that the action expressed from the verb has a certain relation with past.

The synthetic form (I run)

The difference between variants of the present tense (run /I'm running) is the semantic counterpoint of current action/non-current action (Pinari (Kallari), A., 2013). Such an interpretation justifies the linguists' conclusion that counterpoints in demonstrative manner tense forms serve to indicate not only the timing of an action, but the manner of the operation development and its actualization as well. (Agalliu F., 1968).

The plan to present carries out the categorical meaning of action simultaneity with the reference point (the time of speech). Present tense of demonstrative manner in the Albanian language verbal system consists of synthetic forms such as 'run' (he runs fast) and two types of analytical forms such as ' I'm running' (He is running towards us).

Depending on the different dialects of the Albanian language it can bare different meanings. For instance in the dialect of gegërishte we encounter the version âsht kah ban *(A e din qeveria çka asht kah ban Zogu në çerdhe të korbit? (Is the government aware of what happens in the bird's chest?) (S. Drini, Bajram Curri); Jemi kah mundohemi me i ba këto punë si thue ti (We are trying to solve these problems, aren't we?) (S. Drini).*

In the grammar of Albanian language the present simple in the sintetic form has always been considered as an undefined form because it has no relation with the period of time. On the other hand the synthetic forms of the present simple such as (I am running) are known as forms that demand the same values and for this reason they are defined as certain actions.

The synthetic present simple has always been described as a typical action or as a typical one. The synthetic form is also used to introduce facts or actions that describe a general truth which is tru in every situation. For example; *Every weekend we climb the mountain./* He tends to say the worst things without even thinking about it./etc. however it is worth mentioning that the moment of speech is always part of the synthetic form.

Among different kinds of using the present simple we can also mention those cases when we talk about actions that are regularly repeated or actions that are followed by other actions, during the present. (Demiraj Sh., 1985; (Grammar of the Albanian Language 1, 2002).

For example; *Guards are changed every four hours. He enters the tower and lock the door. He kissed her forehead, her eyes and washed her face with his tears. (Gj. Fishta, Lahuta e Malsisë - ritreguar për fëmijë nga O.Grillo).*

The semantic potential of the present simple can be described by two major points of view; its paradigm and syntagma. In the first aspect the action tends to give even a specific kind of absurd meaning. So in this case the paradigm of the present simple may express the idea of a concept or of a point of view. For example; *'From the image of the dancer bloomed the melody of death. Which joy of life has not been mixed with the scent of death and sadness? Which glory can stand on the ground without being removed? (Kuteli, E madhe është gjëma e mëkatit).*

In another meaning we encounter the meaning of present simple expressing an action that is regularly repeated, that happens frequently or usually, etc. for example; The old dues get to be paid during the next mornings with dark and black spite. (I.Kadare, Mosmarrëveshja);.

On the other hand the synthetic forms of non-current present are used mainly in artistic forms of writing. For example whenever there has to be described a view, a panorama of all that is happening, in scientific literature, journalism, phrases and even lyrics. So, in other hands this form of present simple is used for actions that are always true. (Riza S., 1994).

For example; *This place is wonderful because the earth here flourishes during the four seasons, because one can see the snow only once I seven years. And evey time it snows it never really does without vanishing into the air as soon as possible. These green cypresses are the witnesses of many Godness's temples. (M. Kuteli, E madhe është gjëma e mëkatit);*

For some countires, mainly those with a big populatin the core of existence is not conditioned by freedom. (I.Kadare, Mosmarrëveshja);

People may die, but their struggles and their faith do not really ever die. (R.Qose);

There where one can notice wealth can notice stingy as well. (Balzak);

No one ever dies without a reason.

As we can notice from the example that we mentioned above, the present tense in the synthetic form show as certain connection with the speaker at the moment of speech. This happens due to the fact that in this case the idea is to show an action which is always true.

When we talk about present synthetic form there are also other forms of this tense when it works as a past tense or even as a future one. It may be used as a form to express a past action during those times when the action is based on the report among the moment of speech and the chronological order of the events. In this case we can use the synthetic present as a past form. In other words this form is also called a historical present (Praesens historicum). This aims to make the action more vivid and interesting that it might have sound in the past form. (Grammar of the Albanian Language 1, 2002).

For example; *After I got out of the office I was walking around thinking about al those officials that sit in their chairs and do nothing but writing. I turn my head I see an old friend of mine…*

If we use the present simple in this kind of way what we are doing is the process of making it more actual and bringing it closer to the past. The reason is very simple. Because we want to build a stronger connection between the speaker and the reader/listener. So regarding the grammatical point of view, this kind of usage is in the present simple, while regarding the aspect of meaning this form refers to the past simple tense. The grammatical meaning of this form is highlighted in order to make it more interesting for the listener so that he or she can imagine it as if it is happening now at the moment of speech.

Regarding the future aspect of the present simple we have to understand that it is used only when we want to make a future action a bit more actual. So, the action is clearly going to happen in the future but the verb will be used in the present simple just to make it more interesting and actual for the listener. For example*; 'We must be prepared. During these days we expect the Germans to come. (D.Agolli, Njeriu me top).*

The action that we are talking about may belong to a near future but it might be used even for a longer period in the future. For example; *'Tomorrow I start the qualification master' or 'Next summer we expect you at our new home'.*

In my opinion it is very important to highlight the idea that the figurative meaning of the synthetic present in different contexts does not happen because of its form. No, the grammatical form does not allow it. It is the meaning that gives it the opportunity to be used even for the past or the future. It is because of its synthetic aspect that it has the power to be actualized depending on the situation.

Analytic form of the present simple (I am running)

In the Albanian language the analitic form of the present simple is achieved by adding the particle 'po', the auxiliary verb 'to be' + the participle of the verb. The semantic feature of this tense is a combination between the period of time where the action takes place and the meaning of the action which is shown by the participle of the verb. Both analytic forms have the same value and be used to replace one and other.

For example: *'What are you doing here? I am rolling in the bedroom with no intention because I do not feel sleepy.'*

However, not all the verbs can take the particle 'po' in order to create the analytical form of the present. There are some verbs in the Albanian language which lack the ability to be added the particle 'po'. These are mainly the verbs that describe an uncertain period of time suc as; to be, to have, to want, to know, to learn, to be found etc.

In the Albanian language the analytic forms of the present simple are used to express different situations at the moment of speech. For example; *Where is Etleva? She is parking the car. (N. Tozaj, Përmbysja). Do you see the other ones? Do you know them? The one who is speaking is Abdyl Frashëri. (Gj. Fishta, vepër e cituar).*

The above mentioned verbs are verbs that describe certain actions in a certain moment of the speech. And in this case the particle 'po' is used to define the prompt moment of the speech. In the Albanian language the analytic forms of the present simple can also be called as 'actual present'.

The concrete action happens at the moment of speech even though it might have started before the moment of speech, it still stands out of the concerns of the speaker. The whole attention is on the action that is happening at the moment of speech. For example; *Finally it is dawn'. (I.Kadare); He let his pipe down on earth and put his hands on his bladder. – You are hitting me hard" (Sh. Musaraj, Belxhiku që këndon vençe).*

Another characteristic of the present simple is the fact that it might be involved into a certain action where we can add existential questions about the action. For example *'What are you doing? – I am having a coffee.; 'What is this silent? – They are in a meeting, responded the minors.'. (Dh. Xhuvani, The Tunel).*

The existence of the imperative forms in the present tense in the Albanian language has the ability to characterize the present tense with visual and hearing aspects which in the end may also condition or determine the action's period. So, it may contribute in putting the action before or at the moment of speech.

For example; *'The buds are blooming, look, they are flowering.*

Thousands of flowers, thousands of love.

(J. Bllaci, Zërat e Natës);

However in order to express a certain action we do not need to use a lot of specific words. Sometimes it might be enough to just understand the minimal context. For example*; 'Suddenly Miti didn't say anything. He got closer to the window and said; They are serving the dinner' (Sh. Musaraj, Belxhiku që këndon vençe).*

The actual present that we already mention is also a variant which is widely used even when we write articles or coverages in journalism, when the action is happening at the moment of speech or in front of the speaker. For example; The local residents are being evacuated . The ambulance and the police are approaching scene.

There are also different cases when we can use the actual present for actions that might happen just a few moments after the moment of speech. During these cases the speaker is showing the confidence that the action is going to happen for sure in the near future. For example; *'I am going to get some information about the situation – said Skënder and left." (N. Tozaj, Përmbysja);*

There was a hunter who has been going out in order to get catch a prey. There he saw a rabbit sleeping in the woods. He smiled happily and started to think; 'I am going to kill this rabbit. I am going to eat its meat and then I am going to sell its fur and get some money. With all the money that I am going to earn I am going to buy a chicken… (Fairytale).

If we would make a short recap to all those things that we mentioned above during this paper, the real situation of the present simple in the Albanian language can be described with the following characteristics:

The imperative forms of present simple carry with it a certain categorical meaning of simultaneity of the moment of speech.

The most important semantic variants of present simple forms are the analytic form or the actual present and the non-current form of present or synthetic forms. The meaning of a certain action/uncertain action has always been seen as a characteristic feature of the contravention between the analytic and synthetic forms of the present. The only difference in this contravention is the fact that the action expressed from the verb has a certain relation with past. They are used not only to show the meaning but also to introduce a development and actualization of the action. (Agalliu, F. Studime filologjike 2, 1968; Dhrimo, A. 1996).

The semantic potential of present simple among the feature of analytical forms that expresses the action at the moment of speech, is also characterized by the aspect of actual action. This means that the present simple is a combination between the concrete action, or a located action in the period of time with the feature of expressing the action at the moment of speech. So the action is happening at the moment that we are delivering the speech.

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Efficiency in the Criminal Procedure for Juveniles and the Protection of the Dignity of Juveniles

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Abstract

Criminal-procedure law is characterized by four stages of development: the investigative stage, the stage of the indictment and the defendant's statement, the trial stage and the stage with respect to remedies. The procedure for juvenile criminal offenses also goes through these stages. Juveniles participate considerably in crime, which means that society's concerns for further work are juvenile perpetrators of criminal offences. This obliges holders of responsibilities, prosecutors, judges, the police and other authorities that work to implement the legal provisions that refer to juvenile perpetrators of criminal offenses as the most sensitive categories of criminal procedure requires special attention. It works like acts and international agreements and domestic legal framework guaranteeing the rights and fundamental freedoms, which guarantee and protect the dignity of juveniles. Juvenile Justice Code was promulgated in the spirit of the Constitution of the Republic of Kosovo as well as acts of international agreements. Diversity measures oblige prosecutors and judges to new challenges in working with juvenile perpetrators of criminal offenses. In order to maintain the dignity of juvenile perpetrators of criminal offenses there should be constantly support on positive legal provisions, involving the guarding of human character, educational, economic, etc..

Keywords: carrier responsibilities in juvenile criminal proceedings, concern for society, crime prevention, criminal procedure efficiency, diversity measures, procedures for the juvenile criminal offenses, the preservation of the dignity of minors.

INTRODUCTION

The criminal legal procedure goes through those stages of development: the procedure of investigations, stage of filing of indictment and pleading of the accused, stage of main hearing and the stage about legal remedies which is the same also for juvenile perpetrators of criminal offences.

Causes of dissatisfaction led to the review of the mentioned Regulation and it was decided to rectify it by issuing the UNMIK Regulation No. 24/1999[1] which improved the existing Regulation. In Article 1, Item b, *inter alia* it reads: "***the law that shall be applicable in Kosovo is valid for the laws promulgated until 22 March 1989",*** with other explanations until Article 2.

In the general criminality, the juveniles participate with a percentage of about 7.5% which means that the concern of the society for further work are mainly juvenile perpetrators of criminal offences. This obliges the ones responsible, prosecutors, judges, the police and other authorities to implement legal provisions at work that are related to juvenile perpetrators of criminal offences.

1. Background of the Criminal Procedure for Juveniles in Kosovo

After 10 June 1999, once the war was over, Kosovo was left without institutions, therefore, in order to have the function of the general social order; it was more than necessary to start with constituting provisional institutions of self-governance. The Provisional Administration in Kosovo started to be installed in the functioning of the governance starting from the

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[1] UNMIK Regulation No. 24/1999, 12 December 1999.

legislative and executive ones as well as the administration of justice authorities exercised by the Special Representative of the Secretary General of the United Nations (SRSG). The same Regulation also foresees the laws that will be applicable as well as the entry into force of the Regulations that would be issued by UNMIK.

Since it was seen that there was a gap and lack of clarity about application of the laws in force and in order to eliminate those uncertainties, the Regulation 1/99 was supplemented with Regulation 24/99 in which in Article 1, Paragraph 1.1 (b) decisively it was emphasized that "the Laws applicable in Kosovo shall be all laws that were applicable until 22 March 1989 ".

Criminal legislation was applicable in Kosovo according to UNMIK Regulation No. 1/99[1] and 24/99[2], which have foreseen the procedures with juvenile perpetrators of criminal offences. After the entry into force of the Criminal Code of Kosovo (hereafter referred to as CCK), the gap was noticed in relation to preparatory procedure with the juvenile perpetrators of criminal offences, therefore, there was rapid work done on the issuing of the Juvenile Justice Code of Kosovo (hereafter referred to as JJCK)[3].

The juveniles are a sensitive category of the society; therefore, the legal infrastructure needs to be more adequate for the ones responsible - Justice Authorities and other organizations. Thought is given that juveniles as perpetrators of criminal offences with participation in general criminality should have the necessary care by the society. Based on general statistics on a state level, the participation of juvenile perpetrators of criminal offences in Kosovo is about 7.5 %[4]. The preparatory procedure and the court hearing for juveniles require special laws for the work with juveniles. There is constant work on enhancement of the legislation. In pursuit of this issue, it was the task of the respective authorities to work on arrangement of JJCK as to the substantive and procedural side. During the work, the difficulties in application of JJCK are identified and after the identification of deficiencies and uncertainties, this lead to promulgation of the Juvenile Justice Code[5] (hereafter referred to as JJC). With this law promulgated, it is thought that the best solution has been done.

Special care has been shown to the category of juvenile persons as a special procedure has been conducted also according to the laws that were applicable in the inexistent state, former Yugoslavia. Legal provisions that referred to the work with the juveniles were foreseen in the Law on Criminal Procedure of the SFRY (LCP)[6], which has abolished the   LCP   that was applicable according to the official gazettes of SFRY No. 50/67, 54/70 and 6/73. Rules based on this Law and other provisions are in contradiction with LCP according to the official gazette of the SFRY No. 26 dated 16 May 1986 entered into force with LCP, Chapter 27 according to the legal provisions that refer to the criminal procedure for juveniles[7] adapting other legal provisions during the work.

Considering this fact, it is necessary that the human rights and freedoms are guaranteed with legal infrastructure. This means that the juveniles too should have the fundamental rights and freedoms like the right for life, for education, for communication, for freedom of expression etc., because denying these rights put them in an inferior position.

Also other international instruments and acts that need to be in force have been foreseen   which refer to the guaranteeing of Fundamental Human Rights and Freedoms, with special emphasis by protecting the personality and integrity of the juveniles. Special emphasis here is the International Convention on the Rights of the Children dated 20 December 1989.

The work of courts and prosecution offices in Kosovo started with the mentioned Regulations foreseeing *ad hoc* courts and *ad hoc* prosecution offices with the mentioned legal framework. All Regulations issued by the SRSG were valid for the whole territory of Kosovo until the promulgation of JJCK without excluding the other international instruments and acts.

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[1] UNMIK Regulation No. 1/1999 dated 25 June 1999, on the Authority of the Interim Administration in Kosovo.

[2] UNMIK Regulation No. 24/1999, 12 December 1999, on the Law Applicable in Kosovo.

[3] UNMIK Regulation No. 2004/8 dated 20 April 2004.

[4] Perpetrators of criminal offences reported by the police reach the number of 8.000 cases, just for information, from 01 January 2007 to 31 March 2009, there were 8.280 cases reported where perpetrators of criminal offences were juveniles[4].

[5] Juvenile Justice Code No. 03/L-193

[6] Official Gazette of SFRY No. 4/77 dated 01 July 1977.

[7] The same, Article 452-492 of LCP.

There was no Criminal Code for Juveniles in Kosovo but the laws and other international instruments and acts that were in force in the inexistent state were applicable until the promulgation of the Criminal Procedure Code of Kosovo (CPCK)[1], Criminal Code of Kosovo (CCK)[2], so that there is no legal vacuum. With the suggestion of local and international experts, the procedure for promulgation of JJCK was expedited in order to protect the work with the juvenile perpetrators of criminal offences as to the procedural aspect.

Promulgation of JJCK marks an important era in the work of the justice authorities like prosecution offices and courts as Kosovo had its JJCK for the first time enabling the regulation of the work of the Justice authorities with special laws. Of course the part of the work on JJCK and of the ones in charge for Justice Authorities were also the other legal provisions of CPCK, and international instruments and acts which need to be applied while exercising the work.

JJCK, which is in force since 20 April 2004, in its content, has foreseen five parts, each of them with its own characteristics.

JJCK is drafted in the spirit of international instruments and acts by not excluding the Instructions of the United Nations on the Prevention of Juvenile Delinquency (Riyadh Instructions) adopted and published with the Resolution 45/112 of the General Assembly on 14 December 1999, 68th plenary session, Minimal Standard Rules for Non-punishment Measures (Tokyo Rules) adopted with the Resolution 45/110 of the General Assembly on 14 December 1990, Minimal Standard Rules of the United Nations for Justice Administration for Juveniles (Beijing Rules) adopted with the Resolution 40/33 of the General Assembly in November 1985. As a novelty in JJCK and in the spirit of this instructions and regulations, an integral part of this code were foreseen to be also the diversity measures as part of criminal sanctions that could be imposed to juveniles along with educative measures and other punishments[3]. Diversity measures are imposed to juvenile perpetrators of criminal offences in order to prevent when there is legal possibility not to start with the criminal procedure against the juvenile perpetrator for criminal offences and in order to assist in rehabilitation and reintegration in the society so that the deviating behaviors are not repeated.

As to the JJC, which is in force since 08 July 2010, it differs from JJCK which was applicable until the promulgation and entry into force of JJC, which foresees six dividend parts in 22 chapters. Part one - Guiding Principles and introductory provisions, Part two - Applicable Measures and punishments, part three - Procedure, part four - Mediation and execution of measures and punishments, part five - proceedings involving criminal offences committed against children, part six - transitional and final provisions.

3. Main characteristics in the preparatory procedure for juveniles

Before initiation of the preparatory procedure, a prosecutor should eliminate the dilemma whether the criminal offence is punishable with a imprisonment sentence up to 3 years or with a fine in order to decide for the imposition of the diversity measure, otherwise shall start the procedure for issuing the ruling on initiation of the preparatory procedure. Then, the prosecutor starts with collection of necessary evidences that follow the criminal case respecting the rights and freedoms guarantied with positive local laws and other international acts and instruments.

It is important that if the juvenile while commission of the criminal offence was under the age of 18, then after the age of 18 until the age of 21 the procedure will be conducted as if he/she was of the age of 18. After turning 21, the preparatory procedure is not conducted. Despite the fact that there is no adequate legal provision based on judicial practice, the practice is that for the persons who have committed criminal offences until the age of 18 and the procedure is not finished, the procedure is then terminated.

There is a possibility that a prosecutor does not finish the preparatory procedure; he/she may ask for extension of the preparatory procedure for a legal period of time[4]. Depending on the nature of the case, a prosecutor decides for one of the measures foreseen for ensuring the presence of the reported juvenile[5] and depending on the measure decided, the provisions of CPCK are applied *mutatis mutandis*. But special care should be shown to the reported juvenile as the detention

[1] UNMIK Regulation No. 26/2003 dated 6 July 2003.

[2] UNMIK Regulation No. 25/2003 dated 6 July 2003.

[3] Article 6 Paragraphs 1 and 2 of JJCK

[4] Article 59 of JJCK and Article 159 of CPCK.

[5] Chapter X, from Article 161 of CPCK.

is initially decided for duration of one month and may be extended with the proposal of the state prosecutor for another 2 months.

So, the duration of the detention cannot be more than 3 months in the preparatory procedure whereas while in the detention center, the juvenile should not be kept together with adult detainees as is negatively affected in the personality of the juvenile.

During the preparatory procedure after all collected evidences are evaluated, after the conclusion of the preparatory procedure the prosecutor issues the proposal for imposition of the educative measure or the proposal for imposition of the punishment, depending on the circumstances in the flow of the criminal case. The juvenile judge should be notified for each document, collected evidence, and proposal coming from the parties interested in the procedure, during the preparatory procedure.

After it is considered that it is over with the collection of evidences and the juvenile judge as well as the defense counsel of the juvenile and the juvenile is notified about it, the prosecutor evaluates the collected evidence and decides for proposal of imposition of educative measure or proposal for announcement of the punishment.

The state prosecutor files the proposal for imposition of the educative measure against a juvenile who at the time of the commission of the criminal offence is not of the age of 16 so that the juvenile is given the possibility to improve and be reintegrated in the society with the belief that the proposed measure would have effect on the juvenile and that the wanted effect would be achieved but depending on the type of the criminal offence the possibility of proposal of such type is not limited also for juvenile perpetrators of criminal offences who are over this age.

The proposal for announcement of the punishment, proposed by the prosecutor, is filed after the legal conditions are met against the juvenile perpetrator of a criminal offence who at the time of commission of the criminal offence is of the age of 16. This circumstance should be proved during the course of the preparatory procedure.

The proposals foreseen in the JJC should be justified with the evidences that are collected and evaluated so that the criminal case is presented in an adequate manner and in line with the legal framework, otherwise, the juvenile judge may decide to dismiss the proposal filed at the court as inappropriate for further work or to return it for supplementation.

If the juvenile has committed a criminal offence together with an adult, the public prosecutor files the proposal for joinder of the criminal procedure with the adult. The trial panel of the competent court decides on this.

When the foreseen legal conditions are fulfilled, the work is continued at further stages as foreseen, like, initiation of the court hearing by the juvenile judge of the respective court and the participation of the prosecutor is mandatory.

For the efficiency of the criminal procedure, the prosecutor decides for one of the measures for ensuring the presence of the reported juvenile as foreseen with the legal provisions of the CPCK which are applied *mutatis mutandis* also for juveniles. Detention can also be imposed against a juvenile which initially is imposed with a duration of one month and may be extended for another 2 months by the juvenile panel of the competent court with the proposal of the prosecutor with the intention to achieve the requested efficiency in the procedure. Detention is imposed in accordance with the legal provisions[1], as a measure to ensure the presence of the juvenile in order to achieve the requested rhythm of the work.

In order to respect the dignity of the juvenile while his/her stay in the detention center[2], the juvenile should not be kept at the same place with the adult detainees but the detention should be served in a respective penitentiary institution for juveniles.

The prosecutor files the proposal for imposition of educative measure against a juvenile who at the time of the commission of the criminal offence is not at the age of 16 so that the juvenile is given the possibility to improve and be reintegrated in the society with the belief that the proposed measure would have effect on the juvenile and that the wanted effect would be achieved but depending on the type of the criminal offence the possibility of proposal of such type is not limited also for juvenile perpetrators of criminal offences who are over this age.

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[1] Article 187, CPCK, conditions for imposition of detention.
[2] Article 194 read with Article 197, of CPCK.

The proposal for announcement of the punishment, proposed by the prosecutor, is filed after the legal conditions are met in line with JJC and is filed against the juvenile perpetrator of a criminal offence who at the time of commission of the criminal offence is of the age of 16. This circumstance should be proved during the course of the preparatory procedure

The preparatory procedure against the juveniles is conducted with a special care considering the juvenile against whom the procedure is conducted in order to retain the personality of the juvenile, spiritual, psychological development, sensitivity of the juvenile. When the gaps are noticed at work, the provisions of CPCK and the other international instruments and acts are applied *mutatis mutandis*.

In the preparatory procedure for juveniles, the prosecutor issues the ruling on initiation of preparatory procedure and from that moment he/she starts with the investigation of the criminal case for gathering of necessary evidences by applying positive legal provisions until the conclusion of investigations and decision to send the criminal case to further work. Once the criminal report is filed, it is important to determine the type of the criminal offence as the juveniles are mainly perpetrators of different types of criminal offences

Diversity measures are foreseen in the second part, chapter four. There are 8 (eight) types of it. They are imposed by the state prosecutor through a Ruling and without conducting a preparatory procedure. This does not mean that if the diversity measure imposed did not achieve the foreseen legal effect (verified by the work of the subjects in the procedure) the preparatory procedure cannot be initiated.

4. Efficiency in the criminal procedure for juveniles and protection of the dignity of the juvenile

Starting from the United Nations Universal Declaration of Fundamental Human Rights and Freedoms[1], European Convention on Human Rights[2], Facultative Pact *on Civil and Political Rights*[3], Universal Convention for Protection of the Rights of Children[4], Constitution of the Republic of Kosovo[5] local legal framework, Criminal Procedure Code of Kosovo (CPCK[6]), Criminal Code of Kosovo (CCK[7]) Juvenile Justice Code of Kosovo, now in force JJC[8], special care is shown for the efficiency of the preparatory criminal procedure for juveniles. Respecting the international instruments and acts and the local laws increases the efficiency and protection of the fundamental human rights and freedoms, in the concrete case the dignity of the juvenile.

Juvenile perpetrators of criminal offences as the most special category in the work require privileged treatment during the work. There is a need for adequate legal infrastructure and offering of better conditions at work based on the local and international legal framework. There is a legal definition at JJC as to the juveniles so the juvenile is a person who at the time of the commission of the criminal offence was for 14 (fourteen) to 18 (eighteen) years old. The legal definition of the category of juvenile persons is also provided in the international convention.

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[1] United Nations Universal Declaration of Fundamental Human Rights and Freedoms dated 10 December 1948.

[2] European Convention on Human Rights, 1950.

[3] Facultative Pact *on Civil and Political Rights* 1966.

[4] Universal Convention for Protection of the Rights of Children 1986.

[5] Constitution of the Republic of Kosovo dated 9 April 2008, in force since 15 June 2008.

[6] Criminal Procedure Code of Kosovo, UNMIK Regulation 26/2003, July 2003, in force since 6 April 2004.

[7] Criminal Code of Kosovo, UNMIK Regulation 25/2003, July 2003, in force since 6 April 2004.

[8] JJCK, UNMIK Regulation No. 6/2004 dated 20 April 2004, amended with JJC since October 2010, promulgated in the spirit of international instruments and acts by not excluding the Instructions of the United Nations on the Prevention of Juvenile Delinquency (Riyadh Instructions) adopted and published with the Resolution 45/112 of the General Assembly on 14 December 1999, 68th plenary session, Minimal Standard Rules for Non-punishment Measures (Tokyo Rules) adopted with the Resolution 45/110 of the General Assembly on 14 December 1990, Minimal Standard Rules of the United Nations for Justice Administration for Juveniles (Beijing Rules) adopted with the Resolution 40/33 of the General Assembly in November 1985. As a novelty in JJCK and in the spirit of this instructions and regulations, an integral part of this code were foreseen to be also the diversity measures as part of criminal sanctions that could be imposed to juveniles along with educative measures and other punishment. Diversity measures are imposed to the juvenile perpetrators of criminal offences in order to prevent initiation of criminal procedure against the juvenile perpetrators for the criminal offences as foreseen in the law.

In order to have a better efficiency, prosecution offices and courts should have sufficient number of prosecutors and judges[1], and now the number of prosecutors and judges is being increased as a result of the process of reappointments and reformation of the judicial and prosecutorial systems. This is expected to improve the material status of the judges and prosecutors with the increase in their salaries.

Starting of the work of courts and prosecution offices in the territory of Kosovo has vitalized the life in the jurisprudence and there were efforts for a contribution in preventing the spreading of the criminality. With the Regulations, the work of courts and prosecution offices was of *ad hoc* character. The applicable law according to the Regulations issued by the SRSG is applicable in the territory of Kosovo together with other international instruments and acts.

Promulgation and entry into force of JJC marked an important achievement for the work of justice authorities as they work with a codified material which makes the further work easier. The subjects and parties in the procedure have the possibility to have better rhythm and efficiency during the work. Being equipped with the legal infrastructure, the police, judges and prosecutors shall have the possibility not to do mistakes and violate the fundamental human rights and freedoms of juveniles during the work and will protect the dignity of the juvenile. While hearing the juvenile, the guaranteed rights should be respected; otherwise, each violation is registered and poses a responsibility for a subject.

The diversity measures as a novelty in JJC, present the integral part of the work with juvenile perpetrators of criminal offence that are applied before initiation of the work on preparatory procedure with the juveniles and after finishing the work with them educative measures or other punishments are imposed. The diversity measures are imposed to the juvenile perpetrators of criminal offences with the aim to prevent the initiation of preparatory measure for juveniles in cases as determined by law.

5. Preparatory procedure for juveniles

Initiation of the preparatory procedure against the juveniles is linked with the procedural principles like the principle of publicity, the principle of division of the preparatory procedure, the principle of fair trial within a reasonable time, the principle of economization etc., that directly have impact on the efficiency of the procedure. The ones in charge of responsibilities should have the necessary knowledge on implementation of the legal provisions as during the work they should care for protection of the dignity of the juvenile. All these principles follow the preparatory procedure so that the dignity of the juvenile is protected and that there is no concern that reflects negatively on the juvenile.

The preparatory procedure for juveniles starts with the initiation of the ruling on initiation of the preparatory procedure after the criminal report is assessed and offers the necessary basis for initiation of the procedure. Once the preparatory procedure is initiated, the rhythm of the work is set by coordinating actions with the other subjects in the procedure. In line with the respective provision, the on-call authority of the Center for Social Work, the Correctional Service are informed in order to receive the social inquiry as well as the other parties as mentioned in the legal provisions.

Protection of the dignity of the juvenile starts from the first contact at the police, the juvenile needs to be respected, should not be subjected to physical and psychic maltreatment, should be enabled to have contact with the legal representative - parent, his defense counsel etc., as foreseen with the legal provisions.

In line with the legal provisions of JJC, CPCK, the state prosecutor conducts the preparatory procedure, gathers the necessary evidences, evaluates them and following the conclusion of the preparatory procedure decides for filing of the proposal for imposition of educative measure or the proposal for imposition of a punishment. This obliges the prosecutor to be efficient at work.

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[1] Number of prosecutors with respect to the number of inhabitants. If a comparison is done between the number of prosecutors in Kosovo with the number of prosecutors from the countries in the region, the difference is as follows: in Kosovo for 100.000 inhabitants there are 3.7 prosecutors, in Bosnia and Herzegovina for 100.000 inhabitants there are 7.3 prosecutors, in Slovenia for 100.000 inhabitants there are 8 prosecutors, in Croatia for 100.000 inhabitants there are 13.0 prosecutors and in Montenegro for 100.000 inhabitants there are 13.4 prosecutors (Source: report on the programs - July 2009, page 89 on internet webpage: ***http://www.eulex-kosovo.eu/news/docs/programmereport/EULEX-PROGRAMME-REPORT-July-2009.new-AL.pdf***

Respecting the dignity of the juvenile during the work applies also while undertaking procedural actions, starting from interrogation, verification of the date of birth, if the juvenile was under police custody all measures should be undertaken that the juvenile is sent to the Center of Family Medicine to find out about his/her health status in relation to facing the custody and stay in the detention for the further procedure.

The following conditions should be fulfilled during the interrogation of the juvenile:

- his legal representative - parent should be present;

- if he has no parent, the adopting parent or the custodian of the juvenile should be present,

- depending on the stage of the preparatory procedure, the public prosecutor should be careful that the juvenile is assigned with a defense counsel,

- to respect all rights guaranteed that pertain in line with Article 231 of CPCK when he is in front of the prosecutor for giving a statement and if he is interviewed at the police in line with Article 214 of CPCK. The rights should be respected also when he is before the juvenile judge.

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6. The State Prosecutor in the preparatory stage for juveniles

A juvenile is a person from 14 to 18 years old, an age that offers legal conditions for initiation of the preparatory procedure for juveniles. The preparatory procedure cannot be conducted against a juvenile person who has committed a criminal offence and has not reached the age of 14.

Categorization of persons as juvenile is foreseen with legal provisions[1], in which there is an expressional definition for this category but this division of juveniles was also foreseen in the applicable laws based on which the preparatory procedure for juveniles were conducted[2]. JJC contains respective provisions for regulating the preparatory procedure for juveniles starting from material, procedural and provisions for execution of criminal sanctions.

The preparatory procedure against the juveniles is conducted with a special care considering the juvenile against whom the procedure is conducted in order to retain the personality of the juvenile, spiritual, psychological development, sensitivity of the juvenile. When the gaps are noticed at work, the provisions of CPCK and the other international instruments and acts[3] are applied *mutatis mutandis*.

In the preparatory procedure for juveniles, the state prosecutor issues the ruling on initiation of preparatory procedure and from that moment he/she starts with the investigation of the criminal case for gathering of necessary evidences by applying positive legal provisions until the conclusion of investigations and decision to send the criminal case to further work. Once the criminal report is filed, it is important to determine the type of the criminal offence as the juveniles are mainly perpetrators of different types of criminal offences.[4]

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[1] Article 2, JJC

[2] Applicable LCP, on chapter 27 has foreseen the procedure against juveniles starting from Article 452 – 492.

[3] Inter alia, Minimal Standard Rules of the United Nations for Justice Administration for Juveniles (Beijing Rules) adopted with the Resolution 40/33 of the General Assembly on 29 November 1985, Instructions of the United Nations on the Prevention of Juvenile Delinquency (Riyadh Instructions) adopted and published with the Resolution 45/112 of the General Assembly on 14 December 1999, 68th plenary session, Minimal Standard Rules for Non-punishment Measures (Tokyo Rules) adopted with the Resolution 45/110 of the General Assembly on 14 December 1990.

[4] Criminal offences that characterize juvenile perpetrators of criminal offences are offences against life and body, chapter XXV (criminal offence of murder – Article 146 of CCK, criminal offence of aggravated murder – Article 147 of CCK, criminal offence of light bodily harm – Article 153 of CCK, criminal offence grievous bodily harm – Article 154 of CCK, criminal offence of participation in a brawl – Article 155 of CCK, criminal offences against sexual integrity, Chapter XIX (criminal offence of rape – Article 193 of CCK, criminal offence of sexual abuse of persons with mental or emotional disorders or disabilities – Article 197 of CCK, criminal offence of sexual abuse of persons under

When we are at the work and development of preparatory procedure, we need to consider that the juvenile perpetrators of criminal offences are persons of different genders, they are male or female. Males in general delinquency participate with about 97 % whereas females as juvenile perpetrators of criminal offence participate with 3 %.

According to LCP, the preparatory procedure for juveniles is initiated with the request of the prosecutor for preparatory procedure, whereas the juvenile judge has issued the ruling on initiation of the preparatory procedure who also organizes the work on collecting the necessary evidences[1].

The State Prosecutor should be careful that during the preparatory procedure, he/she should respect the dignity of the reported juvenile from the first moment in the procedure, to verify the date of birth by ensuring a birth certificate, should know whether the juvenile was sent to the Center of Family Medicine to find out about his/her health status. If the case is with detention, it should be verified whether the juvenile can face the imposition of detention or not.

The juvenile should not be interrogated more than two times and the following conditions should be fulfilled during the interview of the juvenile:

- his legal representative - parent should be present;

- if he has no parent, the adopting parent or the custodian of the juvenile should be present,

- depending on the stage of the preparatory procedure, the public prosecutor should be careful that the juvenile is assigned with a defense counsel,

- to respect all rights guaranteed that pertain in line with the CPCK.

Conclusion

The Criminal Procedure for juveniles has many specifics which are characterized with the efficiency in protecting the dignity of the juvenile. The preparatory stage starts with the issuance of the Ruling on initiation of preparatory procedure, than goes with collection of evidences – personal and material ones.

From this point of direction, the procedure goes through the stage of preparatory procedure, the procedure of deciding to present the respective proposal, to present the subjects and parties in the main hearing and the procedure about the legal remedies.

Hence, respecting the human rights is a crucial issue as the fundamental human rights and freedoms are guaranties with the constitution and laws without excluding other international acts and instruments.

This has made the subjects and parties in the procedure to respect the rights of the juvenile starting from:

- the right for life,

- the right for identity,

- the right and freedom for expression in all types of procedure,

- the right for defense and defense counsel,

- not to be misused and abused during the procedures,

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the age of sixteen years – Article 198 of CCK, etc.), criminal offences against public health – Chapter XXI (criminal offence of unauthorized purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances from Article 229 of CCK), criminal offences against economy – chapter XXI (criminal offence of counterfeit money – Article 244 of CCK), criminal offences against property, chapter XXII (criminal offence of aggravated theft – Article 252 of CCK, criminal offence of Robbery – Article 255 of CCK).
[1] Article 470, LCP

- to respect the interest and the dignity of the child who needs to have additional care,

- to have the right for time off and use of free time,

- to have the right to fight all forms of exploitation or discrimination,

- to have the right not to be deprived of liberty illegally and to have the legal defense,

- to have the diversity measure imposed more by prosecutors and judges during the procedure in order to increase the efficiency considering the aim of imposing those measures,

- alternative sentences foreseen in JJC should increase during the work

- social inquiry should be more all-inclusive and should not contain the proposal for imposition of eventual measure,

- placing the juvenile in detention should be as limited as possible,

- a respective service should be established in the state level for the care of children who are perpetrators of criminal offences of the age of fourteen (14) (considering the fact that we have perpetrators of criminal offences of this age, and nothing is regulated in the law as to the treatment that should be offered to this category),

- to adapt the legal provisions so that there are no difficulties at work in relation to their implementation,

- during the interrogation of the juveniles in the capacity of the reported party, injured party or witness, they should not have psychical burden that would affect the statement.

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Albania, a Hybrid System with Reflexes of Post- Communist Political Elite Reproduced from the Past

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Abstract

The article sheds light into the relationship of Soviet-type political patronage applied in Albanian communist political elite, as well as the impact on communist political elite. The main task is to define whether post communist Albanian elite is a reproduction of old nomeklatura, or a mere circulation of it. Albanian political reality is comprehended via theoretical variables such as accumulated political capital, strong cult of leadership and principle of political centralization. Unfortunately, studies, research and academic papers agree that Albanian post communist political elite is more a case of reproduction rather than circulation.

Keywords: transition, democracy, the political elite, reproduction, patrimonialism.

Introduction

After 1989 - with the collapse of the communist system in Eastern Europe, post communist system which is in its infancy must deal with ongoing transition and daunting challenges at the same time. Most importantly of all , the political transition which in itself means change manners of government , political elite and system mentality, combined together may result on producing democratic , authoritarian regime or something in between in the form of a hybrid system .

Focusing on Albanian case, the transition status is dominated by remnants of the past. Power handover is done by reformer elements from within the Communist authorities, who control and therefore monitor the process. Consequently, what happens is the colonization of plethora economic and political structures by forces of the past regime. (Diamandouros and Larrabee 1996).

Among the main reasons that make it difficult for a smooth transition from communism to democracy is the lack of a new democratic political elite. The immature attitude of new Albanian politicians is somehow accepted given an elite dominated by conversion at the last moment of former members of communist intelligentsia members to the so-called "new Albanian democratic elite" (Shinasi Rama 1999; Odin Lekve Alvsåker ; Gerxhani, Klarita; Schram, Arthur 2000; Ilir John 2004). So communist legacy has strongly induced in shaping the Albanian political elite, which has had a considerable amount of impact in the product of the Albanian political system as well as the transition to the present day. As Field, Highley and Burton concur "the character of a political system actually varies to a great extent on the type of relationship between the elites and their characteristics (Field et al. 1990; Higley / Burton 1998). This is particularly true in the case of transformation of the system in which elites play a key role in establishing the institutions (Kaminski / Kurczewska 1994.) Otherwise put by Pareto and Marks: "Revolutions are above all, issues of transformation of elites, or otherwise substitution of elite by another "(Vladimir Shlapentokh, Christopher K. Vanderpool, Boris Zusmanovich Doktorov, Croatia Dusko; Frane Adam / Matev. Tom.ič).

Understanding post communist political elite through reproduction theory and soviet model of patronage politics

Theoretically there are two main trends that explain the impact past legacy has with the creation of the post - communist elites: that of reproduction and circulation of elites.

Reproduction theory suggests that revolutionary changes in Eastern Europe did not affect the composition of the social elite. This is because the old nomenklatura elite has managed to survive at the top of the class structure and is now becoming the new propertied bourgeoisie. On the contracy the **circulation theory** claims "new blood" with democratic principles is recruited on the highest political decisionmaking hierarchial levels. In order to understand if the dominant phenomenan is that of reproduction or circulation is important to analyze the raport of old nomeklatura with the current political power influencen. The higher the legacies of old nomeklatura mentality and representation it is, the deeper the level of political, social and economic power concentrated on it (Szelenyi / Szelenyi 1995, 616).

Authors agree that the dominant view of elites in Eastern Europe is that of "reproduction." The Hungarian author Hankiss and the Polish Jadwiga Staniszkis have offered similar versions of this approach. As early as 1989, Hankiss suggested that the old nomen-klatura elite would become the new "grande bourgeoisie" with the marketization of the economy. Around the same time, Staniszkis began to write about the emergent "political capitalism" of postcommunist Eastern Europe. In her view, the former nomenklatura uses its political power to gain private wealth. Staniszkis and Hankiss both agreed that the process of privatization would benefit the Communist political class, which could retain its position at the top of the class structure without any constraints. In general terms, this theory suggests that one may expect a high degree of elite reproduction in countries where negative political capital inhereted from the past exists, as well as in countries in which there was no counter-elite. By contrast, a high degree of elite circulation is expected in countries where the accumulation of capital is positive and old nomeklatura did not become the new bourgueise or in countries with well-formed counter-elite.

Studies provide evidence, that the more concentrated the accumulation of past legacy and political capital based on one-party political systems and hyperbolization of the personality cult figure of the state, the higher the level of reproduction of elites is. Balkan countries, in general, and especially Albania as the most extreme case, are characterized by vertical use of power and negative legitimacy of political capital. The latter reflects absence of pluralist political structures, minimum familiarity with practices of free elections, respect of election outcome, respect for law, guarantee of rights and fundamental freedoms, and other attributes that can be considered as elements of a consolidated democracy. Such practices are contributions to the "capital of democracy", the presence or absence of which may affect the ongoing transition to democracy or its consolidation.This lack of accumulation of "capital of democracy" is inherited because of the strict Soviet patronage model of politics that Albania adopted. The traditional Soviet political system has been hierarchical and highly centralized. There have been no alternative sources of power outside the unified set of party and government hierarchies. In this model power is concentrated in a rigidly hierarchical decision-making system where there is no viable political opposition. Political elite recruitment and circulation were based on a clientelistic relationship with the state party.Thus, individuals active in political life often must rely upon additional, informal mechanisms to enhance their positions and advance their interests. Among such informal mechanisms are individualized, reciprocal, political relations that often culminate in networks. Such personalized, reciprocal, political connections are what Willeton on his book "Patronage and Politics in the USSR "refers to as patronage personalized political relationships (John Willerton, 1992)

In countries such as Albania and most of the Balkans (excluding Slovenia and Croatia, and countries of the former Soviet Union (excluding the Baltic countries) communist elites still continue to maintain their grip on power even with the switch of system (Frane Adam / Matev. Tom.ič 2002). In these countries, the

legacies of the past and negative accumulated political capital reflect political power transmission of old nomklatures from social and political to economic. In this circumstance political elites survive by using their resources and connections. This hypothesis stresses the fact that the reproduction of elites is the main characteristic of socialist countries in transition (Hankiss, 1990; Stanizzkis, 1991; Wasilewski, 1998; White and Krystanovskaya, 1998).

Perception of the albanian post communist political elite status

Referring to the Albanian case, most of native authors and researchers agree that, the communist party modified itself; as a result the reproduction of elite is massive. Furthermore they believe that political elite is characterized by an authoritarian and despotic mentality, always in the need of a central figure.

In his article "Transition, Elite Fragmentation and the Parliamentary Elections of June29, 1997" Shinasi Rama, point out that the Albanian political elite party is extremely polarized due to reflection in its entirety of their Communist predecessors. Much of the new political elites is composed of former communist intelligentsia, without political experience, although to its ranks you will find members of the class previously excluded by the Communist Party .According to the author, communism has not perpertrated the culture of tolerance and curbed the development of negotiation, compromise and coalition building skills between political elites (Shinasi Rama, 1999). So imminent and visible is past legacy impact in new elite set up that authors like Klarita; Schram, Arthur, Vickers and Pettifer, Shinasi Rama refer to inherited clan culture as the telltale characteristic of political elites. Young politicians are promoted on the basis of family ties as well as the position they have had in communist society. Clan mentality as seen during Hoxha regime who promoted in key leadership positions people mainly from South Albania was maintained feverly by Sali Berisha who did the same with young politicans coming mainly from the north (origin area of former chairman of the Democratic party). Not only that, but because of isolation during Hoxha regime, anticommunism seemed to be strongest and more evident in Northern Albania. The geographical origin of Communist Elite members is mostly Tirana and South Tosca (Vickers and Pettifer 1997). According to the authors during the years 1956-1961 and 1981-1986 out of 100 members of the Politican Bureau with five-year terms- 82% originate from the south, while 18% from north or central Albania. The same trend in reverse is seen when Berisha comes to power, significantly increasing political clan heritage as well as strengthening the north vs south influence.To shed more light, authors have analyzed the trends among public administration servants as well as voters behavior (for more details see Vickers and Pettifer numerical 1997; Gerxhani, Klarita; Schram, Arthur, 2000).

Similar conclusions are made by Costa Bajraba in the study on " *New Transition: Elite's roles and prespective "*. According to him, the political class after the transition reflects the same mentality of the former communist system. The political elite is continuation and personal choice of the old elite (Costa Bajraba 1998). The above conclusions are based on 90 interviews conducted during 1993-1996 made up by 25 leaders of political parties, members of government and parliament , 20 university professors , 15 artists and writers , 15 journalists , 15 military and religion representatives . The interviews focused on capturing information on culture , judgments on the system of the past , involvement of women in politics and society , religious affiliation , experience and relationship with the West , expectations and perspectives on future of Albania, affiliations etc .

While the next study "Creating leaders in Macedonia and Albania; can elites promote positive change? "targets distinctively two periods, that of 1980-1990 and 2005 and ongoing. To tackle some of the implications made above researchers have interviewed 50 representatives of political, economic and cultural elite for both periods. From the responses, it appears that after system collapse, old political elite has been replaced, but again a majority of the respondents think that a considerable part of the old elite employed in old party structures are part of new political parties and governance structures .According to the respondents, one of the arguments to support this assertion clearly related to the fact that normal recyclation is not happening because of 3- 4 central political figures coming from the old Communist regime. While between the two major parties, opposing opinions regarding meritocracy and elite status exists. So the right wing thinks most of leftist members come from communist origin, which is rejected by the left who counter attack saying they are meritocratic elite. As far as values, the results seem to be controversial in response to elites between the two aforementioned periods. Elites of 1980-1990 period think that society has remained essentially conservative, as evidenced by the mere fact key leaders come from the Communist past. Whereas elite from 2005 and onwards, think that Albania walks in the spirit of democracy. Both generations though, believe that the political approach is the basis of an unfair competition and that the role of intellectuals is much lesser than that of businessmen involved in politics.

Two of the aforementioned studies in different way, bring to attention the fact that the old nomenclature involvement in post - communist elite is present. The political elite reflect not only continuity, but also the absence of a meritocratic selection system, where the cult leadership and application of political power remains mainly vertical. Meanwhile, recent study pinpoint a presence of new elites after 2005, which seems to have been educated in the West , as well as articulate their belief in a Albanian guided by democratic values .

This elite typology seen in Albania with strong Russian dominationi and low socio-economic standing has clear predisposition to create authoritarian institutions or hybrid regimes at best. (O'Donnell in Diamond in Marks et al, 1991: 114). Moller in his work "Post-Communist régime Change, A Comparative Study" shows that heritage as an independent variable is essential in three variables namely the balance of power in other post-communist countries, economic reforms and set up of democratic institutions. Legacy of the past as the variable in itself is based on two "master variable", development of the bureaucratic state and activism of civil society. (Kitschelt, 1999 we Moller 2009). The last three variables are part of the visible second phase product (outcome) which directly reflects the heritage of the past which lies in the invisible part (input). At the same time, three of the above variables are considered to be affected by the behavior, customs and cooperation between politican elites, which all together create regime structure that reflect them. The stronger the legacy of the past in terms of a closed bureaucratic state and inactive civil society the the more disbalanced the post communist power will be leading to poor economic reforms, weak institutions, and keeping the system in a hybrid stastus quo. Odin Lekve Alvsåker in his work "Between Communism and Democracy Why regimes Postcommunist get" Stuck in Transition », interestingly makes the point that through the years 1994-2008 Albania remains rather a hybrid country with a weak democracy.

As a result of polarized political elite that carries the values of the past, there is an alarmant lack of political dialogue, state institutions remain predominately politicized, with a highly disappointed electorate and above all a civil society that is passive and   politically dependent in its majority. (Kajsiu et al., 2003: 20-24). These effects are also reflected in the latest report on the practices of respect for Human Rights of 2013. In which Albania is ranked among worst countries with little electoral progress, lack of harmonized political dialogue among the key stakeholders and lack of social equality inclusion into political layers, biased and politicized media, corrupt govermental practices in public funds, ect. Situation seems to get worse with time as evidenced by recent studies. So, if in 2008 Albania ranked 84th out of 180 countries in the Transparency International Corruption Perception Index, in 2013 report it descended further low, ranked 116th out of 177 countries. In measuring corruption the index refers to parameters such as dirty money laundering, corrupt political financial affairs, abuse of public assets as well as building non-democratic and transparent state institutions,.

Based on the logic described above, in which the behavior of the political elite is placed in direct correlation to the overcome of transition and development of democracy, reports studies and research analysis, clearly point out the fact that Albanian political elite has not passed the class.Thus, a hybrid sysem that reflects a reproduced political elite is created. The most representative metaphor seems to be the prahse *"Plus ca change"*. Meaning a lot has changed but still everything remains the same. Albanian post communist political elite, has changed its "costume", but not its essence.   Unfortunatly, Albania remains a hybrid system with reflexes of post- communist political elite reproduced from the past.

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Communicative Language Teaching and its Impact on Students' Performance

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Abstract

Communicative Language Teaching as a method of 21st century in terms of learning foreign languages undoubtedly takes a very important place, if not central place in Kosovo curriculum for high schools. In our research, we did a literature review regarding the Method of Communication, in the regional countries, Europe Union and beyond. Initially it is studied Kosovo curriculum and then application of this method in Kosovo schools. Since, CLT shows a number of advantages compared with other standard methods, its impact on students' performance and motivation. Moreover, it was conducted a research by observing some of the schools in urban and rural areas, to see how this approach is implemented in our schools. Furthermore, there was also conducted an empirical research of student performance based on the four language skills such as reading, writing, speaking and listening. It was also used the experimental method to see the differences of students' performance, of those who are taught using the Communicative Language Teaching Method and those who are taught with other standard methods.

Keywords: Communication Language Teaching- Method, teaching, Motivation, Kosovo Curriculum.

Introduction

Method, according to Harmer is the practical implementation of approach (Harmer, 2003). The user of a method reaches a decision about the type of action, role of the teachers and students, the type of material that will assist teaching and some models for organizing a Syllabus.

Methods of teaching and learning have been written by different authors, in which, they use different names for different time periods. Some of the methods, used before are almost fallen into oblivion, but there are such others which achieved success and are still used and well known.

For our research were studied the Communicative Language Teaching as a method of Constructivism, and application of this method and its impact on motivation compared to other used methods in rural and urban area of Republic of Kosovo. At the same time it is studied the Kosovo Curriculum, especially its communicative competences.

A significant number of public school students continue to gain knowledge of English languages, at private school of foreign language courses. So, it was obvious that we should make a research about what makes these students obtain knowledge in private schools when the same knowledge, based on Kosovo curriculum, should be taken in their public schools. Teachers can use the curriculum to run it right into material selection and preparation of a syllabus in detail to achieve its goals towards a better performance of their students. However, the question arises how to make Kosovo curriculum impendent in our public schools these days?

Therefore, it was necessary to investigate the theoretical aspect regarding curricula, in particular Kosovo curriculum of English language. Moreover, it cae done a literature review about the Communicative Language Teaching before conducting the research on students' performance in English language classes by implementing the CLT Syllabus.

Kosovo Curriculum and Communicative Competences

The essence of CLT is the engagement of learners in communication in order to allow them to develop their communicative competence. The elaboration of what we know as CLT can be traced to concurrent 20th-century developments in linguistic

theory and language learning curriculum design both in Europe and in North America. (Savignon, 2006). According to the Framework of Kosovo curriculum, a good curriculum is a system highly dependent on the environment. It may consist of completely different elements, such as teacher training, qualification standards, political expectations and traditions (Ministry of Education, 2011). Kosovo curriculum strongly emphasizes the CLT and (Task - Based Learning). This relates to the (laissez- faire) curriculum, where the student is independent to communicate and to optimize the topic or situation to talk about, but at the same time it has a relationship with critical curriculum where specific emphasis is on learning the language with the sole purpose of using it in situations outside school, such as airports, restaurants, shops, streets.

Competencies include an integrated and coherent system of knowledge, skills and attitudes applicable and transferable, which will help students to face the challenges of the digital era, the free market economy and based on knowledge, in a world of interdependent relationships. Competences provided by the Curriculum Framework are derived from the overall goals of undergraduate education and define key learning outcomes, which should reach by students in a progressive and sustained during undergraduate education system. (Ministry of Education, 2011)

Key Competencies that students must own during the undergraduate education are:

1. Competence of communication and expression	1. Effective communicator
2. Thinking competency	2. Creative / Critical Thinking
3. Learning competency	3. Successful Student
4. Competence that has to do with work, life and environment	4. Productive contributor
5. Personal competence	5. Healthy individual
6. Civic competence	6. Responsible citizen

(Ministry of Education, 2011)

Competence of communication and expression are:

- Communication through mother tongue
- Communication through foreign languages
- Cultural expression through symbols, signs and other artistic expressions
- Communication through Information Technology
- The commitment and contribution for productive dialogue
- Respect the rules of communication
- Giving and accepting constructive feedback
- The expression of tolerance in communication o Initiate constructive actions

The competences of communication and expression, thinking competencies and learning competencies are instrumental nature: they are the basis for other competencies, which are more related to the circumstances and with certain content, such as necessary competences to private lives, public and professional.

The competences of communication and expression ("Effective communicator"), means that children and young people should be developed as personalities, learn and participate actively in society, it is important to understand messages to who are directed and adequately expressed through languages, symbols, signs, codes and artistic forms. To communicate

effectively, students are encouraged to utilize independent, critical and creative tools and possibilities of communication and expression.

Curriculum Degree 5 - General Education and Professional Education includes classes X and XI .aims to confront students with further studies and more specialized learning, in terms of academic preparation for higher education and / or to enter in the labor market. Students were faced with challenges that enable: developing self-confidence; deeper and more specialized studying, by engaging the skills to use different sources, with a critical approach to various data available; development of the desire for commitment and stamina to higher achievements in terms of learning and preparation for careers and personal, professional and public life; preparing to take responsibility for their lives, to actively participate in social life as responsible citizens and competent and successfully compete in the job market. Development as individuals and members of society, to be able and to have capacities needed for life and work to cope with the changes of the local and global economy and learn how to solve problems in different situations in personal and professional life; preparation for life, to live independently and work on the challenges and opportunities offered by modern society and take responsible actions and decisions on the situation, and to be well informed throughout their lives.

Communicative Language Teaching (CLT)

Speaking about CLT characteristics (Richards, 2006), emphesis that people learn one language when thet use it to do things, rether than by studying its functions, we have a lot of different examples where students learned a second foreing language because of their needs for that king 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 morfology 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 consructive 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 faccilitator.

(Richards, 2006) edescribes learning through Communication method as follows:

- Interactivity between language learners and speakers.

- Creating a colaburalist (cooperative) meaning.

- Establish a meaningful interactivity through a language.

- Learning through a student participation fitbeck 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 useing the language and experiment with various forms 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 experienxe 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 convay 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 emphasis 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 feet back 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 students mistakes and later discusses with the class

Seven principles of the principled communicative approach (PCA)

I have argued in this paper that the real challenge for language teaching methodology is to specify the nature of the optimal cooperation between explicit and implicit learning processes in a principled manner. Working out the details of a new, principled communicative approach (PCA) is clearly an ongoing process, but based on the research conducted over the past decade, we can formulate some key guiding principles for the approach. I would like to conclude this paper by offering seven key – and somewhat overlapping – principles that are in accordance with the state of the art of our research knowledge of instructed second language acquisition.

1. The personal significance principle: PCA should be *meaning-focused* and *personally significant* as a whole. This has been the basic tenet of student centered, communicative language teaching for the past 25 years, and I believe that this principle is just as valid now as when it was first formulated.

2. The controlled practice principle: While the overall purpose of language learning is to prepare the learners for meaningful communication, skill learning theory suggests that – similar to the training of musicians or athletes – it should also include *controlled practice activities* to promote the automatisation of L2 skills. The purpose of this practice should be clearly explained to the learners and the content/format should be made as motivating as possible within the tasks' inherent constraints.

3. The declarative input principle: To provide jump starts for subsequent automatisation, PCA should contain *explicit initial input* components. This declarative input can be offered in several ways, including the potential utilization of accelerated learning techniques and rote-learning.

4. The focus-on-form principle: While maintaining an overall meaning-oriented approach, PCA should also pay attention to the *formal/structural aspects* of the L2 that determine accuracy and appropriateness at the linguistic, discourse and

pragmatic levels. An important hallmark of good teaching is finding the *optimal balance* between meaning-based and form-focused activities in the dynamic classroom context.

5. The formulaic language principle: PCA should include the teaching of *formulaic language* as a featured component. There should be sufficient awareness raising of the significance and pervasiveness of formulaic language in real-life communication, and selected phrases should be practiced and recycled intensively.

6. The language exposure principle: PCA should offer learners *extensive exposure to large amounts of L2 input* that can feed the learners' implicit learning mechanisms. In order to make the most of this exposure, learners should be given some explicit preparation in terms of *pre-task activities* (e.g. pre-reading/listening/watching tasks or explanations of some salient aspects of the material) to prime them for maximum intake.

7. The focused interaction principle: PCA should offer learners ample opportunities to participate in *genuine L2 interaction*. For best effect, such communicative practice should always have a specific formal or functional focus, and should always be associated with target phrases to practice.

In sum, the essence of the principled communicative approach that I am advocating is the creative integration of meaningful communication with relevant declarative input and the automatisation of both linguistic rules and lexical items. In instructed SLA, *the more is not the merrier if it is not focused*. (Dörnyei, 2009)

Research methodology

The research question in this article is how much is CLT implemented in public schools in Republic of Kosovo?

We used the observation method to see the implementation of CLT, the compulsory method that teachers should be using according to Kosovo curriculum.

An experiment in urban and rural classes was conducted by applying the CLT syllabus to see the changes in student performance while teaching with CLT and with other methods that use textbooks, which are ESA and PPP.

A sample of 150 students was part of the experiment for our experimental and control groups in urban school "Hivzi Sylejmani" in Fushë Kosovo and rural school "Ulpijana" in Gadime – Lypjan.

At the beginning of the academic year the students of tenth grade were tested with KET test (Key English Test), as a transition class, from a lower middle school to an upper middle school, measuring the performance of students before applying the CLT. This testing was applied to see if the students of tenth grade have the necessary knowledge which is required for the tenth grade according to Kosovo curriculum. At the end of the academic year, students' knowledge was tested again, with PET test (Preliminary English Test) not only to measure the students' performance after applying CLT, but to compare the experimental group's performance who were taught using CLT and control croup's performance, who were taught using ESA or PPP.

Results

The methods applied in order to realize the tasks set out in this paper, descriptive statistical methods (parameters of central tendency, dispersion and correlation), and scientific methods of condensation and transformation of the results.

Results are processed by the computer program SPSS version 17.0.

Level descriptive analysis of the variables involved in the research was conducted with the help of these methods:

Descriptive statistics parameters included:

- Arithmetic average (central tendency calculation results)

- Standard Deviation (distribution of results from their average value)

- Minimum and maximum score (range between two extreme values)

- Skewness, (normality of the distribution of results)

- Kurtuosis (level of homogeneity of the group) and

Interpretation of basic statistical parameters for KET test

In Table .1. are presented the values of basic statistical parameters of the results of students in lower secondary schools, "Hivzi Sulejmani" and "LUARASI" as urban schools tested with KET test. The table value of central tendency analyzed the results and measurements of the distribution of results about their arithmetic average and the normality of the distribution of these results. Based on the values of the arithmetic mean can be concluded that all variables have normal distribution of results since Skewness values are smaller than 1. The high degree of heterogeneity in the outcome is shown in the variable where the value of Skewness Listening is - .651 and this distribution with negative bias means that most of the results are smaller than their arithmetic average.

Also, the value of Kurtosisit which shows the level of homogeneity of the groups, which within normal limits should not exceed the value of 3 in our case shows that we are dealing with very homogeneous groups.

The average value of the results expressed in percentage was 10.9 Reading in writting 8.97, at 14:10 Listening and Speaking 14. 30. From these results we can see that the students of this school as a percentage realized the best result in the test Listening and Speaking while Reading tests, especially in test Writinig realized lower results.

Table 1. Values of basic statistical parameters for variables under investigation KET Urban Testing

	N	Range	Minimum	Maximum	Mean	Std. Deviation	Skewness	Kurtosis
Reading	104	22.14	.00	22.14	10.0962	5.82943	.149	-.619
Writing	104	23.00	.00	23.00	8.9712	6.53958	.187	-1.122
Listening	104	23.00	.00	23.00	14.1058	6.00149	-.651	.067
Speaking	104	25.00	.00	25.00	14.3029	5.49113	-.051	-.141
Total	104	85.43	.00	85.43	47.4760	17.85118	-.033	-.082
Valid N (listwise)	104							

In Table. 2. are shown the values of basic statistical parameters of the results of students in lower secondary school,, Ulpijana "as rural school test test KET. Based on the values of the arithmetic mean can be concluded that all variables have normal distribution of results since Skewness values are smaller than 1, except for the Writing skill that has the value 1.014. High degree of heterogeneity of the outcome is shown in the variable where the value of Skewness Listening is - .825 reading value - .325 and this distribution with negative bias means that most of the results are smaller than their arithmetic average.

Po ashtu, vlera e Kurtosisit e cila tregon për nivelin e homogjenitetit të grupeve, e cila brenda kufijve normal nuk duhet ta tejkaloj vlerën 3, në rastin tonë tregon se kemi të bëjmë me grupe mjaftë homogjen.

Vlera mesatare e rezultateve të shprehura në përqindje në Reading ka qenë 8.96, në Writting 5.26, në Listening 12.07 dhe Speaking 7. 92. Nga këto rezultate mund të shohim se nxënsit e kësaj shkolle në bazë të përqindjes kanë realizuar rezultat

më të mirë në testin Reading dhe listening ndërsa në testet e listening sidomos në testin Writinig kanë realizuar rezultate më të dobëta.

The average value of the results expressed in percentages in Reading was 8.96, in writting 26.05, in Listening 12.07 and Speaking 7. 92. From these results we can see that the students of this school based on percentage realized the best result in the test Reading and listening while listening tests especially in test Writinig realized lower results.

Table 2. Values of basic statistical parameters for variables under investigation KET Rural Testing

	N	Range	Minimum	Maximum	Mean	Std. Deviation	Skewness	Kurtosis
Reading	38	17.14	.00	17.14	8.9662	4.46441	-.325	-.489
Writing	38	20.00	.00	20.00	5.2632	5.75013	1.014	-.079
Listening	38	21.00	.00	21.00	12.0789	6.31764	-.825	-.161
Speaking	38	25.00	.00	25.00	7.9276	6.95228	.774	.025
Total	38	83.14	.00	83.14	34.2359	16.99211	.362	1.193
Valid N (listwise)	38							

Interpretation of Descriptive Statistics for PET Testing

In Table. 3. are shown the values of basic statistical parameters of the results of students in lower secondary schools, "Hivzi Sulejmani" and "LUARASI" urban schools as control group tested with PET test. The table value of central tendency analyzed the results and measurements of the distribution of results about their arithmetic average and the normality of the distribution of these results. Based on the values of the arithmetic mean can be concluded that all variables have normal distribution of results since Skewness values are smaller than 1, except for the Writing skills with the value of 1.35. High degree of heterogeneity of the outcome is shown in the variable where the value of Skewness Listening is - .568 and this distribution with positive bias means that most of the results are larger than their arithmetic average.

The average value of the results expressed in percentages in Reading is 8.52, writing 2.98, Listening 8.25 and Speaking 10.85. From these results we can see that the students of this school as a percentage realized the best result in the test Listening, Reading and Speaking while on tests conducted in Writing have worse results.

Table 3. - Pet Controller Group

	N	Range	Minimum	Maximum	Mean	Std. Deviation	Skewness	Kurtosis
Reading	51	13.57	3.57	17.14	8.5294	3.15068	.744	.752
Writing	51	14.00	.00	14.00	2.9804	3.42631	1.353	2.246

Listening	51	19.00	.00	19.00	8.2549	3.45163	.839	2.576
Speaking	51	20.00	.00	20.00	10.8578	4.50340	-.568	.045
Total	51	50.93	10.29	61.21	30.6225	9.29893	.985	2.976
Valid N (listwise)	51							

In Table. 4. are shown the values of basic statistical parameters of the results of students in lower secondary schools, "Hivzi Sulejmani" and "LUARASI" as urban schools experimental group tested with PET test. The table value of central tendency analyzed the results and measurements of the distribution of results about their arithmetic average and the normality of the distribution of these results. Based on the values of the arithmetic mean can be concluded that all variables have normal distribution of results since Skewness values are smaller than 1, except for the Writing skills valued 1:00. High degree of heterogeneity of the outcome is shown in the variable where the value of Skewness Speaking is - .279 and this distribution with positive bias means that most of the results are larger than their arithmetic average.

The average value of the results expressed in percentages in Reading was 12.68, in writing 20.04, 11.71 in Listening and Speaking 18.65. From these results we can see that the students of this school as a percentage realized the best result in the test Reading, Listening and Speaking specifically while Writing tests have realized with lower results.

Table .4. PET Experimental Group

	N	Range	Minimum	Maximum	Mean	Std. Deviation	Skewness	Kurtosis
Reading	53	14.29	6.43	20.71	12.6819	3.67142	.686	-.519
Writing	53	12.00	.00	12.00	4.2075	3.73321	1.006	-.325
Listening	53	20.00	.00	20.00	11.7170	4.04008	.011	.440
Speaking	53	15.00	10.00	25.00	18.6557	4.56556	-.279	-.969
Total	53	56.71	18.86	75.57	47.2621	12.41994	.407	-.198
Valid N (listwise)	53							

Discussion and Conclusion

As a conclusion we can say that the outcomes of testing the students with KET or Elementary level were slightly better in Urban rather than Rural area. This had to do with the teacher's role and the implementation of ESA (Engage – Study – Activate) method. While, in rural area the teachers used behavior theory with the direct method which did not contribute with so good performance.

On the other hand, discussing the implementation of CLT syllabus with experimental groups again was productive, as with CLT was gained much satisfied result and according to statistics both experimental Urban as well as Rural group was highly, significantly better in performance compared to controlled urban and rural groups.

Finally, we can conclude that implementation of CLT in our schools will be productive and we as teachers should implement Kosovo Curriculum as a framework of our success as teachers and the successful performance for our students.

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Insuring the Charge Claim According to the Kosovo Law on Contested Procedure

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Abstract

This article analyzes insuring the charge claim in context of the Law on Contested Procedure, although this issue in the past has been regulated with the Law on Enforcement Procedure. This new regulation has brought many dilemmas in the judicial practice, and so far one of the goals of this paper will be focusing in these dilemmas and also giving recommendation in order to overcoming them. This legal institute will be analyzed in term of legal theory and judicial practice

Key terms used: Civil Procedure, Civil Contested Procedure, Lawsuit, Lawsuit Insurance, Kosovo Law on Contested Procedure.

1. Introduction

By insuring the lawsuit claim, we mean ensuring any rights in order to come to the materialization of subjective rights of its holder. Usually the mandatory materialization of subjective rights is necessary in order that the owner to be authorized by judgment or any other executive document. The judgment or executive document [1] the right holder must materialize of acquire within the contested procedure or any other procedure provided for by law. From the initiation of this procedure to its completion, usually takes a long time, especially considering that against the decisions of first instance ordinary legal remedies are allowed – appeal[2], so from the completion of the procedure to its final form it can pass relatively long time and during the time between there is a possibility that circumstances change based on which the holder of the right would face difficulties in materialization of his/her rights.

The possibility of changing circumstances in the materialization of the claim before the court judgment or other type of executable document becomes executable, regardless whether the claim has to do with money or non-monetary demands, it lies in that the debtor can dispose of movable or immovable property, in order to create the circumstances to make execution impossible. For this reason, different sets of rules are foreseen to give the creditor the opportunity to secure his claims.[3] These rules are set forth in the Law on Contested Procedure. Therefore, the proceedings would be incomplete if there are no provisions which will be available to the authorized party to request the insurance of the execution of his claims through the end of the regular judicial procedure.[4]

Up to the adoption of the Law on Contested Procedure of 2008, the Law on Executive Procedure provided for respective legal provisions and these were according to the insurance measures: 1. the right of pledge on real estate, 2. preliminary measures and 3. provisional measures[5]. Whereas, the provisions of LCP 1977 provided only provisional measures where the court during the trial, on the proposal of parties or "ex officio" has ordered such measures until the end of the final dispute and no special appeal was allowed against this decision.[6]

Peculiarities of the measures provided for by LCP (Yugoslavia 1978), were that the two measures before as the pledge on real estate and preliminary measures, besides general conditions that had to be met, such measures could be defined only when the creditor's request was confirmed by the court judgment which yet was not become final or executable, whereas

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[1] Law on Contested Procedure of Kosovo (LCP) no. 04/L-139 date 20.12.2012, Article 22

[2] Rrustem Qehaja "Appeal against judgment in the civil-contested procedure", Law life no. 1, March 2013, Tirana 2013, page 4.

[3] Iset Morina & Selim Nikçi, Commentary of the Law on Contested Procedure, Pristina, 2012. Page 541.

[4] Boris Pozniq, Law Commentary on Civil Procedure, Beograd, page 578

[5] B. Pozniq, Commentary cited page 578 and Law on Executive Procedure (LEP), OG of FRY no. 20/1978, Article 245.

[6] Law on Contested Procedure (LCP), OG of FRY no.4/1977, Article 442.

the provisional measure was not limited to the existence of the court judgment, so it was possible to be submitted before, during and after completion of the trial on the dispute.

In addition to, in order certain provisional measure to be ordered, the law does not necessarily anticipate the amount of insurance, but this insurance as named by law "bail" court orders it on basis of circumstances and when on debtor's proposal may oblige the creditor to deposit the bail amount as a condition of ordering provisional measure. In cases where the creditor has not made credible the existence of the claim and risk, the court may order a provisional measure on the creditor's proposal for deposition of the bail for the damage that could have been caused to the debtor.[1]

Whereas, with the adoption of the Law on Contested Procedure in 2008, all provisions relating to the provision of lawsuit are included in Chapter XXI, Article 296 through Article 318.

2. Conditions and measures of lawsuit insurance

Insurance measures of the lawsuit do not prejudice the main dispute, but they only serve to securing the claim or rights that are subject to dispute. Therefore, insurance measures do not secure satisfactorily the plaintiff's request i.e., the measures do not replace the judgment but they are means to secure factual and legal status (to protect the status quo). [2] Based on this, insurance measures can not be ordered to the extent that solve the claim, because in the opposite the enforcement of insurance measure would mean the final execution of the judgment. [3] Therefore, even with the provision of Article 300.3 of the LCP it is foreseen that insurance measures should not cover entirely the claim suit secured by them.

Insurance measures can be determined if the following conditions:

If the propose of the insurance makes it believable the existence of the request or of his subjective, and in case there is a danger that without determining a measure of the kind the opposing party will make it impossible or make it difficult the implementation of the request, especially with alienating of its estate, hiding it, or other way through which it will change the existing situation of goods, or in another way will negatively impact on the rights of the insurance party that proposed. If it's not determined differently by law, the court will determine the measures of insurance within the set deadline by the court as it is determined by the Law for the final procedure, it will issue guaranties on the measure and the type specified by the court for the damage that can be caused to the opposing party by determining and executing the insurance measures.[4]

While proponent, respectively the plaintiff, can justify the claim, by augmenting it with probative means and the risk that the opposing party will not allow the materialization of the claim can justify it on the basis of objective reasons depending from case to case. The threshold, as a third condition to allow insurance measures, usually is paid in cash (in Euros since this is the official currency used in Kosovo), but the court may also allow the this insurance be in the form of bank guarantee, securities[5], as well as valuable items, whose value is easily determined in the market which can quickly and easily be converted into cash.[6]

The amount of the guarantee is determined by the court based on circumstances of each individual case and taking into account the damage that may be caused to the insurance opponent with ordering and execution of insurance measures and it orders this amount based on common sense evaluation, since the law does not set any specific criteria for the amount of the insurance.

A criterion for determining the amount of the insurance can be that the more credible the claim of the plaintiff is or specifically the smaller the amount is or in contrary, the less reliable be the lawsuit of the plaintiff is this should be the amount of the

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[1] LCP of FRY, Article 270.

[2] Presentation on Insurance Measures by EULEX judge, Pristina, on 27.04.2012

[3] B. Pozniq, works cited page 583

[4] LCP of Republic of Kosovo No.03/L-2006 dt.30.06.2008, Article 297 and group of authors "Law Commentaries of the Civil Law Procedure of Bosnia and Herzegovina Federation and Republic Serpska", Sarajevo 2005, page 442

[5] Regulation of the Central Bank of Kosovo (CBK) on the Primary and Secondary Markets for issuance of Government Securities 16.12.2011 and the Law on Executive Procedure Article 2 paragraph 1.15

[6] LCP Article 297.2

insurance.[1] According to a practice that has been applied by international judges, the amount of such insurance is set from 5% to 30% of the lawsuit.[2]

This amount, deposited by insurance proponent, shall be refunded by court order to the proponent within 7 days from the date when insurance cases to exist, and if the opposing party files a lawsuit against the proponent of the insurance for damage compensation caused by ordering of security measure then the competent court shall decide on this lawsuit through a trial about this damage also may decide to uphold the security measure or determine the amount of the guarantee not to be refunded to the proponent of insurance until the end of the trial according to the claim for compensation.[3] This period of 7 days is too short for the respondent if he/she decides to initiate compensation proceedings, so we think that in the amendments to this law this term will be longer and not shorter than 30 days, in order for the respondent to prepare for initiation of compensation procedure.

The lawmaker, out of an obligation to deposit the insurance, has excluded the units of local governance.[4] We believe that this provision is unclear and perhaps a mistake taken from the previous law[5], because the units of local governance can propose such measures which can cause damage to the opposing party and that there is no reason these are released from this obligation.

On the other hand, if the party is unable to pay the security without jeopardizing his family situation, at his request the court may waive this obligation.[6] In this case, if the party offers credible evidence for this, the court with a special ruling decides on the request for exemption from this guarantee.

3. Types of lawsuit insurance measures

Depending on subjective right, the owner of which claims to have it, the following lawsuit insurance measures can be ordered:

- Insurance measures for insuring monetary claims,

- Measures for insuring claims at the directed item or at part of it, which otherwise called security measures for providing non-monetary demand and

- Measures for insuring their rights or preserving existing circumstances.[7]

For each of the above three types of lawsuit insurance measures are provided sub types of insurance that correspond to the lawsuit insurance object, whether relating money demands or non-monetary demands as well as for the preservation of rights or existing situation.

These measures are set forth under the current LCP. Unlike this law, the LCP of 1978 that used to regulate the insurance measures provided these measures as in the following: right of pledge on real estate, preliminary measures and provisional measures. Depending on the type of measure, provided the specific conditions for allowing these measures. As noted above the current LCP has not made any strict separation of these measures in the name, as did the old LCP, because the legislature had considered that all measures taken by the court in order to claim insurance in last instance, nevertheless they present insurance measures, which can be of different nature, because they depend on individual cases and specific relationship, but their ultimate goal is the same.[8]

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[1] Presentation by EULEX judge on insurance measures, Pristina on 27.04.2012, page 7

[2] Cited works page 7

[3] LCP of the Republic of Kosovo No.03/L-2006 dt.30.06.2008, Article 298

[4] LCP 2008 Article 297.4

[5] Presentation by EULEX judge on insurance measures, Pristina on 27.04.2012, page 7

[6] LCP No.03/L-2006 _30.06.2008, Article 297.3

[7] LCP 2008 Article 299, 300 dhe 301

[8] I. Morina and S. Nikçi, Cited Commentary page 541.

3.1 Measures to insure monetary demands

For insuring money requests, these measures can be ordered:

a). Banning the opponent of the insurance from alienating, hiding, indebting or holding a wealth set for the sufficient amount for securing the request of the party that proposed. This restriction will be registered in the public record.

b). Safeguarding of a wealth related to the restriction from the above point from the court in its provisions. When possible or when given in the possession of the party that proposed the

insurance or third party;

c). Banning the debtor of the insurance opponent so the latter will have his request

fulfilled or hand over the good, as well as stopping the opponent of the insurance to accept the good, to implement the request or own it;

d). Pre-notification of the right of pledge over the real estate of the opponent of the insurance, or on the registered right for the real estate, an item in the value of the main request, with interest and procedural spending for which was rendered a decision which is not yet executable.[1]

Measure under a), means that insurance opponent can not sell, donate or hide or in any other form dispose of and to alienate the pledge, mortgage or any other obligation, his wealth to the value of the claim of the proponent, including interest and costs of proceedings. Every action of the insurance opponent, who acts contrary to such measure is invalid but there is an exception to this principle, and that when the third person has acquired any right over the property of the opponent under the provisions of material law, i.e. when there is room for the application of the rules for the protection of bona fide beneficiaries. Moreover, this decision will officially be sent to the respective public registry to prevent any change in these registers.

Measure under b), means that items that are subject to the measure will be stored in court if the latter is likely to do so or be entrusted for safeguarding to the proponent or the third person. These items should not be used so either by a third person, nor the sponsors but neither the court, if entrusted for safeguarding.

Characteristics of the above measures, especially of that in point a) and b) are that the on the proposal of the insurance opponent or guardians (who may be the court, the proposed insurance or third person), the court may decide to sell movable items for which there is a danger that can easily and quickly damage or if there is a risk that the value of these items will drop significantly. The sale of such items must be done according to the rules set under the executive procedure for movable property.[2]

The sale of such items is done through the verbal public auction, or through direct settlement between the purchaser, in one side and the official person, or other authorized subject in other side or other authorized party. The manner of sale of items is determined through court conclusion, bearing in mind the fact achieve the most suitable price for respective items.[3] The amount of money gained from the sale of movable goods or through the implementation of the loan is preserved in the court deposit up to the moment of removal of the measures of security or up to the moment when its execution is proposed but at the latest within a period of thirty (30) days from the day the loan has arrived. Other goods gained by requested loan are deposited, if possible they are deposited in the courts deposit, or there are other means of savings until the moment of removal of the security measures, respectively until the party proposing security will propose an execution but at the latest thirty (30) days from the day when the loan becomes exceptional.[4]

Of course, that in these cases the question is what will happen to the money deposited or even items found with the custodian. We think, if the insurance proponent wins the dispute or the executive ownership in a regular court procedure, then right over these items will be materialized through executive procedure, and certainly, those things that found with the

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[1] LCP- No.03/L-2006 dt.30.06.2008, Article 299.

[2] LCP 2008 Article 311

[3] LEP of Republic of Kosovo No.03/L-008, 02.06.2008, Article 91 and 92.

[4] LCP of Kosovo No.03/L-2006, 30.06.2008, Article 311.4

custodian shall be handed over to the proponent (plaintiff, creditor). As if these items are sold and the money is in the court, in this case on insurance proponent's will materialize his claim from the money deposited.

Measures under c) contain in fact two requirements, one has to do with banning the debtor of the insurance opponent to meet the demand or to deliver certain items and ban insurance opponent to accept the good, to implement demand or dispose of it. These situations arise when insurance opponent is in civil-legal relationship with a third person. By this insurance measure, the court will prohibit to third person as long as the measure lasts not to pay the amount of money that he owes to the insurance opponent or deliver a certain item, where would hamper a execution of the proponent's request. In case the third person acts against the order of the court, he will be responsible for eventual damages. Third person may deposit his obligation he has towards the proponent in court or to the person assigned by court as a custodian. With this, the third person is released from this responsibility.[1]

Measure under d) or notification on non-possessory pledge[2] means registration in public real estate registry, of this nature and only after the final judgment was rendered, according to which the rights of the proponent are recognized, but has not yet become executable. As seen, this measure is one of the strongest measures that ensures monetary demands of the insurance proponent, as well as its setting conditions are stronger because as a condition for this a judgment must exit.

We believe that the condition for the ordering of this measure "judgment" that is not yet executable, is a technical error that should be replaced with executable document because its proponent's monetary demand can prove it with a judgment or an administrative act. Also the old LEP provided a condition that for allowing this measure the creditor must argument this theough an executive document, which in addition to the judgment it also includes administrative decisions.

3.2 Insurance measures for non-monetary demands

For insurance of non-monetary demands or insurance directed to certain item or part of it, the following measures can be applied:

a) Banning the opponent of the insurance to alienate, hide, indebt or holding the

wealth on which the request was directed. The forbidding will be registered in the respective public real estate record.

b) Safeguarding of the wealth referring to the proponent's demand, by depositing in court, or if that is possible, hand over to the proponent of the insurance or the third person,

c) Banning the opponent of the insurance to commit act, which could damage the part of

the wealth toward which the request was sent, or the order against the objector of the insurance to conduct action for protecting the wealth, and protecting the existing situation of the goods,

d) Authorization of the party that proposed the insurance to carry out specific activities.

Two of the first measures under a) and b), are the same as the insurance measures on the execution of monetary demands. The difference lies in the way that these measures, in monetary demands insurance, the proponent will execute his demand from the sale of these items to which the measure is ordered, whereas in the insurance measures for execution of non-monetary demands, the proponent directs his claim specifically on those items he claims are his stuff.

Whereas the measures provided for in paragraph c) and d) differ from the measures foreseen in the part of insurance of monetary demands. The measure provided for in paragraph c) of this section contains two separate obligations for insurance opponent, which are independent of one another or rather saying contain two sub-measures. One has to do with banning the opponent of the insurance form any action that might lead to damage of property directed at the request of the proponent and the other has to do with the directive to insurance opponent to perform certain actions necessary to maintain

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[1] I. Morina and S. Nikçi, cited commentary page 548.
[2] Law on Property and other Real Estate Rights no. 03/L-154, 25.06.2009, Article 162

object property or to maintain existing condition circumstances. Therefore, to that extent we have two situations, one where the insurance opponent is requested not to act and another situation where he is requested to act.[1]

As regards to point d), which deals with the authorization of the proponent to perform certain actions or necessary to the item or property of the insurance opponent, the court may authorize when necessary to preserve the status quo or any obstruction causing damage. These authorizations may be different and depend from case to case or by legal and civil relationship that exists between the proponents and opponents of insurance. Thus, for example, the court may authorize the proponent to utilize the right of use of immovable property of the insurance opponent, until decided regarding the claim for verification of servitude respectively for the right of use.

Characteristic of measures to insurance of non-monetary demands directed on certain items or a part of it is that these measures should not include entirely the claim over which insurance exists.[2] From this paragraph we can not understand what the purpose of the legislator has been and what goal can be achieved and thus we think that during the drafting of the law is made a mistake because there is nothing wrong with the proponent's measure directed at certain item or part of it to be included as a whole claim of the proponent, because the purpose of it is that he at the end of the procedure can execute his whole claim.

3.3 Insurance measures on rights or preserving existing condition

For insuring rights or preserving existing circumstances, the lawmaker has foreseen these measures:

a) Banning of the insurance opponent to perform specific activities aimed at preserving existing situation or not allowing damaging the opposing party;

b) Authorization of the insurance proponent to conduct specific activities;

c) Leaving the wealth of the insurance opponent for custody or care to the third party;

d) Other measures set by the court as necessary for lawsuit insurance.[3]

The above measures relating movable property, which can destroy easily and quickly and if there is a risk of their price fall, the court on the proposal of the opponent or custodian of these items can decide to sell these items under the rules of execution procedure and the money acquired out of sale be deposited at the court depositing account.

As seen from the above mentioned types of measures for insurance of rights or preserving the existing circumstances are similar to other measures for securing monetary demands and non-monetary demands except the last measure or better saying point d) of this Article and that at this point this was left to the court discretion to decide and determine any other measure that is necessary to secure the proponent's lawsuit.

4. Content of the proposal for ordering the lawsuit insurance measures

The proposal for ordering measures for lawsuit insurance in principle are submitted in writing, but they may also be presented orally during an ongoing trial at the stage of reviewing the lawsuit/claim respectively. Therefore, the proposal may be submitted at any stage of the proceedings, in the first instance through the completion of the main trial, but it can also be submitted in the proceedings of the second instance, when the case is at the court deciding on the appeal.

When the proposal is submitted in writing same as submissions should contain every detail that is needed to act accordingly, thus must contain the introductory part, the claim to be insured and signature of the proponent. In the introductory part of the proposal should be identification of the litigants, the object of dispute, the amount in dispute whereas in the part of the content should be described the claim to be secured the object and means of the security measure, the facts on which the

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[1] I. Morina and S. Nikçi, cited commentary page 551

[2] LCP of Kosovo No.03/L-2006 dt.30.06.2008 , Article 300

[3] LCP 2008, Article 301

claim is grounded and evidence which support such fact.[1] If possible, the proponent shall attach to the proposal the evidence that supports the claim, and which make it credible for imposing the insurance measure as well as those that justify the risk that without insurance measures the opponent will make it impossible or difficult to have subjective execution.

Also, the proposal should contain such information even when the proposal is presented orally at the hearing, with the exception of the facts and evidence to prove such facts that relate to the reliability of the claim, because these data are in the body of the lawsuit itself contained, according to which the judicial subject matter is being processed.[2] Proposal for insurance measures may be presented verbally before the competent court even before the initiation of court proceedings by lawsuit; in this case, the above provisions should be applied accordingly.[3]

If the proposal does not contain all the necessary data provided by law, the court in this case will act as the complaints is irregular and incomplete and will return the same proposal to the proponent for amendment and correction. If the proponent does not act according to the instructions of the court, shall be considered that the proposal is withdrawn. In case the submission is corrected by the deadline set by the court, which is three days, and sent to the Court then it will be deemed to be submitted within the first legal deadline, thus the court will reject the proposal.[4]

So, the proposal for ordering insurance measures should contain all the necessary data which were mentioned in the above paragraphs, and it must be noted that the most important among them is the object of the claim, which means the item or the right on which the insurance measure is imposed. When the proponent proposes any insurance measure he shall in the proposal describe the type of request and depending on the type of request may propose any of the measures provided for securing monetary claim, or measures which are provided for insurance of non-monetary demands as well as those that are provided for securing the rights or preserving existing situation.

5. Submission of the insurance proposal

Insurance measures can be proposed before initiation of court proceedings, during its development, and after the trial, until the execution is completed in its entirety. If the court orders the insurance measure proposed by the proponent prior to the commencement of trial, the court should bind the proponent that in the term of 30 days, to initiate court proceedings by a lawsuit in order to legalize and justify the proposed measure and therefore should notify the court, respectively the judge who has given issued the insurance measure that he has acted according to this obligation.[5] If the proponent does not initiate the judicial process by the deadline set by the court, then the court will terminate the procedure and will annul completed actions.[6]

So, this deadline as mentioned above is the term that the legislator has intended to produce effects, however wrongly in the Article 308.1 of LCP is written that this term will be no shorter than 30 days and it is believed that in the future with the amendment the law, this term will be corrected, and must be within 30 days. Thus, the same has been regulated by the old law too.

To decide on the proposal for ordering the lawsuit insurance measure before the lawsuit is filed[7] and during judicial proceedings, competent to handle this is the court that handled the lawsuit, whereas on the proposal submitted after the completion proceedings, competent it is the court that decided on the execution of the decision. In addition, the proposal for insurance measure can be filed with the court of second instance, while the case is in procedure with the court deciding on the appeal.[8]

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[1] Therein, Article 304

[2] Therein, article 304.2

[3] Therein, Article 304.4

[4] Ruling of the Municipal Court in Pristina C.no.1352/09, 22.09.2011.

[5] Ruling of the Municipal Court in Pristina C.nr.464/12, 08.03.2012.

[6] LCP of Kosovo No.03/L-2006, 30.06.2008, Article 308.

[7] LCP 2008, Article 296

[8] Law Commentary on Civil Procedure of Bosnia and Herzegovina Federation and Republic Serpska (group of authors) Sarajevo 2005, page 463-464

If in the meantime there is a need to change means and objects of insurance, insurance proponent may propose such amendment to the court within the same procedure and based on the same order, [1] and in these cases it is not necessary that the insurance opponent is given a deadline for response, and if the proposal is grounded, the court with a decision will change the means and the object of insurance, even though these means will be secured the proponents' lawsuit.

6. Court jurisdiction to decide on the insurance measure

The notion jurisdiction in objective view of the work environment we mean the scope of activity of a body, whereas in subjective view, jurisdiction means the right and duty of a body to act in certain legal issue. [2] Rules that define the range of powers of a body also set the jurisdiction[3] of these bodies based on the type and nature of the dispute.

In legal systems in general but also our legal system in particular are created various bodies so that subjects of law are given legal protection associated with subjective rights that are prescribed by law. Such bodies are regular courts, special courts (Special Chamber of the Supreme Court) and administrative bodies. In order to respect the adversarial principle, a principle which is envisaged by the Constitution and the European Convention of Human Rights, according to which are created bodies of different instances.[4]

Court before which the proposal on insurance measure was submitted should firstly ascertain its jurisdiction (absolute jurisdiction), by other national or foreign bodies and ascertain case and territorial jurisdiction. Case jurisdiction determines the scope of courts of different kinds and the courts of the same type but different ranking, and the main criterion for setting this jurisdiction it is the subject of litigation. Whereas, territorial jurisdiction determines the competence of a body that can acts in a legal issue and is related to the territory where it conducts its activity.

If the court finds that the issue that was presented before it, namely the proposal for insurance measure, of which the claim relates to any other body or foreign country, then the proposal for insurance measure will be rejected as unfounded. [5] If about the legal issue is foreseen another real or territorial jurisdiction the court in this case will be declared incompetent regarding the real or territorial jurisdiction and after a final decision the case file will be forward to the competent court.

Provision of Article 296 of the LCP, that provides for the jurisdiction of the court of first instance is understandable, but the second paragraph of this provision is ambiguous and presents problems during practical implantation because it is not a complete legal provision regarding highest court jurisdiction when the proposal on insurance measure is submitted at the time when the case is sent to this court for decision-making.

The law also does not contain other provisions as regards to the composition of the court to rule on the amount of insurance, as it is known that the second instance court is consisted of judges in the panel composed of three professional judges. There is a question whether in the insurance measures shall decide an individual judge or panel of judges. As well as the question of who will decide on a legal remedies in cases where the court of second instance has issued insurance measure, when this court as second instance decided as the Supreme Court.

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[1] LCP 2008, Article 307.2

[2] Faik Brestovci "Civil procedure law I", Pristina 2008, page 51

[3] F. Brestovci cited works page 39-40

[4]The Constitution of the Republic of Kosovo (approved on 08.04.2008, entered into force on 15.06.2008), Article 32 provides for "The Right to Legal Remedies", according to this article: Every person has the right to legal remedies against judicial and administrative decisions which affect his/her rights or interests in the way prescribed by law.
A right that is foreseen by the European Convention for the Protection of Human Rights and Freedoms, Article 13 of the Convention guarantees the right to an effective remedy before a national authority.

[5] Ruling of the Municipal Court in Lipjan C.no.216/11, 22.08.2011.

However, with the promulgation of the law on courts[1] was foreseen a new organization of the courts in Kosovo[2], where, according to this law there is a Supreme Court, Court of Appeals and the Basic Courts. According to this organization Supreme Court decides only on extraordinary legal remedies.

The Court of Appeal decided only to appeals from relating decisions of Basic Courts. Whereas, Basic Courts decide on all matters in the first instance. With this new organization of the judicial system, the Court of Appeal decides in the first instance, it is therefore excluded the possibility that the Supreme Court decides on security measures, because it will no longer decide as a second instance court.

However, it remains disputable when the Court of Appeal decides or issues the insurance measure when the case is before this court as a matter to be decided according to legal remedies. A question comes up about who will decide on the appeal against the decision with which this court issued the insurance measure. The Supreme Court does not have jurisdiction to decide on appeals against decisions of the Court of Appeal because this Court decides as stated above only for extraordinary legal remedies. In addition, the problem appears when in cases against decisions of the court of second instance no appeal is allowed, whereas pursuant to Article 310.1 of the LCP, a ruling based on which an insurance measure was ordered appeal is allowed. So, in this situation we consider that the legislator has not clearly regulated the subject matter, and we think it was supposed to regulate it by excluding the right to appeal when the court of second instance decides on the insurance measure, issues the measure. In this case the exclusion of the right of appeal would be in accordance with the principle, that against decisions of the court of second instance no appeal is allowed, and the fact that there is no such body that will decide on the right of appeal because Supreme Court does not decide any longer as a court of second instance. We consider that the proposal to allow insurance measures can be submitted even when the case is in the court of second instance and this would be the way that such measure to be issued by individual judge or reporting judge, whereas the appeal against this decision be reviewed by a panel consisted of three professional judges. However, starting from the principle that no appeal is allowed against decisions of the court of second instance. Based on legal interpretation method of Article 310.1 of the LCP, which stipulates that "the decision of first instance on the insurance measure can be appealed within seven (7) days of its submission", we believe that against the second instance decision that insurance measure is ordered an appeal shall not be allowed. Whereas, as to that how much support will be given to this opinion, it is a matter of future how this will be decided by the case law of the second instance courts in these cases.

7. Decision making procedure on the insurance measures

In principle, lawsuit insurance measures cannot determine whether the insurance opponent was not given the opportunity to make a statement concerning such proposal, except in cases provided by law.[3] Notification of insurance opponent and the opportunity to make an objection regarding the proposal for a insurance measure is a prerequisite for issuing the requested measure. The exception to this rule is that law only provides temporary measures but also in these instances, the insurance opponent can dispute the causes for the issuance of temporary measures, for which the court within 3 days is required to decide on these objections.

The Court firstly must review the proposal and its content and conclude that it is competent to handle the issue in the territorial jurisdiction point of view, to decide on the proposal. If it finds that, it is not competent then the proposal with submissions attached shall be forwarded to the competent court for decision-making. If it finds that it is competent, then a copy of the proposal together with the evidence that has been attached will be send to the insurance opponent, with the a notification that he/she can respond to in writing within 7 days of receipt of this proposal.[4]

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[1] Law on Courts of Kosovo no. 03/L-199, 22.07.2012, in force from 01.01.2013
[2] Rrustem Qehaja "Organizational structure of basic courts of Kosovo, Newsletter of the Chamber of Advocates of Kosovo "AVOKATURA" VITI: VIII, no. 15/2014, Pristina 2014, page 79
[3] LCP of Kosovo No.03/L-2006, 30.06.2008, Article 305.1
[4] LCP 2008, Article 305.2 and Ruling of the Municipal Court in Lipjan c.no.210/2012, 27.08.2012.

Insurance opponent through response may challenge the proposed reasons for the issuance of the lawsuit insurance measure and in the response may attach necessary evidence, which challenge the facts of the proponent. In addition, insurance opponent in response to the proposal may not dispute the proposed measure and may propose to give the pledge instead as security measure and the court shall decide on this if proposed insurance satisfies this proposal.

After the expiry of the deadline for response, or after the opponent's response is received and, depending on its content and evidence, the court may approve the proposal and to order insurance measure or reject such proposal without conducting a hearing. However, if out of the content of the proposal and the claims of litigants, the court cannot establish its opinion on the measure, approval or rejection of the proposed measure, the same may appoint a hearing to review the reasonableness of the proposed measure.

When court conducts the hearing, to decide on the insurance measure, should be careful to not administer the evidence proposed by the litigants, as in the main hearing, but conduct this hearing only by superficially review them[1] and so that the parties to present their views on the merits of the lawsuit and give their statement and evidence of the opposing party. So, the hearing on the insurance measure it is secondary type of hearing, which differs from the preparatory examination and the main trial. Therefore, special care should be paid in regard of not administering evidence as this should be only done during the trial and that there is a risk that the same evidence be twice administered (in the hearing on issuance of the insurance measure and in the main trial) and by doing so giving different meaning to the same evidence. If the proponent of the insurance measure based on the attached evidence has not made credible his/her subjective right, the court will reject the proposal on the insurance measure. [2] Therefore, this is the first condition to allow the insurance measure without fulfillment of which the court cannot even talk about the fulfillment of other conditions.

9. Conclusion

Reform of the legal system of the Republic of Kosovo has conditioned the promulgation of the new laws, which are challenging the judiciary with respect to the implementation of the laws in civil law area. Lawsuit insurance constitutes only a small segment of the string of multiple dilemmas contained in the Law on Contested Procedure.

Therefore, we consider that in this regard we have to invest more efforts to increase the capacity of the judiciary in the direction of providing more continuous training of the current sitting judges through exchange of their experiences in different regions and increasing the number of judges especially those that handle civil law cases.

We think that such a step is very necessary and such a thing in itself constitutes a challenge to satisfy European integration standards.

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Ruling of the Municipal Court in Pristina C.no. 2602/12, 29.10.2012

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[1] Presentation by EULEX judges on Insurance Measures, 27.04.2012, page 5

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European Energy Exchange EEX - Alternative for the Development of the Bulgarian Electricity Market

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Abstract

The price of electricity in the Republic Bargariya was always a topic and permanent food for thought for both businesses and households as final consumers. The paper aims to show the specificity of trade in electricity - in principle and in chasnost features and imbalances on the Bulgarian market. To demonstrate the need for organized and working stock market for electricity and the need for their daily work transparent. The accession of Bulgarian electricity market to the European Energy Exchange EEX would be the best alternative for solving problems.

Keywords: Market Pricing; electric energy market, Energy Prices; European Energy Exchange – EEX

JEL: D 43; Q 43;

Introduction

A sector for sale of electric energy became operational in August 2000 with the Group of the German Exchange (Gruppe Deutsche Börse) in Frankfurt. The exchange is called European Energy Exchange – EEX). Transactions are made on EEX with all primary-energy sources: electric energy, natural gas, coal, oil and harmful emission quotas.

Cash power exchange market – **EPEX SPOT** is the cash power market uniting the markets of France, Germany, Austria and Switzerland. Together these countries represent more than a third of electricity consumption in Europe. The seat of the company is in Paris with offices in Leipzig, Bern and Vienna. It was established in 2008 based on the merger of the power exchanges Powernext SA of France and EEX AG in Germany. Gradually integrated to the market of these four countries are the markets of Italy, Spain, Czechia, Slovakia, Poland, Hungary, Greece and Romania.

The exchange mechanism allows the arrangement of offers as legally binding agreements for purchase or sale of a particular quantity of electric energy in a given zone, for supply at a determined price (the so-called market clearing price).

Completed deals are forwarded immediately to the central counterparty for each transaction – the European Commodity Clearing (ECC). It is a central counterparty for all buyers and sellers who, as a rule, do not know each other. The clearing organization will always step in as a universal intermediary between buyer and seller, i.e. it provides for both the liabilities of buyer versus seller (payment for the electric energy), and for those of seller to buyer (the delivery of electricity).

As an important result of the exchange trade EPEX SPOT publishes daily exchange prices which are determined in a direct meeting of demand and supply. As such transactions are the result of extensive, open and transparent competition between orders by members of the Exchange they reflect the best available information as at this point of time in the market environment. Usually the cash market is organized 'a day ahead' and 'within the day'.

The number of players on the EPEX SPOT cash market is continuously growing and at this point of time they are 236 firms from 24 countries, and there are licensed traders including from Romania and Greece. It is enough to look at the map with the geographical location of players in trade on the European Energy Exchange and the legitimate question will arise – why no Bulgarian participation on this market. While the exchange market guarantees:

- fair and adequate behaviour of members of the Exchange;

- safe delivery and payment for the traded electric energy;

- anonymity of transactions – producers do not know to whom they sell and buyers do not know from whom they will buy actually;

- transparency in determination and variation of the price in accordance with demand and supply for every moment of the day.

Calculated by the cash market of the EEX exchange are also the respective indexes by which graphically presented is the variation in electricity price from various sectors of the market:

Phelix – index for physical delivery (Physical Electricity Index) – reporting on a daily basis a published price for base load (Phelix Base) ad the peak load (Phelix Peak) on the market of electric energy for the area of Germany and Austria market. The index is calculated from prices on the EPEX SPOT cash market (the exchange acronym for such market). It is calculated as unweighted arithmetic average in two variants: with *base load* and with *peak load*. The index is used as a base (underlying) asset for Phelix futures and options traded actively on the European Energy Exchange.

Daily PHELIX index for base load (Phelix Day Base) is the unweighted arithmetic average price of electric energy for the hours from 1 to 24 traded on the spot market. It is calculated for all calendar days of the year.

Daily PHELIX index with peak load (Phelix Day Peak) averages the prices of electric energy traded on the spot market for the hours from 9th to 20th hour for all business days of the year.

Monthly PHELIX index for base load (Phelix Month Base) is calculated as an arithmetic average of all day values of the index for all calendar days of the month.

Monthly PHELIX index with peak load (Phelix Month Peak) is calculated as the average (unweighted) of all values of the PHELIX Day for all days from Monday to Friday of the respective month.

   The wholesale price of electric energy varies within wiled limits yet it is always the result of the momentary ratio of electricity demand and supply.

In line with the cash transactions also possible are three main types of term transactions – futures with physical delivery, financial futures and options. They feature a similar method of determining the price – in auction or an ongoing price fixation. Traded on the European Energy Exchange are also options, yet for the territories of Germany and Austria only. They are called PHELIX options as they are based on the PHELIX index and have a possible maturity – month, quarter, year.

Futures contracts for supply of electric energy are two main types – futures with physical delivery and financial futures.

Traded on the European Energy Exchange are futures with physical delivery of electric energy for the territories of France, Belgium and Denmark. Such futures come to an end with physical delivery of the whole quantity of electric energy for the entire period of the contract. Calculated in the last trading day (for week futures) and two exchange days before the period of delivery for the months futures is an 'ending price' for the futures. Usually this is the last price at closure of the trade in such futures. The buyer of a futures contract is obliged to receive the entire contracted quantity of electric energy for the whole period of the contract and to pay it at the ending price. The seller of the futures contract is obliged to deliver the contracted electric energy at constant parameters for each day and hour of the period of supply. Generally the contracts make provision for delivery of 1 MWh of electricity per each astronomical hour of the period of supply.

Financial futures admitted for trading are for the territories of Germany/Austria, France and Italy:

Review will be made here only of financial futures for the territory of Germany and Austria based on the PHELIX index:

- Financial futures on the Phelix index for base load (daily, weekend, weekly, monthly, quarterly and yearly) – Phelix-Base-Day/Weekend/Week/Month/Quarter/Year-Futures;

- Financial futures on the Phelix index for peak load (daily, weekend, weekly, monthly, quarterly and yearly) – Phelix-Peak-Day/Weekend/Week/Month/Quarter/Year-Futures;

- Financial futures on the Phelix index without peak load (monthly, quarterly and yearly) – Phelix-Off-Peak-Month/Quarter/Year-Futures;

Starting February 2015 French and Italian futures will be released for the days and for the weekend, as well as financial futures for the territories of Spain and Switzerland.

The ending price for financial futures is determined on the calculation after a particular index which averages the prices from auctions for each hour of the day/night on the cash market 'day forward' per each discrete market territory. Usually prices are determined for base load, for peak load and for off-peak load, respectively. Ending of financial futures takes place only with equalization of the position with payment. i.e. there is no physical delivery of electric energy here. On maturity day the buyer of the financial futures is obliged to pay the difference between futures price and the fixed lower ending price. Where the ending price is higher than the futures price the difference is then paid by the seller of the futures contract. Such payment shall be effected until two days after maturity of clearing.

Options are another type of term transactions in which a right is being bought. Rights are two types: in the case of Call-option the right is 'to buy' at the price of exercise and in the case of Put-option the right is 'to sell' at exercise price. The buyer of a put option is entitled to receive a short position in a respective futures at the option exercise price on the last trading day. The seller of a put option receives, when exercising a long position in the respective futures, an Option Premium – this is the exchange price, which is paid at buying the right. Types of options – they are European type, which means that options are exercised on the last day for trading only. Option series – these are all call and put options on one and the same base asset with same exercise prices and one and the same maturity period. Offered for the first trading day for each maturity period are at least three series with different exercise prices – one of them shall be 'cash' (in-the-money), the second one - 'on money' (at-the-money) and the third price must be 'out of money' (out-of-the-money).

Traded maturity periods – in the case of Phelix year options there are four possible contracts with possible maturity coming in the end of each quarter of the current year:

• maturity at the end of March – April Phelix year option for base load (Phelix-Base-Year-Apr-Option);

• maturity at the end of June – July Phelix year option for base load (Phelix-Base-Year-Jul-Option);

• maturity at the end of September – October Phelix year option for base load (Phelix-Base-Year-Oct-Option);

• maturity at the end of December – January Phelix year option for base load (Phelix-Base-Year-Jan-Option).

The price of electric energy in the R of Bulgaria has always been a topical theme and a permanent reason for reflection for the business and the households, both of them as end consumers. The present article is intended to show the specifics of trade in electric energy – in principle and in particular the peculiarities and disproportions of Bulgarian market, these actually being an obstacle for the development of a normal competition on this market. Still observed in the Bulgarian electric energy market are multiple restrictions on participants in this trade that prove the limitation on competition when transactions are made in electric energy thus delaying actually the transformation of the market from state monopoly to an efficient market.

The legislative framework of the European Union for the electric energy market is embedded in Directive 2009/72/EC. (DIRECTIVE 2009/72/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL of 13 June 2009 concerning the common rules for the internal market in electric energy). [4]

The main actions, terms and objectives for implementation by the member states can be summarized and presented as follows:

• Main purpose: to achieve a '…fully open market, which enables all consumers to freely choose their suppliers and all suppliers freely to deliver to their customers.'

• The full market opening aims at dividing generation from delivery of electric energy, so that conditions could be established of loyal competition and opportunities for market impact on the changes in electric energy price;

• The Directive requires that all producers shall be competitively put on a level playing field in an objective, transparent and non-discriminatory manner, as well as third-party access to be provided to the transmission and distribution systems in conformity with the requirements for full market opening;

• Electric energy <u>production</u> is always regionally individualized. The maximum possible generation by all producers of electric energy is defined as a maximum capacity of such territory. The electric energy market in the US, for example, is divided up into 140 regions, also having 140 control points that measure the quantities of electric energy going out of or coming into the region, this being sold, or purchased by the other region, respectively. The possibilities for sale of electric energy of another region are determined by the possibilities of energy transmission between the two regions [9, p. 713]

• The market of electric energy, like the market of other primary-energy sources, must be <u>transformed from a state monopoly to an efficient market</u> with the help of appropriate regulations. 'This process is always accompanied also with the establishment of a term market for derivatives on contracts for supply of electric energy.' [9, p.714]

The issues relative to Bulgarian energy sector and the trade in electricity in particular, have been a topical and morbid theme for years now. This is in consequence of the disproportions superimposed with time and contradictory rights and obligations of players in the Bulgarian electric energy market. Most generally they boil down to the following:

• In September 2008 the Bulgarian government decided to amalgamate the energy companies of Bulgaria into <u>Bulgarian Energy Holding (BEH)</u>, which includes NEK, Kozloduy NPP, Maritsa – East 2 TPP, Maritsa-East Mines, Bulgargaz, Bulgartransgaz and Bulgartel;

• The development of the electric energy market over the period 2004-2014 is schematically presented in the following table (2014 data are estimations):

Table 1

year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
electric energy producers	4	6	6	7	7	7	6	7	7	9	9
wholesale consumers	7	14	31	62	57	61	65	77	105	2096	2100
wholesale traders	0	2	10	24	20	26	35	46	47	52	55

Annual generation of electricity over the period varies between 45 and 50 terawatt-hours (TWh) which is indicative of fluctuations in the yearly consumption under 10% against the previous year.

The increasing number of wholesale consumers and traders purchasing and selling electric energy on the Bulgarian market is a sure sign of the improved market environment and the increased opportunities for competition. Yet I need to immediately note that the 'free market' occupies a mere 9.2% of the trade in electric energy for 2013 [8, p. 23], while the expectations for 2014 are that the quantities of electric energy sold on the free market will be some 10% of the total quantity for the year.

• <u>Electric energy consumption is irregular</u> during the different hours of the day and this forces the System Operator of the respective territory to temporarily disconnect particular producers (the time of forced outage of capacity varies from several hours for HPP and TPP to 2-3 days for NPP, with at least the same time needed to put them back into generation mode), or to connect new capacities to the system as it must be balanced all the time – to have just as much electric energy generated as will be consumed. The classical example of balancing the electric energy system are hydropower plants which generate electricity in peak hours and then become consumers and start pumping the water back upwards so that it can be used again in the generation of electric energy. (See Art. 108.(1) of the Energy Law (EL): *'Single operational*

planning, coordination and control of the electric energy system is performed by the operator of the electric transmission network and by the operators of each of the electricity distribution networks.')

• The <u>main regulatory body</u> is the State Energy and Water Regulatory Commission (SEWRC). A total 13 principles are set forth in Art. 23 of EL by which the Commission shall be guided in performing its regulatory powers. Such principles are in full compliance with the requirements of European Directive 2009/72/EC, yet their application is usually accompanied by contradictory comments and opinions of various experts from the sector.

• Contracts concluded for long-term purchase of energy with Contour Global Maritsa East 3 and AES 3C Maritsa East 1 EOOD from 2001 make the provision that they will sell all their production to NEK at a price <u>guaranteeing the return of their investment for a period of 10 years</u>. It is noted in the SEWRC report that the total costs for 'non-generated energy' that are paid to the two power plants amount to 274 mill. Levs for 2013 because there was no consumption in Bulgaria and the price of the generated electric energy is significantly higher and can not be sold in neighbouring markets. [7, 16]

• The main large consumers of electric energy, i.e. those selling to the end consumers – the three power distribution enterprises – EVN, CEZ and Energo-Pro are purchasing all the electric energy they need at a fixed price which shall <u>guarantee a profit of 8%</u> to them, in accordance with the regulations of SEWRC and the signed privatization contracts;

• The differences in prices of individual producers also are specified by SEWRC and they are speaking in their own way when exemplifying the disproportions laid down in time:

Prices of energy and availability of producers of electric energy for the regulated market	price in Levs per MWh
Kozloduy NPP	30
Maritsa East 1 TPP	90.35
Maritsa East 2 TPP	68.30
Maritsa East 3 TPP	70.88
factory power plants	128.65
district heating plants	183.46
renewable sources of energy	299.05
hydro-power plants property of National Electric Company	63.64
approved price for the National Electric Company as 'Public supplier'	110.58

The price of electric energy from the thermal power plants in Maritsa East is two to three times higher that that from NPP and this is mainly due to the commitment assumed for purchasing the entire quantity of electric energy produced by the two TPPs;

• The National Electric Company (NEK) has the obligation of a 'public supplier' by virtue of Art. 93a of EL. '*The Public supplier shall purchase electric energy from producers connected to the transmission grid under contracts of long-term purchase of availability and electric energy, as well as energy generated from renewable sources, from highly efficient combined production …*'. Most generally, public expectations are placed on the National Electric Company to deliver electric energy to all end consumers and to maintain 'fair' prices. In order to meet such expectations NEK purchases the cheap electric energy generated by Kozloduy NPP, covers the costs of availability and buys out the entire quantity of electric energy produced from renewable energy sources (RES). The price of the public supplier is thus obtained – 110.58 Levs for one Mega Watt hour (1 MWh) as shown in the drawing. It was increased from 01.07.2014 to 114.10 Levs per MWh, net of VAT, by SEWRC Decision No. Ц – 12 of 30.06.2014.

• Another problem is the high price of electric energy from renewable energy sources, it being exactly <u>10 times higher</u> compared against that of NPP Kozloduy. The addition included to the price for end consumers for renewable energy sources in Germany is in the amount of 5.3 Eurocents per kWh. [11, p. 19]

• Control in the energy sector is vested in the Ministry of Economy, Energy and Tourism – MEET. (*Art. 75. (1) The Minister for economy, energy and tourism shall exercise preliminary, ongoing and subsequent control …*'). The embedded extensive disproportions however, and probably other lesser contradictions make the SEWRC, MEET and NEK implement new, higher and even more difficult to understand fees – for transmission, additions for green energy, <u>fee for non-recoverable investment costs, 'Public' fee</u>, etc. Any one having the opportunity of making use of the non-recoverable investment costs fee can spend a lot of money for nothing, because consumers of his service will pay all this again to the last cent. What other better opportunity there can exist for uncontrolled spending? It is nether motivated nor explained why each end consumer must pay for each Mega Watt of electric energy 16.80 Levs to NEK in 'Public' fee. What is being compensated with this and how? Other disproportions are created by the increase in transmission fees – '*Until 31.07.2013 this model made provision for the obligations to the public to be included in the price for transmission. Over the past few years a lasting trend was marked towards increase in such costs and their level in the period 2012-2013 resulted in an exceptional increase in the total sum payable to the price of transmission, which actually blocked Bulgarian export of electric energy.*' [4, p. 30]

• By its Decision No. Л-422 dated 31.03.2014 SEWRC granted a license for the activity 'organization of a stock market of electric energy' for a term of 10 years to the state company – part of the Bulgarian Energy Holding (BEH) – Bulgarian Independent Energy Exchange EAD. This company will use the technical and material resources of Electricity System Operator EAD and for such purpose the system operator undertakes to separate, rehabilitate and provide the module Organized Market 'Day forward', which has been part of the electric energy market in Bulgaria since 2010 until now. A Business Plan of Bulgarian Independent Energy Exchange EAD was presented for the period 2914-2018, wherein provision is made for starting the activity in 2014 and expansion in 2016 by purchasing a platform for 'market coupling' through which it will be possible to organize a stock market within the framework of the same day. It is envisaged to sell in 2014 on the stock market quantities a little over 4 Terra Watt hours and in 2018 such quantity is expected to double – to 8.5 Terra Watt hours. Provision is made for a fee for transactions on this exchange in the amount of 0.10 Levs per Mega Watt hour (MWh). One can notice that the presented Business Plan is for 4 years and the License was granted for 10 years. There was interest also expressed by the private company 'Bulgarian Energy Exchange' which applied for the issuance of this license too, but it was not approved.

The process of transformation from state monopoly in the energy sector to a free efficient market is accomplished when participants in this dealing begin to make transaction among them at transparent exchange rules and guaranteed equal

treatment of all players in the market. This market shall also imply the striking of term deals (futures and options) under perfect regulation because the interest of each participant in the trade in electric energy can be protected with the appropriate selection of term deals against risks unacceptable therefor.

There is a text in the Annual Report of SEWRC for the European Commission that '*…the income available to Bulgarian households is the lowest compared to the other EU countries. Although the price of electric energy for the households is also the lowest, the share of population's income used to pay electric energy bills is considerably higher than the average one for the EU.*

In order to discontinue this Bulgarian paradox to pay the lowest price for electric energy in Europe and at the very same time such price to be the greatest burden for Bulgarian households **we must join, as soon as possible, the European Energy Exchange** and to see generated electricity sold in a transparent manner. NEK obligations as a public supplier and the agreed rights of other players in the trade in the Bulgarian market shall be regulated and compensated by the government beyond any market relations. Most probably this again will be tax and non-tax burdens in the price for end consumers yet the state must intervene on its part in shouldering the burdens in our energy system as all this had happened with the collaboration or inaction of the ruling government structures.

Moreover, as of January 2015 there are monthly, quarterly and yearly futures sold in the European Energy Exchange for electric energy with base load for the market of Greece and for the market in Rumania.

Should Bulgaria decide to join the European Energy Exchange this will be a definite sign that new disproportions will not accumulate and bills of consumers will become transparent and predictable. Otherwise the territory of Bulgaria will remain an isolated and non-transparent electric energy market with bad consequences for all of us.

In conclusion I must note that the European Energy Exchange EEX indeed provides a perfect market mechanism of determining the exchange prices of primary energy sources in Europe and for electric energy, in particular. It is also evident that Bulgaria's territory is the only one still remaining outside the market of the European Energy Exchange and this does not deserve any high esteem, as far as I am concerned.

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Homo Democraticus and Homo Philosophicus - Epistemological View on Teaching Philosophy in the Public Schools in Albania

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Abstract

The educational system in Albanian has gone through many substantial changes and very challenging times over the last two decades. The majority of these changes were, without doubt, dictated by the very insistent endeavor to bring the Albanian educational system closer to the European one. After a very succinct, but concise description, of the changes the basic concepts of education were gone through, and of developmental strategies of the Albanian Educational Reform from 1992 to the present, in this paper we give a very brief account of the ideas and considerations the Albanian policymakers and other decision-making organs share about philosophy and its role in our times, as well as of the status and the place philosophy as part of the academic curriculum holds presently among, and compared to other fields of knowledge and culture. In this paper we present then our considerations and arguments on philosophy and on philosophizing, its nature and its importance to the human thinking, knowledge, and civic education, as well as the relation that has with democracy, freedom, the free individuals and the free society. Our paper aims to sensitize the community of teachers, of professionals and more specifically, the community of policymakers and decision-makers, to the vital importance philosophy has for the human life and existence, as well as to foster this last community to stop its actual attitude – which consists in sacrificing philosophy in the name of a mentality that has since long become part of the past – and to start its engagement for the creation of the necessary spaces and conditions to philosophy, by giving it the very place it deserves among other disciplines of academic curriculum. This is, at least, what the contemporary experience of other European countries is dictating us with more insistence than ever.

Keywords: homo democraticus, homo philosophicus, philosophy and curriculum of education, individual and liberty, teaching sciences and teaching humanities.

Introduction

In 2010, aiming to offer a very small and modest contribution to enriching the library of philosophical thought in the Albanian language and to responding, at the same time, to the very needs of that category of students that study the subject of philosophy as part of their academic curriculum, we rendered in Albanian two works written from two well-known authors of the XX century: "*Way to Wisdom*", of Karl Jaspers, and "*What does it all mean*?", of Thomas Nagel.

Despite the differences, they both claim the idea that man is a natural philosopher, that philosophy is intrinsic to him, whether he was caught or not, adult, child or adolescent. "*The philosophical thinking is always with us and within us*", writes Jaspers, as he tries to highlight this as a feature of every human being. He repurposes this concept in the last chapter of his book, adding that "*the philosophical thinking is in some form omnipresent wherever there are men*" (Jaspers, 2010).

Within the same perspective could be easily accommodated Karl Popper as well, which is neither a neo-positivist, nor an existentialist (as we often consider Jaspers, separating his philosophy from any other ideology or ism). In difference from many other contemporary philosophers, K. Popper claims and argues that *more or less all the human beings are philosophers, in as much as all human beings have an idea about life and death, about the way we should live our life, and so on* (Popper, 1994).

We see that the authors who are concerned to know the human entity, what is man, seem being not satisfied with the "***zoo politikon***" of Aristotle, nor with the definitions of ***homo sapient***, ***homo farber*** or ***homo aestheticus*** of Luc Ferry; they seem unsatisfied either with the '*intentionality*' of F. Nietzsche as an essential trait of man, nor with the "*faculty to project*" formulated by J. P. Sartre, in "Existentialism is a Humanism". Man, maybe they want to say, is characterized by the ability to philosophize. In that case we will have a "***zoo philosophikon***" or a "***homo philosophicus***" (Haxhiymeri, 2010).

The man in his lifetime is realized as a philosopher, the question is whether this is accomplished at an instinctive level or rises at a theoretical level. In our opinion the concern of the authors is growing this capacity, common to every person, not only to a certain elite. Seen from this perspective, the development of the ability to philosophize and exercise of such skills is not a strictly private matter or a game of desires; almost become a social issue, a fundamental human right, an obligation and a civic duty, a condition of human life. Such a community would appear as a human society. This effort is realized and intrinsic to the development of channels that grow and in turn develop the ability to philosophize attacking at the same time the cynicism and prejudice of those who look to philosophy as a characteristic of the so-called elitist minds. The mystification of philosophy and science, photogenic and hermeticism of philosophical communication become criticized issues in the works of these authors.

Karl Popper explains that every intellectual has specific responsibility, because it has the opportunity and the privilege of studying, for these reasons, has to give to society, the representation of his studies in a simple, clear and modest way and not seek in every way to impress with the philosophy. Popper continues, saying that „*Anyone who cannot speak simply and clearly should say nothing and continue to work until he can do so*" (**Popper,** 1994).

Projecting this topic in the reality of our work, I would not think that any negligence, fear or distrust, towards, philosophy during these twenty years expresses a critical assessment of Albanians academic ability, the ability or inability to present in those simple forms suggested by Popper, or to deal exclusively with matters not digestible, which have a metaphysical nature, sophistry, syllogisms and logic aporias. The last two decades of the post-communist transition were more than enough to prepare not indoctrinated philosophers and/or specialists in various academic fields. Philosophers of education, philosophers of science, history, law, etc., ought to have been prepared these years, drafting and implement supportive policies. In the same way it is also in the field of philosophical education. The redevelopment of graduates in philosophy in our universities, of teachers in service in this discipline, would be in any case a better solution that detachment from philosophy or even worse the elimination of this discipline.

However, let's dedicate a space to the argument that sees philosophy as man's existential need and feature of free citizen in a democratic society.

Such a feature as the ability to philosophize, as well as to write or to think logically and theoretical is a product of education. As indeed we know from studies in the field of developmental psychology, cognitive psychology and other disciplines even more specific, such as psychology of reason, the psychology of morality etc., with the birth and development of the capacity of logical thinking and with the subsequent development of sociality, of affective components etc., the teenagers develop capacity of philosophical meditation and philosophical game, the discussion or dialogue (even Socratic), algorithmic issues and other capacity of different natures. This is the age to start, assisting and supporting this process. Thomas Nagel says that the beginnings of thinking about the world around us emerge during the fourteenth year of age, when *"... many people start to think about philosophical problems on their own …"* (Nagel, 1987).

In this sense: „*... the philosophical raw material comes directly from the world and our relation to it, not from writings of the past*" (Nagel, *Ibidem*).

Do we have adequate curricula to respond in a timely and appropriate manner to the developmental needs of this generation? What is the way to obtain philosophical culture by people belonging to different levels of education?

Of course, for this, we must bring the attention to the fact that any consideration and evaluation needs a specific methodology, for some data on what we will evaluate, and tools with which we will measure or estimate our object of study and configuration types that serves to compare and measure it.

Let's take a quick presentation or a synopsis of the fate of philosophy in public education in Albania since the `90s. Teaching Marxist-Leninist philosophy was exchanged with History of Philosophy (Under a Marxist interpretation, or at best, looking for an impartial revaluation of philosophical culture, of course, teachers and lecturers were the same of the `80s, both in mentality and tools used for knowledge and for the philosophical interpretation).

After 1992, in a school year of the second cycle of education would have been done a philosophical discipline, namely, an *Introduction to the Philosophy* and something from the *History of philosophy*. Originally was published a text, a very good adaptation from a European school text, but it proved somewhat difficult for students. The text that was published later, as good as the first, was used for more than a decade. Department of Philosophy at the University of Tirana, in the context of

educational reform had become almost inexistent. The only Institution which was entrusted to prepare teachers and specialists of philosophy was not working, and in the same way was not working for the retraining of teachers in service. A large part of the department lecturers, were converted to sociologists. Sociology became favorite discipline, in vogue for several faculties and separate branches, while in most of these courses philosophy was eliminated, even as the philosophy of scientific knowledge or of a particular science. The same thing happened in the University of Elbasan: the course of the study of biochemistry is not performed since that time any philosophical discipline (even no training courses for citizenship); in Mathematics and Physics branch until 2001 was conducted *Philosophy of Mathematics* and *Philosophy of Physics*, but later they were eliminated from the program. In Scientific Masters programs can be found rarely a philosophical discipline (*Philosophy of language*, the MSc in Linguistics; *Philosophy of History*, Msc in Cultural Heritage, ...) and almost none such in doctoral programs.

Not a good situation for philosophy was deteriorated even further with the implementation of the New Curriculum (2009-2010) for high school, where Philosophy becomes an optional subject matter. From 3240 hours of teaching in classes X, XI, XII, 2628 hours of teaching belong to programmed teaching and 360 hours are reserved for compulsory optional subject (Of these, 120 hours are for class XII). The students must choose between the following cases, two of them and each with 2 hours / week: foreign language, Albanian language and literature, mathematics, cultural heritage, philosophy, history, economics, chemistry, physics, biology. Philosophy is confronted with the disciplines that have a considerable space, not only in curricula of the first cycle of compulsory education, which lasts for nine years, but also in the cycle of high school that lasts three years: foreign Languages, albanian language and literature, mathematics in 3 years with 3 hours / week; history, in 3 years with 1/2/2 hours / week; chemistry, physics and biology, in class X and XI, with 2 hours / week, etc. (Kfr. The Institute of Curricula and Training, 2009).

This picture would still be incomprehensible unless we keep in mind the guidelines for the development of new curricula of high school (ICT – Institute of Curricula and Training) and in particular the clause that says, "*The school has an obligation to provide to each student*: […] *The school hours belonging to the optional subject matter for each high school class*", and further, that, "*The school could not offer to students*: […] *all the other subjects of compulsory curricula*" (The Institute of Curricula and Training, 2009).

The meaning of the text mentioned above, noting with regret, is an ornamental embellishment of public high school curricula with courses that will not take place in most of these institutions.

Among them, the worst fate will be reserved for philosophy, for some special reason, subject of Philosophy will not be carried out, although some students may choose it. High school teaching staff will not contain any specialist in this field (or in the worst cases, will be executed by teachers who have no competence in it).

We would not like to compare this initiative of our educational institutions with the imperial decree from Justinian in 529 A.D., which prohibited the teaching of philosophy, law and literature in Athens. There will not comfort us nor any expert reminding that such things have happened elsewhere, or that in these countries is not taught at all philosophy. We live in a wild season with prejudice, or better yet, in a season full of exclusionary and hostile actions against philosophy. But we care about how people react, intellectuals, too. In fact, to them, we want remember the major events in France, the creation of "General Staff of philosophy" (*Etats Généraux de la Philosophie*), in 1979, when about 1,200 philosophers and teachers of philosophy from around the world responded unequivocally and unanimously to the call made by Jacques Derrida to protest the French parliament that those days had passed a law that denied the right philosophy to be part of the high school program in the territory of the French Republic" (Haxhiymeri, 2010).

Few years before Th. Nagel published his book titled "What does it all mean?", several education specialists and researchers in the USA were expressed with concern about "[…]...*The non-inclusion of philosophy as an integral part of American educational program*, […] *its omission from high school programs"…* (with the reason that) […] *this is a college subject*", or because "*…it is very advanced for the level of middle school.*"; its exclusion in high school programs with the argument that it is "irrelevant" and "*that there develops critical thinking"* (Breslin, 1982).

Apparently Thomas Nagel, presents conclusions from a broader perspective in his book, when he writes: „*People ordinarily study philosophy only when they go to college*" (Nagel, 1987).

Studying the school curricula of several countries and seeing their development and differences, we note that the inclusion of Philosophy in high school curricula has different variables both in time and in space where is applied; the whole is

conditioned by the philosophical traditions in education of each country. We are talking about traditions, the extension of education in years or cycles, the relationship between the philosophical interpretation and the theoretical thought with the school disciplines, the studied literature in these programs, etc.

As we discern from our studies, affinity and place of Philosophy in social culture and in school curricula has a special relationship with democratic development in those societies. Philosophy, logic, literature, linguistics, history and arts, in addition to mathematics, physics, astronomy, biology, chemistry, etc., formed in the nineteenth century a detterente, or better yet, a fund for a scientific and intellectual education. The era of positivism and the advent of technology, strikes harshly the theoretical sciences, but most of all philosophy.

When Europe, in the late `30 and early` 40 of the twentieth century was experiencing a great intolerance not only from the crowd but also from the political elites, a thinker, a prominent philosopher, Jacques Maritain will denounce the source of this madness callosity publishing his work entitled "*Education at the Crossroads*" (Cfr. Maritain, 1943). In the new edition of the work of Maritain (1947 Egloff; 1959 Arthème Fayard; 1969 Nouvelle Edition; etc.), would come out that society and the so-called western civilization are still experiencing the crisis of values that Maritain describes, because the US education system, etc., remain at a crossroads, and education policies in these countries have the main contribution to this crisis. He thinks it was a crisis in the foundation of the system; the human model is in crisis, the model of the citizen and citizenship, while it is on the pedestal the citizen designed as workforce and disciplined, professionally capable and in full respect of technical regulations, administrative and judicial (or otherwise known as the name of the state laws). However, in this project, according Maritain, lacks the human component, the development of thought in real size, depth of thought and philosophical meditation, metaphysical or religious dimensions, cosmological and world viewer, spiritual dimensions, ethical and moral, etc. School and education need to change, but the question above implies not just school and education institutions, what is essential, has to do with the aims of education in a society.

As such it has to do with political power, what is it, what relationship seeks to preserve (or sets) with the governed, the people? Education may be issued by the crisis and move towards a new strategy by the political emancipation of the society. Perhaps we should interpret this way the events of 1979 in Paris, as well as remember and reflect on the relationship between philosophy and civilization, humanity and democracy, Jacques Derrida a decade or so later.

   Obviously, it suffices to refer to his work entitled "*Du droit à la Philosophie*" (Right to Philosophy, Derrida, 2002) the first chapter of which is very telling: "Qui a peur de la Philosophie?" (Who's Afraid of Philosophy) published Ed.Galilée, Paris 1990 (Derrida, 1990).

The history of civilizations and the emancipation of human society awake the conscience on the particular role of philosophy in them, the role in conditionality relations and mutual encouragement of philosophy and achievements of democracy. Philosophy is a measure of freedom and its particular achievement, too. This wording in his Hegelian conceptualization must be taken into political dimension, also economic, social, etc. So, it must be taken in the whole human dimension. Many thinkers and scholars see the source of the splendor of Hellenic civilization in the Aegean shores of the Mediterranean, to the flourishing of philosophy there, in the same way is the flourishing philosophy that gave rise to the Roman civilization; we see the source of the power of Chinese civilization, first of all to the Confucian morality, whose foundations are placed in the Confucian philosophy, associated with Buddhism and other ethical, philosophical and religious doctrines. Islamic philosophy gave to Islamic civilization and culture, a particular dimension, as well as Christian philosophy of Reformation and Renaissance gave to European civilization and to the so-called West. The modern theory of democracy, the sovereignty of the people, the doctrine of natural rights and freedoms of man are the main corps of the European Enlightenment and political projects that laid the foundation of modern democracy, in Europe and America. Postmodern philosophy is, for nearly a century, the mind and the project of civilization, its prosperity and democracy. Development strategies of today's society can't be projected simply by technicians; work management and administration can't be done by just the so-called bureaucracy. Philosophy, more than ever before will have a priority. It will be a theoretical foundation and a methodology of study and work, necessary for any particular field of knowledge and activity.

In terms of a developed society with a high level of emancipation, citizen participation acquires new dimensions and new relations with the management and administration of the areas of activity and social values. Existential concerns, cognitive, religious, moral, psychological, educational, etc., to individuals and social subjects should be answered, analyzed and interpreted. To achieve this, there must be a strong theoretical thought, category of philosophical thought, dexterity to penetrate, critical sense, knowledge of the main paradigms, etc. This is a fundamental reason to pay particular attention to

the cultivation of the ability to philosophize through pre-university educational programs and undergraduate later. But the relativity of knowledge and thought, diversity and consensus of conflicting views, subjectivity and individuality of thought how will be cultivated to the people? Did we get this through "*exact science*", subjects such as mathematics, physics, chemistry, biology, astronomy, geography, etc? We are bringing here a consideration of Luc Ferry associated with this problem.

He writes on "exact sciences":

„*Not that these don't also provoke disscusions and dissensions*.

[...] *The very special status of sciences teaching when compared with that of other disciplines is therefore all the more remakable: where education has in general adopted more and more* „liberal principles"...[...] *the inculcation of science remains the only one in which the relativism of personal opinion can be neither appreciated nor encouraged*.

[...] *Like it or not, the solution to a math or physics problem is not a matter individual or majority opinion, and relativism appropriate to other domains disapears in science for the good and simple reason that it presents the last remains of our relation to objectivity. It's in encountering science that the child comes up ...*[...] *against a theoritical universe which resists his subjectivity, since it manifest itself to him in a shape of norms that he, at least at his level of learning, cannot contest*" (Ferry, L. 1990).

Finally we recall again the historical need for us, Albanians, but not only, to protect a new mind and soul, completely different from previous ideological mind. The need to encourage and develop true human individuality, subjectivity and freedom of thought, can't be satisfied with the cultivation of accounting or manipulative skills, through teaching mathematics and other natural sciences, or with the development of logical or algorithmic thinking, or lastly with information and data from these areas. The only way is to educate open minds, critical and reflective one, and for these reasons, we must reevaluate the philosophy.

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Factors Influencing the Appearance of Teaching Anxiety to Student Teachers

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Abstract

*Student teachers who are involved in pedagogical practice during teaching experience anxiety. Anxiety of teaching is influenced by a number of factors that are associated with specific characteristics of learning situations. The aim of the study was to determine the factors that influence the birth of anxiety to student teachers during teaching. Participants in this study were students of the Faculty of Education, "Alexander Xhuvani" University, enrolled in programs of study: "Elementary Teacher" **and** "Preschool Teacher". Resulted that the teaching anxiety to student teachers influenced by a number of factors that are associated with specific characteristics of learning situations as: teaching planning, ability to analyze problems of learning, class management, assessment of students, public speaking. Teaching observation from mentor teacher, lecturer, students of course, was a factor that intrigued most students.*

Keywords: teaching anxiety, student teachers, pedagogical practice

INTRODUCTION

Teaching practice has always been defined as the possibility for student teachers to perform teaching in a school situation (Ngcobo, 1995). Prospecting (McBride, 1984: 41; Wendt & Bain, 1989: 178; Behets, 1990: 73) has shown that student teachers are concerned by teaching in pedagogical practices. They experience anxiety during teaching.

Much research has been conducted to study the nature of the anxiety of teaching to student teachers and the factors associated with the manifestation of anxiety during teaching experiences. In Great Britain it was found that anxiety is associated with factors such as professional concerns, evaluation of students, classroom control, learning the demands of practice (Hart, 1987). In Canada reported that anxiety to student teachers is related to pedagogy, assessment, classroom management and staff relationships (Morton, Vesco, Williams & Awender, 1997). In Albania it is not encountered any research on teaching anxiety and factors affecting its birth, to student teachers during teaching experiences.

During practice, most student teachers are concerned about the evaluation (Capel, 1997, Morton, at. al, 1997). Are often uncertain about what standards will be met or will be met. Teaching concerns about standards generally result: concerns about tasks, student learning, concerns implementation of effective teaching (Griffen-Jeansonne and Calista, 1984). Fuller (1969) found that the assessment of students and supervisors bring concerns to student teachers.

The empirical findings support the idea that the high level of anxiety among student teachers can be associated with negative consequences such as classroom control problems, and concerns in the classroom. Preece (1979: 18) found a correlation between student anxiety for teachers and classroom control problems. This conclusion supports by Hart (1987: 16) which reported a positive correlation between student anxiety and concerns teachers in the classroom.

The intensity of anxiety respondents emphasizes Gardener and Leak (1994) was positively associated with several variables such as negative experience in the classroom, teaching with younger students, teaching of unknown materials.

Likewise Ameen, Elsie C; Daryl M. Guffey & Cynthia Jackson (2002), found that 80% of respondents with teaching anxiety, stated as possible causes non recognition of materials and students, pre-preparation class, student evaluation. Thompson (1963) found that students of teachers have expressed concerns about: student discipline, mastery of content, inability to answer questions and to design lesson plans.

Purpose and Objectives

The purpose of this study was to highlight the factors that affect the birth of anxiety during teaching to student teachers. Students with anxiety not seek help from mentors or tutors for the concerns that they have (Rickinson, 1998). By discovering and determine the factors that affect the birth of anxiety to these students, we can contribute later with other studies to find how to intervene to reduce the level of anxiety among students during teaching in pedagogical practices.

METHODOLOGY

Participants

Participants in this study were students of the Faculty of Education, University "Alexander Xhuvani", Elbasan. Students were enrolled in the study programs: "Elementary Teacher" and "Preschool Teacher". In this study participated 100 students by age 19- 25 years old (mean age 22vjeç). Of these 52 students (52%) were enrolled in the study program "Elementary Teacher" and 48 others (48%) in the study program "Preschool Teacher." Students participating voluntarily participated in this study, thereby defining the pattern of random selection of the sample.

Instruments

The instrument used was a two-page self-report questionnaire with demographic information including age and study program as well Teaching Anxiety Scale (Parsons, 1973).

The Teaching Anxiety Scale (TCHAS) aims to assess participants' self-reporting of their feelings and tensions while they are teaching. The participants responded to each statement using a 5-point Likert scale for the frequency of experiencing certain anxiety behaviors ranging from 1 (never) to 5 (always). TCHAS contains a variety of self-reporting statements, reaction of teachers about teaching. This reaction is of two kinds: first, as an emotional response to situations of different variety of teaching, the second as an approach to teaching as a profession. First rate service helps teachers identify weak points and strengths of their teaching.

Data Analysis

The data were entered in the statistical analysis program SPSS version 17 and analyzed using Descriptive statistics: averages, standard deviation, frequency

DISCUSSION AND CONCLUSION

Supervision of teaching

Informing the student teachers by the director to the observation of teaching, teaching observation by supervisors, evaluation, supervision and teaching therefore brings concerns to student teachers favoring them, teaching the birth of anxiety (table 1). This conclusion is supported by the literature as and Fuller (1969) found that the assessment of students and supervisors brings concern to student teachers.

Table 1 *Supervision of teaching*

I would feel anxious if the principal informed me he was coming to my class to observe.	,874
I feel nervous when I am being observed by my college supervisors.	,797
I would feel calm and collected if a student's parent observed in my classroom.	,762

Teaching competences

Factors like: Confidence in the competences of teaching, teaching planning, the ability to keep control of the class, the ability to mastering the content, links with other teachers, the ability to present, the effectiveness of schools, public speaking are directly related factors with teaching competences (table 2) required of teachers in the teaching role. This conclusion finds support and in studies conducted by researchers such as Thompson (1963) which states that students teachers have showing concern with: student discipline, mastery of content, inability to answer questions and to design lesson plans. Ameen at al. (2002) noted that experience in teaching anxiety is related to causes such as unfamiliarity materials and students, pre-preparation class, assessment of students. Preece (1979: 18); Hart (1987: 16) found a correlation between teaching anxiety and control problems.

Table 2 *Teaching competences*

I feel that students will follow my instructions.	,870
I feel uncomfortable when I speak before a group.	,865
I (would find) find it easy to speak up in the staff room.	,845
I feel better prepared for teaching than other preservice teachers in my teacher preparation program.	,804
If I have trouble answering a student's question I (will find) find it difficult to concentrate on questions that follow.	,802
I feel calm and collected when I think about holding parent-teacher conferences.	,789
I feel I (will be) am as competent in the classroom as other preservice teachers in my teacher preparation program.	,785
I (would find) find it easy to admit to the class that I don't know the answer to a question a student ask.	,779
Lack of rapport with my students (will be) is one of my biggest worries.	,773
I feel confidet about my ability to improvise in the classroom.	,771
I feel other teachers (will think) think I'm very competent.	,770
I (would feel) feel panicky when a student asks me a question I (couldn't) can't answer.	,768
I'm concerned about how to use testing of students as a useful indication of how effectively I'm teaching them.	,759
I feel inferior to other preservice teacher in my teacher preparing program.	,756
I'm worried that differences in background between my students and me (will prevent) prevent me from teaching effectively.	,742

I am certain that my own personal "hangs up" (will not) do not hinder my teaching effectiveness	,738
I am worry about being able to keep students interested in what I (will teach) teach them	,727
I feel I will have good recallof the things I know, when I am in front of the class.	,722
I feel secure with regard to my ability to keep a class under control.	,720
Deciding how to present information in the classroom (would makes) makes me feel uncertain.	,714
I (would feel) feel calm (If I were) when I am preparing lessons.	,711
I am uncertain whether I (will be able to) can tell the difference between really seriously disturbed students and those who are merely "goofing off" in class	,667

Teaching as a profession

Students are concerned the fact that not very happy during the teaching. The dilemma of choosing correct or not teaching as a profession as satisfactory intriguing to most of students. The student teacher decides to question his safety if he really wants to become a teacher or not (table 3).

Table 3   *Teaching as a profession*

I am less happy teaching, and that I thought I will be.	,810
I feel sure I will find teaching a satisfying profession.	,752
I feel anxious because I don't know yet whether I really want to be a teacher.	,692
I'm worried whether i can be a good teacher	,676

In this study it was found that anxiety of teaching is influenced by a number of factors that are associated with specific characteristics of learning situations as teaching planning, the ability to analyze problems and learning, classroom management, student assessment i.e. teaching competences. Supervision of teaching from mentor teacher, lecturer, students of the course, was a factor that intrigued most of students.

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Usage of Promotional Activities in the Service Sector- A Case Study on Bank Services Sector in Shkodër, Albania

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Abstract

This theme is an attempt to investigate and analyze how the use of promorcionale activities can help the development of the banking sector. As an important element of the marketing mix, promotion plays a vital role in the marketing of any product and service. And service banking system has no exception because customers want to know about the services and facilities for making their special offered by banks. As a result the spread of information and persuasion on the benefits of the services offered by banks are very important to attract the market to them. By the use of various means of promotion, banks try to serve this purpose and to influence consumers attitudes and increase potential interest to obtain these services back to their banks and reduce the risk that accompanies the product/service purchases. Although promotion plays an important role in marketing the product to the banking sector, the level of the banking system in our country is not in the parameters set out objectives for economic development. The main purpose of this study is to analyze the current situation and future possibilities banking sector operating in Shkodra, Albania and highlights as promotional activities can play an important role in the development of the banking system of a country like Albania. In the end of paper, based on the findings, are some suggestions for measures to improve policy management promorcionaleof banking. This sistem is a combination of theoretical and empirical research.

Keywords: Menager perceptions, promotion, banking services, Shkodër/Albania

1. INTRODUCTION

World economy is becoming overpowered by the the industry of services. It consists of the economic sector with the fastest development in all the world, giving its contribution in the economic growth and in the growing of employment level. It is an industry that has its mayor support in an intensive use of manual work, in a close relationship with the client, and as a consequence of this it leads to the opening of new working places. In the conditions of a growing competition in the service sector and the usage of always more and morethese ch advanced technologies, this sector is being faced with new challenges. To deal with these challenges the service organizations are exploring the role of the marketing. The mixed marketing is a group of tools that are being used by the leaders of a service orghanisation to model its offer for the consumers. The decisions for one of the elements of a mixed marketing is taken only being refered to the other elements because only in this way it can secure a stable position of the product. Due to the nature of services, the mixed marketing is an expansion of the 4 traditional Points of the product (product, price, promotion and place) in the 7 Points (product, price, promotion, place, people, physical evidence, and processes) of the mixed marketing of the services. (Elmazi, 2003). The need for expansion of the traditional mix of the services is connected with a high direct contact between the servise orghanisation and the consumer, with a compliance in time between the production and the consume. In order to have the biggest share in the market, to answer the market requests, to maximixe their profits, it is necessary for the companies to make an effective advertising campaign.This happens because the potential market needs to be informed about the existence of the product, it nature, positive sides, otherwise it will not react. It can be considered a key feature the ability of the company to have a communication with its clients. Promotion has this role of communication. "The promotion can be defined as a summary of activities through which the enterprise aims to communicate with the market, in order to advertise its products and services" (Koja, V. 2006:13). To make these aims possible it uses a variety of promotional instruments. The mix promotion includes the combination of various instruments to satisfy the needs of the target market and to maximixe its profits. The components are: publicity, personal sales, promotion of sellings, direct marketing and public relationships (Koja, V. 2006). The companies have to know how to divide the general investments of the promotion into its components. Even inside inside the Same sector we can see big changes between the different unities and the special expenditures made for different instruments of the promotion. The companies are in constant search in order to obtain the most efficient

combination of the promotional mix and they very often modify the importance of special elements every time their eficasity changes. Bancs are an important part of the market economy and the servise sector. They can play an unsostituible role as a way of investment and as a form of profit of a safe finantial service for people and orghanisations. A vital channel of communication between the banc- ist services and the clients is the marketing sector in these bancs. It has an important role during the campaign, the promoting and selling activities and in maintaining the image of the bank. To help them in selling the products, bancs use the different points of the mixed marketing, which helps them sent information, identify and differentiate the service, promote the usage of new services by new clients and suggest rebying it by the existing ones, expand the usage of service product, develop the brand preference and the fidelity toward it. While people and orghanisationswhon in their everyday lives have the tendency to take decision on how to use money, where to deposit it, to do transactions, to find funds for investments or to be orientated to promotional banc means to take information on the existence and nature of the service product, the positive sides they will receive from these services, information that they could use to take the decision of buying. The considerable consequences in the real sectors of the global economy caused by the the last finantial crisis that begun in the USA, the aggravating situation by means of this crisis, continuing with the aggravating situation in Greece, Italy, that are important commercial partners with our country and places where a lot of Albanian immigrants live, surely will have consequences in the Albanian economy and in the activity of the operating bancs. The Reports Publicated by the Banc of Albania tell that the degree of usage of the banking sy tem in not enogh to have a developed economy. Also, the use of cash in the economy is too high. All these phenomena feed the informality and reduce the efficiency of monetary politics. From the other side the world finatial crisis has lessened the trust of the clients in the banking system. Also in the conditions where the first money sending by the immigrants are seen as a targhet with enough profit for the activities of the bancs and when they constitute a big afflux of funds in the Albanian economy, IOM (International Migration Organization in Albania - 2014) notes that due to the finantial and economical global crisis, a great reduction is seen in the immigrant sendings during 2009 and in continuance, especially of those living in Greece and Italy and also a considerable part of these funds circulate outside legal channels and in most cases are used to provide basic needs for the families and relatives of the immigrants. So, these funds that enter from the immigrants do not play a considerable role in the economy and the finantial investment in Albania,partially because the Albanian financial institutions,si in fact these funds that enter from the immigrants do not play an important role In the economic expansion, and the finantial investment in Albania, partially because of the financial Albanian institution lack finantial products missing directed toward the first sending of the immigrants and the services that urge the services be done through legal channels of in a formal way. This is even more vital at the same time, according to the annual raports of 2013 të AAB (Association Albanian Banks- Shoqata Shqiptare e Bankave) deposits are the vital sourse of the funds, which has lessened during this economic year, being compared to 2011. With the scope of affronting these challenges, by which the banks play a vital role as a form of investment and as a form of profit, of a safe finantial service for people and, and also in the conditions of a growing competition, and because of the unconcrete nature of the bank products, and the need for information before buying the service for the potential clients, the promotional measures of the banking system, where banks play a vital role in the performance of this sector. Are the promotional activities those that constitute the targheted market of the banks.Through promotion the banks inform the client for the bank and its product services; to convince the clients that the offered product by this bank offers the best choice for the clients needs; it remembers the clients urging their attention to buy a special product, above all when it is offered in a specific time, so helping the banks to attract as more clients as possible and to also attract monetary values. Also the promotion of banking services shifting the attention on concrete elements to reduce the high risk level in the process of buying the ban service, making the clients look for the long effects, and to running toward higher interests. In the conditions of the finantial global crisis and of the possibility of its influence in our country, taking as a study case the banking system is a courage per se, for the efforts of taking measures to resist this crisis. The article tries to help in the development of the banking sector, with its intermediary role gives an important contribution in the national economy. Bancs can play an insostituible role as a way of investment and as a form of profit for people and orghanisations. It values and contributes in the close connection of bancs with the targeted market by means of usage of promotional activities. The findings of this article can be generalized in all the sector of second level bancs operating in Albania.

2. RESEARCH'S HIPOTHESIS AND METHODOLOGY

Starting from the general case examines the scope of research to recognize the usage of promotional activities in the banking system, this case deals with hypothesis to be verified.

a. The undertaken promotional activities by the second level bancs operating in Albania were not enough.

This research deals with the second level bancs in the municipality of Shkodrës, bcts the because here exist a considerable number of residents that have immigrated ant that are a potential market to sell the service products the bancs offer. The research is initially based on secondary information and then in primary ones. But, by examining these secondary resourses exist many discussions on promotion usage in our banking system and less than that empirical research. So this case is based on primary datas gathered through survey using as a scientific instrument the questionnaires on the usage of promotional activities by the operating banking system in Shkodër. This questionnaire is half structured. In the questionnaire are used questions with alternatives, like Liquert scale, and free questions. The way of organizing the collection of datas is the compilement of the given questions. The population taken in this case are all bancs of secondary level operating in the municipality of Shkodrës. There are 12 operating banks in this municipality. The questions are designed and analysed to have a clear view on the aspects of promotional activities from the operating banking system in Shkodër. In the quantitative analysis are used means of descripting statistics, and the results are shown in tables and illustrated graphics.

3. ANALYSIS

The profile of the respondent population

After 1997, from 3 that operated in Shkodër and 4 in all Albania till 1997 we have a sensitive growing number of private operating banks, 12 of second level and 16 in all the country. So most of the banks are new in their marketing activity, and as a consequence lack experience and capital directed toward necessary promotional activities to mark the banking services. iFrom all the operating banks in our country only 3 are with a totally local capital, wich operate in Shkodra too, and the others are with 75 % foreign capital.

Types of promotional activities undertaken from te bancs

Almost all the banks use all the means of the mixed marketing to promote their activities. They make advertisements in newspapers, local magazines, electronic media.They also use printed materials in order to publicate the information to potential clients in order to attract the attention to the potential consumer. But they do not use any international medium to advertise their services in the neighbour countries where there might be immigrants interested to take advantage of the bank services. It is paid attention to the personnel of contact to have a good interaction and to keep good relationships with important clients and to motivate them to make use of the bank in order to satisty their needs. They also pay attention to the environment and the internal atmosphere as important and welcoming signs that could help in the apprecations of the bank services. They also pay attention to the techniques of sales promotion during the summer season to attract immigrant clients, or make use of preferential service packages for loyal banc clients. Some exploit different spaces for free publicity in the electronic media, tv shows, seminaries and conferences to be promoted, to create an image and grow trust in the potential market. To create good relationship with the public and the community, to reach new segments of market bancs sponsor different community activities.

The period of undertaking promotional activities

Most of the banks (83.4 %), make promotional activities during all year long, and the other remaining part, 2 bancs, (16.6% of the total) do not. From the last two, only one promotes during the summer, which can be considered as a partial attempt to attract the potential market toward itself, a thing to be conidered the insufficient amount of funds.

Methods of defining promotion budget

Most of the bancs (33.3 %) use the method according to the finantial possibilities in defining the promotion budget. This is the most common used method in defining the promotion budget, followed by three other bancs or 25% of the total, that use the method based on the objectives and duties, which is the rightest method to define the promotion budget. While the other bancs which constitute 16.7% of the total of the bancs use the method of fixed percentage on last year total sales and of arbitrary definition.Only one banc keeps the promotion bugdet same as that of the last year. From this view results that only ¼ of the bancs take into consideraton the objectives of marketing and those of the promotion and give funds to reach these objectives.

Perceptions on the sum spent in promotion

When the banks were asked to tell about their perceptions if the spent sum for promotion, by means of their bank was enough or not, 50% of the banks expressed the opinon it was the maximum.While 2 other banks which constituted 16.7% of the total were neutral, which shows that the promotion budget was not enough or either it is possble the asked person has no clear idea to express his opinion on this case. While 4 of the bancs (33.3% of them) think the budget in insufficient.In a situation like this it is explainable why from the publications results that some banks lack liquidity and need for depositing market and also for a growing trust toward the bancs in the conditions of a global finantial crisis, that is why they feel the need of promotional activities to attract potential market toward the bancs.

Perceptions on the eficasity of the promotional activities undertaken by the bancs

Nearly 50% of the banks accept the eficasity of the undertaken promotional activities. While the other half think that the undertaken promotional activities are not too efective, so give a neutral attitude, or can tell that the asked person has no idea on this issue. But according to a study IOM made most of the money sent by the immigrants constitute the biggest afflux of the funds in the albanian economy, circulate outside the official channels (nearly 77% of them). This shows that the promotonal activities are not as effective of enough. They do not use any intermediary outside Albania to attract the immigrants deposits and use legal ways to sent their money home.

The attitude toward the role of promotional activities in the banking system

Almost all the banks agree of completely agree that promotion plays an important role in the banking sector as a sector of service products.They seet it as an investment for a better banking performance.

The attitude toward the need of growing promotional activities for the development of the operating banking system in Shkodër

Most of the asked people (83.4%) agree to undertake more promotional activities for a further development of the banking system, in order to exercise its successful function, that of finantial intermediate and that of economy supplier with payment instruments. Only 8.3% have a neutral attitude.

General perceptions on promotional activities of the operating banking system in Shkodër

The promotional efforts for goods and services are made to reach a better performance in order to accomplish the orghanisation goal. Exactly for this, this case tries to evaluate the undertaken promotional activities to have a clear meaning if they are performed in the right way or not. This evaluation will help to find if the promotion activities have played any role or not in the marketing of the products of the banking service, if the bancs spend enough funds in the promotion activities or not, are these activities effective or not.. The below table shows the general perceptions on promotional activities for the operating banking sector in Shkoder.

Table 3.1: Perceptons on the promotional activities of the operating banking sector in Shkodër

Factorët	Frequency number					Average
	Completely agree (%) (5)	Agree (%) (4)	Neutral (%) (3)	Do not agree(%) (2)	Do not agree at all(%) (1)	
Promotional budget is enough	3 (25)	3 (25)	2 (16.7)	4 (33.3)	0 (0)	3.41
The undertaken activities of promotion are effective	2 (16.7)	4 (33.3)	6 (50)	0 (0)	0 (0)	3.66
Promotion has an important role on bancs	8 (66.7)	4 (33.3)	0 (0)	0 (0)	0 (0)	4.66

There are needed more promotional activities	6 (50)	4 (33.3)	1 (8.3)	1 (8.3)	0 (0)	4.25

As it is seen by the above table, the highest reached average is 4.66, far away from the medium average 3 and near the maximum 5 of acceptance which shows that the bancs believe that promotion plays an important role to attract potential clients toward themselves. While the average 4.25, so above medium level 3 shows that most of the bancs 83.3% of them believe that they should undertake more promotional activities in defining the products of the banking services. The average of eficasity of the undertaken promotional activities, 3.66, shows that 50% of the bancs accept the eficasity of the undertaken promptional activities, while the other half keep a neutral attitude. This neutral attitude does not permit us to exactly judge if these activities were effective or not. While the lowest average 3.41, very close to the minimal acceptance degree 4 and far away from the lowest degree of insuficiency 2 shows that (50% of the bancs) se think tha the budget is enough and 33.3% think it is not, 16.7% take a neutral attitude. But again, the response level for enough funds from 50% of the bancs seem to be contradictory with the level of answering from 83.3% for the need from the bancs to do more promotional activities, which need more promotional budget. According to the suggestions for successful promoting activities fromthe bancs, all the asked people suggested more innovations in the products of banking service and in a marketing activity in order to avoid samepolitics between the bancs.

4. CONCLUSIONS

The conclusions given by the findings of the research as a reflecting of the main principles of research are: The industry of service constitutes the fastest growing service, which is giving its contribution in all the world, making possible the growing level of employment, the banking sector is an important part of the market economy and of the service sector. It can play an iunsubstituted role as a way of investment and as a form of profit of a safe finantial service for people and orghanisations; the activity of the finantial mediation in the economy of the banks in our country is being conditioned by the contraction of finantial resourses, the fluctuations of trust in the finantial institutions and the declining request for loans, our banking system continues to be mainly financed by the public deposits being mainly sconcerned in the activity of loan giving for the businesses; the first sending of the immigrants constitute the biggest afflux of funding in the albanian economy, leaving in second place the foreign investments and the exports; the degree of bank usage in our country it is not in the best parametres established to have a growing economy; banks lack finantial resourses designed and directed toward money sending by the immigrants or services tht promote to sent tthese sums of money in a formal way; banks do not give loans to small busnesses which constitute the main part in the Albanian economy; in the conditions of a finantial global crisis, of a more and more challenging market, of advanced technology usage, this sector is being directed toward the role of marketing; the promotion is an investment for a better banc performance; companies of banking service it is very important the development of effective promotional measure requests of the market, to attract potential clients, to maximixe their profits in a growing competition between themselves and the nature of the products they do not make use of; there is not empirical research connected to the usage of promotional activity in the operating banking system in our country;ere these are immigrants are located to promote their service offers and to facilitate transactions for these immigrants; the budget of promotion it is not enough, and it doe not take into consideration the marketing objectives and especially those of the promotion. Banks lack that kind of inovative technology which would make possible to promote qualitative and innovative acitvivities toward the potential market.

5. RECOMANDATIONS

Based on research finding below are given some modest recomandations for managerial measirements in order to improve promotion in the operating banc sector in Albania:
Fluctuations of trust in the operating bancs in Albania is a result of the finantial global crisis and the distrust of the immigrants in these banks, and also the belief that the added transperance is translated in the integrity strengthening of the operating banc system in Albania together with the other reciprocal governmental orghans, it is required, the Bank of Albania to pay special attention to the education of the public . For this reason they must provide more information and publicate themin

the reciprocal web-sites. Together with the banks of the second level operating in our country to hold more conferences and seminaries, to give programes more frequently that serve this mission in the electronic media. Internet can play an important role in the international exchange of information.

It is necessary to have a bigger promotional activity for promotional offers for the faithful clients. For example, they can redact new products, with preferential prices for those clients that take their salary in these banks, or that keep their accounts of businesses in these banks. This kind of strategy of ofering incentives to the existing consumers, can also play the role of advertising.They also have to take part in local fairs, national and international to promote new offers and to have potential markets. There must be done sponsoring of activities in the community, which help the image of the bank. There must be more innovations in the products of banking service and in the marketing activities especially in the promotional ones in order not to have the same service between banks.Different forms of promotion should be widespread through all the year and not only in the summer season.

Banks should do a bigger promotion toward the specific markets like immigrants and smal markets. They shoul create finantial products directed in the money sending and services that promote bringings in formal ways. In this way, beside the usage of internet, thay should make publicity into our neighbour consolates and embassies, where most of these immigrants are gathered, or sponsor concerts of our artists in these countries, with the right to make publicity for these banks in the immigrant audience. Banks through promotional measures should encourage small businesses to take loans in these banks facilitating the proceduresa. Improvements should be done in the timing system of taking into consideration these applications and the answer giving, in the information required from the clients and the grounds of decision taking in order to publicate new offers which make easier the approach of small businesses in these banks. To specity the budget of promotion, banks should take into consideration the marketing objectives and especially those of the promotion to give funds for what is important to reach these objective.

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Universal Epidemiology of Insidious Meningococcal Syndrome

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Abstract

Neisseria meningitidis is one of the principal sources of bacterial meningitis worldwide and can as well cause sepsis, pneumonia, and further expressions. In states with elevated widespread rates, the illness load puts a huge tension on the public health structure. The universal epidemiology of persistent meningococcal disease (IMD) diverges distinctly by area and in due course. This appraisal summarizes the burden of IMD in diverse states and recognizes the highest-incidence countries where habitual preventive programs aligned with Neisseria meningitidis would be essentially profitable in offering security. Accessible epidemiological figures from the past 20 years in World Health Organization and European Centre for Disease Prevention and Control assortments and available articles are comprised in this review, in addition to straight statements with important specialists in the area. The nations were clustered into high-, moderate-, and low-occurrence states. The mainstream of countries in the elevated-occurrence set are located in the African meningitis belt; several reasonable-occurrence states are located in the European and African areas, and Australia, whereas low-occurrence countries comprise numerous from Europe and the Americas. Precedence nations for vaccine involvement are high- and restrained-incidence nations where vaccine-avoidable serogroups prevail. Epidemiological records on burden of IMD are required in nations where this is not distinguished, predominantly in South- East Asia and Eastern Mediterranean areas, so evidence-based assessments concerning the application of meningococcal vaccines can be created.

Keywords: meningococcus, neisseria meningitidis, insidious meningococcal illness, meningitis, epidemiology, meningitis belt

Introduction

Neisseria meningitidis is one of the principal basis of bacterial meningitis worldwide and can furthermore cause sepsis, pneumonia, and further restricted diseases. There are 12 serogroups, but the mainstream of insidious meningococcal diseases are caused by individuals from the A, B, C, X, Y, or W-135 serogroups. The yearly quantity of insidious syndrome cases globally is approximated to be as a minimum 1.2 million, with 135,000 deaths linked to insidious meningococcal illness (IMD) [1,2]. In countries with elevated endemicity, the infection load puts an enormous harm on the public health scheme. The hazard of lasting hindering sequelae, comprising cognitive insufficiency, bilateral earshot loss, speed deficit, convulsions, image injury, hydrocephalus, and failure of limbs because of tissue necrosis, are uppermost in low profits countries, where the load of bacterial meningitis is supreme [3].

To fight IMD, many developed countries have comprised dissimilar formulations of meningococcal vaccine in their habit immunization agendas. A vaccine next to serogroup A has lately been established in the African meningitis belt, a region expanding from Senegal in the west to Ethiopia in the east [4,5]. Conversely, meningococcal vaccines remain underutilized internationally, mainly in source-restricted countries outside the African meningitis belt. To afford cost efficient proposals about the application of meningococcal vaccines, the country-detailed load of IMD must be recognized [6]. A broad review of IMD occurrence, counting all countries with no less than an essential observation infrastructure exposing IMD cases, was accomplished. The appraisal offers the most lately in print assault rates, predominant sero groups, and at-risk clusters from over 80 countries and arranges the facts consistent with precedence groups for vaccine intrusion.

Methods

Exploration approach and assortment criteria

Our basis for the epidemiological statistics comprised the National Library of Medicine (PubMed), the World Health Organization (WHO) website of the Weekly Epidemiological evidence, and the European Centre for Disease Prevention and Control. We investigated PubMed with the subsequent key phrases: "Neisseria meningitidis" or "meningococcus".

The investigation was bounded to surveys of individuals, studies distributed in English, and dates of publication from 1995, to December 31, 2013. The primary investigation deferred 5320 outcomes from which surveys were rejected based on segregation criteria below. The data were acquired and comprised from WHO publications in the Weekly Epidemiological Record (WER) for the latest outlines from 10 African meningitis belt states. The European Union Insidious Bacterial Diseases Surveillance System (EU-IBIS), which is preserved by the European Centre for Disease Prevention and Control, was admitted for reorganized numbers for European countries and these facts were also comprised. We explored indication catalogs in all recognized articles for supplementary articles, and appraised abstracts and designates and chose surveys if it appeared they comprised features of meningococcal epidemiology. From the exceeding literature exploration we prohibited general global approximation (excluding the identification of unique data suggestions), or surveys that were bounded to immunology, medicine resistance, or further non-epidemiological features.

Organization of data

The WHO description of a meningococcal illness outbreak (>100 cases/100,000 inhabitants/year) relates exclusively to the meningitis belt. Supplementary countries infrequently skill epidemics with these elevated assault rates. We categorized countries regarding the level of endemic meningococcal illness as "elevated," "restrained," and "low" extension (Figure 1). This taxonomy is founded on state-detailed epidemiological facts with pre-identified cut offs of high, moderate, and low widespread groups.

Results

Epidemiology of meningococcal syndrome at national stage

Records on occurrence of meningococcal disease are presented underneath in Tables 1, 2 and 3. Countries are clustered into precedence areas regarding the descriptions beyond, by means of general and available statistics from the previous 20 years. States not registered in the table have inadequate accessible IMD epidemiological figures to access correct taxonomy. Considerable gaps in data limit explanation of IMD epidemiology in some elements of the globe. In many nations with IMD inspection, widespread marked vaccine expansion and rising exposure has diminished the burden of syndrome. In some endemic countries without immunization, high IMD assault rates maintain. The precise district epidemiology is recapitulated in Figure 2 and illustrated in terms of WHO areas below.

African region

The African Meningitis Belt, formerly distinguished by Lapeysonnie in 1963 [5] and adjusted in 1987, has the highest yearly occurrence of meningococcal illness in the world with cover up recurrent epidemics that comprise a chief public health load. Epidemics in the sub-Saharan area overlap with the dry period, which has led to a supposition for the probable task of low dampness and seasonal dust-wind carrying from the Sahara (the Harmattan) in harming the mucosa and producing painful coughing that helps diffusion [34,43].

Twenty-five states in the African area with an enormously high prevalence of meningococcal infection comprise the meningitis belt. To quickly notice the recurrent epidemics, a tough surveillance coordination subsists that observes the amount of cases on an constant basis for quick reaction. This area has lately gained from a main coalition of global health bodies that have expanded and are organizing an reasonable and effective vaccine beside serogroup A meningococcus, which causes the mainstream of illness in this region, at population level [44].
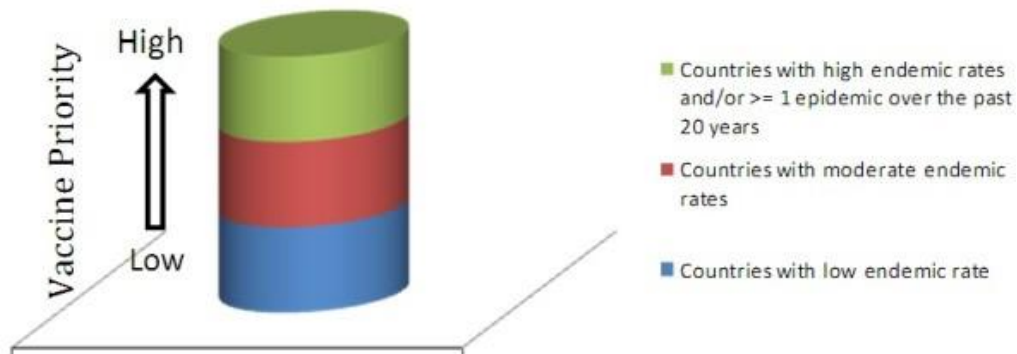
Figure 1. A categorization of countries according to IMD attack rates

Table 1. Countries with high endemic rates (>10 cases/100,000 population) and/or > =1 epidemic over the last 20 years

Country   Year Incidence/100,000   Predominant   Serogroup   SourceComments

Population

African Region

Angola1994–2000   19–230   *   [8]

Benin   1980–1999   6–57 [9,10]

Burkina Faso   2004–2009   26–187   [11,12]

Burundi   1980–1999158   [9]

Cameroon   1–224   [13]

Centrafique   2004–2009   3 3–19.4 [12]

Chad   9.6–15.9 [12]

Cote de Ivoire   1980–1999   0-6   [14]

Despite its relatively low attack rate, Cote de Ivoire is included in this table due to its location in the meningitis belt

Ethiopia   0–104   A   [9,10]

Gambia   4–165 [9,15]

Ghana   0–108 [9,15]

Guinea   0–17   [12]

Guinea Bissau   0–133   [9]

Kenya   1990   267[16]

Mali   2004–2009   2.6–12.9 [12]

Mauritania   1980–1999   0–14 [9]

Namibia4–165   [9]

Niger   2004–2009   7.8–90.7   [17]

Nigeria   0.7–52.6   [12]

RD Congo   7.3–23.7   [12]

Rwanda1980–1999   0–28   [9]

Senegal   19830–53 Incidence >50 in

Tanzania   1980–1999 0–19

Togo   2004–20096–13.2   [12]

Uganda   1980–19990–18 [14]

Eastern Mediterranean Region

Sudan2008 * A [12]

Despite lack of data Sudan is included in this table due to its location in the meningitis belt

Saudi Arabia 2000A, W-135   [18] 225 cases in month after 2000 Hajj season. Data from Saudi

 Arabia mostly includes cases from the Hajj season.

European Region

No country in this region is in the high rate category

Region of the Americas

Uruguay 2001   30 (pre-vaccine) B [19],   Vaccine comprising serogroup C, capsular polysaccharide and the outer membrane vesicles of serogroup B meningococcus.

South-East Asia Region

No country in this region is in the high rate category

Western Pacific Region

New Zealand   1991–2000 17.4 (pre-vaccine) B   [20] An OMV vaccine for Serogroup,   2.6 (post-vaccine) B was introduced in 2004.

Mongolia   1994–1995 80-90A [21]

Serogroup X, formerly an unusual reason of sporadic meningitis, has been accountable for eruptions among 2006 and 2010 in Kenya, Niger, Togo, Uganda, and Burkina Faso, the final with as a minimum of 1,300 cases of serogroup X meningitis between the 6,732 accounted annual cases [45].

South Africa is comprised in the moderate-endemicity cluster, whereas other states in this area do not have sufficient data to allow the beginning of a population-based approximation of their proper prevalence rates

European region

With the exclusion of a few states in the eastern fraction of the European Region, excellent surveillance records are accessible from main European nations. Serogroup B and C are accountable for the conventional of sickness, and achievement of a meningococcal immunization route with adequate vaccine revelation has contributed to declining extensive rates so that no state now decreases in the elevated-endemicity cluster. Fifteen countries from this area are classified as restrained endemicity and 18 as low. Current epidemiological supervision points out an boost of serogroup Y IMD in some divisions of Europe, which is currently the third most ordinary serogroup after B and C [23].

Region of the Americas

Uruguay stays the only nation from this area to have practiced high rates of IMD in the past 20 years. In 2001, it experienced a peak occurrence rate of meningococcal illness because of serogroup B and this prompted the foreword of the Cuban external membrane vesicle (OMV) B vaccine with superior exposure and a quick rejection in occurrence in following years. Brazil and Cuba have practiced restrained occurrence rates, but have furthermore seen important advantage from the preface of meningococcal vaccines in their residents [29]. Argentina, Canada, Chile, Columbia, Mexico, the United States have performed low periods of IMD in the timeframe explained by this assessment. Serogroup Y appeared in Colombia and Venezuala, where it became the common disease-causing serogroup in 2006 [19]. The US has a general meningococcal vaccine and Canada also suggests a vaccination dosage in this age cluster continuing primary immunization at 12 months of age. Other states in this area do not have sufficient data to permit population-based estimates of their factual incidence. South-East Asia Region Korea and Thailand are the only nations from these areas with available population-based approximations, which reveal low common rates. India has practiced recurring serogroup A outbreaks, the most current in 2005, but facts are frequently accessible only from great city centers [46]. Periodic and partial statistics from India, Bangladesh, Indonesia, Nepal, and Pakistan exclude their taxonomy, and no information is obtainable from Sri Lanka [36].

Western Pacific

New Zealand and Mongolia have confirmed high IMD prevalence. New Zealand practiced an outburst of serogroup B illness until a violent movement with the OMV vaccine was started in 2004 that has supplied partly to lowering the occurrence. Mongolia practiced serogroup A epidemics in the near the beginning 1990s. Australia at present presents mainly serogroup B illness with moderate assault rates following the foreword of a serogroup C vaccine saw a noticeable rejection in rates of illness caused by the C serogroup. China, Japan, Korea, Philippines, Singapore, Taiwan, and Thailand all present low stages of IMD. Other nations in this area do not have sufficient population-based information to permit assessment of their accurate incidence rates. In a lot of states with epidemiological figures, mainly in Europe and North America, the age allocation of meningococcal illness shows two peaks [6,47-49].

Table 2. Countries with moderate endemic rates (2–10 cases/100,000 population per year)

Country Year   Incidence/100,000 population Predominant serogroup Source   Comments

African Region

South Africa 2000–2005   0.8–4 B in Western Cape[22]

Eastern Mediterranean Region

No country in this region is in the moderate rate category

European Region

Belgium 1999–2010 2.9   (pre-vaccine)B, C   [23,24], A conjugate vaccine for group; 0.89 (post-vaccine) C was introduced in 2002

Denmark 1999–2010 1.19–3.5   B [23,24]

Greece   0.49–2.0   C [23,24]

A conjugate vaccine for group C introduced in 2001 in pediatric population[25] Ireland 14.3   (pre-vaccine) B, C   [23,24]

A conjugate vaccine for group C was 2.19 (post-vaccine) introduced in 2001. Iceland   7.6 (pre-vaccine) B, C   [23,24]

A conjugate vaccine for group C was 0.6 (post-vaccine) introduced in 2002

Lithuania 2004–2010 1.4–2.6* [23,24]

Luxemburg   1999–2010   0.2–5.68   * [23,24]

Malta 1994–2007 0.8–8.9   B, C[26]

Netherland   1999–2010 3.6   (pre-vaccine)B, C [23,24]

A conjugate vaccine for group 0.86 (post-vaccine) C was introduced in 2002

Norway 1992–2010   0.8–4.6B [23,27]

Portugal 2000–2010   0.74–3.0   B, C   [23,28]

Spain   1999–2010 3.52   (pre-vaccine)B, C   [23,24]

  A conjugate vaccine for group 0.88 (post vaccine) C introduced in 2001

Switzerland   1999–2004   1.16–2.36   C   [24]

 A conjugate vaccine for group C introduced in 2005

Turkey   1997–2005   0.3–2.2   *[28]

United Kingdom 1999–2010   5.4   (pre-vaccine)B, C [23,24]

A conjugate vaccine for group 1.63 (post vaccine) C introduced in 1999

Region of the Americas

Brazil 1998–2006   1–4.5   B, now C[19]

A combined vaccine against serogroup B (OMV) and C (polysaccharide) was introduced in 1990

Cuba   1998–2003 3.4-8.5 (pre-vaccine)B   [29]

South-East Asia Region

No country in this region is in the moderate rate category

Western Pacific Region

Australia   1995–2006   3.5–7.9   (pre-vaccine)B   [30]

 A conjugate vaccine for Serogroup

1.4 (post-vaccine) C was introduced in 2003

* Data not available.

Table 3. Countries with low endemic rates (<2 case/100,000 population per year)

Country   Year Incidence/100,000 population Predominant serogroup SourceComments

African Region

No country in this region is in the low rate category

European Region

Austria 1999–2010 1.02–1.2B, C   [23,24]

Bulgaria   2000–2010 0.11–1.1 *[23,28]

Croatia 1997–2005   0.7–1.3   * [28]

Cyprus 1997–2010 0.13–1.7 *[23,28]

Czech Republic 1999–2010 0.57–1.0B, C   [23,24]

Estonia 2001–2010 0.15–1.6 * [23,28]

Finland 1999–2010 0.64–1.1 B [23,24]

France   0.7–1.13B, C

Germany   0.47–0.73   B, C

Hungary   2004–2010   0.3–0.4   *

Italy   1999–2010   0.25–0.55   B, C

Latvia 2004–2008   0.25–1.03*

Poland1999–2010   0.17–0.84 B

Serbia   2000 0.9* [28]

Slovakia   2004–2010   0.59–0.9   *

Slovenia   1999–2010   0.3–1.2   *   [23,24]

Sweden   2004–2010   0.5–0.7 B, C

Eastern Mediterranean Region

No country in this region is in the low rate category

Region of the Americas

Argentina2009   0.6 B   [31]

Canada   1985–20061.4   (pre-vaccine)C   [32,33] Vaccination in 2001–2 in

 all provinces 0.4 (post-vaccine)

Chile 1998–2006 0.8 B

Columbia 0.3 Y[19]

Mexico   0.1 C

USA2000–2009   0.8 (pre-vaccine)Equal B, C,Y   [34] Routine vaccination program started in 2005 0.3 (post-vaccine)

Venezuela0.3   Y [19]

South-East Asia Region

Korea   2002–2008 <0.1[35]

Thailand 2007–2008 <0.1[36] Higher in <5 year olds

Western Pacific Region

China 2000 onward   <0.2A, C   [37,38]

Japan1999–2004 <0.02 *   [39]

Philippines 2004–2008   <0.1A   [1]

Singapore   2005–2009 0.1–0.2 [36,40]

Eastern Mediterranean Region

No country in this region is in the low rate category

*Data not available.
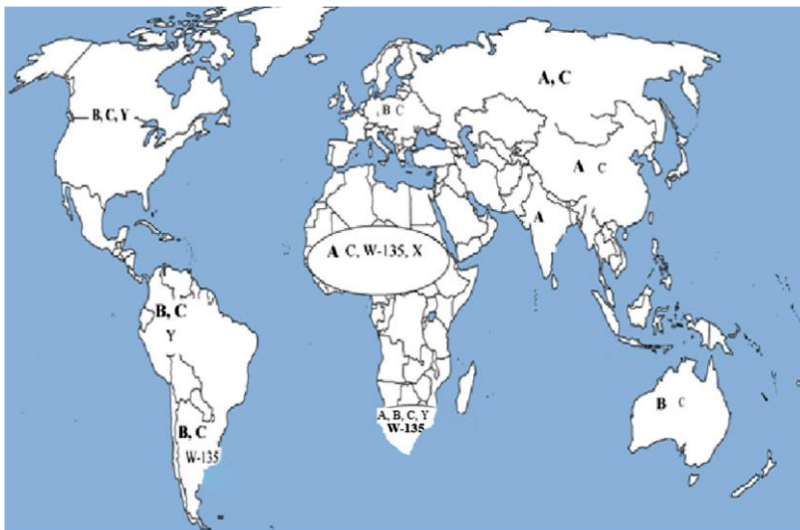
Figure 2. Distribution of common and predominant meningococcal serogroups by region. Predominant strains are highlighted in bold text

The utmost occurrence is in babies less than one year of age, and a minor increase in incidence arises in adolescents and young adults. In one survey in the meningitis belt, the age-occurrence did not upland until the late 20s.

The extensive and fast application of efficient antibiotics has supplied to overthrow the case casualty rate of IMD among 10 and 20 percent, but it is usually advanced in developing countries where admittance to higher stages of concern may be interrupted [52]. Despite advances in resuscitative systems, surgical interference, and significant care, there is a relentless mortality in the early hours of septicemia thanks to the quick succession of illness.

Conclusion

IMD is a stern disease that can be quickly progressive with ensuing noteworthy morbidity and mortality. Vaccines are accessible for the mainstream of sero-groups that cause illness and have established effective in tumbling the illness occurrence in nations that have

used them at the population level. Management of the universal collision of these vaccines needs having them made accessible in areas that have the highest illness incidence.

This appraisal used accessible data to describe the load of meningococcal illness in dissimilar countries. Nations were categorized based on the illness endemicity, and accessible records on the most widespread serogroups were appraised to allow evidence-based choices on meningococcal vaccine application. These records assisted to notify SAGE's new suggestions on the exercise of meningococcal vaccines. Restrictions of the assessment comprise elimination of surveys that were not available in English and the lack of a marker of the worth of examination accustomed to derive occurrence rates. It is essential that suitable surveillance developing new molecular epidemiology instruments is executed to acquire epidemiological facts on the load of meningococcal infection in states where these are not recognized. With the certification of a new affordable conjugated vaccine beside serogroup A (certified in Africa) and more lately, a multi factor serogroup B vaccine in Europe inspection will be obligatory to observe the collision of these vaccines throughout straight immunity and direct protection and permit for optimization of vaccination timetables.

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An Overview on the Freedom of Religion in Albania

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Abstract

If we take a look at the historical course of the independent Albanian state, which is established in 1912, we found Albania divided into two major religions, Christians and Muslims. After the declaration of independence of Albania in 1912, the clergy of the three faiths ranged between political, social and national movement wars arm, to do the best for the country. Albania throughout its history has been an example of how people of different religions have been able to correctly solve the trust relationship with the nation, the nation above all. Even after the declaration of the Republic of Albanian in 1925, again it was sanctioned the state with the principles of secularism and freedom of religion and conscience, principles which will also be reaffirmed in the status of the Albanian Kingdom of 1929. Things changed though with the coming of communism into power. Communists held a criminal attitude towards the religion. We can say that in 1945 the government decided to persecute the religious belief. For years Albanian communist regime deprived the freedom of conscience and religion, violating one of the fundamental rights and human freedoms. The communist regime's atrocities during his 50 years of worship destroyed indiscriminately facilities such as those of Muslim, Catholic or Orthodox believes, being justified as an atheist youth movement. Atheism in Albania concluded with the advent of democracy on 4 November 1990, after a long collapse of atheist rules. Albanian law already protects the freedom of conscience and religion as a fundamental constitutional right.

Keywords: religion, freedom of conscience, law, atheism

Introduction

We can say that freedom of religion and conscience is one of the oldest human rights recognized internationally. If we look back through a glance at ancient times, in their infancy Illyrians were pagan who had built their trust over symbols. So Albania can be considered a religious center in the Mediterranean, a place where historically Latin traditions coexisted. Later on it was Christianity that gave a stronger identity to Albanian people. So, before submission to the Albanian lands by Ottoman Empire during the fifteenth and the sixteenth centuries, Albanians had embraced Christianity[1]. With the Ottoman conquest of most Muslim Albanians returned for a variety of reasons ranging from the grip of fear to influence those who gain privileges. George Kastrioti, Albanian national hero Skanderbeg, is a symbol of civilization and Christian-Islamic tolerance. Skanderbeg appreciated more the unity of the nation and the unity of the Albanians. Albanian interests became primary when he came to protect the homeland. Skanderbeg found in people the strength to challenge in the name of freedom everywhere, he found it in the spiritual unity of religious and cultural identity of the Albanian people. Whole Europe, which is the cradle of ancient civilization, has listed Skanderbeg as the most prominent figures of this continent as a symbol of Christian-Islamic civilization. The Albanian Catholic Church, unlikely from the counterparts in Europe, was characterized by an independence of its components as the result of the internal situation and powerful patriotic efforts, which made the clergy in our country to give priority to national principles. It is to be noted that same as in the XV and XVI century, in contrast to the eastern rite, the Catholic Church encouraged the use of Albanian language in 1861, which testifies the high sense of patriotic Albanian clergy. The Albanian Independency of 1912 found the country divided into two major religions. Albania throughout its history has been an example of how people of faith have been able to correctly solve the trust relationship with the nation. The First World War period and then during 1918-1920, showed that the existence of religions became vital for maintaining independence and strengthening the state, the nation above all, a reality that was evaluated by the external international opinion. Thus, in the following years the religion was institutionalized more and more in the service of faith and nation. The period of Constitutional Acts of Independence confirmed the separation of religion from the state. These were placed in the Organic Statute of Albania who was a "card donated" by the European Great Powers of the time, and later in the "Statute of the Albanian state" of 1922, which sanctioned that the state had no official religion, was guaranteed the respect of religious freedom and the right to change religion. Even after the declaration of the

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[1] Myftiu,G;Besimet Fetare; Trashigimin Kulturore Shqiptare http://www. shqiperia. com/tr/besimet_fetare. php

Republic of Albania in 1925 was again sanctioned, it states the principles of secularism and freedom of conscience and religion, principles which will also reaffirmed the status of the Albanian Kingdom of 1929. The period between 1920-1939 the policy of state aimed to place strict national principles for the activities of religious institutions, but also a state control over religious communities. This policy was developed in order to achieve coexistence and understanding of the three religious communities operating in Albania, and to turn them into supporters of the Ahmet Zogu's regime[1]. So the Albanian politics was linked with the intention to establish a unity of the Albanian nation, to avoid religious disruption, which would be dangerous for the future of terrestrial integrity of the country. For this reason, Ahmet Zogu tried to separate the state from religion, to maintain peace and to understand the religious relations. Clergy were thrown totally against Italian fascism and German Nazism. This was the reason that 1933 Catholic bishop will jointly write Zogu "We are here in Albania for two thousand years, then Catholic and Catholics today, then Albanians and Albanians today and forever". Historical facts also show that in the years 1944-1990 communist ideas in the whole world and in Albania were spreading rapidly. It is clear why the communist ideology was so hostility to the religion. The fact is that with the advent of the ruling communists they held their criminal attitude towards religion. The government decided in 1945 to put the religious faith targeting mainly the Catholic Church. Persecutions and prosecutions of clergy continued, schools and Catholic monasteries were closed everywhere. Despite terrible attempt to eliminate the religious freedom, communist regime never failed to extinguish it. The Catholic and the Muslim clergy became a strong opposition to the communist regime. From 1967 until 1990 the beliefs and religious institutions were forced to cease their activities. By Decree no. 4263, dated 11. 04. 1967 it was decided that the assets of the estate of religious communities become property of the state. While the 4337 Decree, dated 13 11 1967 placed the repeal of Decree 743 of 1949 on religious communities. So religious communities were omitted legal recognition and therefore they cannot develop any activity. Communist regime's atrocities during his 50 years of worship destroyed indiscriminately Muslim, Catholic or Orthodox facilities, being justified as atheist youth movement. Religious institutions were returned to facilities for the development of public activities and other was fully collapsed. About 217 clergy were imprisoned and ended life in prison or being shot, supported by the penal code 1977[2]. According to this code were condemned many former clerics but also secular. Many intellectuals, scholars by name, poets and writers, as at Shtjefën Gjeçovi, Preng Docin at George Fishta, Dom Ndre Mjedën, at Donat Kurti, etc., who had origins of the Catholic Church had suffered a deep blow. Albania was proclaimed atheist being surprised the entire world in which freedom of conscience and religion was a fundamental right. The atheism in Albania concluded with the advent of democracy, in year 1990. Thus began again establishment of churches, mosques, and a right, which was denied for tens of years. Today in the 21st century we have consolidated the systems of protection of the fundamental rights and freedoms. The rule of law is essential and distinctive feature of every society. At the core of every democracy is the government by the people for the people. The most significant feature of the rule of law is the Constitution, which is a public agreement between all individuals. Today in all democratic countries, the respect for freedoms and human rights, general principles of freedom and human rights are affirmed in the Constitution. Our Constitution has specifically stressed the principle of a society in its religious coexistence in its Preamble. The Constitution of the Republic of Albania as the fundamental law which has basic principles of organization and functioning of the state, a special place reserves the freedom of conscience and religion, realizing protection of the right of faith in some of its articles. As a fundamental right, freedom of conscience and religion occupies an important place being enshrined in several articles of the Constitution. Article 3 affirms the "religious coexistence". In Article 24 it is confirmed: Freedom of conscience and of religion is guaranteed, everyone is free to choose or change his religion or belief, and to express them individually or collectively, in public or in private life through religious education, practice or observance. Also the third paragraph of this article states that no one may be compelled or prohibited to take part in a religious community or its practices, and to make public his opinions and beliefs. In Article 24, freedom of conscience and religion is presented with its dual character. In the first place it means that everyone is free to choose not only religion, but also to change his religion or beliefs individually or collectively, in public or in private life through religious teaching practice or observance. The last paragraph of Article 24 states: "No one may be compelled or prohibited to take part in a religious community or its practices" seems to have reinforced the second aspect better. This is not only the affirmation of the right to practice the religion or religious beliefs, but also adds participation in a religious community and its practices. The right to worship is based not simply on the human right to associate and to form associations in general, which in fact is quite concerning, but sanctioned the right to participate in the life and practices of religious communities, as a personal right. It seems that freedom of conscience and religion is ranked in parallel with other fundamental rights such

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[1] Anastas,i A; (2003) Fetë dhe Civilizimet në Mijëvjecarin e Ri-Rasti Shqipërisë;Tiranë;

[2] Hotova, M; (1996) Toleranca burim i hapsirës ekumenike dhe ia artit ekumenik në Ballkan; Tiranë;

as freedom of speech and assembly[1]. Every citizen may freely choose his faith and to manifest religious beliefs freely. The individual in each institution and public space has the constitutionally legitimate right to respect and declare his or her religious faith without fear of discrimination. The declaration or application of religion in the above article cannot be limited in any space. Article 10 establishes the Albanian state neutrality in relation to religious communities and to report on matters of faith and conscience in general. So, a Secularism state means that the Constitution does not recognize the official religion. The Constitution of Albania creates the same opportunity for equality between religious communities. The state also recognizes the freedom of each individual to participate in a religious community and to attend its practice. This is an individual freedom. In addition, the right of freedom of religion evolves the personal right to participate in the life and practice of religious communities. Also, in the first part of the Constitutional, precisely in its Article 10, it states inter alia that: State and religious communities mutually respect the independence of one another and work together for the good of each and everyone. The relationships between the state and religious communities are regulated on the basis of agreements signed between their representatives and the Council of Ministers. Not all states are enshrined in the Basic Law of the State the right of religion or the right to choose one's religion. Article 18 is the classic article of equality, prohibits unfair discrimination on religious grounds. Also the national minorities have the right to express freely without being stopped or forced their religious affiliation, have the right to preserve and develop it by guaranteeing this right in Article 20 of the Constitution. Moreover, Article 9.2 prohibits political parties and other organizations whose programs are based on totalitarian methods that promote hatred or support races, religious, regional or ethnic due to religion or religious beliefs are unconstitutional. Inciting hatred and religious strife constitutes a criminal offense punishable by the Penal Code with a fine or imprisonment up to ten years. Also, destruction or damage of religious objects and prevention of religious ceremonies, considered as offenses, are punishable. Albanian state within its budget allocates funds from the state to come to the assistance of religious communities. So bilateral relations between the state and religious communities are regulated on the basis of relations connected between their representatives and the Council of Ministers. These agreements are ratified by the Parliament. So religious communities are independent from the state. From the standpoint of internal religious communities, they are considered as an element of the social body, equipped with its own legal personality and organizational and managerial autonomy, under the rules of general law[2]. As legal sources, regulating the relations of religious communities, are signed and ratified the four agreements. It ratified the agreement between the Government of Albania and the Holy See Vatican in 2005. It also ratified the Law no. 10056, dated 22. 01. 2009 "On ratification of the Agreement between the Government of the Republic of Albania and the Albanian Islamic Community. "On ratification of the Agreement between the Government of the Republic of Albania and the Albanian Orthodox Church, is another law for the regulation of bilateral relations. And Law no. 10058 dated 22. 01. 2009 "On ratification of agreements between the Government of the Republic of Albania and the World Bektashi, for regulation of bilateral relations. As it was noted above the special thing about this is that these rates are external sources of law, very similar to the international acts that become part of the internal system. This is because law in Parliament ratified the agreement between the Government and Communities. The state cannot interfere in the affairs of religious communities, but through agreements mentioned above place the independence of religious communities, implying somehow that they are considered as foreign troops to the state. Regarding the scope of these agreements can say that they guarantee the exercise of rights guaranteed by the Constitution and laws relating to freedom of conscience and religion: to recognize and guarantee respect for the rights of the religious community, institutions and its structures, as well as legal persons established by them, to freely develop their mission religious, educational and charitable. The state recognize and guarantee the integrity of the freedom of conscience and religion, institutions of worship as far as their activity does not clash with the Constitution and the laws. To ensure the freedom of the individual to choose or change religion, to manifest it individually or collectively religious institutions, or outside them, through worship, education, practices or the performance of religious rites. To ensure the freedom of the individual to not stop and neither compelled to belong to a religious community, or participate in practices, rituals and its management structures. Through this agreement, the parties commit to ensuring freedom of thought, conscience and religion. This freedom cannot be made subject to restrictions other than those provided for by law, which contains measures necessary in a democratic society, public safety, for the protection of public order, the state of health of morals. Albania has a great religious tolerance between Catholics, Muslims and Orthodox Albanians. In Albania, although there are three religions and four communities, religious conflicts haven't been noticed. While religious phenomenon has emerged that when beliefs and religions were born, one religion is tolerant of other religions[3]. It should be noted that religious beliefs in Albania has always characterized a strong

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[1] Anastasi, A; (2003), Fetë dhe civilizimet në mijëvjecarin e ri- rasti i Shqipërisë;

[2] Anastasi, A(2003); Fete dhe civilizimet në mijevjecarine ri; Rasti I Shqipërisë;

[3] Hetova, M; (1996) Tolerance burim i hapësirës ekumenike dhe i artit ekumenik në Ballkan; Toena;Tiranë;

feeling and sincere harmony which is reflected in the relations between people with different religious beliefs, as well as between religious people and atheists. Albanians are both Christian and Muslim; they are Catholic and Orthodox, Sunni and Bektashi. In Albania there is a remarkable religious pluralism. Religions have not been and are not a source of conflict in society. If we have a look in the history of the religious communities in Albania, they have always succeeded[1]. This tolerance stems from the awareness of the Albanians that they belong to the same nation having a strong ethnic identity regardless of external factors affecting the determination of the various religious in Albania. Albanians have always been aware that they belong to the same nation, have never had conflict between their religious natures. Also, Enver Hoxha followed another factor that contributed to the consolidation of tolerance and intelligence cooperation between religious communities atheist policy. The spirit of good will and harmony that characterizes traditional religious communities are affected by common difficulties they have encountered in the communist past. Religious tolerance has always been present in the Albanian lands. Believers of different religions did not only respect religious holidays, but they were often also a cause for celebration regardless of which religion you belongs. Specifically, Shkodra is a concrete example of tolerance and coexistence that characterizes also the whole Albanians. We can say that in Albania you can often find two different religions within the same family or a tribe, or it's no wonder that even one person follows the rites of religious holidays for both religions whether Muslim or Catholic. Tolerance and understanding exists between communities by making Albanians proud of the relationships that exist between them. At the end we can say that religious tolerance in the Albanian national tradition is one of the main characteristics of the morality of the Albanian people. The vast majority of the Albanian people are of Islamic faith, but everyone knows that their fathers were Christian and one of them does not deny this historical fact. Albanians belong mainly to three religions, and this has contributed into that they do not dominate social life and in any period of time religion was not a state component. They have been separated from the state who respect them, except dark period of dictatorship, the communist regime of Enver Hoxha during 1945-1991 when religious tolerance was heavy tread, when Albania necessarily turned in to an atheist state. It seems that the Albanians throughout their history have been and are oriented towards Western Europe, towards its Christian culture, democracy, politics, economy and their national interest. The interest of the nation has always been primary in relation to religious matters as well said from Pashko Vasa in the nineteenth century, …" the religion of Albanians is albanisem"[2]. Tolerance is in interest of every individual, every family and every state. It creates a humane atmosphere and opens the way for peace and friendship between people not only in Albania but worldwide.

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The Procedure of Distribution of 20% from the Sale of Socially Owned Enterprises

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Abstract

Distribution process of 20% from the sale of Socially Owned Enterprises (SOE) is one of the most sensitive processes of Kosovo's society. This process has begun in 2003 and continues today. The largest number of protests that occurred in Kosovo are due to disappointment in the slow process of distribution of 20% from the sale of SOEs. The aim of the work presented in this paper is to analyse the distribution of the 20% from the sale of SOEs, changes to this process and the impact on former employees of privatized SOEs. In order to understand these aspects, the available data were analysed qualitatively and quantitatively. In addition, I have used several methods of analysis, including empirical and normative methods, and analysis of legal provisions. Results of the data analysis show that changes in the legal framework have not affected the shape and dynamics of the distribution process. However, a pragmatic solution that was applied by Privatization Agency of Kosovo (PAK), a solution that is not provided within legal provisions, has made it possible to accelerate this process. This solution consists of the following formula: the 20% from the sale of the SOE is calculated in two parts; the first part is related to the number of SOE workers without claims, and the second part is related to the number of SOE workers with claims submitted in Special Chamber of Supreme Court (SCSC). The first part is distributed to SOE workers, while the second part, is distributed after the final decision of the SCSC. However, despite this solution, when the decisions of the SCSC on matters of Privatization Agency of Kosovo are analysed, it results that there are still further possibilities for this process to be accelerated and to be simplified even more.

Keywords: Privatisation Agency of Kosovo, 20%, Socially Owned Enterprise, SOE, Special Chamber of the Supreme Court

1. Introduction

Period of post-conflict of 1999 had changed the political landscape of Kosovo. These political changes had a knock-on effect on and the legislative and economical spheres. Considering that before year 1999, Kosovo did not have a free market-based economy and many of the holdings were socially owned, necessitated approval of legal infrastructure that allowed transformation of holdings from the social ownership to private ownership.

Kosovo's privatization process is the last to occur in the region. It began in 2002, at a time when the final political status of Kosovo was still under negotiation. Therefore, under these circumstances the privatisation process is seen as atypical. However, as soon as the privatisation process began, so began the dissatisfaction of the workers of socially owned enterprises. By the year 2003, a law was enacted that recognised the rights of these workers to a share of 20% from the sale price of the enterprise.

This aim of this paper is to analyse the distribution process of the 20% share, based on Privatisation Agency of Kosovo (PAK)'s authority on this process. While the Kosovo's privatisation process has been studied before (Gashi, 2013; Tondini 2003; Farcnik, 2007), the process of distribution of 20% on the other hand, has not been studied.

Considering that the distribution of 20% is a sensitive process, particularly in relation to the workers of the socially owned enterprises, PAK has applied a formula on distribution of means, in order to accelerate this process. The current procedure in vigour is divided in 11 stages. However, an analysis of the decisions of the Special Chamber of Supreme Court (SCSC), reveals that this process can be further accelerated and simplified, favouring both the workers of SOE and also PAK.

2. The Legal Framework for the Distribution of the 20% Share from the Sale of Soe

The legal framework for the commencement of the privatisation process has been established in 2002. In June of 2002, UNMIK Regulation 2002/12 was enacted, which allowed establishment of Kosovo Trust Agency (KTA). KTA was established under the Fourth Pillar of United Nations Interim Administration Mission in Kosovo (UNMIK), whose objective was economic development of Kosovo. Amongst other tasks, KTA was authorised to administer and sell SOEs. The above-mentioned law stipulated that the income generated from the sale of the shares of SOEs should benefit the creditors and the owners, under the condition that the income is trusted to the KTA. However, this raises the question: who are in fact creditors and who are the owners? What about the workers of the SOEs, are they considered to be creditors or are they considered owners? This provision was not specified by the Regulation.

The UNMIK Regulation 2003/13 that entered in force on the 9ᵗʰ of May 2003, provisioned a special status for the SOE workers and recognised their right to 20% from the sale of the SOE[1]. The remaining 80% of the sale price is to be used to compensate the requests of the creditors, based on the Law No. 04/-L-035. In order to gain the right to 20% the workers are asked to fulfil two conditions:

1) To be registered as a worker of the SOE during the privatisation process; and
2) To be on the payroll of the SOE for more than 3 years (in accordance to the article 10 of the UNMIK Regulation regarding transformation of the rights on the use of socially owned property)

As an exception, the other workers that do not fulfil the two conditions above, may also apply for a share of 20% provided that Special Chamber of the Supreme Court recognises their right to participation on the 20% (Refer to UNMIK Regulation no.2002/13 on the establishment of Special Chamber of Supreme Court on Kosovo Trust Agency Related Matters amended by Regulations No. 2008/4 and No. 2008/19, repealed by Law on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters)

3. Beginning of the Procedure for the Distribution of the 20%

The procedure for the distribution of 20% begins after public sale of the SOE. The signing of the contract for the sale of SOE concludes the sale process and opens the way for the commencement of the distribution process of the 20%. Socially Owned Enterprise together with the Federation of Independent Unions of Kosovo (FIUK) are responsible for the compilation of the list of the workers that are entitled to the 20%. Within the current practices, the Socially Owned Enterprise is represented by the council of workers. If the council of workers does not exist, the management of the Socially Owned Enterprise together with the FIUK compile the list of eligible workers. In cases when there were no workers part of the Socially Owned Enterprise, PAK has provided public notices and gathered necessary information in order to find the workers that were part of the Socially Owned Enterprise. In cases when it was impossible to find any of the workers then the list of eligible workers was compiled by the FIUK. Completed lists were provided to PAK for further review.

3.1.SPECIFICS ON THE REVIEW OF THE WORKERS LISTS AND DISTRIBUTION OF 20% AT PAK

On the basis of PAK regarding the distribution of 20%, the process comprises the following eleven stages:

1) review of the workers' lists provided by the management of Socially Owned Enterprise and FIUK
2) publication of preliminary lists in the newspapers

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[1] UNMIK Regulation 2003/13, as amended by Regulation 2004/45 is the only UNMIK Regulation on privatization, which is not repealed and amended by the law of the Assembly. Regarding the issue of repealing the UNMIK Regulation through the laws of the assembly of Kosovo, there was a collision of thoughts. UNMIK Legal Opinion (UNMIK / REG / 2008 / 4-clarification, 12 January 2009) clarifies that the assembly laws can not abolish UNMIK regulations, as does the law of PAK 03 / L-067, which repeals the KTA Regulation No.2002 / 12. Thus, the Law of the Assembly (in this case the Law on Privatization Agency- PAK, successor of Kosovo Trust Agency- KTA) serves only as an internal regulation. However, the decision of the Constitutional Court, ref. AG 109/2011, in the case KI 25/10, Privatization Agency of Kosovo against the decision of the Special Chamber of the Supreme Court, ASC-09-089, paragraphs, 53-57, considers such attitude is violation of law in Kosovo, Kosovo Constitution and Ahtisaari's Comprehensive Plan and ignoring the existence of Kosovo as a state. For more details see: Gashi, H, 2011. "The legal conflict over privatization of SOEs: Changing the Law on the Special Chamber of the Supreme Court, PAK Law and relevant laws" GAP. Available at: http: //www.institutigap.org/documents/7627_AKP.pdf

3) acceptance of any complaints regarding the preliminary lists until the date specified by PAK

4) review of eventual complaints against published preliminary lists

5) compilation of the final lists

6) approval of the final lists by the Board of Directors of PAK

7) publication of final lists on the newspapers as stipulated by the law (Article 10.3, law 2003/13 regarding article 10.6 (a))

8) acceptance of any complaints against the final lists from the Special Chamber of Supreme Court (SCSC) and provisioning of a response

9) representation of Socially Owned Enterprise under administration of PAK regarding the final lists, until a decision has been reached by the SCSC.

10)   distribution of the 20%, depending on the number of complaints received regarding the final lists of workers, according to the PAK's formula

11)   implementation of second instance decision of SCSC regarding distribution of the 20%, after receiving it from PAK

Some of the above stages cannot be precisely estimated time-wise. This is because the length of some of these stages is dependent on other, external factors. However, in general the following table provides an estimate of time span of different stages.

Table 1 Estimated timespan of different stages of distribution of 20%

Stage number	Estimated time
1	Unspecified
2	One working day, and 2 days (during the weekend)
3	20 days
4	20 days
5	Unspecified
6	The next meeting of the Board of Directors of PAK (held once a month)
7	Two working days (during the weekend)
8	5 days after receiving the complaint by the SCSC (time to appeal is 20 days)
9	Dependent on the priorities of SCSC
10	Unspecified
11	Dependent on the priorities of SCSC

4. Application of Formula for Early Distribution of 20% by Pak

There were 15.657.120 Euro distributed during the mandate of KTA, while PAK has distributed 98.749.869 Euro. From this process benefitted around 44.000 workers of SOEs. The distribution process was delayed because the distribution did not occur prior to a decision by SCSC. Considering the sensitivity of this issue and the pressure from the workers of SOE, PAK found itself in a situation that required a solution. In response PAK specified a formula for the early distribution of 20%. According to this formula, in cases when a decision by SCSC has not been taken regarding the lists of workers, PAK asks SCSC for the number of possible complaints against the lists of workers. As such, the early distribution of 20% is given only to workers that are on the final lists and there are no complaints against them.

5. Analysis of Court Practices Based on the Decisions of Scsc Regarding Procedural Aspects of Distribution of 20%

As can be seen from the table above, the privatisation process undergoes through a large number of stages. However, the question remains whether all the stages are necessary? An analysis of SCSC decisions regarding this issue reveals that this process could be shortened and simplified.

In the past, the KTA has not reviewed the lists and workers were in position to file complaints directly to the SCSC (see *Termosistemi vs. AKM-së*, SCEL 04-0001). Later, KTA, now PAK, takes an active role related to compilation of preliminary lists, which prolongs the process of distribution of 20% .

In its decision SCSC has dedicated a special chapter the issue of whether to file an appeal in the preliminary lists. The court found that there is no limit to the possibility of submitting a claim to the SCSC, that is filing the appeal prior to the PAK. Further, it is noted that no reference is found in relation to the provisional lists. It was emphasized that it is not necessary to exhaust administrative means before addressing the court. The court comes to the conclusion that there is no need to file an appeal against the preliminary list (Drithnaja vs. AKP, SCEL-11-0063).

This means that the PAK does not need to develop the process of distribution of 20% in 11 phases. What would be the point of the existence of the notion and procedures relating to the preliminary lists, as the court does not see fit the existence of complaints regarding the preliminary lists? Perhaps the PAK should think back to its passive role regarding the stages of preliminary lists, in favour of simplicity, economy and accelerating the procedure. Institutions of the Republic of Kosovo are already committed to completion of the privatization process within the 2-3 year timeframe, which requires simplification, acceleration and efficiency of internal procedures of PAK (see http://www.rtklive.com/?id=3&r=20030). Reducing the phases associated with the preliminary lists would shorten the process of distribution of 20% to the first 5 stages. The role of the PAK could begin with the approval of lists of employees by the Board of Directors and their publication. In this way the PAK budget dedicated to the publication of the preliminary lists could be spared.

6. Conclusion

Analysis of the decisions of the Special Chamber of the Supreme Court and the history of legal regulation of the process of distribution of 20% from the sale of SOEs, reveals the possibility of shortening the procedure, its timeline and its simplification. All this would be performed within an internal reorganization of the process of distribution of 20% within the PAK and harmonization of the current legislation accordingly.

This reorganization will benefit workers of SOEs both in terms of time and money. PAK would benefit from the budgetary aspect, saving costs incurred in connection with several stages of this process. In this way, the acceleration of procedures for the allocation of 20% will serve as social stabilizer. This would impact on the acceleration of the privatization process in general. Performing faster privatization process will unblock privatization funds, which will be passed on to the Kosovo budget and be used for economic development, which is crucial for the future of the country.

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The Necessity of Using Foreign Capital in the Croatian Economy

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Abstract

Croatia, like most developing countries, is facing a shortage of capital for its economic development. Acceptance of foreign capital in the national economy should be regulated by legislative and economic regulations that would allow its unobstructed acceptance. In this process, it should be taken into account that investments should be pointed in the most favourable direction in order to encourage social development, but also ensure profit to potential investors. Foreign capital in the Croatian economy can operate in several directions: as international public capital, capital of international institutions, state capital, private capital, while in practice, there are also other forms of capital. In the present social moment, in terms of economic and legal insecurity in the country and high level of corruption, serious foreign public and private capital primarily shows interest in investing in major infrastructure facilities such as roads, ports, tourist facilities, and other facilities, and seeks to provide direct protection of the state. Croatian businessmen at lower levels of development as well as various entrepreneurs who would like to incorporate foreign capital in their business activities should make sure to use this capital in the realisation of the planned social development, and avoid foreign venture capital in the process. They should primarily demand legislation from the state that would provide them with legal and financial security of their investments. Investment experts recommend services of internationally acclaimed and reputable businesses that should be used to make investments in the country.

Keywords: foreign capital, investment, economy, development

Introduction

The economic system of the Republic of Croatia operates in the environment of Central European transition countries that orient their economic development towards the open and free social market economic system of the Western type. Within this system works an adequate system of property relations, entrepreneurial management, economic and political democracy, the rule of law and a certain level of social protection and human rights. Presently, Croatia is an European Member State, and it also needs to be fairly and effectively involved in European and global economic trends. Successful achievement of the above-mentioned requirement and the necessity to encourage such transformation processes would regulate internal relations in all segments and activities in the Croatian society, with special attention devoted to property, market, entrepreneurial management, organisation and management of business and other entities. In order to achieve such great economic and political changes in the country, it is necessary to acquire the appropriate modern knowledge, abilities, and skills, develop entrepreneurial spirit, innovativeness, all of which is included in human capital development, and particularly bring into the country new, fresh financial capital. At the time of property transformation and privatisation, there was a slightly better situation with large infrastructural government systems, where large-scale foreign investors appeared as buyers or investors, investing their capital into certain facilities or attempting to gain the majority of shares in all the systems such as banks, highways, insurance, etc. Of all the investments, 57,9 per cent occur in the private sector, and 26,6 per cent in the government sector.

The main hypothesis: Further development of the Croatian economy should be based on the belief that, along with all the forms of domestic capital, foreign capital is also necessary for future development of the country. PH1: Croatian economic

development, according to all the relevant plans and indicators, is based on such viewpoints, and future strategic objectives are necessarily linked with an increase in material well-being of Croatian citizens, their material and spiritual wealth and quality of life. PH2: The realisation of these objectives should depend on successful management of natural, technical, and human resources, i.e. economic and social efficiency of national economic operators, all of which affects the development of the national economy as a whole. The objective of this paper is to point to the necessity for a high level of transformation in the field of engineering, technology, organisation, management methods, but also the entire economic structure and structure of employees, with special attention devoted to entrepreneurial and managerial staff. All of this can be very effectively achieved by using foreign knowledge, techniques, technology, and capital. The scientific contribution is reflected in the development of scientific thought about the importance of changes in the social and economic environment of the country, but without the creative acceptance of useful global achievements from developed countries, one cannot be equally and effectively engaged in global economic trends or European economic and political integrations. Membership in the European integrations can significantly contribute to development of Croatian economy, but only to the level at which we are trained to use these achievements. Scientific methods used in this paper are methods of systematic analysis, dialectical and logical method, mostly in the combination inductive-deductive and vice versa, deductive-inductive. Quantitative and qualitative methods were used with methods of comparison of spatial and temporal characteristics.

1. Social Development and Foreign Investments

Along with evident development processes and economic transformation and restructuring of the country, it was soon noted that further development of the Croatian economy would not be able to continue without extra capital. Since extra capital from domestic sources is presently insufficient, it is necessary to enable free access of foreign capital to the country. In order to do this without causing major economic shocks, legislation should be used to achieve economic relations in the country that would enable majority control of domestic population over the capital. This is especially important in the segment of land ownership where a small country of this size can, part by part, be bought by any large multinational company. Its population can be moved out under different excuses and national demography can thus be changed. Unfortunately, domestic population in these areas has very bad experiences with foreign investors and investments of this type.　　　　Current experiences of other transition, underdeveloped or colonial countries indicate that foreign capital primarily aims to gain its own profit regardless of future consequences for the country they invest in. In this regard, owners of foreign capital in the recipient country should be controlled by legislation, and any kind of illegal behaviour should be prevented. In this way, their capital interest would be in line with domestic interests in the long run.

When foreign capital enters Croatia, one should bear in mind to ensure that economic ratio with domestic source of capital remains undisturbed, and attention should especially be devoted to quality distribution of social costs and tax obligations. The use of contemporary technical and technological solutions should be encouraged, as well marketing, and effective appearance at the global market. Foreign investments should be used in joint investments based on a well-designed national developmental economic policy. When foreign capital is invested in economic facilities, national investment should be estimated realistically. Price and location of the land are very important. Land ownership as an investment should, as a rule, stay in domestic ownership. This particularly refers to top quality agricultural continental land, while coastal, riverbank, and seashore land should not be sold, but rather rented for a short or long period of time. In this process, the use of the land and economic facilities should be conditioned by application of the most contemporary technological know-how, including the obligation to implement environmental protection (Aćimović, 1987). This could be achieved by using an adequate system of mortgage loans that would be applied in the economic activities. In this process, Croatian owners of capital who work and reside abroad should also be included in the system.

State capital, that needs to be legally defined, plays a very important role in Croatia. In the earlier economic system, state capital had operated in all segments of economic life in the country, while investments were exclusively under government control. Nowadays, in the age of neo-liberalism, the market system forces the creators of economic policy in the country to turn public companies into private enterprises, while the state should create a legal framework for such a transformation.

According to recent experiences in the majority of transition Member States, the government will remain the leading investor for a long time, as well as manager in some infrastructural industries of importance for the state. However, this should not be tolerated for too long, and conditions should be created for approaching private capital that must operate under government control, because it cannot be allowed that citizens are encroached due to various misunderstandings among

owners of the capital. Refinancing is an important developmental factor in the economic system of any country. The refinancing system in Croatian economic systems, in the manner in which they have been used until now, should undergo significant changes. The effects achieved in the economic field in Croatia by refinancing point to the fact that refinancing has not been efficiently used in the sense of using extra capital, whether domestic or foreign, which would be used for national technical, technological, organisational or managerial adjustment of the existing economic system. The original idea was to use for this purpose the capital obtained by selling the shares in the process of sub-shareholding of former social companies. The gained capital soon disappeared in various embezzlements of leading governmental structures.

All things considered, there is no great quantity of free capital in Croatia that could be used to enter larger economic transformations and investments. Also, foreign debts are substantial and there is no real opportunity for increasing government debts, without causing a large-scale economic crisis.

For making investments in the national economy, one should realistically consider the capital of Croatian citizens working abroad. According to statements of the financial bodies of the countries in which Croatian citizens are living and working, this capital is quite large and it is estimated to tens of billions of dollars.

When we analyse the latest experiences with the redemption of shares of certain large companies, except those that had a monopoly at the market and were protected by the state, they were not particularly stimulating. After they had bought the shares of such companies, they went bankrupt, and shareholders lost their invested funds. The current situation on the capital market, as well as new trends, indicate that foreign and domestic owners of capital would be more inclined to buy certain smaller enterprises and take full control over their business activities, than invest into shares, with which persons who are sometimes connected with organised crime would trade at the market.

An important role in Croatian economic development should belong to owners of small capital, primarily Croatian citizens who gained their capital abroad, and who could invest their capital in small and medium-sized enterprises. These enterprises could become a new foundation on which one could revive weary economic flows that were oriented for years towards government bodies and had political influence on them.

All things considered, foreign and domestic investments should be directed to follow the trend of total economic development along with efficient government protection, but also assistance of financial institutions that should provide capital investors with certain benefits and guarantees that are common in the countries of developed market economies. These would be: tax and customs benefits, reduction of taxes and employee contributions, solving of insolvency, limitation of legal proceedings duration, reduction of administration, possibility of fast transfer of profit, use of different types of mortgages, etc. Most importantly, legal and economic factors should be created that would provide equal chances to everyone in the economic competition. In this process, competitive relations should be created in which the realised profit would not lag behind other, neighbouring competitive countries (Vizjak 1995, 227).

2. Adjustment of the National Market to Foreign Investments

For correct, effective, and safe investment of capital, the national market should be well-organised, and one should think about the effects of the investment on certain segments of the society. A point of consideration is also operation of some important market factors, because their timely synchronisation is important for improved access of domestic and foreign capital to the country's economic structure. Successful economic market activities of Western type depend on successful overcoming of various legal or economic barriers at the national market. When adjustment in the market area is taken into consideration, in order to accept domestic or foreign investments, the idea is to establish and develop a complex national market with all its constituent parts. This is not only the market of goods and services; this system should, except labour and services, also include capital and knowledge, as well as all their sub-systems. In this way, a market would be created that would be open to the maximum, and operating enterprises could at all times obtain all the necessary factors, production and business inputs, and use entire, but fair competition, and place their products and services – outputs – into any other country at the foreign market (Ostojić 1996, 67.). In order to achieve comprehensive adjustment processes in the national market, and to enable successful acceptance of capital investments, there are many limitations in practice resulting from the application of certain adjustment operations, when underdeveloped marketing culture or wrong economic moves become visible, by those in charge of designing applicable operating systems. According to data by the Financial Agency, 733 industrial enterprises in foreign ownership pay average net wage of KN 5477, while the average wage in 10,826

domestic industrial enterprises is, on average, lesser by as much as KN 1066, which means that a foreigner is a more desirable employer. Out of 48 state companies, 36 gained profit, while 12 suffered loss in the amount of KN 1064 billion. The greatest winners are HEP, HKZP, Plinacro, ARZ, Hrvatske šume, and the greates losers are HPB, Petrokemija, Croatia osiguranje, HŽ Cargo, Đuro Đaković. From January until September of 2014, there was a total of KN 6338 billion of investments, which is 16,1 or one sixth less than in the same period 2014. As much as 47 per cent of investments in state companies were in the following three: HEP, in the amount of KN 1,15 billion, INA with KN 1,08 billion and Hrvatske vode with KN 751,9 billion (*Jutarnji list*, January of 2015). Some entities in charge of designing economic strategies often present market systems from the period when capital development was at a lower level, or its liberal, a bit more developed stage, which causes resistance and fear of the users of the system. At the same time, quite a few businessmen learnt some important different and more humane characteristics of the modern, developed Western market through their co-operation with foreign countries. Many of the so-called experts think that foreign experiences can easily be integrated into the Croatian economic system, using government's force. This is why users of the national economic system are facing unnecessary dilemmas. Therefore, one should get well-acquainted with foreign economic conditions and practice, and think about which one of them would have the best effect in Croatian practice in the given time and space.

3. Foreign Capital as Stimulation to Development of the Croatian Economy

Given that Croatia was one of the most developed republics in the former state, that reached a high level of economic co-operation with foreign countries, needs for new capital investments from abroad were treated as a normal economic occurrence. When Croatia became independent, the necessary legislation was adopted at expedited proceedings which specified the conditions of entrance of foreign capital to Croatia. Owners of foreign capital became equal with domestic owners. In this process, the rule "everything that is not specifically forbidden is allowed" was applied. However, the established legislation was not accompanied by other conditions that would in practice regulate the inflow and the manner of operation of foreign capital in the country. It soon became evident that the legislation was superficial and incomplete; various "businessmen" from abroad or from Croatia, in agreement with the highest state officials without capital of their own, bought everything of any value in the country.

Some time later, Croatia started opening itself towards Europe and the rest of the world, and foreign capital of a more "decent" kind started showing interest in making investments in the country. Soon, the first results started showing at the international market with strong attempts to make up the lost time. This is when attention started to be devoted to the need to define foreign capital according to possible forms and sources, its allocation, way of co-operation, and all other factors in order to stimulate faster development of the Croatian economy. There is an estimate of the European Commission that this year in Croatia, there will be good business opportunities, because in the next 3 years economy will be stimulated by investments higher than EUR 300 million, which will result in opening of 1,3 million of new workplaces in the framework of the great Juncker's Recovery Plan (*Jutarnji list* 23.2.2015). In the scope of the Juncker's plan, Croatia proposed 68 projects in the value of EUR 19,3 billion, from which 24 were adopted in the value of EUR 9 billion as the ones that should be realised with the help of private initiatives. So far, Croatia has signed contracts for projects worth EUR 900 million from the offered EUR 1,2 billion from the EU funds, while EUR 500 million have been realised. Until February 2015, the announced signed contracts are worth KN 5 billion, and until the end of the year, more then KN 10 billion (*Jutarnji list* 02.12.2014). The most significant projects are LNG terminal in Omišalj (supported by both EU and Washington), the Adriatic-Ionian pipeline, portable power system, the E-schools project, ICT and broadband projects, hydropower plant Kosinj, thermo power plant Plomin C, Zagreb upon Sava (EC, Croatian government). The list also includes investments related to road, rail and air traffic, state-owned companies in the water industry, and HEP (*Novi list* 01.12.2014.).

4. Foreign Investments in the Croatian Economy

Modern Croatian economy accepts all of the above-mentioned forms and sources of foreign capital. In the long run, the most favourable would be loan capital, i.e. interest-based or investment, i.e. profit-making capital. Strong development of the securities market in Croatia leads to a greater inflow of portfolio capital.

Special attention should be devoted to the human capital necessary for social development of Croatia. Great social and economic processes, changes and transitions are not a coincidence, but a result of interactive development of nature, and

human scientific activities (Pulić and Sundać 2001,5). Croatia has many educated employees and staff members, which is a large development potential; however, their knowledge and skills are partly outdated, especially from the aspect of contemporary needs and demands of market economy. Sometimes, there is also a need to import entreprenurial-managerial human capital that should increase the level of domestic education in co-operation with the domestic capital. Society members who are not highly educated, but rich in honesty, good will, kindness and integrity, could also contribute to the creation of a society of well-being. (Zelenika 2007, 195). We need as many distinguished, talented and hard-working students in faculties as possible, and direct the already employed to life-long learning and training courses abroad. This especially relates to scientists and top managers.

From 1993 to 2006, about EUR 13,2 billion was invested in various parts of the Croatian eonomic system, and the majority of foreign capital preferred the financial part of the economy, in which about EUR 3,3 billion was invested (Buletin of the Croatian National Bank, 2006). From 1993 to 2000, about USD 4,5 billion of foreign investments were made in Croatia. In this mass of investments, of about USD 3,6 billion, about 80 per cent or USD 669,2 million refer to equity investments, while about five per cent, or USD 243,6 million was transferred to the level of retained profit (Buletin of the Croatian National Bank, 2006). During 1998, USD 626 million was invested in Croatia, and the highest portion of investments related to investments by foreign companies operating in Croatia. The greatest inflow of foreign investments was realised in 1999, and amounted USD 1,2 billion. It originated from the first round of privatisation of HT shares. The second round of privatisation of HT was not realised in 2000, for reasons of which the inflow of foreign investments was a bit weaker than expected. In this year, the majority of Croatian banks were transferred into the ownership of foreigners. PBZ and Splitska banka were sold to the Italians, and Riječka banka was sold to Germans. Foreign investments of that time went into several economic activities. About 65 per cent of the total investment amount was invested in three eonomic activities; 24 per cent in telecommunications, 21 per cent in monetary business activities, and 20 per cent in the pharmaceutical indsutry. Except in these activitities, foreign investments were made into the oil and gas industry, which was a result of the co-operation of INA and AGIP in the Adriatic, while the rest was invested in the cement indsutry. According to these data, it is evident that most investments were made in the production and not in the trade industry, as was advocated by the majority of economists. Only about 4-4,5 per cent of total investments were made in the trade industry. All other investments were made in other industries such as production of building material (1,9 per cent), industrial gases (1,4 per cent), production of beer (1,3 per cent), non-alcoholic beverages (1,3 per cent), production of radio, TV and telephone devices (1,2 per cent), sanitary ceramics (1,2 per cent). The biggest foreign investors of the time were the USA with USD 1,11 billion, Germany with USD 1,06 billion, Austria with USD 890,2 billion, and Italy and Holland (Babić, 2001.).

Current experience in business activities with foreign capital indicates its interest in investing in large infrastructure facilities under direct protection of the government, such as roads, financial institutions, insurances, energy potentials, and other large facilities of wider European interest. Table 1 and Chart 1 show foreign investments in the Croatian economy.

Table 1. Foreign Investments in Croatia from 1993-2014 (in mil EUR)

Year	EQUITY INVESTMENTS			Retained profit [1]	DEBT INSTRUMENTS			Total
	In direct investment company	In direct investor (converse investment)	Between horizontally associated companies		In direct investment company	In direct investor (converse investment)	Between horizontally associated companies	
1993	15,2	0,0	0,0	n/a	n/a	n/a	n/a	15,2
1994	5,7	0,0	0,0	n/a	n/a	n/a	n/a	5,7
1995	5,4	0,0	0,0	n/a	n/a	n/a	n/a	5,4
1996	20,7	0,0	0,0	n/a	n/a	n/a	n/a	20,7
1997	161,7	0,0	0,0	6,7	53,0	0,0	0,0	221,4
1998	69,9	0,0	0,0	2,2	72,9	0,0	0,0	145,1
1999	59,7	0,0	0,0	2,1	-1,5	0,0	0,0	60,4

2000	37,6	0,0	0,0	8,5	5,5	-0,7	0,0	50,8
2001	123,8	0,0	0,0	19,8	-9,9	-0,2	0,0	133,6
2002	592,7	0,0	0,0	8,3	7,7	0,3	0,0	609,0
2003	70,2	0,0	0,0	31,7	15,3	1,5	0,0	118,8
2004	94,1	0,2	0,0	165,8	23,6	17,8	0,0	301,6
2005	57,4	0,0	0,0	63,8	59,8	0,0	0,0	181,1
2006	143,6	0,0	0,0	63,5	12,5	-16,4	0,0	203,1
2007	144,9	0,0	0,0	123,3	-20,4	4,2	0,0	252,0
2008	943,8	0,0	0,0	118,6	-106,8	24,5	0,0	980,1
2009	1.030,2	0,0	0,0	-117,1	35,2	22,1	0,0	970,3
2010	-264,3	0,0	0,0	7,3	369,2	13,1	0,0	125,3
2011	182,4	0,0	0,0	-7,4	-323,9	-19,9	0,0	-168,8
2012	148,4	0,0	0,0	-70,8	-134,1	-6,5	0,0	-63,0
2013	96,6	0,0	0,0	-163,5	-81,4	30,5	0,0	-117,7
1.,2.i 3.tr. 2014	1.590,8	0,0	0,0	25,3	33,3	223,9	7,1	1.880,5
TOTAL	5.330,6	0,3	0,0	288,2	9,8	294,4	7,1	5.930,4

Source: Croatial National Bank, available at: www.hnb.hr accessed in January of 2015

Chart 1. Direct Foreign Investments in Millions of KN 2004 – 2012
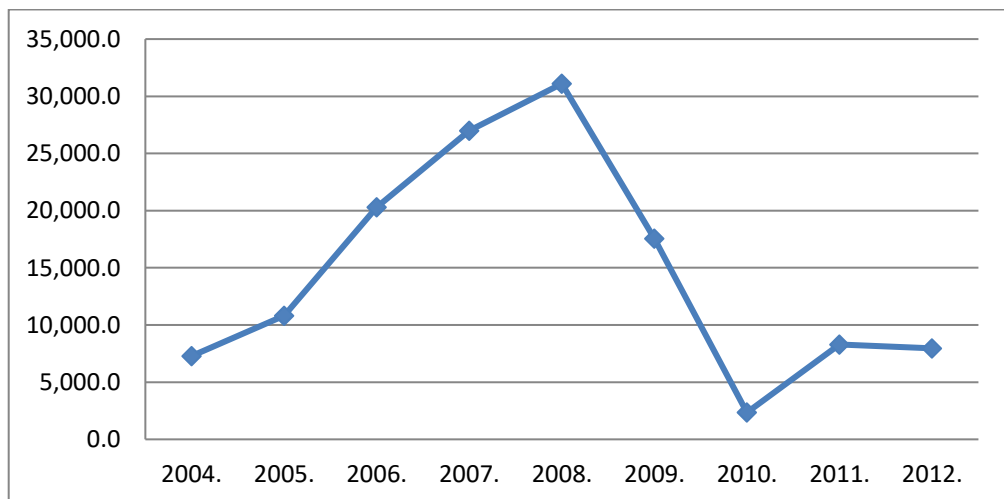
Source: Croatian National Bank, available at: www.hnb.hr , accessed in January of 2015

Foreign capital is oriented towards parts of the economy that represent a specific Croatian advantage. Besides, private foreign capital is interested in parts of the economy in which medium complex technology is applied. Analysis of investments according to investors' countries shows that, traditionally, the biggest investors in the Croatian economy come from Austria and Germany, while the most recent investments were made by France, which invested over a billion euros in Croatia. Table 2 shows foreign direct investments in Croatia according to activities, and Table 3 foreign direct investments in the industry.

Table 2. Foreign Direct Investments in Croatia According to Activities, in Millions KN

NCA 2002	Activityt	Total investments 2004 - 2012
	TOTAL FOREIGN DIRECT INVESTMENTS	132.647,3
65	FINANCIAL MEDIATION, EXCEPT INSURANCE AND PENSION FUNDS	45.648,3
51	WHOLESALE AND MEDIATION IN TRADE	17.151,4
70	REAL-ESTATE BUSINESS	10.810,3
74	OTHER BUSINESSES	9.420,1
23	PRODUCTION OF COKE, REFINED PETROLEUM PRODUCTS AND NUCLEAR FUEL	9.119,1
52	RETAIL, REPAIRS OF HOUSEHOLD UTILITIES	7.362,2
	EQUITY INVESTMENT IN REAL ESTATE	5.317,6
11	OIL AND GAS DRILLING, SERVICE INDUSTRIES	3.408,6
26	PRODUCTION OF OTHER NON-METAL MINERAL PRODUCTS	3.109,8
55	HOTELS AND RESTAURANTS	2.844,8
66	INSURANCE AND PENSION FUNDS, EXCEPT OBLIGATORY INSURANCE	2.347,2
92	RECREATIONAL, CULTURAL AND SPORTS ACTIVITIES	1.989,4
	OTHER ACTIVITIES	1.626,0
15	PRODUCTION OF FOOD AND BEVERAGES	1.194,9
41	COLLECTION, PURIFICATION AND DISTRIBUTION OF WATER	1.119,8
50	TRADE OF MOTOR VEHICLES, REPAIR OF MOTOR VEHICLES	1.063,4

	2009	2010	2011	2012	2013	1.tr.2014
Production of coke, refined petroleum products and nuclear fuel	110.6	-0.7	68.7	12.9	-119.6	15.9
Production of chemicals and chemical products	-18.7	-440.7	244.1	-46.1	30.2	29.3
Production of other non-material mineral products	11.5	-56.7	56.5	-6.7	-30.7	4.8
Production of food and beverages	-175.5	-4.5	-6.7	-24.4	79.6	6.6
Production of electrical devices and appliances	8.3	11.1	-4.3	-5.8	12.7	2.3
Production of textile	18.3	9.4	32.7	1.7	7.1	0.8
Production of rubber and plastic products	2.1	3.5	1.2	4.2	3.0	-0.1
Production of machines and devices	35.8	6.2	-4.3	-6.0	4.1	10.1
Leather processing, making of accesories and shoes	16.1	14.7	12.0	13.2	-6.6	-2.1
Production of clothes, finishing and colouring of fur	-5.8	4.9	6.5	9.6	3.2	0.6
Oil and gas drilling	-10.4	-70.7	-49.1	-52.6	-12.6	-2.9
Supply of electrical energy, gas, steam and hot water	-5.6	10.8	10.6	6.4	13.3	1.7

Source: Croatian National Bank. Available at: www.hnb.hr, accessed in January of 2015

Table 3. Foreign Direct Investments in the Croatian Industry (mil EUR)

Source: CNB

Analysis of investments according to investors' countries shows that, traditionally, the biggest investors in the Croatian economy come from Austria and Germany, while the most recent investments were made by France, which invested over a billion euros in Croatia. Table 4 shows foreign direct investments in Croatia according to countries of origin.

Table 4. Foreign Direct Investments in Croatia According to Countries of Origin

Country	2009	2010	2011	2012	2013	1.tr.2014
Austria	441,9	-115,5	211,8	283,6	31,1	78,9
Holland	694,7	-264,4	253,9	-231,4	226,2	964,1
Germany	186,8	92,3	225,3	-109,8	140,6	-906,3
Hungary	164,5	-10,3	104,2	41,7	-172,0	23,1
Luxembourg	143,9	111,5	1332,9	176,3	45,5	30,5
Italy	87,2	142,3	22,9	39,5	91,2	22,4
France	42,0	17,1	5,5	2,7	17,2	-45,6

Slovenia	112,4	89,1	16,6	-6,2	-24,0	-8,9
Sweden	337,3	8,4	4,7	-22,8	-44,6	13,2
Switzerland	6,4	0,8	24,8	7,4	4,4	0,2
Great Britain	40,2	-48,7	20,5	6,9	40,7	21,4
The Czech Republic	-21,5	13,6	5,8	308,8	-8,2	3,4
Russia	6,6	12,0	29,2	25,9	41,5	1,6
Ireland	41,5	82,3	6,8	1,3	0,7	1,9
Denmark	21,7	-10,6	-20,0	5,7	23,7	-1,6
Slovakia	6,1	7,6	11,5	10,2	32,6	0,3
USA	26,0	-17,9	-56,8	-70,0	14,3	5,0

Source: CNB

In order to make investments in certain parts of the economic system, Croatia needs loan investment capital; however, judging from the experiences of other countries that surpassed the development level at which Croatia is now, loan capital should be used very carefully, because in such forms of investment, all the risk is transferred to domestic companies that are usually unable to manage this type of investment. This capital should be returned by certain deadlines with interest, and the selection of investment location and effectiveness of the use becomes an exclusive obligation of domestic companies. On the other hand, by using investment profit-gaining foreign capital, all or partial investment risk is shared by the foreign investor and domestic entrepreneur. This co-operation between a domestic entrepreneur and foreign investor is achieved through the assistance of the foreign investor in the transferring of new technology into the country and opening of new, preferably foreign markets, which could have a positive impact on the change in the ownership structure in the company, but also improvement of the qualification structure of the employees, faster development of entrepreneurial and managerial staff, etc. It must be taken into account that the every capital is directed to fast generation of profit to its owner.

All things considered, according to CNB analyses, 2008 was a record year in terms of investments in Croatia. Investments in 2006 were large-scale, because at that time, Pliva was sold. This upward trend of foreign investments in Croatia was contributed by the takeover of several large companies. The biggest investment of this kind was realised by the French Societe Generale that bought Splitska banka, and another large investor was the American Barr that bought Pliva. Foreign investors are mostly attracted to the financial part of the Croatian economy, and this economic part attracted about EUR 790 million of investments in nine months in 2006. Along with the financial part of the economy, foreign investments were made in several companies dealing with production of food and beverages, where the level of investment amounted about EUR 190 million. This was followed by telecommunications with investments of about EUR 127 million. Investments in oil amounted EUR 94 million, and in all other parts of the economy, foreign capital was represented at the level of about EUR 50 million (Buletin of the Croatian National Bank, 2006). Since the beginning of the crisis, i.e. from 2009, the number of foreign investments significantly declined. In the past year, the investments amounted KN 52 billion, i.e. they fell from KN 89,6 billion to 37,4 billion. High level of foreign investments in Croatia is primarily supported by the profit gained by foreign companies that operate successfully in Croatia, but they have also become desirable employers, because they provide higher salaries and are more productive and innovative in their activities. Table 5 shows the parameters of domestic and foreign companies.

Table 5. Domestic and Foreign Companies According to Parametres

Foreign vs domestic	Companies in foreign ownership	Companies in domestic ownership
Number of companies	733	10,826
Number of employees	39,746	191,021
Average net salary	5477kn	4411kn
Source per employee	471,650kn	201,159kn
Share of export in total operating revenues	56	30
Export/import ratio	164%	191%
Labour productivity	183,505	151,429
Return on capital	9,1%	15,8%
Indebtedness	51%	58%
Short-term debt	70%	94%
Innovation	40%	29%
Development of new products at the foreign market	15,8%	8,2%

Source: *Jutarnji list* 29.03.2014

It is interesting that foreign companies that realise profit in Croatia increasingly reinvest their profit in other parts of the economic system. Increasing number of Croatian companies is bought by foreign investors. This type of reinvestment is especially popular with foreign investors in the banking sector. They were forced to this procedure by the CNB that introduced financial restrictions that significantly raise the costs of borrowing abroad, and increasingly use their achieved profit to undertake further credit activities.

Conclusion

The need for rapid development of Croatian economic system has created the need for various types of foreign investments. Such investments should be in accordance with the needs and demands of the domestic market as well as open domestic co-operation with the international market. Croatian economic development should be based on scientific approach and research that would show all the good or bad sides of such ventures, taking into account the overall economic strategy of the Republic of Croatia. Special attention should be devoted to future development of national economic operators, their operational and financial bonding and integration into new organisational forms modelled on comparable groups in the world. In these activities, the government should have an important role; it should use efficient legislation to have an impact on the rule of law, ensure free operation of economic market principles, and prevent each attempt of market closure or creating a monopoly that would affect proper functioning of the market. The government should provide active development policy which would open space for developmental initiatives and creativity. In order to meet the existing needs and demands, big investment capital is necessary that should be collected from domestic or foreign sources. Presently, but also in the distant future, Croatia will not be able to collect the sufficient amount of capital to achieve these goals. Croatia has many unused resources. Smart activation of these resources could attract domestic and foreign capital. This capital can originate from a variety of sources and can be in different forms. The investment of foreign capital into a country does not only depend on the capital itself, but also on the conditions in this particular country. Previous experiences from other countries suggest that high expectations from the expected capital investments from abroad often have no real basis. One should not passively wait for developments, but rather try to use a real situation to achieve the maximum. When using

foreign capital, particular attention should be devoted to the capital of Croatian emigrants i.e. people working abroad. It should be noted that capital, in terms of free market, knows no national bonds and aims to get away from the native country by creating better conditions in another country if the native country has no prospect of making profit.

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Issues of Small States in the Age of Globalization

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Abstract

The twentieth century has been characterized by the rise of nationalism in many parts of the world especially in the countries which lived under socialism and/or communism. Under socialism and/or communism, countries comprising of multi- ethnic groups lived in peace and cooperated and as such decreasing the possibility for any conflict. The collapse of communism and socialism in these countries of the Eastern Europe created opportunities for different forces to mobilize and capture state power mainly because these states turned into ineffective and weakened ones, as was the case with the former Yugoslavia where the ethno-national forces rose and caused ethnic strife and civil war which completely destroyed the society. The question which arises is why? Why did the destruction happen? Being a multiethnic and multinational society of different cultures, languages, history and religions, it entered into a war causing thousands of dead people, thousands of injured, destruction of properties and suffering of the people. Civil war in former Yugoslavia resulted with the partition of Yugoslavia into small independent states. But over the past few years, several changes have exposed difficulties upon these small independent states to recover fully from the harshness of the war: economic crisis, immigration, integration. IN addition, European countries have opened the doors to a new era of development, that of globalization which has been accepted mainly as the free movement of goods, services and people. Thus, this paper will deal with issues that small states face in the age of globalization.

Keywords: small states, globalization, civil war, economic crisis, immigration, integration, free movement

Introduction

In recent years the phenomenon of globalization emerged as one of the most frequently and at the same time one of the most controversial topics. There is a lack of consensus as to what globalization is, what does it challenge, what is its effect. Although it is considered as a modern phenomenon of the late 20th century and very much present in the 21st century, globalization is not a new social and historical phenomenon because trade among nations, for example, existed even in earlier stages of human society. Nonetheless, globalization nowadays is reshaping the world in business, trade, culture, politics, media, and so on. There are 193 UN member states. More than half of these states have been born out of transition to democracy and are classified as small states. All these small states have been created on the foundations of their history, culture, tradition, and territory. Their emerging goes hand–in-hand with all the changes and developments in the world. By saying this, defining globalization seems to be a difficult task, taking into consideration all those who support or oppose this phenomenon. Scholars do not know how to define or label globalization: as a system, a force, or a process of today's world. This mainly happens because the impact of globalization in certain states differs from the impact it might have upon other states. As such, none of the scholars have been able to prove whether globalization will improve or damage states and peoples around the world not just because there are big states and small states but simply because globalization can be beneficial for some, destructive for some and both for others. Say global and people will picture interconnectedness in a number of areas especially economy, culture and technology. Scholars, tend to see globalization either as a result of culture being the reason for economy and political developments and interconnectedness or vice versa, economy or politics being the means for such interconnectedness. Globalization also means making new spatial scales. Giddens (2007) argued "Globalization can be defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa."(p.16). While for some globalization has made the world a better place to live in because people and resources were brought closer together, time and distance were not a barrier to move and fulfill needs and requests and desires, for some, the gap between rich and poor, between desire and needs is becoming bigger. As Cooper states:

" … while some inhabitants of our planet find themselves in an era of unprecedented

progress in many field of human endeavors, specifically in the fields of communication

technology, scientific and technological innovation and discovery, huge economic

growth ,and improvements in health and standard of living, others find that the gap

between themselves and a life of health, prosperity and security is widening"

(Sallah and Cooper,2008:15)

Nonetheless, globalization seems to be defined as the integration of economic, social and cultural relations including political and security globalization across borders. It influences with no doubt big and small states, developed and developing states with an impact which is positive for some states in some aspects and areas but negative and difficult for some other states which makes globalization be considered uneven, because of the different reach and effect in various parts of the world; asymmetrical, because there are rich OECD countries and poor Sub-Saharan African countries. Despite the literature on globalization, it is mainly general and qualitative in nature.

This paper will focus on Kosovo and its overall aim is to provide some information on the impact of globalization on the development of Kosovo after seven years of its independence by describing its experience as a new state and comparing it with its neighboring countries.

Definitions of globalization

Since defining globalization is not easy because it tackles many spheres of people's lives, only few definitions of what globalization is are given in this paper.

 Globalization is seen as a complicated process, focusing on how events, decisions and activities in one part of the world can have consequences in other parts of the world. (Lee & Collin 2005: 4). In other words, it is a process of interaction and integration of different nations, different countries, different governments, organizations, companies having an effect on economic development, political system, culture, technology of societies around the world.

Roland Robertson, professor of sociology, in 1992 defines globalization as" ...the compression of the world and the intensification of the consciousness of the world as a whole" whereas sociologists Martin Albrow and Elizabeth King define globalization as: "...all those processes by which the peoples of the world are incorporated into a single world society".

In Global Transformations Held, McGrew, Glodblatt and Perraton,(1999),study the definition of globalization:

"Although in its simplistic sense globalization refers to the widening, deepening and speeding up of global interconnection, such a definition begs further elaboration. ... Globalization can be located on a continuum with the local, national and regional. At one end of the continuum lie social and economic relations and networks which are organized on a local and/or national basis; at the other end lie social and economic relations and networks which crystallize on the wider scale of regional and global interactions. Globalization can refer to those spatial-temporal processes of change which underpin a transformation in the organization of human affairs by linking together and expanding human activity across regions and continents. Without reference to such expansive spatial connections, there can be no clear or coherent formulation of this term. ... A satisfactory definition of globalization must capture each of these elements: extensity (stretching), intensity, velocity and impact."

Beerkens (2004) defines globalization as "The world-wide interconnectedness between nation-states which becomes supplemented by globalization as a process in which basic social arrangements (like power, culture, markets, politics, rights, values, norms, ideology, identity, citizenship, solidarity) become disembedded from their spatial context (mainly the nation-state) due to the acceleration, massification, flexibilisation, diffusion and expansion of transnational flows of people, products, finance, images and information" (p.13).

Proponents of globalization such as Robert Reich, former US Secretary of Labor, consider it as "the end of geography, the end of distance, and the absence of borders". They count several arguments in favor of globalization: free trade which will result in increased civil liberties, increased opportunity and profits for all; creation of a global village of shared values and

understanding; increase of global cooperation, through international law and higher standards of law; increased availability of goods for average people at lower prices;

encourages investment in developing world; creates permanent jobs in developing world; increase democratic reform, because capitalism leads to democracy (former Yugoslavia used to be a socialist/communist state. New small states that emerged from the break of Yugoslavia went one step back: from a socialist country to a capitalist one, which makes the development of these small states experience difficulties as they were not prepared for such a change); increases the status of women. But globalization also has its opponents who consider that there are a number of disadvantages when it comes to globalization: "The general complaint about globalization is that it has made the rich richer while making the non-rich poorer. It is wonderful for managers and investors, but hell on workers and nature"(Panda Online, 2004); multinational corporations are accused of social injustice, unfair working conditions (including slave labor wages and poor living and working conditions), as well as a lack of concern for the environment, mismanagement of natural resources, and ecological damage; opponents say globalization makes it easier for rich companies to act with less accountability. They also claim that countries' individual cultures are becoming overpowered by Americanization; some experts think that globalization is also leading to the incursion of communicable diseases. Deadly diseases like HIV/AIDS are being spread by travelers to the remotest corners of the globe; Social welfare schemes or "safety nets" are under great pressure in developed countries because of deficits and other economic ramifications of globalization. (The Pros And Cons Of Globalization, 2010).

Short history of the breakup of former Yugoslavia

Yugoslavia was created after World War II with the unification of the six republics - Croatia, Slovenia, Serbia, Montenegro, Macedonia, and Bosnia-Herzegovina with the aim to balance the competing claims of different ethnic groups. While a degree of harmony and group interaction was achieved under Tito, underlying antagonisms and tensions remained as a very useful tool for any leader who wished to stir up nationalist sentiment, and historical bitterness has been used by all sides in the present conflict as a weapon in their quest for power. Yugoslav federation, as a state, and communist internationalism as ideology have failed to provide national equality and freedom. Tito's death in 1980, uncovered three fundamental problems: the divergent ethnic interests remained, the economy was inefficient, and the country's institutional structure was incapable of retaining Yugoslav unity. Yugoslav federation, as a state, and communist internationalism as ideology have failed to provide national equality and freedom. There regime could not overcome the national conflict because of its authoritarianism and ideologically based integration of the political community. Yugoslavia was considered a modernized country. Modernization has made considerable progress in the industrialization, technological development and education. An adequate social standard was achieved, primarily in the social sphere, and over the time a matching social structure was formed (working class, bureaucracy, professionals, middle class). (Maldini,2012:13). However, the Yugoslav modernization was not based on free market and free society. It was imposed and carried out as state policy led by the Communist Party according to an ideological basis. "There was modernization without modernity, industrial development without civic development, an ideological instead of societal integration." (Maldini,2012:13). As Maldini (2012) puts it: "There was no sufficiently independent and autonomous social segment (interest, class, gender, occupational, age, and similar groups) that could develop other public discourses and collective identities than those allowed by regime, and to be at least a substitute to civil society and alternative to Communist Party leaders" (pg.14).In other words, all segments of life were part of the state apparatus. As a result of the chauvinistic regime of Serbia upon other republics including Kosovo which was given to Serbia by its allies France and Britain after World War I, and Vojvodina, under conditions of an immediate threat to personal and collective existence caused by Greater Serbian aggression and the war for liberation, nationalism grew into a general political discourse expressing patriotism, but also political alignment towards the nation state and the government. This change resulted with the disintegration of Yugoslavia, brought the darkest years that people of former Yugoslavia could have experienced but it also brought new small states into life, in spite of serious problems and challenges that they will have to face.

In 1998 war begins in Kosovo. It was a result of growing ethnic tension and rising nationalism. Continuing repression convinced many Albanians that only armed resistance would change the situation although Rugova's policy of passive resistance succeeded in keeping Kosovo quiet during the war with Slovenia and the wars in Croatia and Bosnia during the early 1990s. However, the passive resistance was no longer a means to overcome the chauvinistic behavior of Serbs upon Kosovo Albanians. The war ended in June 1999 with the intervention of NATO forces. After the military intervention, international representatives became part of everyday Kosovo. According to the Department of State statement, 'The United

States continues to help Kosovo become a stable, democratic, and economically viable country within Europe. Its assistance programs are designed to help achieve this goal by working in key areas of governing justly and democratically, economic growth, peace and security and investing in people. Since 1999, the United States has contributed over $1 billion to Kosovo's development. During an international Donors' Conference on July 11, 2008 the United States renewed its commitment to support Kosovo with a pledge of over $400 million. A significant amount of the U.S. pledge will go towards helping relieve debt Kosovo may inherit. Continued assistance will be integral to Kosovo's progress as a peaceful, democratic and economically viable state that offers equal opportunity and protections to all its citizens.'(Diplomacy in Action,). The European Union is also of great assistance to Kosovo. Their political and financial commitment to Kosovo is two-fold. The EU provides assistance to meet Kosovo's institution-building needs and socio-economic development, and it also provides a substantial contribution to the international presence in Kosovo.(http://eeas.europa.eu). The presence of international organizations, political, socio-economic and many other be it NGOs or GOs is still very active and needed for Kosovo, which declared its independence from Serbia on February 17th 2008. Nevertheless, Kosovo as as a small state welcomes the presence of international organizations because after so many years of political, economic, and cultural repression which resulted with a war, it lacks the strength and the power to stand completely on its own. The ghettoisation of Kosovo as a result of the unresolved issue of visa liberalization, the lack of political culture of the running government(s), the inability to solve inner problems such as low economic development, unemployment, corruption and organized crime, has provoked massive immigration of its people.

Impacts of globalization in Kosovo

As mentioned earlier in the paper, globalization as a phenomenon, process, force or system has its proponents who claim that it will ensure free trade, civil liberties, increased opportunity and profits for all, shared values and understanding, global cooperation through international law and higher standards of law; goods for average people at lower prices, investments, permanent jobs, democratic reform because capitalism leads to democracy, better education, developed technology, and so on. But do all states have the chance to receive all these benefits? Kosovo is a new state being recognized by around 103 UN member states and 23 EU member states. The question which arises is how can Kosovo develop and face challenges of globalization when it is not yet a fully-fledged recognized state? Can Kosovo be considered a small state? Small states are defined as those with populations of less than 1.5 million people. Kosovo has around 2 million inhabitants, majority of whom are Albanians; geographically speaking, small states are mainly landlocked, most of them are islands and are distant from major regional centers of development. Kosovo lies in the heart of Europe, it is not landlocked and it is not distant from major centers in Europe. Now, what makes Kosovo a small state is:1. Slow economic development; low scale in production, marketing, export; 2. Exposure to security risk because of unresolved issues with Serbia; 3. Limited scope and capacity for negotiating with bigger states on every issue (there are negotiations happening with Serbia and there will be negotiations regarding visa liberalization) however, Kosovo does not have the power to stand firm on its own although countries supporting the independence of Kosovo concluded that "the country had substantially implemented its independence framework, which stipulates the establishment of a functional state and focuses on minority rights and the decentralization of power".(Gashi,2013:284) Maybe Kosovo is not a small state but according to Buzan, "a weak state" as it still "suffers from economic threats, national security threats, and it also suffers from basic political and societal insecurities"(Buzan,2007:93).

Economic impact of globalization in Kosovo

Globalization is marked with increasing economic integration and growing economic interdependence between countries of the world. It brings potentials for development and wealth creation. There are however arguments that globalization has increased problems of unemployment, inequality and poverty. Although the aim of globalization is to increase the standard of living and prosper their lives, it is the developed countries that ripe the fruits of globalization by increasing export, increasing trade between other developed countries, while developing countries, although being helped with investments from developed countries created a gap between rich countries and poor ones. The same goes for Kosovo. According to the World Bank Institute, countries like Kosovo "tend to lead toward concentration of economic activities resulting in near monopolies or oligopolies (http://wbi.worldbank.org/wbi). European Commission organized in the year 2008 a donor's conference in which the Kosovo authorities presented a Mid-Term Expenditure Framework 2009-11, which estimated a

funding gap of some €1.1 billion for Kosovo's socio-economic development over the coming three years. A total of €1.2 billion was pledged by the international community, including some €100 million for a stabilization fund for contingent liabilities. Kosovo has implemented initial reforms to establish a fully functioning market economy but the weak rule of law, a large informal economy and an underdeveloped policy framework continue to hinder socio-economic growth. The business climate in Kosovo is hindered by limited access to finance, unreliable energy supply, unfair competition and corruption. Kosovo's enterprise sector is dominated by small and micro-enterprises; retail trade continues to be the dominant sector. The trade deficit is large, with a deficit of 33.9% 5 of GDP and a ratio of imports to exports of some 9:1. Kosovo's main trading partners are the EU, Albania, Serbia, the former Yugoslav Republic of Macedonia and Turkey. Currently, about 90% of exports consist of raw materials. Moreover, economic statistics (central accounts in particular) are extremely weak, making a comprehensive assessment of the economic situation difficult. GDP per capita is EUR 2 794 in 2013.(Eurostat). Kosovo joined the World Bank and the International Monetary Fund in 2009 and has been a full member of the European Bank for Reconstruction and Development since December 2012. In June 2013, Kosovo signed a framework agreement with the EIB. It became a member of the Council of Europe Development Bank in November 2013.(Indicative Strategy Paper For Kosovo* (2014-2020)). Though the international organizations and organisms have great influence on helping the development of the economy of Kosovo, there are still a number of obstacles that Kosovo faces. As such, globalization may be seen as a burden on the shoulders of a state like Kosovo even though quite a number of Kosovo's population live abroad and thus contribute to remittances. However, globalization can be diverse in different parts of the world and as such creates a gap between countries by making some richer and some poorer.

Political impact of globalization in Kosovo

Democracy is seen as the ultimate form of political stability by the world. Values of freedom, liberty, tolerance are considered the key prerequisites to a political stability. Under globalization, politics can take place above the state through political integration schemes such as the European Union and through intergovernmental organizations such as the International Monetary Fund, the World Bank and the World Trade Organization. Political activity can also transcend national borders through global movements and NGOs. Civil society organizations act globally by forming alliances with organizations in other countries, using global communications systems, and lobbying international organizations and other actors directly, instead of working through their national governments.(Global Policy Forum)

In 1999, the conflict in Kosovo intensified, resulting in hundreds of thousands of refugees leaving the country (the province, at that time). The UN Security Council passed a series of resolutions—numbers 1160, 1199, and 1203—addressing the unfolding situation in Kosovo. UN sponsored peace negotiations in Rambouillet.

Under Chapter VII, Article 42 of the UN Charter, the provision often cited as justification for humanitarian intervention; the UN Security Council can authorize the use of force when such actions are "necessary to maintain or restore international peace and security"(Charter of the United Nations: Chapter VII.). The Security Council sought to invoke this provision to take a more active role in Kosovo, but Russia and China vetoed the authorization of force.

As a result, NATO decided to intervene without UN sanction and launched a campaign of air strikes against Serbian forces. The action led to the withdrawal of Serbian troops from Kosovo (Terry, 2004)(Dietrich, 2003). From 1999 until 2008, Kosovo was administered by the United Nations Interim Administrative Mission in Kosovo (UNMIK). In February 2008, Kosovo declared its independence. Again the international organisms played their part. The International Court of Justice gave its Advisory Opinion on the question of the Accordance with international law of the unilateral declaration of independence in respect of Kosovo. Serbia still continues to deny recognition. Ten rounds of talks were held at the European External Action Service office in Brussels. Normalization of relations with neighboring states is a key precondition for states wishing to join the EU. The agreement was supported by the European Union, NATO, the OSCE, and the United Nations. This shows that political activity increasingly takes place at the global level.

Conclusion

Globalization has influenced many nations in various ways considering it as a process which shapes nations in different areas, like economy, politics, technology, education, and so on. As globalization has progressed, living conditions have

improved significantly in virtually all countries. However, the strongest gains have been made by the advanced countries and only some of the developing countries. No country, least of all the poorest, can afford to remain isolated from the world economy and political development. No country can afford to remain isolated from the benefits of education and the development of technology. Every country should seek to reduce poverty, to increase wealth, to nurture its culture and share it with others, use the advantages of developed technology and improve his/her well-being. Strengthening the international financial system, through trade, and through aid developed countries can help the poorest countries integrate into the world economy, grow more rapidly, and reduce poverty. That is the way to ensure all people in all countries have access to the benefits of globalization.

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Determinants Considered by Consumers for Brand Selection - with Reference to Laptops in Albania

Margret Plloçi

Macit Koc

Abstract

There is relatively a big number of brands in the market of laptops nowadays in Albania. It appears that the number of brands offered in this market could easily be compared to the number of brands in Europe and even broader. The purpose of this study is to help Albanian vendors understand the criteria that consumers take into consideration when they make the decision to purchase a laptop. The research is based on the collection and the analyses of the primary data collected through interviews to people like managers or employees who work in the sector of trading laptops or in businesses like education where laptops are broadly used recently; then a survey is done through a questionnaire delivered to customers who already own and use a laptop and customers who are potential buyers of laptops. The aim of the research is to identify if there are any relationships between the demographics of the consumers and the criteria of buying a laptop; on the other hand, to find out how is the relationship between the demographics and the features of different brands. The study found out that Albanian consumers have good knowledge of laptops and their brands, and they use different sources of information for making their decisions in buying a laptop; it is found that there are relationships between some demographics like age or gender and the appraisal for some attributes of the laptops like price, design and high graphics card; it is also found that some technical features and other attributes of using laptops are some of the determinants that influence the laptops' purchases. It is realized that one of the most important demographics of the consumers is their age. Some core features like RAM, ROM, battery life, processor quality, light weight or attributes that are connected to the purposes of using the laptop computers like practicality and mobility in using them, work and studying processes, quick access to the internet are determinant factors which influence the decision making process of purchasing a laptop. I would recommend that future researches be focused also on the relationship between the customers' income and their preferred brand or ranking brands according to the customers' preferences. Such studies should also extend outside the city of Tirana.

Keywords: laptops, features, brand, consumers, decision-making.

Introduction

Recent years have witnessed that personal computers (PCs) have become a part of every business, either public or private organization, regardless if big or small, in scholar institutions of each level, in military, medicine, in almost every house, etc.

This is happened thanks to the PCs' purposes such as: fast typing, archiving, calculating, transferring the info via e-mails or intranets, or even through such devices like USBs, CDs, etc., using different soft-wares in order to be more effective in realizing projects in construction, financial activities, drawing, etc., which have resulted to give contribution in quick development of people and organizations; they have also been used for entertainment by listening to the music, watching films, playing games, etc.

It is not a long time ago when we used to articulate 'personal computers' for the meaning of only desktops. But in nowadays with the broad use of other devices like laptops it would not be right calling it that way.

As stated at "The Guardian" (2009), " laptops have become not just an interesting option for a second computer, but the primary machine for a lot of people", meaning that people are going to buy laptops instead of desktops. This trend is also happening in Albania.

But there is always the dilemma of vendors that the rapid technological changes and innovations in the production of laptops brings the need for more information about the customers' perceptions about the new trends and brands.

So, the problems that they face every day in their communications with consumers are connected with the features of laptops that different brands offer, on one hand, and what Albanian customers would really need or want, on the other

hand; How their preferences are connected to the information that each brand name offer to them; which are the features or the attributes of the laptops that consumers would mostly evaluate during the process of decision-making.; how are these features related to the purposes which the laptops are intended for; what kind of marketing strategies businesses could built in order to meet the consumers' preferences and how their preferences relate to the demographic data of the consumers.

This study explores which are the most important features of the laptops that different brands offer and what are the perceptions of the customers about them.

Purpose of the study

1. To study the consumer behavior when they look for buying a laptop

2. To study the motives which push the consumers to buy and use a laptop.

3. To study the relationships of some demographics in Albania like the age of the customers and /or their level of education and their decision-making when they buy a laptop.

4. To study if there is any relationships between the customers' gender and their decision-making about the features or the purpose why they buy a laptop.

5. To study the most preferable source of information that consumers use when they try to determine for purchasing a laptop computer.

1. Literature Review

Theories

What is a brand and what is its role for customers and firms?

According to the definition of the American Marketing Association "*A brand is a name, a term, sign, symbol, or design, or a combination of them, intended to identify the goods or services of one seller or group of sellers and to differentiate them from those of the competitors*"[1].

So, brands are used not only to recognize a product or service but in the same time to create a perception about the product's or service's quality, features, prices and other offerings. Brands help customers to differentiate products/services in their minds, make them aware of what they offer and what to expect from the products/services which are introduced under a brand name.

Thanks to the brands' presence, customers are aware for the products' reliability, because the role of brands is also connected to the responsibility of a particular manufacturer or distributor (Kotler, et.al, 2006).

Firms themselves benefit from using brands, because they feel that the features of their products are legally protected; on the other hand, a brand name gives them the right of the trademark, or the intellectual property right for features like packaging or design, etc. (Kotler, et.al, 2006)

It is through the Brand name and all other features that a product or a firm makes profit from the goodwill that it has earned during years.

What is Marketing Research?

According to Alvin C. Burns and Ronald F. Bush in their book "Basic Marketing Research" (2005), *Marketing Research is defined as the process of designing, gathering, analysing and reporting information that may be used to solve a specific*

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[1] Philip Kotler and Kevin Lane Keller (2006), "Marketing Management" 12th edition, p.274

marketing problem. From this definition we understand that from the moment that a marketing problem is displayed to the managers of different levels or even marketers, what they really need to solve it is the information. This information could be related to the customers and their likes and dislikes, competitors, technology, market changes, new products or substitutes, political or law changes, etc. It is very important the way in which this information is collected, analysed, summarized and reported in order to arrive at the right solution of the problem.

Consumer Behavior

In defining the Consumer Behavior I would refer to the book titled "Consumer Behavior", 10th edition, by Leon G. Schiffman, Leslie Lazar Kanuk and Joseph Wisenblit. They define the consumer behavior as *the behavior that consumers display in searching for, purchasing, using, evaluating, and disposing of products and services that they expect will satisfy their needs.*

Consumer Behavior includes all the decisions a consumer makes when spending their time and money. It is about their what, why, when, where, and how of consumers purchases. It is not just individuals, but households, families, and groups that influence the decisions we make.

So, the main point of the consumer behavior is consumer decision-making which is a process that is referred to the perception and the evaluation of the information on different brands, to the level of the customer's satisfaction from their usage and the selection of the brand which fulfills the needs in the superior level.

Consumer decision-making is a result of the environment which includes: culture, social classes, referring groups like: friends, colleges, family, etc.; there are also other factors which affect the consumer decision-making like four Ps of the Marketing Mix: product, price, place, promotion.

Consumer decision-making consists of three main sections[1]: external influences, consumer decision-making and post-decision behaviour (Figure 1).
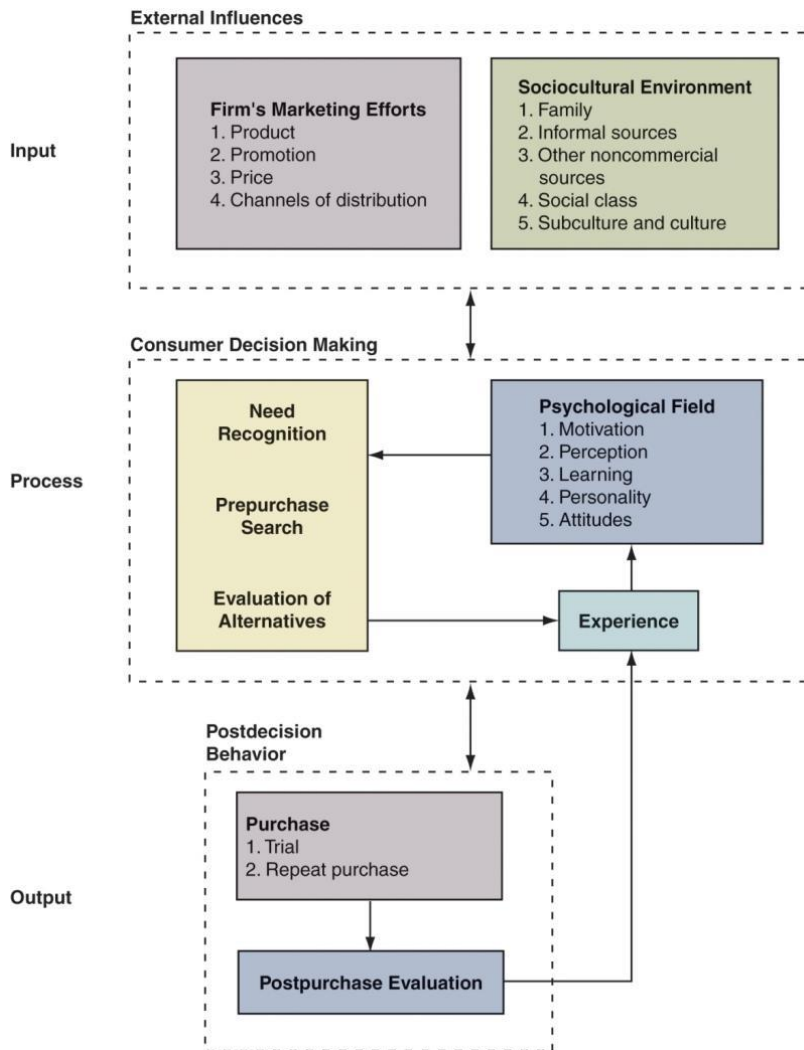
Figure 1, taken from: Pearson Education, Inc. Publishing as Prentice Hal (2010); Chapter 15, Slide 7

1. *External influences* include: the Firm's marketing efforts and the socio-cultural factors.

Firm's marketing efforts is a name used by the authors for the 4 Ps of marketing which include: Product, Price, Place and Promotion.

Socio-cultural factors include: Family, Informal sources, Other non-commercial sources, Social class, Subculture and culture.

2. *The individual's consumer decision making*, which is realized in the three stages like, need recognition, pre-purchase search, and evaluation of alternatives, is a process which is guided by psychological factors and the consumer's experiences.

3. The post-decision behavior includes: actual *purchase* and how the consumer feels and what they think after they purchase the product

These three sections interact among each other.

Consumer's decision making begins with a need that he/she has become aware of in certain conditions. So, what makes a consumer aware that he/she needs a laptop? It might be for different reasons like, may be he/she perceives that he cannot solve a problem only when he/she is at home or work in front of the desktop; he perceives that it is more comfortable to have a portable PC; in another case the one's child is grown up enough to need a laptop at school or just for entertainment; someone owns a laptop but the technology's development makes him think of another brand. So, for different reasons at some moment a consumer understands that he is in the conditions of *need recognition*. In this stage there is a notable difference between the actual state of the consumer and the desired state.

According to the above model, the next step will be the *pre-purchase search.* What is the consumer going to search for? He is going to search for the sufficient information in order to make a reasonable decision. In the case of the laptop he will visit more than one store as it is not an easy purchase because a laptop is not a product that could be purchase every day; there are many stores, there are many brands and laptops have some features which must be evaluated all of them. And how the consumer will make a rational search; where will he get the information, will he reveal at the advertisements, or will believe to the past experiences with the brand, like a previous experience with a desktop or a television; sometimes it is better to ask a friend or a colleague or any family members or even an expert; there is a lot of information at the internet but is all of it reliable, then there is also the store's information.

As a general rule search activity is greater when the purchase is important when there is a need to learn more about the purchase and/or when the relevant information is easily obtained and utilized[1].

A lot of information brings a lot of alternatives. How could the consumer decide for the best one possible? This is the stage of evaluating alternatives. In this stage, after having got a lot of information, the consumer will make the differentiation between brands. He will compare these different opportunities with the list of his criteria which he has evaluated as important for him. This way he will establish a list of evoked brands from which he will chose the most available for him (Figure 2).
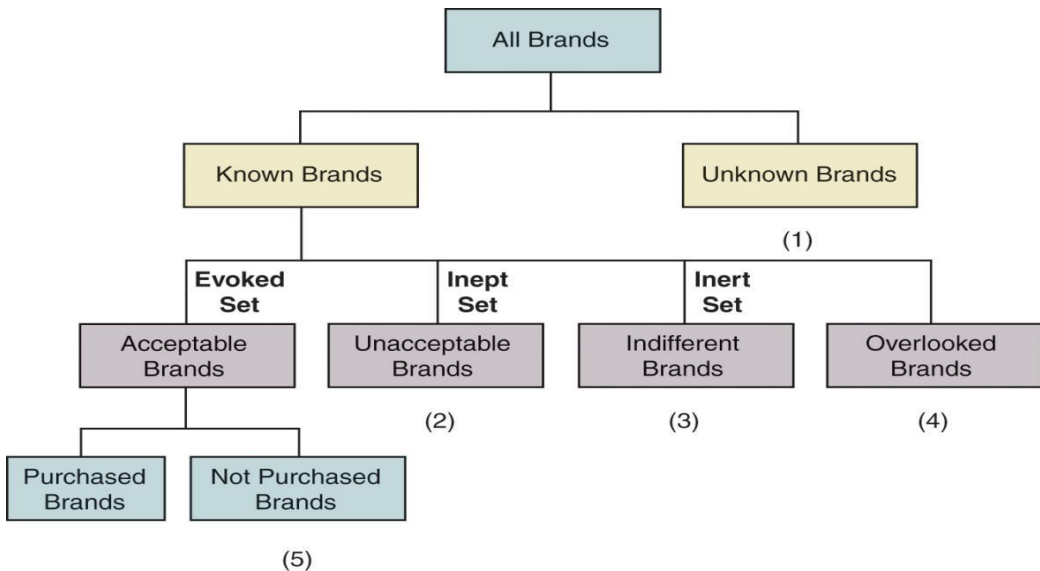
Figure 2. The evoked set of brands; taken from: Pearson Education, Inc. Publishing as Prentice Hal (2010); Chapter 15, Slide 14

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[1] Consumer Behavior, a European Perspective, second edition by Michael Solomon, Gary Bamossy, Soren Askegaard, p. 245

In the case of purchasing a laptop the criteria that the consumer will use are the attributes of the product like screen size, RAM, ROM, battery life, price, processor quality, weight, graphics card, etc.

Among the consumer decision rules which are compensatory and non-compensatory, the case of laptops would better fit with the lexicographic rule in which a consumer will first rank product attributes in terms of importance, then compare brands in terms of the attribute that is considered most important.

The post decision behavior consists of purchase behavior and the post purchase evaluation.

The purchase behavior could be in three forms like, trial purchase, repeat purchase and long term commitment purchase (Leon Schiffman, et.al, 2010). This behavior depends on the kind of the product and the frequency of purchasing it. The purchase of a laptop belongs to the third form, the long term commitment purchase.

The post purchase evaluation relies on the performance of the product and the expectations of the consumer. There are three possibilities, the performance meets, or exceeds or does not meet the expectations. This affects the further decisions of the consumer for future decision-makings in cases of the same or similar or related products.

2. Research Design

2.1 Methodology of the Research

The methodology used for this research is based in the collection and analysis of the primary data. The data is collected through interviews and surveys. Interviews are designed through questions to reveal to the laptop's business managers/employers or to other people who are interested to use laptops in their businesses like education (Appendix B)

The survey is designed through 12 questions aimed to be represented to customers who already own and use a laptop and customers who are potential buyers of laptops (Appendix A). The purpose of the survey is to analyze some important points which affect the customers' decision-making like, the main purposes that motivate the customers to buy a laptop, the importance of different laptop's features that customers mostly considerate when they try to choose among different alternatives for making their decisions; usage of the information sources which affect the decision-making; the importance of the brand name for the Albanian customers when they buy a laptop; the frequency of the usage of the laptop during a day/week; etc.

2.2 Study of the population and sample

The research is done through a survey which is realized with a population of 315 people of different ages and professions. They are mainly from the city of Tirana, but there are also citizens from other cities, especially students.

The population of the sample is divided among students and other professionals as follows:

Profession	No. of people	Percentage
Students	141	44.8
Professionals	98	31
Managers	32	10.2
Self-employed	20	6.3
Craftsmen	9	2.9
Pupils of High School	15	4.8
Total	315	100%

It is evident that the number of the students at universities and pupils who still attend the high schools all together is almost 50 percent of all of the population. This is because during the interviews with staff of the laptop businesses they claimed that the target market, in Albania, is exactly the students and the pupils from 14 to 22 or 25 years old, because one of the reasons that they use laptops is the studying process. It is for this reason that their parents would not neglect their children's needs. The people of these ages use laptops also for entertainment including games and watching of the movies. The technology of the laptops that are intended to satisfy these needs and/or desires is always changing and they have a high rate of switching. On the other hand, professionals like engineers, or architects or economists are interested in applying the innovations of the technology but their rate of switching old laptops with new ones remains still in low rates.

2.3 Data Collection

As mentioned above, the needed data are collected through a survey. It consists of 12 questions where the first four are about the population demographics like age, gender, education and occupation; the following questions aim to point out some important issues which are related directly to the usage of laptops and their features and how they are perceived by the customers; the last question is a free one where people are asked to leave some extra information that from their point of view is important for laptops.

The information collected is reliable because the population resulted to be either users of laptops or people who intend to buy laptops in the short-term future.

The data is collected between the 1st of April and the15th of May 2012.

3. Analysis and discussion of findings

The analysis and discussion of the findings from the survey is done through the comparison of the Research Questions (RQs) with the information obtained from the customers' answers to the survey. The Research Questions which would accomplish the purpose of the project are as following:

1. Is laptop a well-known product in Albania?

2. Is there a strong relationship between the customers and the brand when they buy a laptop?

3. Which is the purpose of buying or using a laptop and are there any relationships between the demographics like the profession or education and the purpose of using a laptop?

4. Which source of information would Albanians trust most when buying a laptop and is there a relationship between the age and the source of information?

5. Which are the most important features of laptops of different brands that customers take into consideration when they make the decision of selecting a brand when purchasing a laptop.

6. Is there a relationship between the age of the customers and the appraisement for the price when they buy a laptop?

7. Is there a relationship between the age and the appraisement for features of laptops like, screen size, graphic cards and design when they purchase a laptop?

The analysis is done on the survey answers which are processed and grouped through tables and charts available respectively at Appendix C and Appendix D.

For giving answer to the **RQ no.1** "*Is laptop a well-known product in Albania?",* we referred to the questions no.5, no.6 and no.8 of the survey (Appendix B).

Q no.5 asked if *the person was already a laptop user*. It resulted that the best part of them was already a laptop user (Table 1,) from 315 people that were asked during the survey, 254 of them already used a laptop. What I assumed during the research was that not each one of "the already users" owned a laptop personally, but there was at least at laptop in their families; and the reason of buying a new laptop is not only for switching the first one but also for fulfilling the need/desire of

another member of the family. That's why when giving answer to the **Q no.6** "Have you planned to buy a new laptop?", it was a high rate of buying for the first time but also for second time (44%).   , and from these users 112 of them had planned to buy a new one; and 56 others that did not own one yet but they had planned to buy a new one. From all of the population of 315 people only 5 of them did not own a laptop computer and had not planned to buy a laptop yet, but on the other hand they have answered correctly to all of the questions in the survey (Table 1).

Being in these conditions it is obvious that all of these people have good knowledge of what a laptop is.

Another question of the survey that matches to this part is the question no.8 "*how often do you use your laptop*". It results (Table 2) that the consumers that use the laptop many times in a day or two to three times during a day are in total 143 + 81 = 224 which means that more than 70 % of the surveyed people make a good use of laptops. This happens thanks to the attribute of laptops of being portable.

To answer to the **RQ no. 2** " *Is there a strong relationship between the Albanian customers and the brand name when they buy a laptop*?", the research is referred to the **Q no.10** of the survey "*What is the importance of the brand name for you?*"; they had to rate it from 1 to 5 (1 for less important and 5 for most important). The results of the survey are summarized in Table 3 and Chart 1.

It is notable that the option which is most voted is "very important" which counts for 128 people out of 315 and there are 106 votes for "highly important". So, 74 % of the population evaluates the brand name as "very" or "highly" important. In reality there are three options which evaluate the brand as important and more. The option "*important"* counts 70 people that have voted for it. So, the sum of the people that have voted positively for the brand name is 305 or 96.5 % of the voters.

Another section of the survey that would help in giving answer to this RQ was also the question no.11 "*which source of the information would you take into consideration when buying a laptop?",* one of the options was "*previous experiences with a brand*". This option is voted by 167 people, and it was the second in range after "asking an expert" which got 203 votes (Table 5, Chart 3); this question was a multi-optional, where people could choose more than 1 option.

So, it is understandable that Albanian customers have good knowledge of laptops' brands and they also take care of them when they make decisions of purchasing a laptop.

RQ no. 3 "*Which is the purpose of buying or using a laptop and are there any relationships between the demographics like the profession or education and the purpose of using a laptop*?" For answering to this question I would refer to the question no. 7 of the survey "*what do you consider the most important purpose for buying or using a laptop?*". According to the answers (Table 4 & Chart 2) almost all of the professionals and managers and self-employed people are answered among the options *strongly agree* and *agree*.

So, we could say that *there exist a relationship between the profession of the consumer and the motivation for using a laptop*. It is characteristic that not only the people that work but also students have claimed that they use laptops for the reason of working.

RQ no. 4 "*Which source of the information would Albanians trust most when buying a laptop and is there a relationship between the age of the customer and the source of the information?"*

For answering to this question we would refer to the **Q no.11** of the survey "*which source of the information would you take into consideration when buying a laptop?"*.

According to the population's answers it is observed that the most voted option was "asking an expert" by 203 votes (Table 5, Chart 3).

Making decisions on the source of the information it is expected to be totally a subjective answer. So, it means that when consumers would make a decision for a product as laptop computers which belong to the level of extensive problem solving, it needs a lot of information and must establish a set of criteria for evaluation which would be better to be assisted from a person who has a good professional experience with the features of the product.

The second information source rated by the population of the survey is "*previous experiences with a brand*" which is an inner source and which is reliable because it has to do with the personal experiences of the individual.

The third one was "asking friends/colleagues" which is another external source. It is reliable because individuals think to make use of the other individual's knowledge which could be connected to the past experiences of them, or their profession, etc.

Other sources less reliable for the decisions related to the laptops' purchases are "Internet", "Advertisement", and "through stores".

To see if there is a relationship between the age and the source of the information let's refer to the table 6 and chart 4 where the values are given in percentage for each age.

It is notable that customers of the ages "*over 50*" would refer most to the family members; this might be something psychological which is related to the age; other ages would not refer much to this source.

The ages that more focused on advertisements are 31-40 and 40-50 years old and less focused are 21-25 and 15-20 and 26-30; those that are not focused at all are those over 50 years old.

RQ no.5 - *Which are the most important features of laptops of different brands that customers take into consideration when they make the decision of selecting a brand in case of purchasing a laptop.*

Referring to the **Q no.9** of the survey *"Rate the importance of the features that you estimate when buying a laptop"* and to the summary of the answers (table 6 and chart 4), we found out that consumers have had a positive appraisement (choosing most between: important, *very important*, or *highly important*) for all of the features selected as the most important for a laptop computer which are included in the survey. Among them, there are four features which consumers have evaluated as highly important, processor quality, RAM, battery life and ROM.

A little less important but still important features result to be: price and high graphics card.

The features which have been listed as of the least importance are: screen size, light weight, integrated camera, long warranty and design.

While for the most voted features it is obvious that they are voted positively from the best part of the population it is not of a significant importance to find out the relationships with some demographics like age, or gender or profession, because these are important features for most of consumers.

Let's see in the following RQs some relationships of the age with the appraisement of the price and other features like screen size, high graphics card, and design.

RQ no.6 "*Is there a relationship between the age of the customers and their appraisal for the price when they buy a laptop?*".

Referring to the answers of the multiple question no.9 in the survey specifically to those regarding *the price* (Table 7 & Chart 6) without taking into the consideration the age, we see that in general, the number of people that have evaluated the price as "highly important" is almost the half of all of the population.

Regarding the relationship of the age and the appraisal for the price (Table 8, Table 8', Chart 7) it is evident that the percentage of the people that have evaluated the price as of the highly importance belong especially to the age 26-30,41-50, 31-40 and over 50; this value is lower at the ages 15-20 and 21-25. It is also notable the difference in percentage of the values for "highly important" and other options even for "very important" for the first group of the ages, those that have a higher appraisal for the price. On the other hand, for other groups of ages this difference is low, especially for ages 15-20 years old these values are almost equal.

RQ no. 7 "*Is there any relationships between the age of the consumers and the appraisement for features like, screen size, high graphics cards and design when they purchase a laptop?"*

According to the survey's results, appraisement of the consumers for the "*screen size" feature* is given at Table 9; to better understand the value of these numbers and their weighs for the attribution of this feature we have also expressed them in percentage values (Table 9', Chart 8).

As viewed from the table and the chart, there is not a strong relationship between the age and the screen size. In general, it is evaluated as an important feature from all of the ages; a slightly differentiated it is for the ages of "over fifty", where

there are the same values for the options "very important" and "highly important" which do not differ too much from the option "important".

So, we could say that there is not a clear relationship between the age of the consumers and the laptop's screen size.

For the feature *high graphics card*, we could see (Table 10&10', Chart 9) that this feature is especially highly evaluated from the groups of ages 15-20, 21-25, and 26-30 years old; It is evaluated mostly as "very important" from the groups of ages 31-40 and 41 -50 years old; but it is not evaluated as a "very important" or "highly important" feature from the ages "over 50"; they have only evaluated it 27 percent as "important" and more than 72 percent of them have evaluated it negatively ["not important" (45,45%) and "a little important" (27.27%)]. It is connected to the purpose of the high graphics card which is thought to be used for entertainment purposes like games.

Regarding the values for the feature *Design* (Tables 11&11', Chart 10) it is clear that design is not a highly evaluated feature, except for the ages between 26 and 30 years old from which almost 40 percent have evaluated it as "highly important"; however this feature is generally evaluated as "important" or more. In total, the sum of positive values is more than 80 percent for each of the ages.

So, we could say that the feature "*design*" is a feature which is very good evaluated by the Albanian customers of each age and there is not a clear relationship between the age and the design.

4. Conclusion

This research was about the decision-making of the consumers for the laptop computers in Albania.

Laptop computer is a device which is well-known in Albania. Albanians of all ages prefer to use it for different reasons and motives especially for studying, for professional usage and also for entertainment. This research found out that Albanians have not only a good knowledge for this device but for also its features.

According to the demographics, the consumers could be scattered in categories like: age, education level, gender.

So, taking into consideration the age, it is important to stress that the young ages from 15 to 25 years old do not take care of the price of the laptop; they are not focused at the price of the laptop when they make their decision for purchasing a laptop. They would first of all refer to some features of laptop computers like: Random access memory (RAM), Read-only memory (ROM), processor quality, battery life, and high graphics card.

It was found that some core features like, RAM, ROM, battery life, processor quality, light weight, and then attributes that are connected to the purposes of using the laptop computers like practicality and mobility in using it, work and studying processes, quick access to the internet are determinant factors which influence the decision making process of purchasing a laptop.

Albanian consumers have a fine evaluation for the design of the laptops; almost all of the ages have evaluated it as important or more.

The Albanian market of laptop computers is not saturated, yet.

The source of information that the Albanian customers would best rely on, first of all, would be the external sources like "asking an expert"; then, they would trust to the personal past experiences with brands or other external sources like "asking friends or colleagues"; other sources like internet or advertisements or the salespersons at the stores would not be much preferable.

5. Recommendation

I would recommend to the businesses of trading laptops in Albania that it would be convenient to them to consider the age of the consumers when they appear to look for purchasing a laptop.

Consumers that are interested to purchase a laptop are very sensitive for features like RAM, or ROM, or battery life, or processor quality, especially students and professionals.

Young ages do also take care to the high graphics card of the laptop computer.

Albanian customers would also pay attention to the design of the laptop computers.

They must be attentive to the brand and product sales because they would for sure affect the future preferences of Albanian customers.

6. Recommendation for future research

One of the limitations of this research was that the sample of population that is surveyed was focused in the city of Tirana. I would recommend that further researches to be planned and extended in also other cities where the trend of having/using a laptop will get latter than in Tirana which is the capital of the country.

Another recommendation would be that the survey must have a section where population could give information about their income in order to make some investigation upon relationship of the income and the brand of the laptops preferred.

Next studies could be focused not only on finding out that which are the features that are important for the consumers but also on the concrete brands that consist of these features and at what extension they do.

Next studies could also refer to the effect of four Ps of Marketing: Product, Price, Place and Promotion at the consumer decision-making when purchasing a laptop, especially for the last two components Place and Promotion which are not mentioned in this research.

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Appendix A - Survey on laptop users

This survey is carried on for a study on "Determinants considered by consumers for brand selection – with reference to Laptops in Albania". All information would be used for a research purpose only and will not be used for any other purposes

1. Which Age do you belong?

15 – 20 □   21 – 25 □   26-30 □   31-40□   41-50 □   Over 50 □

2. Gender:

Male □   Female □

3. What is your highest level of education:

Attending the High School	□	High School/ Professional	□
Bachelor degree	□	Master degree	□
PhD	□		

Other/Tjeter_____

4. Occupation/ *Punesimi*:

Please tick □ only one option

Student	□
Professional	□ (specify _____)
Manager	□
Self-employed	□
Craftsman	□
Unemployed	□

Retired   □

Other, please specify_____

5. Are you already a laptop user?

     Po□   Jo□

6. Have you planned to buy a new laptop?

     Po □   Jo□

7. What do you consider the most important purpose for buying/using a laptop?

Please, rate on a scale of 1 to 5; circle the appropriate number in each row

Purpose of buying/using a laptop	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Practicality of using it	1	2	3	4	5
Quick access to internet	1	2	3	4	5
Work/Professional purpose	1	2	3	4	5
Teaching/Studying process	1	2	3	4	5
Travelling purpose	1	2	3	4	5
Paying fees through e-bank service	1	2	3	4	5
Entertainment	1	2	3	4	5
Following trends	1	2	3	4	5
Status needs	1	2	3	4	5

Other_____

8. How often do/would you use your laptop?/ *Please tick □only one option*

some times a week □   once a day □   2-3 times a day □   many times daily □

9. Rate the importance of the features that you estimate when buying a laptop:

Please circle the appropriate number in each row

Laptop's Feature	Not important	A little important	Moderately important	Important	Very important
Screen size/	1	2	3	4	5
RAM (speed)	1	2	3	4	5
Memory (ROM)	1	2	3	4	5
Battery life	1	2	3	4	5

Long warranty	1	2	3	4	5
Processor quality	1	2	3	4	5
Light weight	1	2	3	4	5
Integrated camera	1	2	3	4	5
Price	1	2	3	4	5
High graphics card	1	2	3	4	5
Design	1	2	3	4	5

Other_____

10.   What is the importance of the brand name for you?

1□   2□   3□   4 □   5□

11.   Which source of the information would you take mostly into consideration when buying a laptop/ *You may tick more than one option*

a. Advertisements /   □

Publiciteti

b. Previous experiences with a brand/   □

    Eksperienca te meparshme me nje marke

c. Asking friends/colleagues   □

Duke pyetur miqte/ koleget

d. Asking family members   □

Duke pyetur pjesetaret e familjes

e. Asking Experts   □

Duke pyetur nje ekspert

f. Internet/ *Internet*   □

g. Through stores/ *duke pyetur ne dyqane*   □

Other/ Tjeter _____

12.   Write any comments related to anything else that you think is important when buying a laptop

_____
_____
_____

If possible: please give contact information:

E-mail:

Phone NO:

Appendix B - Interview for the Sale's Managers

1. How many stores do you have in Tirana and in other cities?

2. Which are your direct competitors?

3. How do you rate the competition (strong/weak)

4. How has crisis affected the laptop sales?

5. Who are your lead users (customers that first know about the innovations for laptops)?

6. How has politics affected this business? ("Albania at the age of the internet", "National Strategy for innovation…..", any laws that has helped/encumbered)

7. What about taxing policy, duty taxes? Are they favorable?

8. Is it difficult to enter in this business for new entrants (procedures, brand equity effect, capital requirements)?

9. Are there substitutes for laptops? How have they affected the Laptop's sales?

10.   Suppliers. Where do you get the merchandise? Is it easy/hard to change suppliers?

11.   What is the target market?

12.   How has the visas liberalization affected this business? (your opinion)

13.   What was the effect of European/Global crisis

14.   What is your competitive advantage? (prices, innovations, brands)

15.   What about customers, do you think that they are loyal to brands (for laptops)?

16.   Any statistics (last five years revenues, or how much Albanians use internet/laptops)?

17.   Customers. Are they powerful (How do they react to high prices, brands, after-sale service)?

Appendix C – Tables

I. Table 1. Answers to the question "Have you planned to by a laptop?"

	Already a user	Will buy a laptop	Already a user & will buy	Do not own & will not buy
No. of people	254	56	112	5

II. Table 2. Frequency of using the laptop

Frequency of using the laptop	Some times weakly	Once a day	2-3 times a day	Many times daily
No. of people	44	47	81	143

III. Table 3. The Relationship of the customers to the brand

The importance of the brand	Not important (1)	A little important (2)	Important (3)	Very important (4)	Highly important (5)
No. of people	2	9	70	128	106

IV. Table 4. The purpose of buying/using a laptop

Purpose of buying/using a laptop	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Practicality of using it	16	8	50	120	125
Quick access to internet	12	14	73	107	112
Work/Professional purpouse	9	13	50	98	144
Teaching/studying process	25	31	68	88	99
Travelling reasons	31	46	98	80	61
Paying fees by e-bank service	76	67	99	46	25
Entertainment	17	46	98	88	65
Following the trends	50	68	102	60	31
Status needs	67	64	101	56	26

V. Table 5.the source of information referring most

Source of information	No. of people
Advertisements	76
Previous experiences with brands	167
Asking friends/colleagues	128
Asking family members	43
Asking experts	203
Internet	84
Through stores	37

Table 6. The relationship between the age and the source of information

Source of info.	Advertisement	Prev. exper. with brands	Ask friends/colleagues	Ask family members	Ask experts	Internet	Through stores
15 -20	11.9	23.2	22.6	10.1	22.6	7.7	1.8
21 – 25	8.5	22.9	17.2	3.7	29.9	12.4	5.5
26-30	11.3	20.0	15.0	3.8	25.0	15.0	10.0
31-40	17.3	25.0	13.5	0.0	26.9	9.6	7.7
40-50	16.7	16.7	8.3	12.5	33.3	12.5	0.0
Over 50	0.0	25.0	0.0	41.7	25.0	8.3	0.0

VI. Table 7. The appraisal for the importance of laptop's features

Laptop's Feature	Not Important	A little Important	Important	Very Important	Highly Important	Total
Screen size	17	28	148	68	55	315
RAM (speed)	1	12	39	75	188	315
Memory (ROM)	2	19	43	87	164	315
Battery life	7	8	32	93	175	315
Long warranty	7	21	92	83	112	315
Processor quality	1	11	34	78	191	315
Light weight	18	39	103	85	70	315
Integrated camera	11	34	94	91	85	315
Price	2	11	78	75	149	315
High graphics card	11	17	42	100	145	315
Design	18	41	112	62	82	315

VII. Table 8. The relationship of the Age and the appraisal for the Price

Laptop's Feature: Price	Not important (1)	A little important (2)	Important (3)	Very important (4)	Highly important (5)	Total
15 -20		1	11	14	15	41
21 – 25	2	3	33	31	57	126
26-30		1	10	10	35	56

31-40		2	3	15	26	46
41-50		1	3	10	21	35
Over 50			1	4	6	11

Table 8'. The relationship of the Age and the appraisal for the Price (in percentage)

Laptop's Feature: Price	Not important (1)	A little important (2)	Important (3)	Very important (4)	Highly important (5)	Total
15 -20		2.4	27	34	36.6	100
21 – 25	1.6	2.4	26.2	24.6	45.2	100
26-30		1.8	17.8	17.8	62.5	100
31-40		4.4	6.5	32.6	56.5	100
41-50		2.9	8.57	28.57	60	100
Over 50			9.1	36.4	54.5	100

VIII. Table 9. The relationship of the Age and the appraisal for Screen Size

Screen size	Not important	A little important	Important	Very important	Highly important
15 -20	1	7	30	13	8
21 – 25	5	10	60	27	24
26-30	5	7	19	11	14
31-40	2	2	18	10	3
41-50	3	1	17	4	3
Over 50	1	1	4	3	3

Table 9'. The relationship of the Age and the appraisal for Screen Size (in percentage)

Screen size	Not important %	A little important %	Important %	Very important %	Highly important %	Sum %
15 -20	1.69	11.86	50.85	22.03	13.56	100.00
21 – 25	3.97	7.94	47.62	21.43	19.05	100.00
26-30	8.93	12.50	33.93	19.64	25.00	100.00
31-40	5.71	5.71	51.43	28.57	8.57	100.00
41-50	10.71	3.57	60.71	14.29	10.71	100.00
Over 50	9.09	9.09	36.36	27.27	27.27	100.00

IX.Table 10. The relationship of the Age and the Appraisal for the High Graphics Card

High graphics card	Not important	A little important	Important	Very important	Highly important	Sum
15 -20	1	3	10	16	29	59
21 – 25		3	11	45	67	126
26-30		2	10	12	32	56
31-40	3	3	5	13	11	35
41-50	2	3	3	14	6	28

Table 10'. The relationship of the Age and the Appraisal for the High Graphics Card (in percentage)

High graphics card	Not important	A little important	Important	Very important	Highly important	Sum
15 -20	1.69	5.08	16.95	27.12	49.15	100
21 – 25	0.00	2.38	8.73	35.71	53.17	100
26-30	0.00	3.57	17.86	21.43	57.14	100
31-40	8.57	8.57	14.29	37.14	31.43	100
41-50	7.14	10.71	10.71	50.00	21.43	100
Over 50	45.45	27.27	27.27	0.00	0.00	100

X. Table 11. The relationship of the Age and the Appraisal for the Laptop's Design

Laptop's Feature: Design	Not important	A little important	Important	Very important	Highly important	Sum
15 -20	2	4	23	11	19	59
21 – 25	5	10	49	33	29	126
26-30	2	13	13	6	22	56
31-40	7	10	8	5	5	35
41-50	1	3	14	4	6	28
Over 50	1	1	5	3	1	11

Table 11'. The relationship of the Age and the Appraisal for the Laptop's Design (in percentage)

Laptop's Feature: Design	Not important %	A little important %	Important %	Very important %	Highly important %	Sum %
15 -20	3.39	6.78	38.98	18.64	32.20	100
21 – 25	3.97	7.94	38.89	26.19	23.02	100
26-30	3.57	23.21	23.21	10.71	39.29	100
31-40	20.00	28.57	22.86	14.29	14.29	100
41-50	3.57	10.71	50.00	14.29	21.43	100
Over 50	9.09	9.09	45.45	27.27	9.09	100

Appendix D – CHARTS

Chart 1 - The relationship of the customers to the brand
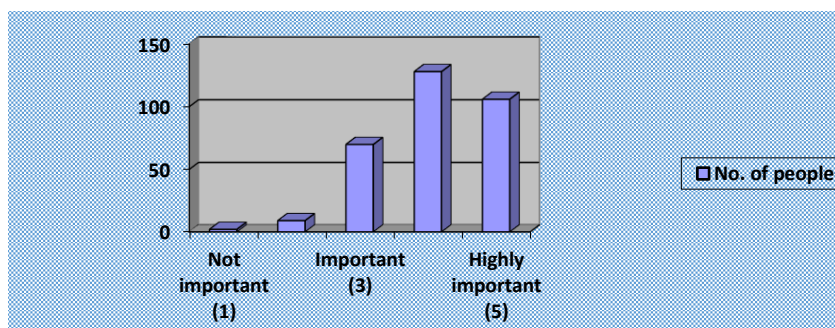
Chart 2 - The purpose for buying/using a laptop
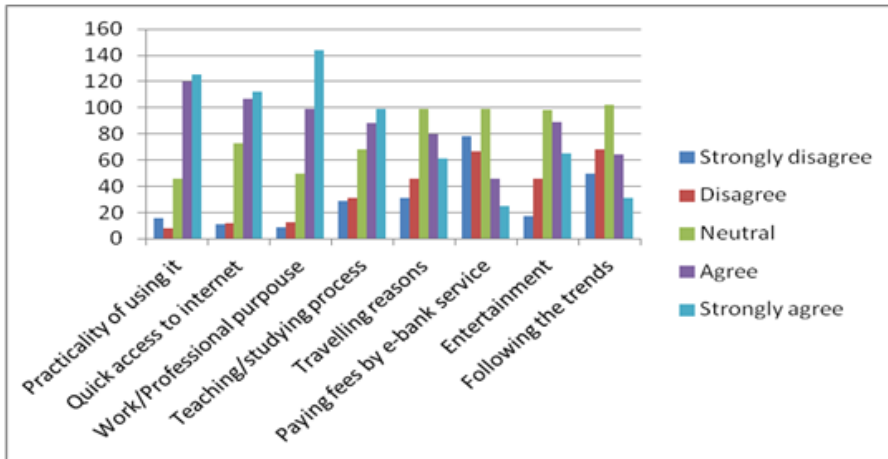
Chart 3 - Voting the Source of information
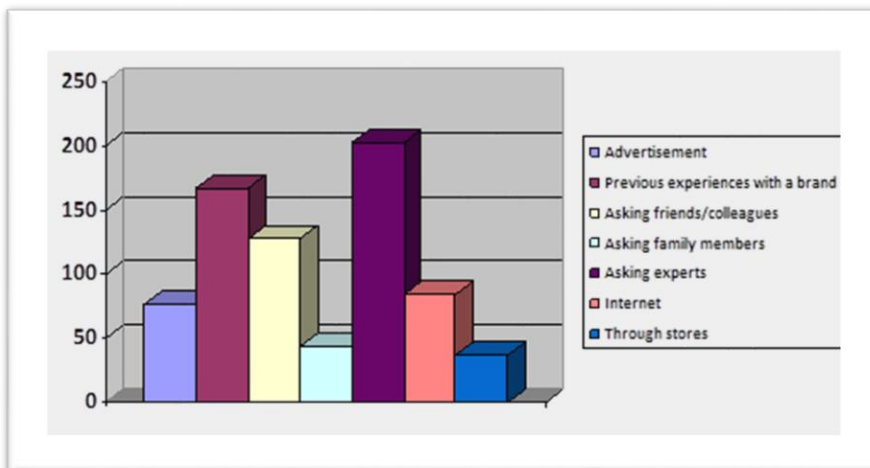
Chart 4 - The Relationship between the Age and the Source of the Information
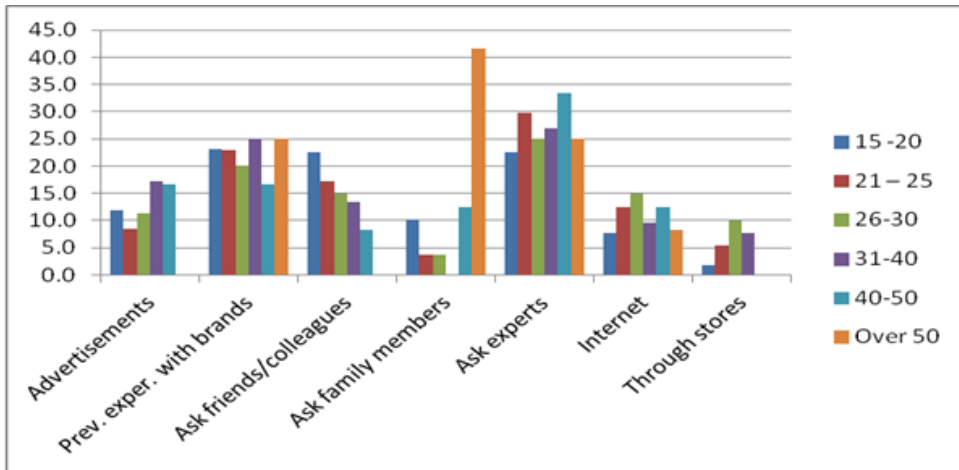
Chart 5 - Voting the Importance of the Features of Laptops
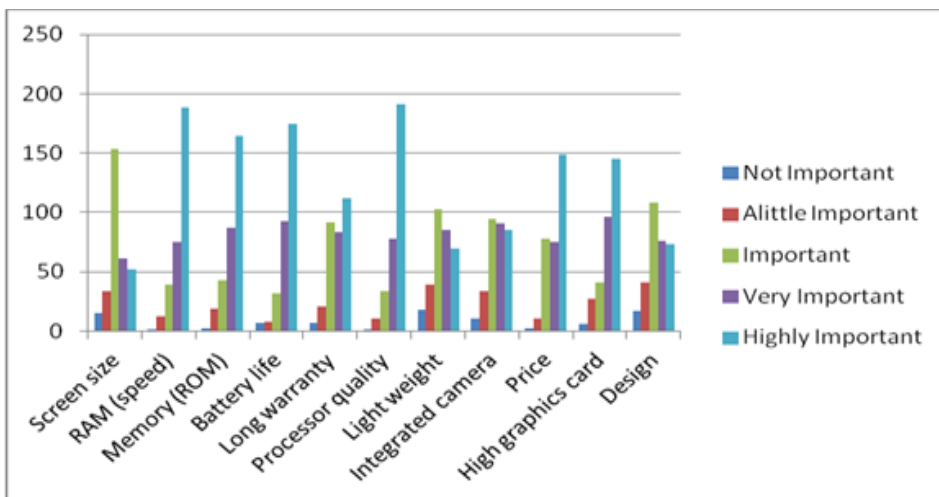
Chart 6 - The evaluation for the feature *Price*
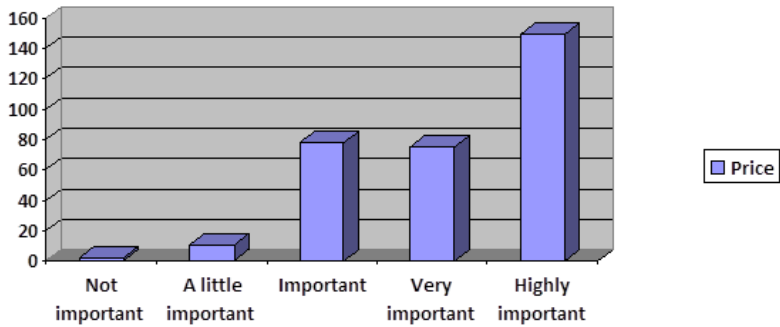
Chart 7 - The relationship of the Age and the appraisal for the Price (in percentage)
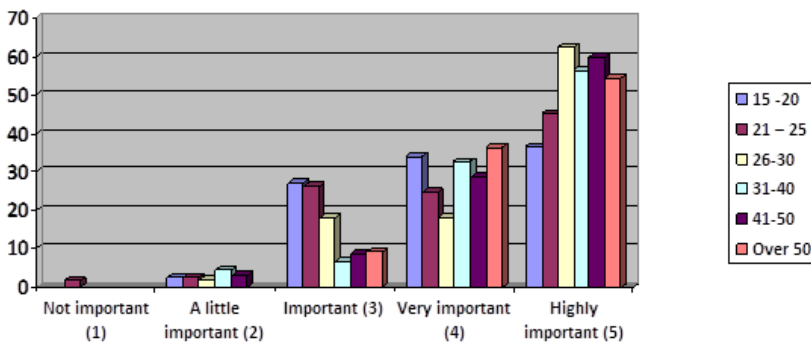
Chart 8 - The relationship of the Age and the appraisal for Screen Size
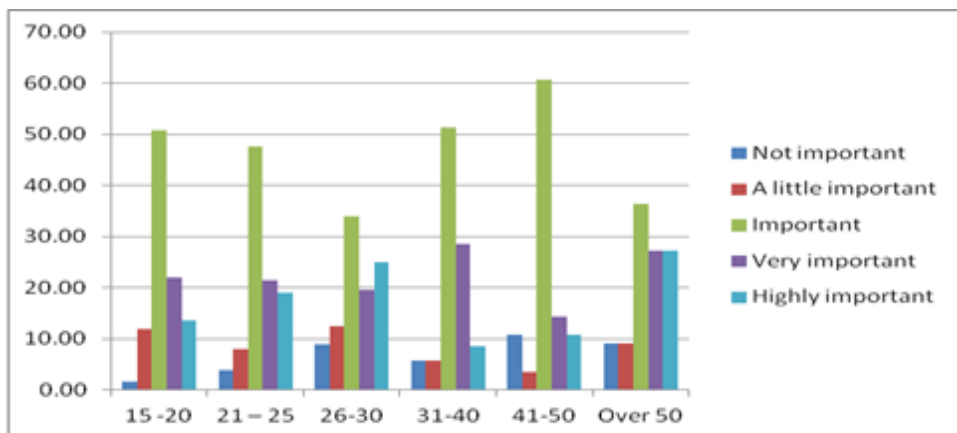
Chart 9 - The relationship of the Age and the appraisal for High Graphics Card
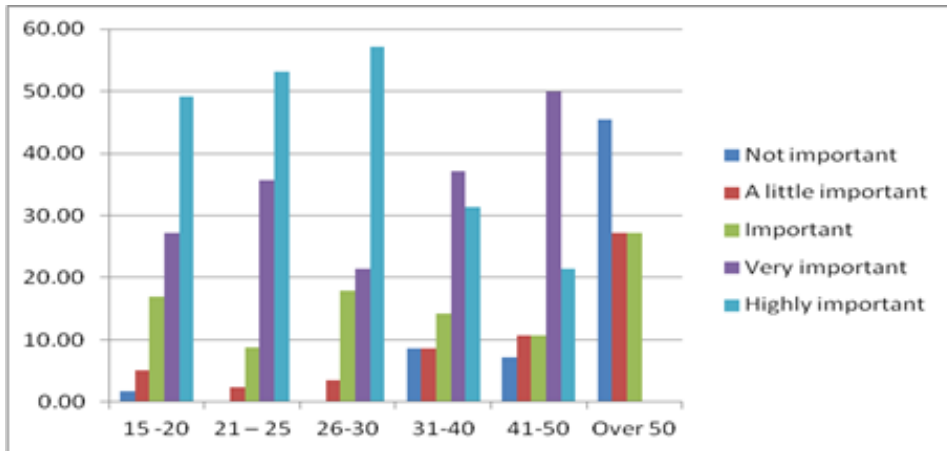
Chart 10 - The relationship of the Age and the appraisal for Laptop's Design
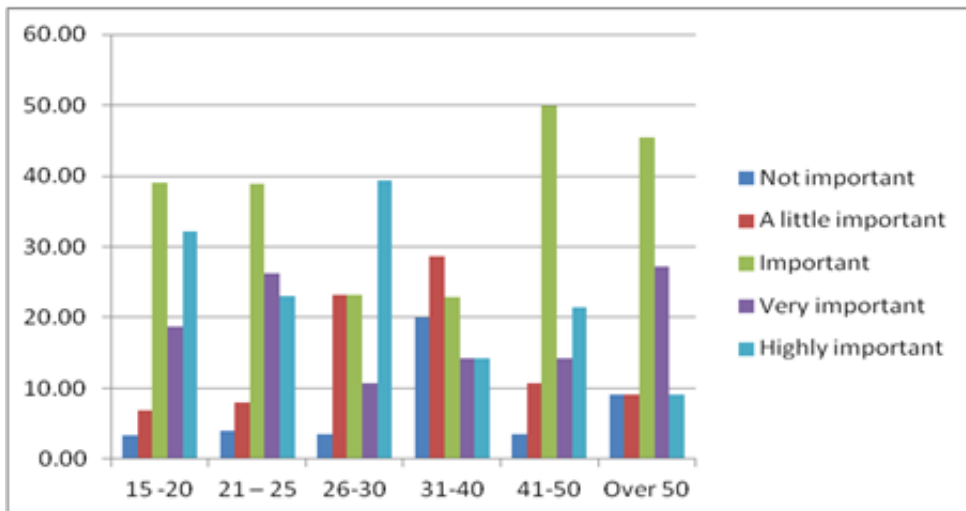
The Relationship between International Law and Domestic Law under the Constitution of the Republic of Kosovo

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Abstract

The relationship between international law and domestic law is object of different theories among which the most relevant are: the Monist Theory, Monist Inverse Theory, Dualist Theory, and Harmonization Theory. Indeed, these theories and all the other theories, aim nothing more or less than the explanation of the interdependent and hierarchical relationship between the international law and domestic law. Indeed, the study and the analysis of relationship between the rules of international law and rules of domestic law has a particular importance, because the determination of solutions and dilemmas in regards to this multiple and multidimensional relationship inter alia defines the statues of the state in the arena of the international relation, and impacts directly to its status as an equal member of international community. In fact, the ensemble of rules which we define today as International Law cannot be understood separated from the states domestic law. In reality, these two categories of legal rules are essentially interrelated in a hierarchical manner. Borders and content of the states domestic law systems, today very often are defined in almost natural manner by the rules of the International Law, which gradually have ensured a sustainable prevalence upon the rules of Domestic Law. Regardless of differences from a state to another, even in the case of the Republic of Kosovo, in essence the relationship between International Law and Domestic Law, consists inter alia in four main issues such as: 1. The relationship between rules of International Customary Law and the Domestic Law; 2. The relationship between the rules of International Treaties and the Domestic Law; 3. The relationship between the rules adopted by international organization in which Kosovo would be a member and the rules of Domestic Law; and 4. The relationship between the rules of International law and the Constitution of the Republic of Kosovo itself. This paper aims exactly the analysis of these four issues from a comparative perspective with other states such as: the Republic of Albania, Germany, Netherlands, Italy and the United States of America.

Keywords: Theories of international law, International Law *vs.* Domestic Law, Kosovo, Supremacy of International Law, International Customary Law, hierarchy of legal norms

Introduction

The study and the analysis of the relationship between the rules of international law and rules of domestic law has a particular importance, because the determination of solutions and dilemmas in regards to this multiple and multidimensional relationship *inter alia* defines the statues of the state in the arena of the international relation, and impacts directly to the status of the state as equal member of international community. In case of the Republic of Kosovo, the acceptance and the implementation of the International Law in prevalence vis-à-vis Domestic Law, is a necessity and perquisite *inter alia* for the internationalization of the new born state of Kosovo, which cannot be an equal member of the international community if does not accept and apply the international law, thanks to which the international community itself exist and function. Today, more than ever, a significant of International Law rules implies direct effects to states and individuals without needing any intervention of rules of the Domestic Law. In the groups of such rules belong especially the rules of the International Human Rights Law, which in one hand guarantee rights to individuals and on the other hand, imply obligations to state. In case of Kosovo, its constitution has directly called upon and has integrated in its text some of the most important acts of International Human Rights Law such as: The Universal Declaration of Human Rights; (2) The European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols thereto; (3) International Covenant on Civil

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and Political Rights and its protocols thereto; (4) Council of Europe Framework Convention for the Protection of National Minorities; (5) The Convention on the Elimination of all forms of Racial Discrimination; (6) The Convention on the Elimination of all forms of Discrimination against women; (7) Convention on the Rights of the Child; (8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. These important sources of the International Human Rights Law, not only are constituent part of the Constitution, but serve also as a criterion and evaluation parameter for the all the rest of norms of the Constitution and other acts enacted pursuant to the Constitution. Furthermore, the particular nature of the state organization of Kosovo and the implemented state model, impacts directly to the relationship between the International Law and Domestic Law transforming it into a *sui generis* case not only from the perspective of particular legal framework regime, but also from a practical point of view. Moreover, the status of Kosovo as an independent state, but not yet a member of the key international inter-governmental organization such as: UN. CoE, OSCE etc, *vis-à-vis* unilateral acceptance of the most relevant sources of international law has a particular importance for a more essential study of this relationship.

The relationship between rules of International Customary Law (or General International Law) and rules of Domestic Law

The Constitution of the Republic of Kosovo (hereinafter the Constitution) does not contain a precise formulation concerning the relationship between rule of International Customary Law and rules of Domestic Law differently from the case of the Federal Republic of Germany, or the Republic of Italy, where it is clearly foreseen the prevalence of rules of International Customary Law vs. rules of Domestic Law. Specifically, the German Constitution in the Article 25 foresees that: Article 25 (Public international law and federal law) "*The general rules of public international law form part of the Federal law. They take precedence over the laws and directly create rights and duties for the inhabitants of the Federal territory*", while the 1ˢᵗ paragraph of the Article 10 of the Italian Constitution foresees that*: "The Italian legal system conforms to the generally recognized principles of International law"*. Meantime in case of Kosovo, specifically the Constitution in the Article 16 defines that: *"The Republic of Kosovo shall respect International Law"*. As it is clearly visible, this is a very general formulation, which clearly indicates that its content is an influence of the formulation of the Article 5 of the Constitution of the Republic of Albania where it is defined that: *"The Republic of Albania applies International Law that is binding upon it".* Certainly it is clear that a general formulation such as in the case of Albania has been accepted raises discussion upon unclear issues such as if this formulation applies sole for international treaties which are ratifies by the People's Assembly in accordance to the article 18 and 65 of the Constitution, or if this article defines that Kosovo respects also other rules of International Law deriving from other sources such as: Customs, General principles, *opinio juris* etc. In follow, the Constitution provides *inter alia* in the Article 53 that: *"Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights".* In other words, it is clear that the Article 53 accepts directly as a binding source of the International Law [part of which is also the European Convention for the Protection of Human Rights and Fundamental Freedoms (Hereinafter ECHR)] also the judgments of the European Court of Human Rights (Hereinafter ECtHR), which do not derive directly from treaties. On the other hand, the exact meaning of the Article 16/3 can be understood sole in wider context, as long as it is well known that states are obliged to respect and to accept rules of International Law that are binding upon them, but which do not derive necessarily from treaties and for which no expression of any consent to be bound by a treaty is required. In this category of rules, belong first the rules of International Law which are classifies as *jus cogens* or peremptory norms of international general law and consist of norms accepted and recognized by the entire international community of states as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character. This definition is made in the Article 53 of the Vienna Convention on the Law of Treaties which foresees that: *"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character".* From this point of view, we have the right to raise the question: how can we accept the idea that these norms are not binding to a state, when the validity of the norms of international treaties signed and ratified by a state is precisely defined by these norms? Thus, this Article can be interpreted just in such manner which would guarantee the recognition and supremacy of the *Jus Cogens* norms, because the latter enjoy the status of the supreme norms in relationship with the states Domestic Law of international community

members.[1] Such idea is supported also by professor Xhezahir Zaganjori who further clarifies that, *taking into account the main sources of international law, I would think that within the notion of "the binding International Law", to a state, would belong not only the norms which derive from treaties, but also general norms of international law as well as the general principle of the international law.[2]* In regards to this issue, it should be emphasized the fact that *jus cogens* norms can be also part of treaties' content. Such statement has been made also in the interpretation of the German Constitutional Court which has emphasized that: *in the group of general norms of international law shall be understood before all, norms with normative character that are into force, but not the norms that derive from treaties that define the rules for the settlement of specific cases, meantime according to this court, exceptionally in this group can belong also norms deriving from international agreements with the condition that such norms shall be interpreted or included in the system of norms of the International Law (BVefG 15, 32ff)[3].* Similar formulation is also made in the Article 38 of the Vienna Convention on the Law of Treaties titled *"Rules in a treaty becoming binding on third States through international custom",* in which is further foreseen that *"Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State as a customary rule of international law, recognized as such".* Moreover, according to the opinion of judge Christopher Weeramantry, stated in his dissenting opinion in the case *"Nicaragua vs. USA",* by referring to the Advisory opinion of the Court on the *"Nuclear weapons"* he thinks that*: "A generally accepted test for the recognition of the rules of International Customary Law is that such rule should be as widely and generally accepted as its very difficult to presume that a civilized state does not recognize such rule"*[4]. According to him, this statement is supported also by the practice of the majority of the states and by *opinio juris*. The expression way of consent to be bound by a norm of International Customary Law by ratifying or not an international treaty, has been accepted also International Court of Justice (Hereinafter ICJ) in the *"Asylum case",* where the court has emphasized that Peru is not obliged to apply a norm which can be part of the International Customary law, because Peru has not ratified a convention in which this norm was included. Consequently, Peru has been considered as a *Persistent objector*[5]. Furthermore, the Article 38 of the ICJ Statute indirectly defines an international custom *as evidence of a general practice accepted as law.* This interpretation of the Article 16/ 3 of the Constitution is correct if we take into account the fact that the clause US Constitution is several times less clear that what this article foresees, while the context in which this article has been written and interpreted is completely in favor of the International Law. Similarly, also formulations of other world's constitutions which are interpreted in favor of the International law use more or less the same language. Thus, it would have been absurd for us to interpret today Article 16/3 in a stricter manner than the current interpretation of the Section 8 of the Article 1, of the US Constitution adopted in the year 1787, which indeed contains a formulation several time less favorable than this article concerning the acceptance and the respect of norms of International Customary Law. Concretely, this Article of US Constitution foresees that the Congress *shall have the power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations*, which at that time was composed almost exclusively by international customs. As stated in the first chapter, regardless of this vague formulation, the US courts and the US Supreme Court practice, beside the fact that are considered as the most conservative courts, again have accepted that such formulation of the Article 1 of the Constitution renders the International Customary Law part of the law of the land. Finally, we can state that the Article 16/3 accepts as binding all the norms of international law that are legally binding, including the norms of the International Customary Law as well as general principles of the International Law, because the Article 19/2 foresees that: *"Ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo."* This certainly means that in the category of legally binding norms belong also the norms of International Customary Law and the general principles of International Law.

The relationship between the norms of international treaties and the norms of domestic law

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[1] See Article 64 of the Vienna Convention on the Law of Treaties.

[2] Xhezahir Zaganjori. "Vendi i së Drejtës Ndërkombëtare në Kushtetutën e Republikës së Shqipërisë". Journal of the Magistrates School of the Republic of Albania *Jeta Juridike*. No.2. Tirana, February 2004. pp 30, 31.

[3] *Cited by* Xhezahir Zaganjori *in*. "Vendi i së Drejtës Ndërkombëtare në Kushtetutën e Republikës së Shqipërisë". Journal of the Magistrates School of the Republic of Albania *Jeta Juridike*. No.2. Tirana, February 2004. pp 32.

[4] 1989 I.C.J Reports 14 (judgment on the Merit of 27 June 1986). *For more see* Curtis F.J. Doebbler. *"International Human Rights Law: cases and Materials"*. CDP, Special printing. United States of America 2003.

[5] Ibid.

Today, the International Law is considered by many scholars as the "common language" of national courts.[1] Indeed, as it was stressed out above, today in our globalized world in the presence of a significant international economic dependency, traditional distinction among domestic and foreign issues has lost a lot its 19th century clearance.[2] Today, international treaties play a key role in the coordination and the establishment of international organization, which has raised an inevitable need for a constitutional response from the perspective of their respective members states legal system, by being inevitably more opened towards International Law.[3] Despite from monist or dualist approaches, in a way or in another, norms of the International Law have became part of the Domestic Law.[4] At each time when the norms of the International Law became part of the State Domestic Law, raises the issue on what will be the role of domestic courts and other law enforcement state bodies to build up the rule of law in the international relations. Certainly, state attitudes differ from a state to another and distinctions consist in theoretical and practical relationships that are created between the norms of the International Law and the norms of the State Domestic Law.

Concerning this matter, the Constitution foresees in its Article 19/2 that ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo. In follow in the paragraph 1 of this Article is foreseen that: *"International agreements ratified by the Republic of Kosovo become part of the internal legal system after their publication in the Official Gazette of the Republic of Kosovo. They are directly applied except for cases when they are not self-applicable and the application requires the promulgation of a law."* In this case, the Constitution has defined that treaties shall be directly applicable if they are considered to be self-executable. What means that such thing shall be foreseen by the international treaty itself, but has left no space to declare case by case prior to the expression of the consent to be bound by that treaty, that such treaty shall be considered self-executable or not, just like the USA always does.[5] This clearly leads us to the conclusion that in this Article, the Constitution has foreseen the prevalence of treaties vis-à-vis laws of the Republic of Kosovo. However, this Article does not define what will be the status of treaties (or agreements) that are not subject to ratification as a mean to express the consent to be bound by, in accordance to the Vienna Convention on the Law of Treaties. Contrary from the perspective of the domestic law, this issue is very clear and resolved from the perspective of International Law, because according to it, concretely the Article 27 the Vienna Convention on the Law of Treaties foresees that, *"A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46"* which foresees that: *"A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance."* This Article further clarifies that: *"A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith"*. Thus, the obligation to respect international treaties which are not subject to ratification is legal not only from the perspective of International Law, but is also logical and in favor of protection of international legality and respects the generally accepted fundamental principle *pacta sun servanta*. At the end, as argued by representatives of the Monist Theory, an act of International Law shall prevail upon Domestic Law *per virtu*, because *inter alia* such act is not a product of a single legislator, but a product of several legislators acting as one. Consequently, the status of such act shall prevail upon the domestic law. Even more, parties to international treaty are free to choose the mean through which they desire to express their consent to be bound by a treaty. Article 11 of the Vienna Convention on the Law of Treaties foresees that: *"The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed"*. Therefore, this Article not only does not limit the expression of consent to ratification, but in contrary allows any other mean if so agreed beside ratification, acceptance, approval and accession. Thus, concerning the effects and the supremacy of a treaty vis-à-vis Domestic Law, the mean agreed for the expression of the consent doesn't have any importance.

1. The relationship between the norms adopted by international organizations in which the Republic of Kosovo

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[1] Francesco Francioni. "International Law as a Common Language for National Courts". *Texas International Law Journal.* Vol 36:587, 2001. pp 557.

[2] Rober. Schutze. "On 'Middle Ground": The European Community and Public International Law". *EUI Working Papers. Law 2007/13.* European University Institute Badia Fiesolana. San Domenico di Fiesole. Italy. pp 1.

[3] Ibid.

[4] Francesco Francioni. "International Law as a Common Language for National Courts". *Texas International Law Journal.* Vol 36:587, 2001. pp 557.

[5] For more see the case "Medellin *v.* Texas", US Supreme Court, examined on 10 October 2007— and judgment dated 25 March 2008.

may be a member state and the norms of the Domestic Law

The Article 17 defines that the Republic of Kosovo concludes international agreements and becomes a member of international organizations. Further, in the paragraph 3 of the Article 2, is foreseen that: "The Republic of Kosovo, in order to maintain peace and to protect national interests, may participate in systems of international security. While in the Article 20 is foreseen that: *"The Republic of Kosovo may on the basis of ratified international agreements delegate state powers for specific matters to international organizations. If a membership agreement ratified by the Republic of Kosovo for its participation in an international organization explicitly contemplates the direct applicability of the norms of that organization, then the law ratifying the international agreement must be adopted by two thirds (2/3) vote of all deputies of the Assembly, and those norms have superiority over the laws of the Republic of Kosovo."*

Therefore, it is clear that norms adopted by international organization where the Republic of Kosovo will be a member, shall be legally binding and self-executable, subject to requirement that the law which will ratify the membership treaty shall be adopted with the votes of the 2/3 of the People's Assembly members. If such requirement is fulfilled, than such norms shall prevail upon domestic laws. Certainly, this proves that Kosovo has applied a very contemporary approach in regards to sovereignty and its transfer to international organization. However, from the point of view of this articles, we may still raise the question up to what extend can be transferred the sovereignty? To answer to this question we may refer to the case law of the German Constitutional Court concerning the case on Maastricht Treaty, to the case law of the French Constitutional Council, as well as to the case law the Constitutional Court of the Republic of Albania while examining the constitutionality of the Statute of the International Criminal Court. These courts have stated that "*…the transfer of sovereignty powers shall be limited up to that extend where the constitutional identity of the state will be in question""*[1] (Judgment of 18 October 1993 of the German Federal Constitutional Court on Maastricht Treaty), or*"…the transfer of sovereignty powers shall be limited up to that extend where such transfer will undermine the fundamental exercise of national sovereignty "*[2]. (Decision of the French Constitutional Council of 1985). <u>To conclude, according to these case laws, the transfer of sovereign powers to international organization shall not question the constitutional identity of the Republic of Kosovo and shall not be to such extend as to undermine the fundamental exercise of the national sovereignty.</u>

2. The relationship between the norms of International Law and the Constitution of the Republic of Kosovo itself

First we should emphasize that the incompatibility of a ratified treaty with the Constitution would be something very unusual for constitutions which do foresee a pre-examination of the constitutionality of an international treaty by the respective constitutional court prior to its ratification by the legislator. In case of Kosovo none of its articles, including the Article 113 of the Constitutions and neither the Law No.03/L-121 on the Constitutional Court of Kosovo, do not provide jurisdiction for the Constitutional Court of Kosovo to examine the constitutionality of an international treaty, prior to its ratification. Even more, neither the Article 31 of the Law on the Constitutional Court and nor the Article 113 of the Constitution do not provide jurisdiction for the Constitutional Court of Kosovo to examine the constitutionality of any treaty neither prior and nor post ratification. The sole reference that might be used just to initiate a post ratification examination of the constitutionality, is the general jurisdiction defined in the Article 113/2/1 which provides to the Constitutional Court the power to examine the constitutionality of laws. In such case, the object of constitutionality examination shall be not the treaty itself, but the law by which this treaty is ratified; regardless of this fact, the grounds for such examination would be the treaty and not the law of ratification. The lack of jurisdiction for a pre-ratification examination is a very serious problem in the Constitution of the Republic of Kosovo and certainly under these circumstances, the possibility to ratify treaties which wouldn't be compatible with the Constitution is much higher than in other countries such as the Republic of Albania, where the Constitutional Court has jurisdiction to examine the constitutional of a treaty, prior to its ratification. For this reason, under these circumstances, there is an enormous probability that in the future, Kosovo courts shall face the issue of non-compatibility of a treaty with the Constitution. Certainly, the solution for this issue would be the use of two parameters already used by the German Constitutional Court and the French Constitutional Council concerning the extension of sovereign powers transfer. Another way for the examination of the constitutionality of international treaties would be the use as a examination and acceptance

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[1] Judgment of 12 October 1993 of the German Federal Constitutional Court on Maastricht Treaty. As c*ited by* the Albanian Constitutional Court in its judgment *No.186*, dated 23.09.2002.

[2] Decision of the French Constitutional Council of the year 1985. As c*ited by* the Albanian Constitutional Court in its judgment *No.186*, dated 23.09.2002.

parameters of the main 8 (eight) international treaties directly integrated in the Constitution by its Article 22, just as the Article 17 of the Constitution of the Republic of Albania does with the ECHR. Moreover, while it is true that the Article 16 of the Constitution defines that: "*The Constitution is the highest legal act of the Republic of Kosovo. Laws and other legal acts shall be in accordance with this Constitution*", just like articles 4 and 116 of the Constitution of the Republic of Albania do, certainly this does not mean that the Constitution has a absolute supremacy over the norms of International Law. Indeed, the Constitution has accepted the norms of International Treaties foreseen in the Article 22 as its constituent part as well as a supreme evaluation parameter for the norms of the domestic law. Additionally, the Article 53 extends this unilateral acceptance of International Law norms by including in this group of norms, also the case law of the ECtHR. In fact, just like in case of the Republic of Albania, the Article 16 of the Constitution of Kosovo has been formulated in a similar way with the Article 94 of the Dutch Constitution in relation with the Article 106 and other articles. Thus, from this perspective, we may conclude that articles 22 and 53 as well as article 20, 19, 17 and 2 of the Kosovo Constitution *de jure* and *de facto* limit any strict application of the Article 16. Precisely for this reason, in compliance with article 22 and 53, the Constitution of the Republic of Kosovo shall not be the highest legal act, because the highest legal act in the Republic of Kosovo are the 8 (eight) international treaties listed in the Article 22 as long as the application of these treaties shall not violate the above-mentioned principle concerning the extend of sovereign powers transfer. On the other hand, the opposite approach would defend the idea that the general principle embodied in the Article 16 of the Constitution is not undermined by the articles 22 and 53, because these legal acts do not prevail over the Constitution, as long as they are considered part of it. However, the second approach cannot overturn the first approach as long as the ECHR and all other international treaties listed in the Article 22 are exclusive acts of International Law and do not derive from the unilateral will of the Kosovo People, product of which is the Constitution. This reasoning is also compatible with the Article 27 of the Vienna Convention on the Law of Treaties as well as with the general principle of the International Law, especially with the generally accepted norms of International Law. Article 27 of this convention defines that: "*A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty".* Indeed, the prior-mentioned parameter is valid and can be used also as a mean to resolve the issue of relationship between the norms of International Law and the Constitution of the Republic of Kosovo itself. In follow of the prior used logic, from the perspective of the articles 26, 27 and 31 of the Vienna Convention on the Law of Treaties, norms of the International Law shall prevail also over the Constitution itself as long as they do not threat the constitutional identity of the country and do not undermine the fundamental exercise of national sovereignty. Although such conclusion would not be easy acceptable by states in general and by the Albanian Doctrine, except for the eight international treaties listed in the Article 22 that are accepted and considered as constituent part of the Constitution, but at the same time they serve also as parameter for the examination of constitutionality of other norms of Domestic Law, including other norms of Constitution itself. This privileged status of legal acts listed in the Article 22, in fact transforms them into the Supreme Law in the Republic of Kosovo, which consequently defines the extend and the limits of application of other norms of International Law. The acceptance of the International Law supremacy over the Constitution itself is also accepted by the article 91-94 of the Dutch Constitution and is *de facto* and *de jure* accepted also by the current *opinio juris*.

Conclusions

Referring to the above-mentioned discussion and analysis, we may conclude that the Constitution of the Republic of Kosovo has indirectly accepted the supremacy of International Law vs. Domestic Law, including the Constitution itself. In addition, the latter in the Article 22 has integrated into itself eight of the most important treaties of the International Human Rights Law *inter alia* by not only considering them as its constituent part, but also as validity evaluation parameters for other norms of the Constitution as well as other norms of Domestic Law. Moreover, these treaties serve also as parameters to define the extension and limits of other International Law norms' acceptance. On the other hand, the Constitution does not contain a proper legal regulation concerning its compatibility with the Vienna Convention on the Law of Treaties in relation to the validity and the status of international treaties which according to this Convention are not subject to ratification, but the consent to be bounded by, is express through other means. However, general definitions made in the Constitution in regards to International Law, make legally binding also other norms of International Law that do not derive from international treaties, but derive from International Customary Law as well as general principles of International Law and ensure their supremacy over the domestic law, both from a *de facto* and *de jure* perspective. Moreover, we should emphasize the fact that the lack of jurisdiction of the Kosovo Constitutional Court to examine the constitutionality of international treaties prior to their ratification as well as the lack of a clear jurisdiction to make such examination in post ratification period, not only increases the changes to ratify treaties that are not compatible with the Constitution, but make very difficult the job of courts

in general and more specifically of the Constitutional Court to come up with solutions for such cases. Therefore, in absence of clear and complete definitions on the means to express the consent to be bound by a treaty in compliance with the Vienna Convention on the Law of Treaties, and in absence of Constitutional Court jurisdiction to examine the constitutionality of international treaties prior and in post ratification period, based on the paragraph 10 of the Article 113 of the Constitution, would be strongly recommended the adoption of a specific constitutional law that would define precise and specific rules concerning the signature, accession, approval etc of international treaties as well as would complete the lacking jurisdiction of the Constitutional Court.

Finally we may also conclude that the clauses of the Kosovo Constitution concerning the membership in the international organization as well as the transfer of sovereign powers to international organizations including international bodies on common security, are complete and provide a very contemporary legal regime, which allows the state of Kosovo to be a full and active member of the international community without the need of introducing any constitutional amendment.

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Faik Konica's Contribution in the Language and some Phonetic and Orthographic Features in His Prose

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Abstract

The article aims to highlight the phonetic and orthographic features of Konica's prose, who was a prominent forerunner of today's Albanian literary language orthography. It needs to be highlighted that the Albanian phonological system is not the same as a century ago, because the uninterrupted flow of language evolution has experienced at times a disappearance of the phonemes, phoneme conversions or creation of new phonemes. Therefore we think that some linguistic dilemma expressed by the author are more than justified for that period of time when the Albanian language did not have a crystallized orthographic norm.

<u>**Keywords:**</u> phonologic system, possessive articles, voiceless consonants.

Introduction

The language constantly evolves and changes in the course of centuries. In its evolution spanning millennia, words, grammatical forms and phonemes change, and their change happens much more slowly compared to other elements of the language. Thus, if we take a diachronic look on the Albanian language since from the time when the first work in Albanian was published (Missal of John Buzuku, 1555) until the present day, we will notice that the Albanian vocabulary has undergone many changes, somewhat less changes can be viewed on grammatical forms, while phonemes have remained almost unchanged.

However, it should be noted that the foundations of today's spelling system were cast in the nineteenth century, during the Renaissance period. The main aim was the creation of an elaborate literary language, stabilized and unified, so as to raise the Albanian language at the level of a developed language culture. The first efforts to address and discuss specific issues of the Albanian orthography are found at the magazine "Albania" during the period (1897 -1909), which was led by Faik Konica.

The magazine attracted the attention of many scholars of the time on issues regarding the alphabet and spelling, instilling an Albanian spelling system, literary language issues, the merger of the two dialects, etc.

*Analyzing his correspondence throughout the years, we have noticed that the author makes a wide use of the stress, especially on the vowel (e) (which should definitely be a French influence).

létrën tëndé é muarmë vésh, dhé në émër të së Përkohëshmés ju propozojmë…;

as na bën ghëséndi é léhura é tyré kundrë névé…;

të jam i détyruar për urimét cë më bëré për motin e ri…; (Konica, 2006)

* With regards to the ***use of the aphostrophy*** (mainly on the voiceless vowels), Konica faithfully continued the spelling traditions of the Southern literary language as a pronunciation trait of this dialect. The vowel drops frequently happen in the spoken language and consequently even in the written one, whenever two vowels come into contact with one another, thus

when one word ends and the other starts with a vowel. Under these circumstances, due to the stress dynamism, one of these vowels is omitted. The lost sound could be in different positions in the word : at the end(elision), at the front (afereza), or in its body(sinkopa). (Topalli, 1995)

The most frequently dropped vowel is the -**ë,** which is characterized by a faint pronunciation, though there have been found cases of other vowel omissions such as: **i , a ,** etc .

Elision is mostly found in Konica in these cases:

a) In all his writings, literary or journalistic, he regulary uses the apostrophy when the final unstressed -**ë** is dropped in words situated in front of the vowel -**e** (which can be an article of the genitive case or an article of the adjective and rarely a linker that begins with a vowel) :

perëndia qoft' e lëvduar ; historin' e zulluve ; për mjeshtërin' e qepëtorit ; fuqin' e fjalës ;

fuqit' e mbëdha ; perëndit' e vjetëra ; mbrëm' e sipër ; vëllan' e vatanë ;

The usage of the apostrophe not only by Konica, but also by other authors, northern or southern, is linked with the pronunciation characteristic of our language. Albanian, being a language in which the stress is positioned at the penultimate syllable, has the tendency to omit the last syllable during the pronunciation and consequently even during the writing process.

b) It has frequently been noted that some single syllable proklitik words such as: particles, frontal articles, prepositions, the conditional conjunction **(në)**, or the relative pronoun

(që), whenever they are positioned in front of the words that begin with a vowel:

n' udhëra t' Ilirisë e t'Athinës ; n' arthçin mbë këmbë ; n'atë kohë n'Avrop;

q' i shkruante s' ëmës ; i veprave t' ergjëndarëve ; në kohë t' Ali pashë Tepelenit ; n' imitojnë shkollën e Venedikut ; u – takuan nd' udhë ; nukë janë mb' udhë të dreqtë ; m' i forti burrë ;

c) Elision has also been noted in some cases when the particle **(të)** of the relative is placed in front of a verb that begins with a vowel, or even in front of a short form:

që t' ujdiste ; për t' admiruar ; me t' ardhur ; për t' ushqyer ;

t' i shërbenjë mëmëdheut ; qi t' armatoste Veriun ; po t' ish burr' i besës ;

This is a phenomenon that has regularly appeared since from the beginnings of the written tradition of the Albanian language. It has also been found in the short pronoun forms or with the particle **- u** of the passive reflective and is noted since from the time of Buzuku, Budi, Bogdani, etc :

t' ap të dlitunë ; t' ish ardhunë ; t' u bekonjë juve ; t' i shpie ndë dhet të tyne ; (Topalli, 1995)

The elision is still implemented in the Albanian literature today. In the case when the particle *(të)* merges with the short forms, Konica and other northern writers have been forerunners of today's spelling system.
d) We have also found some cases, although rarer ones, when the author has apostrophized the defining name suffixes, primarily the -*i*, and more rarely the final –*a*.

stërnip' i Tepelenit ; trup' i Shegës ; bel' i saj ; perandoresh' e Stambollit; e bukr' e dheut;

e) There can be observed some other cases of the apostrophized final -ë of names in the feminine gender of the subjunctive case, rarely of the ablative case, before the front article -**së** :

i bukuris' së Polonjës ; e mençuris' së Herodotit ; e bujaris' së shqiptarëve ;

të historis' së Kastriotëve ; prej butësis' së saj ; prej urtis' së Vatrës ;

We think that it is pronunciation that has deeply influenced in these cases, which tends to omit the final -**ë**, and which has been portrayed even in writing.

- But Konica mostly prefers to omit the frontal article *së* together with the drop of the final vowel in nouns, in order to avoid the confrontation of the two *së* – *s* :

poshtërimin *e mjeshtëris' petkave* shqipëtare ; varfërin' *e veshjes saj ;*

grekët *e Shqipëris' Poshtme ;* t' i përunjemi *oxhakësis' Tepelenës ;*

indipendencës Shqipërisë ; shtypjes letrave shqipe ;

f) The author widely uses elision even when writing various pronouns such as :

(linkers, which we presented above as prolictic, one-syllable words, indefinite possessives,   short forms or joined forms of the personal pronoun)

- in pronouns used for the first and second person in their indirect cases:

mohimi i gjuhës *s' onë ;* stërgjyshët *t' uaj ;* me vete *t' ime ;* armiqve *t' anë ;*

vëllaj *j' uaj ;* kombësinë *t' onë ;* gabimin *t' ënt ;* artikullin *t' im ;*

marrëveshje *t' onën ;* planit *t' im ;* veprës *s' ime ;* guvernës *s' onë ;* me *t' ëmën ;*

 * A widely discussed issue in his writings is the spelling of the unstressed *ë*, which has been and still is a crucial problem for the Albanian language orthography. Being a tosk writer, together with other writers of his time such as Naimi, Noli etc , Konica has the tendency to preserve the unstressed *ë* and he does never quit widely using the final *ë.*

të sunetisurë ; i vetëmë ; të pagëzuarë ; të pa- punëshmë ; të zëmëruarë ;

të larguarë ; të zgjaturë ; i varfërë ; me thonjë ; kuajtë ; në zëmërë ;

nukë ; aqë ; pakë ; nënë sundimin e tij ; etj.

In the literary spelling it can be found the tendency that the final *ë* is not pronounced, or it is vaguely pronounced, depending on the pronunciation styles.

Nevertheless, in parts of the Southern speech the final *ë* is still preserved especially in prononcuation, though it is highly reduced. (Çeliku, 1971)

* We have also compared another group of words which in the writer's writings are regularly written with the final **-** *ë* such as :

motrë ; librë ; kodrë ; letrëtyrë ; zëmrë ; letrë ; veprë ; sedrë ; theatrë ;

lundrë ; veglë ; lodrë ; të ëmblë ; i bukurë ; i varfërë ; kundrë ; afërë ;

tepërë ;   si edhe dy emra qytetesh :   *Gjirokastrë ; Shkodrë ;*

In reality, the old Albanian language has historically possessed the final *ë,* especially found in the tosk dialect and this is the reason why the writer cannot make an exception from this tendency.

Nevertheless, we think there could be another reason in its usage in regard to this group of words.

It is not occasional that we have cited all the cases we have been able to find, because we think that Konica has been widely influenced by the French language with which he had become so familiar. These words are so similar to French in their pronunciation, and some of them even in their spelling such as : *librë (livrë) ;*

letrë (lèttrë) ; theatrë (theatrë) ; kundrë (contrë) ; (Konica, "La langue des fils de l'aigle ", 1921)

*   With regards to the frontalstressed *ë,* we notice a correct usage of it, by forerunning today's spelling system:

 kombëtar; atëror; armiqësi; ligësi; mjekësor; miqësor; robëroj, mbretëri,

Similarly to a real linguist, *he puts a sustaining ë- in front of those suffixes that start with a consonant,* so as to avoid the difficulty arising in their prononcuation, particularly when two or more consonants occur in its body.(" Drejtshkrimi i gjuhës shqipe", 1973)

On the contrary, we would have :   *ligsi ; robroj ; kombtar ;* etj .

In today's collocation style the *-ë* in this position has been transformed into a short sound which represents a voiceless vowel, while in today's spelling it has totally been avoided, because by doing so we can create consonant groups which are easily pronounced. (Totoni, 1972)

*   With regards to the *e -* vowel spelling,   in those words where this phoneme is followed by a nasal consonant *-m, -n, -nj*, Konica prefers to write it without any doubt with the *ë-* vowel.

  zëmrën e kish të ngrysur ; të thotë ç'i do *zëmbëra* ; të shkrojë ç'i do *zëmbëra* ;

  të bëjë ç'i do *zëmbëra*; veç jo ato që janë kundrë lirisë tjatëri njeriu ; *vënd ;* mbaj *mënd ;*

  brënda në kishë ; *trëmben ; ëngjëjt* ; në *qëndër;* më *dhëmp; gjëmp; dhëmp* i lik: (Konica, " Ç'është liria " , 1897)

An important role has been played by the close collaboration of the two Albanian dialects in creating abasis for the prononucation as well as the spelling system in this language. (Gjinari, 1963)

* Another evident characteristic of Konica and tosk dialect in general is the presence of the *–ua* diphthong in all positions, in open and closed syllables.

 In the majority of the cases this vowel group is represented as unassimilated, in difference from the gegë dialect where it is assimilated in *- u* (*grua – gru ; përrua – prru ;*)

  ish një shqipëtar i pasur e *i letruar* ;   *Toskua* kish mbetur nënë dritare ;

  esperantua është proponuar si zgjidhje e mirë ; *Moskua* e kapi për xverku ;

- This unassimilated diphthong is widely used by Konica in the verbs of the past simple in the three persons of the plural.

 u – mbluadhnë në metropoli ; e *zgjuadhnë* patrik ; i *muarnë*

or in some nouns which normally require the suffix *-or* :

 i mbuluar gjer në *kraharuar,* po këndon një librë ;

 qysh nukë pati turp të dalë   *tradhëtuar,* grabitës e zuzar ; (Gjinari, " Mbi të folmen e Devollit ", 1968)

- Nevertheless, from time to time the author is ambiguous in the usage of this group of vowels, because we have come across many cases when the diphthong *-ua* has been assimilated into *- o*

 kish një mikeshë *të qojtur* Vera ;   për *shojtjen* e një yllit aq të ndritshëm ;

 propagandë për *të vetëqojturën* guvernë ; u – përball me turmën *e parojtur*;

 Linkoln – i rojti pakë viet, por i *qojti* gjithë skllevët të lirë ;

*   The author frequently uses the *- u* vowel in stead of the vowel *- y* :

 pas musafirëve ; s' i durojnë *gjukimet* ; nukë hyn njeri në *duqane* ;

  kur qe *mutesarif ; dushoj* te zotësia jime ; popull *musliman ; huqumeti* ;

  ç' *gjuqe* të pafajshëma ; duke dëftuar *virtut* ; njerës të *rushfetit* ;

We have encounter numerous similar words, which testify about the great influence that has been exercised by his mother tongue :çamërishtja in his linguistic formation, though he had been detached from its usage since from an early age.

* Another evident characteristic of almost all the Renaissance writers, of which the author makes no exception, was the phenomenon of the voiceless consonant which had once been voiced, when they are situated in a final position or in front of a voiceless consonant in the body of the word, which is not noticed only in the Albanian language, but even in some other Indo-European languages.

In the tosk dialect, this phenomenon must have appeared since in the Middle ages, because in the dialects of the Albanians living in Italy and Greece this voicelessness is shown to be completed. Norbert Jokli states that it could be even older since he compares it to a phenomenon similar to Etruscan language. (Çabej, "Studime rreth etimologjisë së gjuhës shqipe", 1960)

The phenomenon of the voiceless consonants is typical of the tosk dialect, though it should not be over generalized, because cases of such can also be found in the Northern dialect.

Konica remains faithful to the tradition and he is convinced that the spelling of a language should not be different from its pronunciation something which is typical of the language used in his writings.

Similarly, other Renaissance writers have written the voiceless consonants at the end or body of the word just as they pronounced them: in the gegë dialect they conserved them as voiced, while in the tosk dialect they wrote them as voiceless. (Dodi, 1970)

The voiceless consonants at the end of the word

 - The voiced consonant **-dh-** is always written   **-th- :**

lith; i math; derth; heth; u ndoth; vjeth; garth; u *çloth*; i *erth* një letër; *u- zgjoth;* etj.

The voiced consonant **-b-** is always written as **-p- :**

komp; i dhëmp në shpirt; *gjëmp* i math ; hoqi një *dhëmp; hump* besimin e guvernës*;*

 sërp i fëlliqur *; u kalp*; u zu *rop; qelp;* etj.

- The voiced consonant **-d-** is always written as **-t- :**

në *vënt* të ; *munt* të qëndronjë; kam nër *mënt; u shkunt; u munt; funt* i keq;

 si edhe numërorët   *njëqint ; treqint ; pesëqint ; nëntëqint ;* etj.

- The voiced consonant **-g-** is always written as **-k- :**

pellask; frënk; trek i math*; i lik; kolek; lark; shtek;* një *tok* shënimesh; *zok* pa liri;etj

 - The voiced consonant **-z-** is always written as **-s- :**

njerës; gas; në *kurris;* në *kafas; serios; ndes;* me një *bres* të kuq; *haus;* etj

- The voiced consonant **-gj-** , is always written as **–q-**

 u *përgjiq* me krenari *;* me mijëra *zoq;* shpirtra të *liq;*

These are morphological contradictions with a dialectical character and are characteristic of the folk language. They have been acquired through the omission of a voiced consonant in the final position or in front of voiceless consonant.

The omission of the voiced consonants in the body of the word

Even in this position, Konica applies the above mentioned morphological contradictions, thus the voiced consonants are represented as voiceless.

The omission of the voiced consonants in the body of the words has happened, without any exception whenever they are situated in front of a voiceless consonant.

- The voiced consonant **-dh-** is always written as **-th- :**

  trathtinë; të hithta; u huathnë; vothnë; derthnin; mbluathnë; erthtë; ngorthte; të mblithte;

- The voiced consonant **-b-** is always written as **-p- :**

  humpnë; të mpështetura; në të dhemptë; fuqia *mprojtëse;* fytyrës së *qelptë;*

i mpështjellë; të mplidhen; mpështetem; mpas kodrës; *mpronte;*

- The voiced consonant **-d-** is always written as **-t- :**

sëmuntjet; të *muntja;* e kanë *qëntrën; kuvëntet; e shkuntur;* në *qentër; qëntresë;* më *tuntnë* ethet ;

  (q : gj) të *squarit; u përgjiqnë ; zoqtë ; i squar ;* të *Frënqve ; zoqtë; sqon* pyllin ;

*   Another characteristic is the assimilation of some groups of consonants, be them in the front of body of the word.

This is a frequent phenomenon throughout the southern writers writings, which was portrayed even in Konica in its prose as well as poetry:

-     the assimilation of the groups **–mb** and **–nd** :

  përmi krye; *mi* një kodrë; *nganonjëherë;* as *nonjë* letër; *t'a gdhënin* ;

  as *nonjë* lajm; *nofta* ka *nër mënt; përmi* sheshet e gjakut; *mi* çatitë e pullazet ;

- In some cases they have been encountered as prepositions in the old form, unassimilated, used in the spatial case, as in the ancient Albanian :

  mbë shtëpinë e atit saj ; *mbë* dhè ju hothnë ; *mbë* dhet kish kartëra ;

mbeti e u kalp *ndë* baltë ; ç' ishin *mi* dhè e *nënë* dhè ;

mi çatitë e pullazet ; të vejë *ndëpër* gjithë viset ; etj.

It should be stressed that in relation to the prepositions **mbë (më)** and **mi (mbi)** there exist many linguistic debates. Some linguists think that these prepositions are two different words, while G. Meyer and F. Bopp see them as two variants of the same word. (Xhuvani, 1980)

Therefore, the auxiliary words **mbë** and **mbi,** are according to them, respectively

" the unstressed and the stressed form of the same preposition " .

It should be noted that Konica overuses the consonant group **- mb** even when they are not needed, be that in the front of body of the word:

fuqitë *e mbëdha* ;   njerëzit *e mbëdhenj* ;   theatrot *e mbëdha* ;

  lau sytë në një *mburim* ; me duar në *zëmbërë* ; i qeshte *zëmbra* ; etj.

Through the passing of time this group underwent many changes, as it can be seen in the writings of Konica and the other Renaissance writers.

This group can be found in many cases with a new construction, in the accusative case.

This was achieved through the assimilation of the consonant tog **- mb** into **- më** . (Çabej, " Hyrje në historinë e gjuhës shqipe ", 1960)

* Another phonetic trait, characteristic for Konica's writings is the wide usage of the initial affix   **ç-**   in stead of the corresponding affix **sh-**   or   **zh-** :

  fuqi *çkatërronjëse; çpifni çpifarakë;* të *çkëlqyer; i çkombëzuar; çpalli;* të *çkulnin;*

çkoqitim; çkëmbim të vlershëm ;   *i çquar; të çpëlajnë; çkallmonin ;   të çqiteshin;*

çfaqi menjëherë qëllimin e tij ; çpërbëhet;   mos e *çponi;*   *të çdukim* banditizmën ;

pas *një çdukje* 469 –vjetsh, flamuri ynë valoj i lirë; *të çvillojë* kompin ;

*In stead of the consonant group **-fsh-** , he uses the group **-psh-** ,

pshat ; pshteta ; pshatarakët ; pshinte djersët ; etj (Gjinari, " E folmja e Skraparit " , 1958)

* In relation to the spelling of some foreign words, mainly of Latin origin, the author frequently uses the consonant **-ll**, in stead of the consonant **-l** .

Konica, as an excellent user of these languages has thought that maybe such a spelling and pronunciation form is more appropriate for the Albanian language. He has been mainly influenced by the French language in writing the following words:

në Irllandë; zullutë; dekllaroi; fillosofi; *kish mbaruar fillollogjinë;*

automobilla;   jetën *intellektuale; diplloma e dipllomatit; rekllama; lluks;*

dekllaratë ;   kllasik; biblla kombiare; etj .

What is more, it should be noted that the usage of such a consonant in the spelling of the words we seen until lately in words such as:

kllasa (punëtore), *dipllomë, lluks, ideollogji,* etj.

*   The Greek words used in his writings (he was widely familiar with this language since from an early age) are written by preserving the original pronunciation with the **–th** letter.

Prometheu; theatrot e mbëdha; *i enthusiasmuar*; kisha *katholike; simpathinë;*

theologji; vargje *të rithmuar; marathona; theori; Guthenberg;*

orthografia; ka një *themë* të përgjithshme;

Konica was not an extremist puritan. Moreover, in his journalistic writings he has shown to be highly liberal towards foreign words and this is why in many cases he pronounced and wrote them as they are pronounced and written in their source languages from which they have derived. We have come across another phonetic trait. Konica has frequently used the **– q** consonant instead of the **– k** consonant.

We think that he might have been influenced by the Greek language that he knew considerably well.

Arqileu i Epirit ; shtëpi *arqitekti* ; *orqestrat* sinfonike ; *anarqia* e guvernës ;

lajthimet e *monarqisë* ; si një *arqeolog* i Afroditës ; *maqina* të shtrënjta ;

venë dy a tri mijë *qillometra* larg të dëbuar prej tyre ;

Such words are still used in some Southern regional speeches. Nevertheless, we would stress out the fact that the majority of these words are used by Konica in those writings that were targeted toward a specific class of people with a rather modest cultural formation.

These words were fully comprehensible and therefore articles written with such a language would deeply influence his readers. Thus, Konica successfully achieved his goal of changing the spelling of many words in the Albanian language through the etymological transformations he himself made.

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The Evaluation of the EFL Textbooks Used in the High Schools of Elbasan, Albania

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Abstract

The Albanian Education System is currently undergoing several changes, one of which is the Foreign Languages Curriculum implementation. One of the main External Factors in implementing the EFL curriculum is even the kind of Textbook it is chosen to be used in the EFL teaching and learning process. As long as a book is considered 'food for thought', an EFL textbook could be easily considered as 'a milestone' in the students' education. According to this, choosing the right textbook to teach English to High School students is as important as designing the curriculum itself. It is needed to think about the students' needs, interests, ability and level. Choosing a course book is not a frivolous matter, so it should be made clear what kind of English textbook fits best for the students of the High Schools in Albania. This will come out according to the analyses of what the curriculum asks for, the currently used textbooks, as well as according to the observations among teachers and students in the High Schools of Elbasan, Albania.

Keywords: EFL textbook, evaluation, curriculum, high school

The importance of textbook

It seems that Textbooks are the main sources that can convey the knowledge and information to the learners in an easy and organized way. Cunningsworth (1995), for example, identifies a textbook as a resource in presenting the materials and a source for learners to practice and do the activities. Hutchinson and Torres (1994) argue that the textbooks have a very important and positive role to play in teaching and learning. Sheldon (1988) suggests that "textbooks do not only represent the visible heart of any ELT program, but also offer considerable advantages" (p. 237). The most essential function of a textbook is to motivate students to learn (Mikk, 2000). For Dubin and Olshtain (1986) "the tangible element that gives to a language course face validity to many teachers and learners is the textbook" (p. 167). With regard to the essential aim of the ELT textbooks, Byrd (2001) argues that ELT textbooks include two kinds of information which are: the topic content (e.g., Family, school, etc.) and the linguistic content (e.g., grammar, vocabulary, skills) and they help learners to learn the linguistic content through topic content. In fact, textbooks give learners and teachers enough confidence and security (Cunningsworth, 1995). It is agreed that textbooks are of great value in the processes of teaching and learning (e.g., Cunningsworth, 1995; Haycraft, 1998 ; O'Neill, 1982; Sheldon , 1988; Tanner, 1988). Studies which have been conducted in the area of textbook evaluation show that using textbooks is inevitable. Tyson (1997) expresses that for teachers who do not have enough time for lesson planning especially for inexperienced teachers textbooks are useful tools. For having a useful and effective textbook, evaluation is necessary. According to Robinson (1991) evaluation is the discovery of the value of something for a particular purpose. It is regarded as an interactive process (interaction between teachers, learners, and materials) which includes a profound analysis of the materials used. Evaluation in TESOL situations is a process which is used to collect, analyze and interpret required information (Genesee, 2001). This process enables us to make informed decisions through which student achievement will increase and educational programs will be more successful. Grant (1987) states that although there is no perfect textbook, there is the best textbook that can help teachers and learners. He points out that such a book not only matches the learners' needs, interests, and abilities but suits the teachers' needs and meets the officials' needs also. Textbook evaluation is very important because it not only provides useful information for teachers, but also plans learning settings for students. In this regard, McDonough and Shaw (2003) believe that in two kinds of situations some degree of evaluation is needed. First, it is the situation when teachers are given the choice to adopt or develop their own materials. Second, it is when teachers are consumers and just use the products of other people. This is in line with what Cunningsworth (1995) and Ellis (1997) say that textbook evaluation helps teachers move beyond impressionistic assessments, systematic, and contextual insights into the overall nature of textbook material. They also suggest three different types of material evaluation (i.e., pre-use, in-use, and post-use). Pre-use or predictive evaluation is designed to examine the materials before they are used. In-use evaluation is intended to examine the materials which are currently being used. Post-use or retrospective evaluation is designed to examine the materials after they have

been used. Mukundan (2009) points out that through retrospective evaluation teachers will be informed about the strengths and weaknesses of the textbook and involved in their own professional development. He further states that in this case teachers' knowledge will be increased and their potential for asking and investigating will be enhanced.

The writer of the paper will examine the materials that are, in fact, the realization of the process of syllabus design subsumed under the heading of means/ends specification as mentioned above, and will exclude other factors because it is beyond the scope of this current study to include them.

Why evaluating EFL textbooks?

The reasons for materials evaluation activities are also many and varied. One of the major reasons is the need to adopt new course books. Another reason as Cunningsworth (1995) emphasized is to identify particular strengths and weaknesses in textbooks already in use. Tomlinson (1996) also states that the process of materials evaluation can be seen as a way of developing our understanding of the ways in which it works and, in doing so, of contributing to both acquisition theory and pedagogic practices. It can also be seen as one way of carrying out action research.(p.238). Grant (1987, p.8) claimed (the) 'Perfect book does not exist', yet the aim was to find out the best possible one that will fit and be appropriate to a particular learner group. Sheldon (1988) suggested that textbooks did not only represent the visible heart of any ELT program, but also offer considerable advantages for both students and the teachers when they were being used in ESL/EFL classrooms. Cunnigsworth (1995) argued that textbooks were an effective resource for self-directed learning, an effective source for presentational material, a source of ideas and activities, a reference source for students, a syllabus where they reflected pre-determined learning objectives, and supported for less experienced teachers to gain confidence. In addition to that, Hycroft (1998) stated that one of the primary advantages of using textbooks was that they were psychologically essential for students since their progress and achievement could be measured concretely when they were used. On the other hand, evaluation is universally accepted as an integral part of teaching and learning. It is one of the basic components of any curriculum and plays a pivotal role in determining what learners learn. Rea-Dickins and Germaine (1994) stated that "evaluation is an intrinsic part of teaching and learning" (p.4). Cunningsworth (1995: 7) suggested that the materials selected should reflect [the needs of the learners and the aims, methods and values of the teaching program. One other reason for textbook evaluation is that it can be very useful in teachers'' development and professional growth. Ellis (1997) suggested that textbook evaluation helps teachers went beyond impressionistic assessments and it helped them to acquire useful, accurate, systematic and contextual insights into the overall nature of textbook material.

If one accepts the value of textbooks in ELT, then one should be able to trust that they are of an acceptable level of quality, usefulness, and appropriateness for the context and people with whom they are being used. While the literature on the subject of textbook evaluation is not particularly extensive, various writers have suggested ways of helping teachers to be more sophisticated in their evaluative approach, by presenting evaluation 'checklists' based on supposedly generalizable criteria that can be used by both teachers and students in many different situations. Although Sheldon (1988) suggests that no general list of criteria can ever really be applied to all teaching and learning contexts without considerable modification, most of these standardized evaluation checklists contain similar components that can be used as helpful starting points for ELT practitioners in a wide variety of situations. Preeminent theorists in the field of ELT textbook design and analysis, such as Williams (1983), Sheldon (1988), Brown (1995), Cunningsworth (1995) and Harmer (1996) all agree, for instance, that evaluation checklists should have some criteria pertaining to the physical characteristics of textbooks such as layout, organizational, and logistical characteristics. Other important criteria that should be incorporated are those that assess a textbook's methodology, aims, and approaches and the degree to which a set of materials is not only teachable but also fits the needs of the individual teacher's approach as well as the organization's overall curriculum. Moreover, criteria should analyze the specific language, functions, grammar, and skills content that are covered by a particular textbook, as well as the relevance of linguistic items to the prevailing socio-cultural environment. Finally, textbook evaluations should include criteria that pertain to the representation of cultural and gender components, in addition to the extent to which the linguistic items, subjects, content, and topics match up to students' personalities, backgrounds, needs, and interests as well as those of the teacher and/or institution. Cunningsworth (1995) and Ellis (1997) have suggested that there are three different types of material evaluation. They argue that the most common form is probably the 'predictive' or 'pre-use' evaluation that is designed to examine the future or potential performance of a textbook. The other types of textbook evaluation are the 'in-use' evaluation designed to examine material that is currently being used, and the 'retrospective' or 'post-use' (reflective) evaluation of a textbook that has been used in any respected institution. This

particular study can be classified as the 'retrospective' type of evaluation in which an attempt is made to check the characteristics of the textbooks under study against a collection of criteria proposed by various researchers.

Materials used for the evaluation of the textbooks used in the high schools of Elbasan

There were browsed approximately ten checklists proposed by different authors and selected thirteen features which were common to most of these checklists to do the evaluation. The following ten EFL/ESL textbook evaluation schemes were consulted to evaluate the EFL textbooks under study.

• Chastain, K. (1971). The Development of Modern Language Skills: Theory to practice (pp. 376-384). Philadelphia. The Center for Curriculum Development, Inc.
• Tucker, C. A. (1975). Evaluating Beginning Textbooks. English Teaching Forum, 13, 355-361.
• Cowles, H. (1976). Textbook, Materials Evaluation: A comprehensive checksheet. Foreign Language Annals, 9 (4), 300-303.
• Daoud, A. & Celce-Murcia, M. (1979). Selecting and Evaluating a Textbook. In M. Celce-Murcia and L. McIntosh (Eds.), Teaching English as a second or foreign language (pp. 302-307).Cambridge, MA: Newbury House Publishers.
• Candlin, C.N. & Breen, M.P. (1979). Evaluating, Adapting and Innovating Language Teaching Materials. In C. Yorio, K. Perkins and J. Schacter (Eds.) On TESOL '79: The learner in focus (pp. 86-108). Washington, D.C.: Teachers of English to Speakers of Other Languages.
• Rivers, W. (1981). Teaching Foreign-Language Skills (pp. 475-483). Chicago: University of Chicago Press.
• Williams, D. (1983). Developing Criteria for Textbook Evaluation. ELT Journal, 37(2), 251-255.
• Sheldon, L. (1988). Evaluating ELT Textbooks and Materials. ELT Journal, 42 (4), 237-246.
• Skierso, A. (1991). Textbook Selection and Evaluation. In M. Celce-Murcia (Ed.), Teaching English as a second or foreign language (pp. 432-453). Boston, MA: Heinle & Heinle Publishers.
• Ur, P. (1996). A Course in Language Teaching: Practice & Theory (pp. 184-187). Cambridge: Cambridge University Press.

After a close examination of the checklists, these criteria were found to be most common to all the schemes proposed by the above mentioned materials:

1. Are objectives explicitly laid out in an introduction, and implemented in the material?
2. Good vocabulary explanation and practice.
3. Approaches educationally and socially acceptable to target community.
4. Periodic review and test sections.
5. Appropriate visual materials available.
6. Interesting topics and tasks.
7. Clear instructions.
8. Clear attractive layout, print easy to read.
9. Content clearly organized and graded.
10. Plenty of authentic language.
11. Good grammar presentation and practice.
12. Fluency practice in all four skills.
13. Encourages learners to develop own learning strategies and to become independent in their learning.

There will be viewed in terms of making quick analyses to the textbooks used in the high schools of Elbasan:

• Blockbuster 3 for the 10th grade
• Blockbuster 4 for the 11th grade
• Wishes B2.1 for the 12th grade

1. Are objectives explicitly laid out in an introduction, and implemented in the material?

At the beginning of the above mentioned textbooks, there is an introduction that attempts to clarify the intended teaching objectives. The ultimate goals of the curriculum are clarified in the Teacher's Book, as the final objectives of the curriculum in vivid words so that the students know what they are expected to have learnt at the end of the program (long term objectives.) Likewise, the short term objectives are specified in the introduction of each module. It is known what the learners should be able to do to demonstrate that they have achieved the intended objectives at the end of each course, e.g. at the end of each year in the educational program.

The introduction section is present in all the textbooks and it is more or less the same in terms of the objectives that it specifies as the goals of the lessons and the course. Each module is comprised of five lessons and a Culture Corner/Curricular Cut section. All the parts of the Introduction related to objectives specification mainly concern the activities and techniques that the teachers should do.

In sum, the final goals of the EFL program, as well as the behavioral objectives which are aimed at by the curriculum designers, are clear. This is helpful across the different phases of the curriculum i.e. classroom implementation and evaluation.

As a result of the good points mentioned above, there is an acceptable degree of concordance between the objectives set in the introduction of the books for each section of the lessons in the series and their implementation in the material.

2. Good vocabulary explanation and practice

The New Words Section is valid only for Blockbuster 3 and 4. There is no list of New Words Section in Wishes B2.1, which is used for the 12ᵗʰ grade students, even if the reading Comprehension sections are full of new vocabulary.

According to the analyses of Blockbuster 3 and 4, there is correspondence between the different senses of the word introduced in the New Words Sections in the end of the textbook and the meanings which are used in the Reading Comprehensions. The contextualization of the new vocabulary in the New Words Sections is well-given.

However, some parts of the New Words Section ignore the fact that a word might have several different meanings. In some cases, the meaning for a particular word is introduced in the New Words Section, which is consistent only with the meaning of the same word used in the Reading Comprehension, and this probably, bewilders the students, who might have another meaning in their mind for the same word.

Some of the new vocabulary, which the authors might have assumed to be more significant in carrying the semantic load of the related sentence, has been included in the margins of the Reading Comprehension passages with some synonyms or definitions. There is always a specific place designed to practice the new words. The inclusion of the vocabulary exercises in each lesson is very useful, so that learners can integrate the new words into their mental lexicon.

There is also a good contextualization of the new vocabulary' in the New Words Sections, where new words are introduced in different sentences: "Americans *typically* have vacations of about two weeks. Not many Americans go to other countries for their vacations, and those who do *generally* go to Canada or Mexico." (Blockbuster 3, p.16)

Likewise, there is a balance between the number of new words included in the New Words Sections and those used in the Reading Comprehensions and other sections of the book. These balances persist throughout the book.

3. Approaches educationally and socially acceptable to target community

According to White (1988:92) "A complete syllabus specification will include all five aspects: structure, function, situation, topic, skills. The difference between syllabuses will lie in the priority given to each of these aspects."

It seems that the authors of the books have sequenced the linguistic content of the materials according to the structural complexity, starting from less complex structures to more demanding ones. Even the reading passages are selected or probably manipulated so that they reinforce a particular grammatical point included in the grammar section of the books. However, the question of how and in what order the structures must be arranged in a structural syllabus is a controversial issue. Hutchinson and Waters (1987:88) pose the same question as writing, "What assumptions underlie the ordering in the structural syllabus? Does the verb 'to be' come first, because it is easier to learn? If so, in what sense? Structurally, it is the most complex verb in English. Does it come first because it is needed for later structures, for example the present continuous? Is it considered to be conceptually simpler? Alternatively, is the syllabus ordered according to usefulness?

The verb 'to be' is more useful than, the present simple tense of the verb 'to go'. If we are operating the criterion of usefulness, what context are we referring to? Do we mean usefulness in the outside world or usefulness in the classroom?"

Nevertheless, the personal experience in teaching these books shows that students learn the present perfect tense with less effort than the passive voice. Moreover, they learn the passive voice better if they are introduced to the present perfect earlier. Thus, it could be suggested that the present perfect, which is introduced in Module 6 of Blockbuster 3, be transposed to Module 5, and the passive be moved to Module 6.

4. Periodic review and test sections

There are review exercises at the end of each Module, which are not enough to revise the new items learned in the Module. The tests and review tests at the end of each one of the lessons. It is worth mentioning that the tests are comparable and compatible with the format and the testing methods which are employed in the mid-term and final exams. To compensate the shortcoming of the practical exercises in the textbooks, there are developed supplementary workbooks for each one of the books. Moreover, students have got the possibility to do the Self-Checks which are available at the end of each module. They can check their answers at the end of the textbook.

The final exams of the 12th grade are designed, administered and corrected by state officials and the teachers play no direct roles in these processes. However, the tests are designed according to the textbooks' content.

5. Clear, attractive layout, print easy to read

The paper of the books is of very good quality. The books are acceptable regarding clarity and orthographic beauty. However, it is even more appealing with the colorful pictures of real people and real environments used.

6. Appropriate visual materials available

Visual materials can be defined as the facilities that can be employed by teachers and learners to enhance language learning in classrooms. They may range from simple hand-made realia, charts and pictures, to electronic and digital materials. For the series in question, there are CD/DVDs and also the required electronic hardware available at schools for teachers and learners.

The content of the dialogues, whose primary goal is assumed to help the users promote their language skills and enhance learning processes, is effectively addressed. For instance, all the films developed for Book 2 of the series, start with vocabulary teaching.

However, the vocabulary in the dialogues is introduced in the orthographic form with sounds and pictures accompanying them. There are designed pictures or some other graphic materials to illustrate the intended meanings of the introduced words. In some other cases, there is provided the pronunciation of the words with some pauses between, to let the learners repeat the words orally.

Another type of listening exercises has been designed to help the learners improve their reading skills. They start with very brief scenes of two or more people with clear verbal interactions, probably with the intention of motivating the learners to activate their related background world knowledge about the topic to be discussed in the reading passage of the books.

There are some problems worthy of mention concerning these sections. Sometimes, the scenes might seem vague and obscure regarding the messages they are trying to communicate. The learners might find it difficult to catch the meaning that the scenes intend to convey. Consequently, different learners are lead to different interpretations of the scenes and therefore distracted from the main theme of the reading passages. Nevertheless, with a bit of creativity on the part of teachers, these sections can be used as a sort of pre-reading activity to motivate the learners to think about what is going to be discussed in the related reading passages. Moreover, another source of difficulty might be the relatively fast rate of speech of the narrator in reading aloud the reading comprehension passages. Due to the nature of written texts, it is more difficult to process them as fast as the texts produced in oral interactions. Written texts include more embedded sentences and more instances of subordination, which results in longer sentences than oral texts. Written texts are thought to have more information density per utterance than oral texts. Consequently, as a result of these factors, plus some others not mentioned here, written discourse requires more mental effort and thus more time to be processed. A slower rate of speech and inclusion of short pauses between the phrases and sentences might be quite helpful in this case. At the same time,

this can provide the opportunity for the learners to repeat the phrases and sentences they hear to improve their pronunciation.

The dialogues are usually acted out at a normal rate of speech by the actors who seem to be native speakers of English. Again, very fast rate of speech and lack of space for any kind of practice are the problems that are faced in this section. Despite of all these problems, the teachers who want to use them can modify the pace of the work by manually stopping the device and having the learners repeat the sentences spot-check their understanding. However, the practicality of these sections can possibly be enhanced if these modifications are built into them so that less experienced teachers and maybe the learners could make more effective use of them.

7. Interesting topics and tasks

The topics of readings vary from factual to anecdotal, and sometimes are funny stories. It is difficult to judge on behalf of the learners whether they are interesting or not for them, and it needs research. Nevertheless, the majority of the topics seem to be attractive to the learners in the EFL classes. The topics were updated to become more congruent with the taste of the new generation which might is a bit different from that of the authors who designed the books at least ten years ago. Nowadays, learners' needs are different from what they used to be and; hence it looks better that are included texts more related to computer games, the internet, and satellite programs. For instance, it is possible to take and adapt some of the texts, words and jargon which are currently used in information technology. It is also possible to include adapted and simplified versions of quotations and sayings of scholars renowned for their wisdom and eloquence in line with higher culturally valued objectives of education such as trustworthiness, sacrifice, courage, punctuality, patience, honesty, etc. The meaning and content of the materials taught in English classes have strong and long lasting effects on the minds of the learners. This is a valuable opportunity if we want to educate them mentally and spiritually. The text "Could you live in the UK?" attracts the students more than the story of "What did Victorians do for fun?". (Blockbuster 3, p.58-59). It should be taken in mind that, as teachers, our professional and social responsibility do not boil down to imparting a handful of factual information concerning the grammar or meaning of a series of words and sentences in our classes; rather it should be taken care of the transfer of cultural values to new generations.

8. Clear instruction

Most of the instructions are clear and easy to understand for the learners in the books. Even if the learners might not be familiar with the structures and the lexis used in the instructions, the models given for each group of exercises provide contextual clues for the learners as to what they are expected to do. However, some of the instructions are lacking in the required contextual information and also may be beyond many of the learners' English language proficiency in terms of linguistic complexity. One possible solution might be to use the learners' native language instead of the target language in the instructions, where the learners are not able to understand complex sentences.

9. Content clearly organized and graded

Some of the Reading Comprehension texts tend to be more difficult for the learners to understand than others due to their structural complexity. In working with learners from different proficiency levels, it was realized that the learners misunderstood or did not comprehend some parts of the Reading Comprehension texts, especially extracts from Wishes B2.1, because they did not know the meaning of the new words included in them, or simply because those sentences were too complex for them to comprehend. There might be a number of possible factors which render a text difficult or easy to understand. Content of the passage, the background knowledge of the reader, rhetorical organization, information density, number of unfamiliar words, and length and complexity of the sentences in a text are all possible candidates to make a text difficult or easy to understand.

There are different versions of Fog's formula which make use of factors such as number of syllables or words, length of sentences, or the syntactic complexity of sentences. If it is utilized the one which is based on the number of words and sentences, it will be found a logical sequencing of the reading materials in the book, but if it is applied the formula which is sensitive to the number of sentences and number of complex sentences it will be found a differential outcome. On the basis of the latter formula, - i.e. number of words ÷ number of sentences + (number of compound sentences ÷ number of sentences) × 40 - the text containing more compound and longer sentences will have greater readability indices indicating more text difficulty. Considering the fact that most of the unknown words in the texts are taught prior to teaching the Reading Comprehension texts in the books, therefore, it is quite plausible to conclude that the number of new words can play no

major role in making the text difficult or easy to understand for the learners; rather it is the number of longer and more compound and complex sentences that probably determine the difficulty or easiness of the texts. Thus, the authors of Wishes should have used the sentence-complexity-sensitive formula to sequence the Reading Comprehension texts in the series. However, to solve the problem, two solutions are available: the first one is to 're-organize' the texts according to the readability. Moreover, it requires a close reconsideration of the new vocabulary that the transposed texts include. The second solution is to break long and complex sentences down into shorter and less complex ones. This solution has its own particular problems and challenges, too. In many cases it is not possible to break a compound sentence down into its constituent clauses and phrases and assemble them into simple sentences without spoiling the meaning of the original sentence. For example, in Wishes B2.1, there are plenty of compound sentences which are perceived as challenging to the learners. One of the sentences which is used at the very beginning of a paragraph reads: "He goes on to say 'Chasing is extremely dangerous – especially when I started and there were no on-board radars to show us where and when the tornado would hit and no pre-existing chase instructions." (p. 92). As it is seen, it is not so easy to change this sentence into some simpler sentences which convey the same idea or range of meanings. At first glance, it might be concluded that sentence simplification is the least troublesome solution. However, in practice, it proves most challenging.

In sum, the former solution, however strenuous, feels more practical and easier to manage.

10.   Plenty of authentic language

Authenticity is defined as follows by Johnson and Johnson (1999:24): Texts are said to be authentic if they are genuine instances of language use as opposed to exemplars devised specially for language teaching purposes. The question of authenticity emerged as an important issue within communicative language teaching and in relation to notional/functional syllabuses, where emphasis was placed on ensuring that the classroom contained natural language behavior, with content identified as relevant to the learner through the process of needs analysis. There are various other reasons why authenticity may be regarded as important. One is that it presents learners with language exposure similar to that enjoyed by native speakers, including all the characteristics of natural language which may be necessary for the learner properly to interpret texts. In addition, there is motivational attraction for insisting on authentic texts, created as means of communicating content and not for some pedagogic purpose.

If the discussion is based on the definition of authenticity given above, and seen as the degree the materials concord with actual instances of language the learners will encounter in real situations, the materials could be considered as authentic. In fact, the learners' main use of English language will be limited to reading texts and passages they come across in academic contexts in future, if they continue their education at university. In other cases, depending upon the learners' personal needs, their application of their knowledge of English will be limited to other instances of language used in catalogues, manuals or magazines. In few cases, they might need to listen to English programs on satellite TV or other media in their everyday life and, in rare cases, to communicate verbally with a foreigner who speaks English. Considering the fact that the bulk of materials is devoted to reading activities, and some space is given to dialogues to provide opportunities for the learners to practice verbal communication, the materials can, to certain extent, be regarded as authentic.

11.   Good grammar presentation and practice

Grammar drills occupy the lion's share of each lesson and range from repetition, substitution to transformational ones. They are aimed at providing the learners with oral practice of the intended grammatical points. The oral drills are techniques which were mainly utilized in Audio-Lingual method and similar approaches to second language teaching for various pedagogical purposes one of which was automatization of the grammatical patterns. Automatization can be viewed from two perspectives: One is to develop the ability to give quick and in-time responses to particular verbal stimuli mainly in phatic communion. The second is to develop the ability to process a given piece of information without awareness or attention, making relatively more use of long-term memory, for example, by producing a particular sentence according to the grammatical rules of a language. However, because the so-called standard tests that are usually administered by the officials of the Ministry of Education are almost completely lacking in test items measuring the productive ability of the learners, the teachers, for this or maybe some other reasons, might skip the drills and replace them with the explicit explanation of the rules and formulas underlying the patterns at issue (strong negative washback effect). Frankly speaking, in regular English classes at high schools they are most often disregarded by the majority of the teachers.

12.   *Fluency practice in all four skills*

The books have devoted a large proportion of the lessons to materials that primarily aim at developing and enhancing the reading ability of the learners. Considering the idea that the main needs of the learners might be to acquire an acceptable degree of mastery and skill in reading materials written in English, this allocation looks justified.

However, it is explicitly mentioned by the writers of the books how to treat listening comprehension and writing skills. There is a special section in the lessons specifically designed to develop and enhance listening skills in the learners. However, the teachers can probably work on this skill even through having the learners listen to the reading passages read aloud by the teachers or other learners in the classroom. To involve the learners actively and attentively to listen to the passages read aloud, the teacher can ask various comprehension questions at different points or at the end of the listening activity to check their understanding. The speaking skill is also taken into account though indirectly and as a marginal activity. There are certain questions at the end of each reading passage which require the learners to give oral answers.

The last but not the least is the writing skill. If we define the writing skill as the ability to communicate one's thoughts and ideas to a particular person or group of addressees through the orthographic form of a language, it is possible to claim that it is present in every lesson. There are particular exercises of the lessons which are intended to enhance the writing skills of the learners, by assigning writing activities. There are included writing activities in different formats varying from controlled to free writing according to the proficiency levels of the learner groups.

13.   *Encourage learners to develop own learning strategies and to become independent in their learning*

It is attempted to familiarize the learners with cognitive and behavioral strategies or, at least, raise their consciousness about learning strategies. Moreover, throughout the lessons learners come up with certain vocabulary learning strategies such as building up semantic trees which relate different words from a common semantic field.

It is believed that learner training is helpful and valuable in pushing our learners toward the intended goals of both the learners themselves and the teachers but, after all, there are a number of unresolved issues to do with the application of learner strategy research to learner training (see Ellis, 1994: 530-533). It is not clear whether the meta-cognitive and cognitive strategies which are unconsciously applied by the good language learners are teachable in a conscious way. In the meantime, it is particularly vague whether strategies are sufficiently generalizable to be used with a range of learners who will themselves be affected by factors such as context, cognitive styles, and proficiency levels. Nor is there adequate evidence that strategy training leads to improvement in language learning outcomes. As McDonough (1995: 172-3) points out, 'although learning strategies and strategy training are very important elements in the teaching/learning process, great care has to be exercised in moving from a descriptive and taxonomic position to an interventionist one.'

In conclusion, regarding the above mentioned criteria, Blockbuster 3, 4 and Wishes B2.1, used I the high schools of Elbasan, are considered to be qualified in helping the learners to develop the learning strategies found in good language learners. They are characterized by the principles of the Common European Framework of Reference and develop all four skills through a variety of communicative tasks. It is designed to promote active, holistic and humanistic learning. Key features include:

Vocabulary is introduced in a functional and meaningful context, and practiced through a variety of exercises in order to help students use every-day English correctly.

Situational dialogues in a range of everyday contexts familiarize students with natural language.

A wide variety of reading texts (e.g. e-mails, texts messages, letters, songs, etc.) allow students to practice and develop reading skills.

Discovery techniques are employed (such as Exploring Grammar) to methodically reinforce students' understanding and to help students learn by exploring the language on their own.

Study Skills help students develop strategies which improve learning skills and enable them to become autonomous learners of the language.

Songs and Games in each module allow students to use language in an enjoyable way.

Writing sections have been carefully designed to ensure the systematic development of students' writing skills through the use of all four language skills.

Culture Corner Sections: Students are provided with cultural information and read about aspects of life in English-speaking countries. Related tasks and creative projects give students the chance to process the information presented and compare it to the culture of their own country.

Curricular Cuts Sections: These enable students to link the theme of the module to a subject on their school curriculum, thus helping them to contextualise the language they have learnt by relating it to their own personal frame of reference.

Progress awareness – Self-assessment: Students learn to record and evaluate their own progress

Workbook & Grammar Book: The Workbook aims to consolidate the language presented in the Student's Book through a variety of tasks incorporating all four skills. The Grammar Book provides further exploration of the grammar taught in the Student's Book, with detailed theory and practice.

The CD-ROM provides fully autonomous practice and consolidation of learning in all four skills through the state-of-the-art visual, sound and graphic effects and the engaging, fully interactive tasks and games.

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Challenges of public enterprises in Kosovo on Corporate Governance

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Abstract

Corporate governance has historically changed depending on the level of development of society, the economy and businesses. In terms of governance theoretical notion has undergone changes but today increasingly it is being understood as policies and monitoring implementation is done by the members of the governing body. In Kosovo with the entry into force of the Law on Companies No. 02 / L-123 in 2007 were established legal frameworks, for registration and operation of commercial companies in order to meet the practices and requirements of the European Union. Whereaswith the Law on Public Enterprises no. 03 / L-087it is set the legal framework for corporate governance of enterprises in accordance with internationally recognized principles of corporate governance of public enterprises. The problem of corporate governance in developed countries is widely researched but this problem in the case of public enterprise in Kosovo is less studied. Therefore, objective study includes the analysis of factors that affect the quality governance of public enterprises in Kosovo. The functioning of the board of directors as decision making factorin public enterprises is associated with various problems such as inexperience in policy making, political interference, and conflicts of interest. The paper aims to prove the hypothesis that corporate governance will improve the quality of governance. The paper is based on primary data published by the Policy and Monitoring Unit of Public Enterprises, and Public Enterprises. The paper also exposes some of the challenges that public enterprises face during the implementation of corporate governance. Thus, we will provide recommendations for improving corporate governance in public enterprises.

Keywords: *public enterprises, corporate governance, services, challenges, board of directors*

Introduction

The first international code of good corporate governance approved by governments was published in 1999 by the OECD-Principles of Corporate Governance. The main focuses of these Principles are publicly traded companies which are intended to assist governments in improving the legal, institutional and regulatory framework that supports corporate governance. This code provides practical guidance and suggestions for stock exchanges, corporations,investors and other parties that have relevant role in the process of developing corporate governance. Corporate governance institutions are different from on country to another, and experience with both developed and emerging economies has shown that there is no single framework which is appropriate for all markets. Thus, the Principles are not imperative, but instead they are in the form of recommendations where each country can respond to what it fits to its own traditions and market conditions. These principles have been widely adopted as a benchmark for good practice in corporate governance since 1999. Furthermore, these principles are used as one of 12 key standards by the Financial Stability Forum in order to ensure international financial stability and by the World Bank with the aim of improving corporate governance in emerging markets.

Since the Principles were published, a number of corporate scandals have undermined the confidence of investors in financial markets and company boards. Governments of the OECD in 2002, called for a review of the Principles in order to discuss these developments. On April 22 2004 a number of series and new recommendations were added to modify the principles which were approved by the OECD governments. The revised material is a result of a consultation process involving here OECD members and representatives from the OECD, non-OECD areas including professional and businesses bodies, trade unions, civil society organizations and international standard-setting bodies. The goal of these actors is to help policy makers in both developed and emerging markets to improve corporate governance in their jurisdictions, as a primary step in rebuilding public trust in companies and financial markets.

The reviewed Principles call for a more important role of shareholders in a number of important areas, including here executive remuneration and the appointment of board members. They invite enterprises to make sure that they have the necessary mechanisms to address possible conflicts of interest; there is a space forrecognizing and safeguard the rights of stakeholders, a framework where the internal complaints can be heard and adequate protection for individual whistleblowers. They point out the responsibilities of auditors to shareholders and the need for institutional investors acting in a fiduciary capacity such as pension funds and collective investment schemes to be transparent and open about how the ownership rights will be exercised. Thus, they invite enterprises boards to be truly accountable to shareholders and to take ultimate responsibility for their firmsin this way implementing high standard of corporate behavior and ethics.

Considering the recent development in the sector of cooperates and capital markets, the principles of cooperative governance actually are being applied continually in order to secure high quality services. From November 12, 2014 up to January 04, 2015, OECD has sent an invitation for the public commenting and the review of the draft text for the principles of cooperative governance. It is estimated that all the work related to the review will be completed by the end of 2015.

The process of the review of the principles of cooperative governance includes also the consultation with the business sector, professional groups in the international level, investors, economic chambers, non-governmental organizations, different shareholders and institutions responsible for the application of the international standards.

1. Corporate governance

One of the goals of the principles of the cooperative governance is to help the Governments and regulators as instruments for the policy making in their efforts to evaluate and improve the legal framework, regulator and institutional cooperative governance. Thus, another goal of these principles is to contribute on the efficiency of the economic growth, sustainable growth, and financial sustainability.

1.1   Models of the Cooperate Governance

In difference countries there are applied difference models of corporate governance. Manly there are known two major models:

- Anglo-American model and

-German model

In OECD countries it is applied one of the models mentioned above.

Anglo-American model of the corporative governance or one level model is different from the German model because in its structure there is only one Board of Directors, as the main decision making body, which is also responsible to report to the shareholders. Management is responsible for the applicability of the policies and decisions of the Board of Directors.
Board of Directors has the competences for the selection of the management and other officials. In public enterprises in Kosovo it is applied Anglo-American model, the Board of Directors have the competences to select the Executive Director, Internal Auditor, Financial Officer, Treasury Officer, and Secretary of the enterprise. After the selection, the Executive Director based on the functions of the job position is also the member of the Board of Directors.
German Model has two levels of the corporative governance. Besides the Board of Directors it this model also has another board, the Supervisory Board. This board has the competences to revise the work and decision of the Board of Directors.
It is relevant to point out that these principles are aimed to be applied also in the countries which are not a member of the OECD with the purpose of increasing the level of corporative governance, accountability, and transparency for the public.

1.2   Corporative governance and circumstances in Kosovo
Even though it is argued that the models of corporative governance are have similarities there still differences between them. Countries might have differences on their history, culture, and legal framework. Thus, considering the time and circumstances when corporative governance began to be applied in Kosove, there have been significant differences to other countries. We will point out some of them as following:

- It didn't exist a legal framework for the implementation of the corporative governance unless the approval of the Law for the Trade Companies Nr.02/L-123 in 2007, and after that with the Law for Public Enterprises Nr. 03/L-087 in 2008.
- The structure and the system of the organization of the enterprises before the process of transformation into public enterprises were in the form of social enterprises.
- From 1999 up to 2008 these enterprises have been administrated by the Kosovo Trust Agency, where the Supervisory Board appointed by the KTA was the main decision making body responsible for the management and policy making in these enterprises.
- Some of the enterprises have been the only operator on the certain sector (KEK-power supply, PTK-telecom) and they didn't have to face competition bringing them in the monopolistic situation.
- Lack of experience in the corporative governance including here the Board of Directors,   and Auditing Comities.

1.3 Challenges of implementation

Up to the establishment of the public enterprises there was no opportunity for the applicability of the corporate governance. It isobvious that it waschallenging for all the participants involved in the process of the implementation of corporative governance.It is relevant to emphasize that domestic staff didn't have the necessary experience in cooperative governance, whereas the international staff was in the process of finishing their mission in Kosovo.

Even the process of establishment of Board of Directors, establishment and functionality of Unit for Policy and Monitoring of public enterprises, Ethics Code for cooperative governance, and applicability in practice of Law for public Enterprises was characterized with different difficulties.

These difficulties are present even after the implementation of the corporative governance. Thus, the goal of this research study is to improve the functionality and to improve the quality of the corporative governance.

2. Challenges of public enterprises on corporative governance

Some of the challenges that public enterprisers are facing which can increasing the level of corporative governance is to increase professional level of the Board of Directors, empowerment and increased level of monitoring of the Unit for the Policy and Monitoring, and transparency.

2.1. Board of Directors

From the selection of the members in the Board of Directs in 2008 up to now, the same persons are holding the positions they were named at the beginning. It is relevant to point out that only KEK and PTK in 2014 have changed the members of the Boards of Director. Also based on the decision of the Prime Minister of Kosovo after the expiration of the contract of all the members of Board of Director the contract was extended unless the next decision. There were two vacancy announcements for the member of Board of Directors in public enterprises but the vacancy was cancelled without explanation. The last vacancy posted during this year 2015, is the third for these position, which hopefully will end successfully.

Even though there are procedural problems in the selection process for the Board of Directors, it is more relevant the selection of the professionally qualified candidates as it is specified with the Law for Public Enterprises.Qualified candidates would give their relevant contribution in the process of the decision making in public enterprises. One of the mistakes which we wish will not be repeated will be the selection of the candidates that are hired in other institutions and are considered by Anti-corruption Agency as a conflict of interest. Conflict of the interest has been the main reason why enterprises such as "Ibër-Lepenci" and KRU "Prishtina", have had many resignations by the members in the Board of Directors. The work of the Board of Directors was very limited and didn't have positive trend due to this problems.

Another important problem which public enterprises in Kosovo are facing nowadays is the selection of the candidates based on the political preferences or the employment of the candidates which were involved in the activity of the political parties.

2.2. Role of the Unit for Policy and Monitoring of Public Enterprises

The Unit for the Policy and Monitoring of Public Enterprises operates in the level of the department in the Ministry of the Economic Development of the Government of the Republic of Kosovo. This unit works as special department which deals

with the issues of the public enterprises and it supports the Ministry and Government in the process of supervising public enterprises.

This unit is also involved in the preparation and proposal of the procedures for the supervision of the public enterprises and monitoring the applicability of them in accordance with the Law for Public Enterprises. The active supervision of public enterprises requires high professional capacity and experience than the Unit really have. Up to now, the Unit didn't perform his function in the aspect of prevention but it has served more as corrective and consultative institution in regards to the applicable laws. Furthermore, the Unit couldn't offer a dynamic plan which would be implemented by the public enterprises and then to monitor the implementation process. We believe that an increased monitoring capacity and increased professional capacity would have direct effect in the process of facing the challenges in regards to the corporative governance.

2.3. Reporting and Transparency level

As we can observe from the review and approval of the reports from the Parliament of Kosovo it is shown that some reports are reviewed on delay (ex. Report of Performance of Public Enterprises during 2011 it was reviewed in Parliament of Kosovo on 29 March, whereas it was approved by the Parliament of Kosovo on April 04, 2013). This kind of delays have influenced the process of informing the Government even though they are the main shareholder in public enterprises, and every decision in is not in accordance with the actual situation in public enterprises. Decisions and transparency might not be as much effective as they should because of the changes in the situation. From what we have mentioned above, we can easily conclude that the reporting process from public enterprises to the Unit for Policy and Monitoring and Parliament should improve. This improvement can be achieved by applying laws that emphasize the deadline for the reporting period. It is important to stress out that there was confusion for the reporting period between the Code of Ethics, Corporative Governance for Public Enterprises and Law for Public Enterprises. This Code has been republished in July again and we hope that the misunderstandings from the previous publication have been eliminated.

3. Conclusion

We can conclude that Corporative Governance in Public Enterprises have improved a lot since the establishment in public enterprises in Kosovo. Continually there were improvements in the functionality of Corporate Governance in Public Enterprises. However, there are still challenges in the process of implementation. We believe that successful overcoming of these challenges would bring success in the process of decision making in public enterprises but also it will increase the quality of public services.

Some of the recommendations that would help on the improvement of the corporative governance include: selection of the members of the Board of Directors based on the deadline, setting out the mandates for the member of the Boards of Directors, the process of Member selection should be based on the academic and processional achievements but also experience, and empowerment of the Unit for the Policy and Monitoring of Public Enterprises.

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Technology Preparation of the Circle Cutting on the Female Traditional Albanian Xhoke

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Abstract

Xhoke or Dollama is an important element in the traditional Albanian female clothing, in the city and also in the rural one. Usually, the xhoke has defined the character of the clothing's shape, especially in the circle cutting case. The circle cutting is a dominant element in the city xhoks, while in the rural one is a rare element. My analysis, in this paper, will be based on the comparison between city xhoke and rural xhoke which uses the element of circle cutting. These are the "guna me rreke" and "guna me kinda", element of Myzeqeja clothing, "korreti" element of Zadrima dress, and xhubleta xhoke. During the cutting analysis made on the city and rural xhoke, we will notice the distinctive features between artisan technology and household technology, and we will answer the following questions. Which are cutting techniques used in both cases, in order to create the circle element in these dresses? Which one of these two types is richer in using circle cutting techniques? Which one of these techniques is much more similar to the ones used nowadays, and why? Which of these techniques carries the aesthetic impact of ottoman fashion and which saves more local aesthetic element? As a conclusion, the circle cutting techniques are diverse in the household technology. Even though there are just a few cases of it, they are different from each other. Is exactly this technology that should be preserved and documented as precious part of our cultural heritage.

Keywords: Xhoke, circle cutting techniques, guna me rrëke, guna me kinda, korreti, artisan technology, household technology.

Xhoke

Xhoke is an important traditional element of the female traditional dresses, be it for functional purposes as well as for the aesthetic role they play. *Xhoke* is the upper garment, open in the front part, and are usually wore above the shirt.

They appear in diverse shapes in terms of form, length and decoration within the characteristic of the respective dressing and similar in terms of function as a city's garment also as one in the village.

 Traditional outfits of the city and those of the village show different levels of economic, social and cultural development, which is reflected in clothing, as a result of the technology used for their confection. The *Xhoke* as an important part of such clothing is a very good indicator to distinguish between craft and the technology used in the household.

The *Xhokes* of feminine clothing, that we are analyzing, have a common characteristic element   of the circle cutting technique. This element is dominant in the *Xhokes* used in the city, and a rare one in the *Xhokes* used in the villages.

 The main analysis of the technology used for making the *Xhoke*, will focus mainly on cutting techniques used, and part of this analyses will also be the material used, the method of sewing and decoration.

During the analysis of the cutting technology used for the *xhokes* of the city and the village, we will look for distinctive features of the artisan technology and the household technology and will answer these questions:

What are the cutting techniques used in both cases to establish the element of the circle cutting technique in these dresses? In which group see the variety of techniques used to produce the circle cutting and why? Which of these technologies is similar to today's techniques in producing the circle cutting and why? Which of these technologies carries the fashion aesthetic elements of that time and which of them have preserved the local aesthetic element?

Xhoke of the Traditional Dress of the City

Initially, the *Xhoke* as other parts of the dresses, came readily from big city centers of the Orient, and were used by the rich strata of the city, but with the spread of this fashion, the other social strata in the city started to use them and these garments began to be produced by local craftsmen. Fabrics and clothes, which were used to dress the rich part of society, were of a good quality, also it was normal to use the gold thread embroidery was distinctive feature of these coatings, and often these decorations covered almost the entire surface of the coating.

The increased demand from other strata of society, "around half of the eighteenth century", brought the need to use less costly materials, thus increasing the number of artisans in this sector. In general, *Xhokes* were imitations coming from major city centers, along with them came also the accessories and clothes needed for their decoration.

This "soft invasion" of Oriental fashion led to a kind of unification of dresses not only between religious divisions within ethnicity, but also a form of fashion unification within the cities of the Ottoman Empire. The *Xhoke* was a common element in all outfits.

Xhokes were called by different names such as: *xhybe, dollama, pirpiri,* etc.

The *Xhokes* used in the City and taken into consideration are: *Xhoke* used in Pogradec,

Xhoke used in Leskovik, *Xhoke* used among the catholic women in Shkodra

Xhoka (*dollama*) of Pogradec dresses (fig. 1, 2)

 The *Xhoke* of feminine dresses of Pogradecis listed in the cuttings of ½ of the circle because it is composed of two parts from ¼ of the circle (fig. 3). The circle cutting form is focused on the back part, a main characteristic of the city *Xhokes*. The fabric used is velvet cherry color. The ways of cutting create a chic style, something we see at the material used and at the embroidery (quite dominant). An interesting technical and aesthetic point of cutting, which emphasizes the elegance, is part of the waist, especially how the ½ of circle emphasizes its cutting along with the straps of braids. This is especially obvious at the part where the back part joins the front part, which comes down to down-belly part emphasizing the waist lines and ends in the internal pocket. In all parts of its bordure, the *Xhoka* is framed with tape made with black braids and gold thread, realized in the form of tail. Even embroidery is done with gold thread and black thread twisted. The embroidery part is known for its great finesse, visible in all *Xhokes* used in the city. The part of embroidery is accompanied with cardboard, which guarantees the quality of embroidery and stability. In the interior part, the *Xhoke* is accompanied by an internal cotton line. In terms of cutting, we have here a typology that generally accompanies all types of *Xhokes* but with variations in the cutting and also in the embroidery and ornaments. In front, in the chest part, buttons (*sumbulla*) are put on both sides (about 15 on each side) coated with gold thread and black thread.

In the scheme of cutting, we notice that the length of circle cutting is kept the same (the radius of the circle) with more precision from the back side as well. For cutting, it is used the width of the fabric without distracting the development of circle cutting from the front to the back. Although in the front of the waist, there is no *pince* (dart) of the belly, it moves on to the back part, what shows that the length of the belly of 10 cm. This is the reason to draw the ½ circle part, to both, the material part and to the visual part giving plenty of charm and elegance to the feminine figure.

Xhoka (dollama) of Leskovik dresses (fig. 4, 5)

The material used in this *Xhoke* is a fabric in blue color. The cutting scheme is almost the same of the *Xhoke* of Pogradeci. Each side of the dress, apart from the side ¼ of the circle has also the part of the wrinkles, that is constitutes in the middle part and that joints the back part (fig. 6). Exactly the wrinkle part makes the principal difference from the first case. Another difference in the scheme of cutting is the part below the armpit, which takes place in a straight line parallel to the forming frowned at the back. This makes it even more voluminous the circle part in the back. Even in this *Xhoke*, it is the all width of the fabric in circle cutting part. Also the front of *Xhokes* is uncut with the circle cutting part in the back. On the inside part it is accompanied with the liner fabric, a craft technology characteristic of the dresses in the cities.

The decoration is made with braid and twisted cotton lines. Ocher color of the decoration creates a contrast with the blue color of the fabric. The compositional spreading of the decoration is very harmonious and strips of curved sides, frame the *Xhoke* as in the front and back parts. Lateral borders are braided. Both, the twisted thread and the braided one are sew according to the pattern of decoration.

Xhoke (xhybe) of the catholic women in Shkoder (fig. 7)

The material used in this *Xhoke* is red velvet drapery. In comparison with the two other *Xhokes*, this is shorter and covered completely with decorations and stripe with black braids. The technique of decoration is a perfect realization and creates a very interesting texture relief. The bowed borders sides accompany all the attire.

Regarding the cutting, it appears the same as with the other two Xhokes. The front part cut along with the ¼ circle, and both parts together form the ½ circle (fig. 8). For cutting the ½ circle, it is used the sufficient width of the fabric. Both cut parts are sewed in the down part and in the middle part thus creating the needed width to form the back part. Even this *Xhoke* is made of cotton fabric lining on the inside.

In the three cutting schemes we notice that the front part is not disconnected at the waist and it is united with the part of the circle cutting.

Xhoke of Traditional Dresses of the Villages

Under this name are included a large number of upper elements in the costumes of the village that are presented with different lengths and shapes.

The *Xhokes* of the villages were mainly realized with felt, which had limited width ranging from 20-30 cm. This limited width also affects the cutting of the *Xhokes* which consist of many pieces of felt. This woolen fabric was produced within the household and the dressing was accomplished either by the women or *Xhoke* worker masters who travelled from village to village wherever they found work. Mainly, we find them under the natural color of wool, but also in black color, sometimes in dark blue color and sometimes in red. The part, here all the other parts joined, was worked in straps of braids that hide the sewing and simultaneously, decorating the *Xhoke*.

The *Xhokes* of the villages under analyses are: *Guna* with *rreke*, and *Guna* with *Kinda* of Myzeqe, *Koreti* of Zadrima, *Xhoka* of xhubleta (*Kraholi*).

Guna with Rrëke of Myzeqe, (fig. 9, 10) is part of the feminine dress in Myzeqe. The *Guna* with *rrëke* is classified under those with the cutting 'full circle' (fig. 11). The material used is felt produced under the household conditions.

The reverse part is created by two half circles that make a full circle, but always put on the two sides by joining the back of a straight strip of felt. The material used and the weight of a full circle concentrated in the back part of the dress, makes the dress stay charmingly on the body playing the leading role in establishing the shape of the suit. The front parts of the *Guna* are not cut in the waist and held on the same latitude as the top down. Part of the back is formed by three strips with the same width of 8 cm, where the middle one is extended until the end of the *Guna,* joining from the waist down the both parts of the circle. The part below the armpit is formed by two other bands that connect the front part of the body with the back part and a width of 11 cm.

A semi-circle is formed by 14 white felt strips with a width of 5 cm. All straps are cut together by strips of knitted wool. The strip of 1.5 cm is of reddish brown color and the thread is used to, is not fine ones.

The share of these strips create at the circle area the idea of streams (diagonal lines that look flowing).What we observe at the "*Guna* with *rreke*", in terms of form, is the similarity with the *Xhokes* used in the cities, both in the circle and in the back parts. In this dresses, the circle cutting techniques is resolved through the lines that follow the shape of a half circle. At the end of the circle, the "*Guna* with *rreke*" is framed by a lace edging.

Guna with Kinda of Myzeqesë (fig. 12, 13)

Guna with *Kinda* is very similar to the *Guna* with *rreke* in terms of the material used and its processing method, the shapes and the colors. The circle cutting here, differently from the *Gunna* with *rreke*, is formed by three semi-circles creating a greater volume of this dress. Each semi-circle is formed by four length of felt of widths of 20 cm each (fig. 14).

Koreti of Zadrima (fig. 15, 16)

Koreti of *Zadrima* is classified by researcher Andromaqi Gjergji in the group of *Xhoka* cut from the bottom part and this element is used only in brides costume. *Koreti* is dressed over the shirt and is composed of two main parts, the part of the vest and the bottom part with wrinkles in the back. In all parts of the cut edging it is associated with the beautification of fabricated straps in red and tan colors. In *Koreti* that we have take to analysis, the material used is felt produced in the country. The part of the vest is totally made of red color felt. The lower part is divided in two parts, the front and the back parts. The upper part is made of black felt, while the lower part is made of red fabric. The part of the vest is uncut at the shoulders and open at the collar below the waist (fig. 17, a). *Koreti* length reaches to the knee and the front part is flat (fig. 17, c). The reverse side is formed with deep waves, that when opened create nearly a half circle. The waves at the waist are formed with 28 pieces of felt of trapezoid shape, where a trapezoid of a width of 18 cm forms a pair (fig. 17, b). This way of creating waves is due to the limited width of the material (20 cm - 30 cm). This is a smart technical solution, in both sewing and cutting to get the desired result. Using the trapezoid for forming the waves enables sewing them at the upper part of the dress. The red part below the waves consists of three pieces of fabricated cloth, with width from 1 to 27 cm each. Sewing is carried out within the household, all with hand stitching, which seems quite clear on the inside part of the garment, as well as the placement of decorative braids sewing parts proves this, as a characteristic of all popular clothing in villages. On the inside part, the waves are sewed with one another with a full thread to fix them and get the desired shape.

Xhokja of xhubleta (kraholi) (fig. 18)

Kraholi is a short upper garment dress. Its characteristic is that it is formed using several small pieces of felt, suck well enough to create the desired shape. Visually, a rather unique feature is that the circle part is very large, which show numerous waves on its back. Although all the small pieces that make up the back and front are joined by sewing by hand, they look like a piece of the whole because above it are placed straps of braids.

The part of circle is formed by multiple pieces, which serve to create his big bow. Circle is formed through the introduction of triangular pieces one after the other, which creates a sufficiently large width at the bottom, up to 3 meters (fig. 19). The circle part is more highlighted which is shown in the waist, 26 cm the back part, and 10cm + 10cm the both sides. This major development of circle creates quite beautiful waves at the bottom and on the back of *Kraholi*, showing at the same time the accuracy of the work and the accuracy in working this difficult part. This confirms once again the exact calculation of the cutting, and the joining of the circle pieces.

At the bottom part of the circle, almost on half of its length, is placed a piece of woolen fabric, which makes it possible not to see parts attached to. Also in the section where the woolen fabric is sewed with the felt, it is placed a large strip of *spiku*, worked with black wool and with gold thread creating the idea of one after another. The strip serves to cover the sewing but also further emphasizes the waves of the circle. On the inside part, a wool line reinforced with some threads, is passed from one to the other to keep the waves of the circle part fixed and in a good looking way.

The upper part is sewed in the form of a vest (fig. 20). Borders are decorated with silver lines, gold ones and embroidered. In general, the vests in folk costumes stay open at the front part and here we have the same result.

The interesting part of *Kraholi* are the shoulders, hence the name also this part of the coating. Although built quite simple, they play an important role in the visual line of the suit. Cut in a triangular shape, continuing to the shoulder, and along with the colored tufts, they give to the shoulder a more extended form.

Comparative Analyses

In analyzing the *Xhokes* of the city dresses we saw that the cutting scheme is similar. The cutting technique, in the three cases, is ½ of the circle. The circle is placed across the width of the fabric and uncut from the front part of the dress. In all three cases, the back part is what makes the connection between the two parts. The difference from one scheme to the other is the cutting elements such as added waves to the back part of the Leskovik *Xhoke*, or tangential cutting in the part below the armpit that connects to the back side in the *Xhoke* of Pogradec. But these developments do not change the cutting scheme, which remains the same in the all *Xhoke*.

We have a totally different picture with the *Xhoke* of the countryside. Every cutting scheme, have a completely different situation and constitutes a separate technique. *Guna* with *Rreke* has the cutting technique of two semi-circles and each semi-circle is composed of 14 strips of felt. *Guna* with *Kinda* has three semi circles, each formed with 4 strips of felt. The *Koreti* of Zadrima here the idea of circle cuting is created through the very regular waiving. These waiving are generated by a rather archaic solution but also a very smart one, where each pair is created through a trapezoid.

Appears quite unique the part of circle in the *Kraholi* of *Xhubleta*. Even though concentrated in the back part, and with regular waves, this part is a bit bigger than a full circle. Even here we have a very archaic cutting scheme, with numerous pieces of felt of a triangular shape, but that create a more regular shape.

Conclusions

In the analysis of the cutting schemes we noted that:

- The cutting scheme of the cicle is similar to the *Xhokes* of the cities.
- The *Xhokes* of the villages have a larger variety of techniques in forming the element of circle cutting.

The reasons for this result are the following:

a)The material fabricated with considerable latitude made it possible simplification of the techniques used to create the circle cutting technique, making it more practical, and brought its mass application. For this reason, the cutting scheme of circle in city *Xhokes*, appear similar and closer to the circle cuts today.
b)The *Xhoket* of the *vilages* were produced with local felt, which had limited width. This limited width is one of the factors that the cutting scheme is presented differently from the other *Xhokes*.
c)Another factor is the distance that these areas have from the city, which slows the spread of the fashion of that time, especially in remote areas.
d)Also, the distance that these areas have from each other shows that each province has developed individual cutting schemes, and maintained them with conservatism.
e)The first fashion station of that time that comes from major centers are cities and therefore we see the influence of oriental aesthetics, which is reflected much more the *Xhokes* used in the cities. We see this effect in the material used, cutting techniques of sewing and decoration.
f) The *Xhokes* of the Village are those who mostly preserve more the local aesthetic element as well as the archaic craft techniques realized in these types of clothes.

REFERENCES

▸ Andromaqi Gjergji, "Albanian Costumes Through the Centuries", Tirana 2005, "Xhokat", Academy of Sciences of Albania), p. 202 – 203.

▸ Andromaqi Gjergji, "Albanian Costumes Through the Centuries", Tirana 2005, "Xhokat", Academy of Sciences of Albania), p. 208 - 211

▸ The folk costumes fund at the Center for Albanological Studies

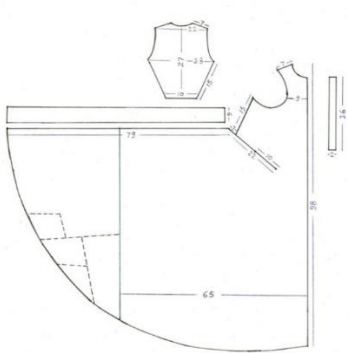*Xhoka (dollama) of Pogradec city. Fig. 1 The front part. Fig. 2 The back part*

Fig. 3 Cutting scheme

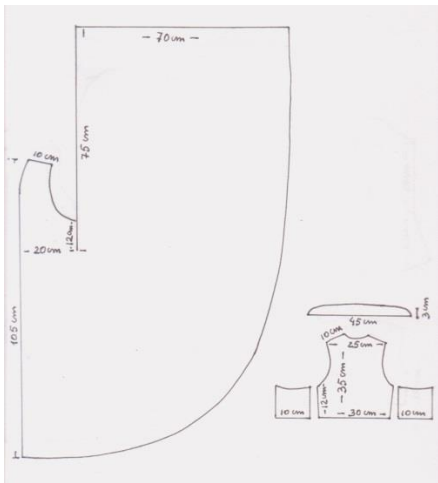*Xhoka (dollama) of Leskovik. Fig. 4 The front part. Fig. 5 The back part*

Fig. 6 Cutting scheme
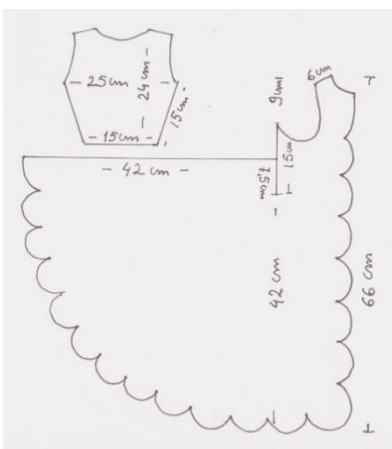

Xhoke (xhybe) of the catholic woman in Shkoder. Fig. 7

Fig. 8 Cutting scheme

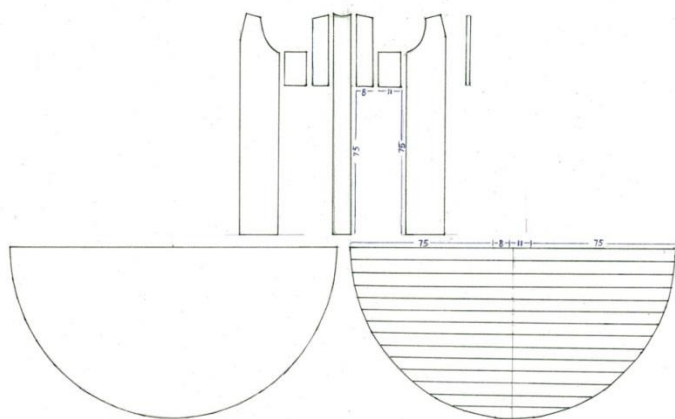*Guna with Rrëke of Myzeqe. Fig. 9 The front part. Fig. 10 The back part*

Fig. 11 Cutting scheme

Guna with Kinda of Myzeqe. Fig. 12 The front part. Fig. 13 The back part
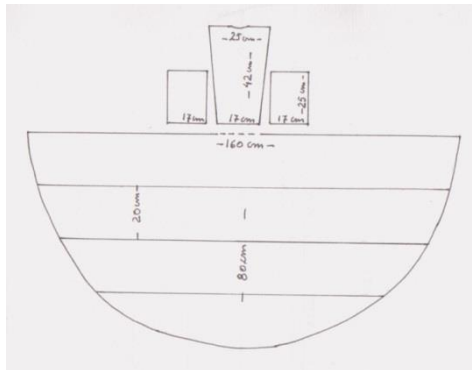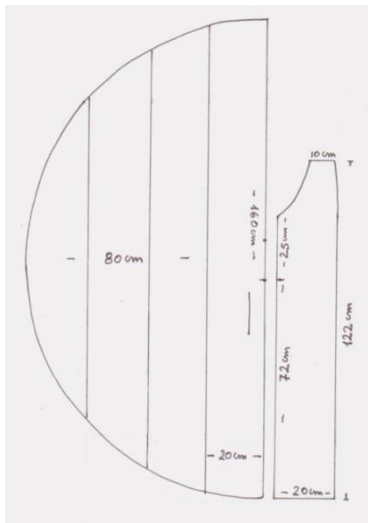
Fig. 14 Cutting scheme

Koreti of Zadrima. Fig. 15 The front part. Fig. 16 The back part
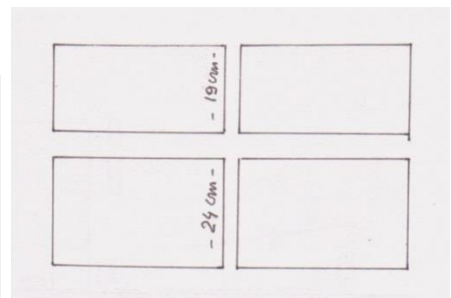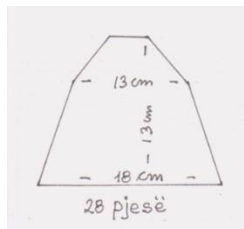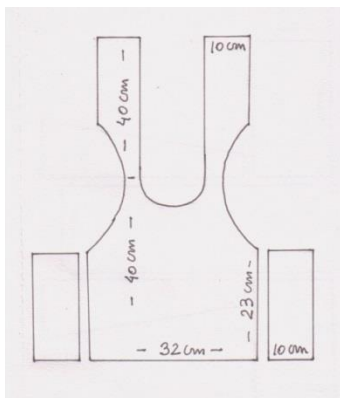
Fig. 17 Cutting scheme of koreti, a, b, c.

Xhokja of xhubleta (kraholi). Fig. 18
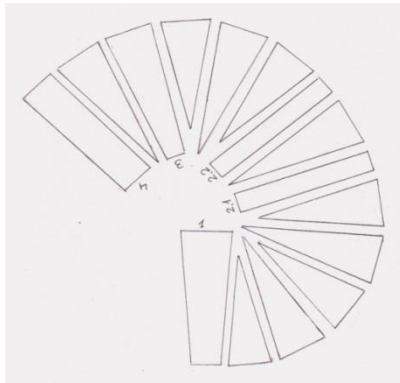
Fig. 19 cutting scheme, undulations part
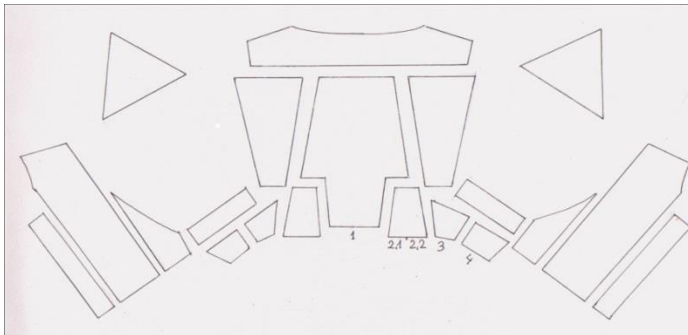
Fig. 20 cutting scheme, upper part

International Commitment with Regard to the Protection of Human Rights

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Abstract

Based on the fact that human rights are now an international issue, the international community has made continuous efforts to ensure respect for these human rights, in countries where widespread and systematic violations of human rights have occurred posing a threat to peace. One of the ways that the international community has used to insure respect for the human rights in countries where the government has been unable to prevent serious violations of human rights, or she herself was responsible for these violations, has been the responsibility to protect.Such efforts are currently underway in the hard reality of the threat posed by the most dangerous terrorist organizations in the world - ISIS. The necessity of an international reaction stems from the fact that the organization is carrying out terrorist acts. In this war against evil, all countries must take full measures, not only to face this threat within the country, but also to contribute to the international level. Achievement of the international consensus to act in the situations of human rights violations, first in legal terms, with the precise scope of the protection of populations from genocide and other mass atrocities, is already a very important issue. The fate of thousands of people depends on how the international community will respond and resolve the situation of the threat posed by ISIS.

Keywords: International community, humanitarian crisis, human rights violations, responsibility to protect, ISIS, humanitarian intervention.

Angazhimi ndërkombëtar në mbrojtjen e të drejtave njerëzore, Sovraniteti i shtetit dhe domosdoshmëria e mbrojtjes së të drejtave njerëzore

Tragjeditë, tashmë të përkufizuara si barbarizma masive, kanë ekzistuar shumë kohë më parë se të ekzistonte koncepti i përgjegjësisë kolektive dhe përpara konceptit të sovranitetit individual. (Ferguson, 2014, 8) Historikisht shtetet kanë hartuar pa mbarim akte që rregullojnë marrëdhëniet midis tyre, qoftë edhe në kohë lufte. Por, kur bëhet fjalë për "luftë civile", ata pretendojnë se është çështje e brendshme. Komuniteti ndërkombëtar nuk mund të ndërhyjë dhe e drejta ndërkombëtare duhet të heshtë.

Rregullat e të drejtës humanitare që zbatohen në konfliktet e armatosura të brendshme janë shumë të pakta krahasuar me ato që zbatohen në luftërat ndërkombëtare, megjithëse problemet që dalin nga pikëpamja humanitare janë të njëjta. Shpjegimi për këtë ndryshim duhet gjetur në frazën "sovranitet shtetëror".

Në vitin 1992, Sekretari i Përgjithshëm i Kombeve të Bashkuara, Butros Butros Gali nxori dokumentin e titulluar "Një axhendë për paqen". Kjo axhendë ishte parathënia e faktit që "koha e sovranitetit absolut dhe ekskluziv ka kaluar". Më shumë se kurrë më parë axhenda për paqe konfirmoi të drejtën e Kombeve të Bashkuara për të ndërhyrë në një shtet, sipas kapitullit VII të Kartës, në emër të të drejtave të qytetarëve.

Ekzistojnë shumë mosmarrëveshje rreth faktit se kur dhe deri në çfarë mase shtetet e huaja mund të angazhohen në ndërhyrje humanitare. E thënë në mënyrë më specifike ekziston një debat rreth efikasitetit të përdorimit të forcës ushtarake në mbrojtje të të drejtave të individëve në shtetet e tjera. Ky lloj debati buron kryesisht nga një tension që ekziston ndërmjet sovranitetit të shtetit dhe të drejtave individuale. Mund të përmendim Rezolutën e vitit 2011 të Këshillit të Sigurimit lidhur me sulmet e përhapura dhe sistematike mbi popullsinë civile në Libi, e cila i autorizonte shtetet anëtare ose organizatat rajonale që të ndërmerrnin të gjitha masat e nevojshme për të mbrojtur civilët në Libi.[1]Me një autorizim kaq të gjerë për ndërhyrje dhe gjuhën e fortë të rezolutës, shumë anëtarë të Këshillit të Sigurimit abstenuan nga votimi me qëllim që të riforconin mbështetjen e tyre për përkufizimin tradicional të sovranitetit shtetëror. (Ferguson, 2014, 11)

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[1] "Security Council Resolution 1973", United Nations Security Council, March 17, 2011,
http://daccess---dds---ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement.

Çfarë mund të bëhet për të ruajtur të drejtat njerëzore kur personat në pushtet janë përgjegjës për shkeljen e këtyre të drejtave? A munden forca të jashtme të ndërhyjnë me qëllim që të mbrohen të drejtat njerëzore?

Në disa raste, nevoja për mbrojtjen e të drejtave njerëzore dhe ruajtjen e paqes ka çuar në ndërhyrje humanitare. Sot është e qartë që komuniteti ndërkombëtar po ecën drejt nocionit që qeveritë nuk kanë vetëm detyrën negative të respektimit të të drejtave njerëzore, por gjithashtu një detyrë pozitive për të ruajtur këto të drejta, që të sigurojnë jetën dhe të mbrojnë njerëzit nga shkeljet e mundshme të të drejtave të tyre prej të tjerëve.

Konfliktet që ndodhin brenda kufijve të një shteti, kohët e fundit kanë filluar të gjejnë bazë ligjore në adoptimin dhe zbatimin e parimeve të Përgjegjësisë për të Mbrojtur.

Parimi i mosndërhyrjes në punët e brendshme është zëvendësuar nga parimi që shkeljet masive dhe të shumëpërhapura të të drejtave njerëzore, ose të së drejtës humanitare që burojnë nga aktet qeveritare ose konfliktet e brendshme dhe rëndësia e vuajtjes njerëzore që ato shkaktojnë mund të përbëjnë një kërcënim për paqen dhe sigurinë ndërkombëtare. Në këto rrethana Këshilli i Sigurimit mund të ndërmarrë masa të përshtatshme, përfshirë përdorimin e forcës, duke qenë se nxitja e të drejtave njerëzore është një prej qëllimeve primare të Kombeve të Bashkuara, që kontribuon në ruajtjen e paqes dhe sigurisë ndërkombëtare në sistemin e krijuar nga Karta e Kombeve të Bashkuara.

Parimet e doktrinës së Përgjegjësisë për të Mbrojtur

Pas konfliktit në Bosnjë dhe konfliktit në Ruanda, ku vonesa në vendosjen e trupave u pa qartë si një element që pengoi në zgjidhjen më të shpejtë të konfliktit, organizatat ndërkombëtare filluan të fokusoheshin në çështjen e ndërhyrjes humanitare. Konflikti në Bosnjë zgjati më shumë se tre vjet dhe ishte konflikti më i përgjakshëm në Evropë pas Luftës së Dytë Botërore. Ai u cilësua sigurisht si spastrim etnik, por mori një përgjigje relativisht të heshtur e të vonuar nga komuniteti ndërkombëtar. Përdorimi i forcës ndryshoi rrjedhën e konfliktit dhe tregoi se kursi i gjithë konfliktit mund të kishte ndryshuar në se forca do të ishte përdorur 3 vjet më parë.

Që nga këto konflikte, koncepti i komunitetit ndërkombëtar mbi sovranitetin shtetëror filloi të ndryshonte. Sovraniteti shtetëror nuk është më diçka absolute, por i kushtëzuar. Sot, kërkesa e një qeverie për sovranitet mund të varet nga mënyra se si respektohen të drejtat bazë njerëzore të qytetarëve nga kjo qeveri.

Komisioni Ndërkombëtar mbi Ndërhyrjen dhe Sovranitetin e Shtetit ishte i pari që paraqiti në vitin 2001, konceptin e "Përgjegjësisë për të Mbrojtur", nëpërmjet një raporti me të njëjtin titull. (Evans, 2001, 33) Qëllimi i raportit mbi "Përgjegjësinë për të Mbrojtur" ishte që të inkurajoheshin shtetet anëtare që të punonin, parandalonin dhe t'i përgjigjeshin katastrofave potenciale të të drejtave njerëzore, ose barbarizmave masive, në një mënyrë më efektive. Me "barbarizma masive" Komisioni Ndërkombëtar mbi Ndërhyrjen dhe Sovranitetin e Shtetit kishte parasysh genocidin, krimet kundër njerëzimit, krimet e luftës dhe spastrimin etnik.

Sovraniteti i shtetit nënkupton përgjegjësi dhe përgjegjësia primare për mbrojtjen e popullit të tij i takon vetë shtetit. Komisioni Ndërkombëtar mbi Ndërhyrjen dhe Sovranitetin e Shtetit linte mënjanë parimin e mosndërhyrjes në rastet kur shteti ishte i paaftë ose nuk kishte vullnet që të parandalonte shkeljet serioze për shkak të luftës, kryengritjes ose represionit.

Doktrina e Përgjegjësisë për të Mbrojtur kaloi në një fazë tjetër shumë të rëndësishme në vitin 2005, kur në në Seksionin e 60 të Asamblesë së Përgjithshme të Kombeve të Bashkuara, me 191 shtete anëtare prezente, Asambleja e Përgjithshme miratoi Rezolutën mbi Përgjegjësinë për të Mbrojtur, që doli si një pjesë e rezolutave të Samitit Botëror.[1]

Vendosja në këtë periudhë e koncepteve të Përgjegjësisë për të Mbrojtur, bëri që vëmendja të drejtohej në zbatimin e saj. Në një raport të vitit 2009, Sekretari i Përgjithshëm i Kombeve të Bashkuara theksoi se zhvillimi i një strategjie të plotë nga Kombet e Bashkuara për Përgjegjësinë për të Mbrojtur, do të ishte mënyra më e mirë për të shkurajuar shtetet nga abuzimi dhe përdorimi për qëllime të papërshtatshme i kësaj doktrine. Ky raport i ndante parimet e Përgjegjësisë për të

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[1] "Resolution 60/1", *United Nations General Assembly,* October 24, 2005,
http://unstats.un.org/unsd/mdg/Resources/Attach/Indicators/ares60_1_2005summit_eng.pdf.

Mbrojtur në tre shtylla që përfshinin: përgjegjësinë e shteteve për mbrojtjen e civilëve të tyre; përdorimin e asistencës ndërkombëtare me masa joshtrënguese; si dhe ndërhyrjen deçizive dhe në kohë të përshtatshme për të zgjidhur konfliktet.

Kuptohet që parimi i ndërhyrjes ishte më i debatueshmi dhe ngriti më shumë pikëpyetje. Megjithëse ishin parashikuar masa joshtrënguese si ndërmjetësimi ndërkombëtar, dialogu paqësor, misionet verifikuese dhe investigimet, përpara se të merrej në konsideratë ndonjë masë shtrënguese, përsëri shtetet ishin të pavendosura për të adoptuar parimet e Përgjegjësisë për të Mbrojtur.[1] Që nga raporti i parë i vitit 2009, kjo çështje është rishikuar nga Asambleja e Përgjithshme çdo vit me dialog informal ndërmjet një numri shtetesh gjithmonë në rritje dhe çdo vit dialogu ka ndryshuar fokus për të zhvilluar një kuptim më të mirë të të gjitha aspekteve të doktrinës së Përgjegjësisë për të Mbrojtur. Si rezultat, shumë shtete kanë zbatuar politika të brendshme që kanë forcuar shoqëritë e tyre dhe kanë ndihmuar në parandalimin e mundësive për krime barbare.

Që nga prezantimi i Përgjegjësisë për të Mbrojtur si një normë globale, Kombet e Bashkuara dhe aktorët e tjerë rajonalë e kanë rekomanduar zbatimin e kësaj doktrine në situata dhe në rajone të shumta në tre kontinente të ndryshme, por përdorimi i paqeruajtësve ose i ndërhyrjeve të tjera, i bazuar në qëllimet e zgjidhjes së konfliktit nuk ka kaluar gjithmonë me sukses përmes Këshillit të Sigurimit. Aktualisht, shumë shoqëri civile dëshirojnë që Këshilli i Sigurimit i OKB-së të bëhet më aktiv në rajonet e konfliktit, një nga të cilat është edhe Siria kohët e fundit. Konflikti i fundit në Siri e ndau përsëri Këshillin e Sigurimit. Rezoluta e vitit 2012 i njohu shkeljet e shumëpërhapura të të drejtave njerëzore në Siri, por e la zgjidhjen e konfliktit në duart e qeverisë siriane, duke vendosur vetëm një ekip prej 30 vëzhguesish ushtarakë të paarmatosur që vepronin si ndërlidhje ndërmjet Këshillit të Sigurimit dhe qeverisë siriane.[2]

Mbështetësit e ndërhyrjes në Siri e portretizojnë atë si shembulli i parë ku parimet e Përgjegjë sisë për të Mbrojtur u përdorën me qëllim që të mbroheshin civilët nga sulmet e rregjimit të Gadafit. Ndërsa të tjerë pretendojnë se ndryshimi i rregjimit është kundër qëllimit themelor të parimit dhe kaosi aktual në vend nuk mund të cilësohet si një rezultat i suksesshëm. Ndërsa situata u përkeqësua, në vitin 2014, Këshilli i Sigurimit e zgjeroi përpjekjet për të siguruar ndërhyrje, ndihmë humanitare përmes kufijve të konfliktit në kampet refugjate pa aprovimin e qeverisë siriane. Ndërsa propozime të tjera që u bënë, përfshi ndërhyrjen ushtarake, ndeshën në sinjalet e Kinës dhe Rusisë që nuk do të votonin për të aprovuar masa si ndërhyrja ushtarake, me qëllim që të respektonin sovranitetin shtetëror.

Doktrina e Përgjegjësisë për të Mbrojtur e cila parashikon se shteti vetë duhet të mbrojë civilët e tij nga krime si genocidi, spastrimi etnik, krimet e luftës dhe krimet kundër njerëzimit dhe në rast se shteti nuk është në gjendje, ose nuk ka vullnet ta bëjë këtë, atëherë lind përgjegjësia e komunitetit ndërkombëtar të ndërhyjë për të mbrojtur ata që po cënohen, është zbatuar më parë edhe në Darfur. Në Darfur, komuniteti ndërkombëtar ka luftuar me sukses në mbrojtjen e civilëve, sipas parimeve të Përgjegjësisë për të Mbrojtur. Gjithsesi rajoni ka parë vetëm momente të çlirimit, duke qënë se dhuna vazhdon edhe sot. Kështu në Darfur, *Janjaweed* janë kthyer dhe fatkeqësitë civile përsëri po rriten.

Pavarësisht këtyre diskutimeve, rastet e Libisë dhe Darfurit pak a shumë përputhen në kriteret e përcaktuara nga mbështetësit e Përgjegjësisë për të Mbrojtur. Krimet që u luftuan mbi bazën e Përgjegjësisë për të Mbrojtur ishin kryer faktikisht, shteti në fjalë nuk po e zgjidhte çështjen vetë dhe kështu përgjegjësia i mbeti komunitetit ndërkombëtar të ndërhynte për të mbrojtur civilët.

Pikëpyetjet që ka ngritur ndërhyrja kundër ISIS

Tashmë është e qartë se ISIS përbën një rrezik gjithnjë e më të pranishëm, si në rrafshin rajonal, ashtu dhe në atë global. Ky grup që kohët e fundit e ka quajtur veten thjesht "shtet islamik" i ka rrënjët e veta te organizata famëkeqe e Al-Kaedës por, që realisht ka tejkaluar në mizori, organizim dhe kontroll efektiv të territorit edhe vetë organizatën nga e ka prejardhjen. Historia e ISIS është historia e asaj se si terrorizmi modern ka evoluar nga një ideal fetar dhe politik në një kult vdekjeje.

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[1] "Secretary-General's Report A/63/677", *United Nations General Assembly,* January 12, 2009,
http://unispal.un.org/UNISPAL.NSF/0/EEF9DE1F698AA70D8525755100631D7C.
[2] "Security Council Resolution 2042", *United Nations Security Council,* April 14, 2012,
http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-
CF6E4FF96FF9%7D/Syria%20SRES%202042.pdf.

ISIS gjeti një ambient të përshtatshëm për t'u krijuar sepse rajoni ku ajo u krijua ofron një territor shumë pjellor për lindjen e grupimeve terroriste, radikale dhe ekstremiste. Është fjala këtu për një shtet si Iraku me shumicë shiite dhe popullsi shtetformuese kurde dhe dhjetëra minoritete gjuhësore, fetare dhe etnike, që qeveriset nga një pakicë sunite. Për shtetet fqinjë si Siria që qeveriset prej viteve '70 nga një klikë ushtarakësh që përfaqësojnë një pjesë shumë të vogël të popullsisë. Për Libanin akoma të pastabilizuar dhe që është në luftë civile prej më tepër se katër dekadash si dhe për popullsi të shumtë palestineze në numër në të gjitha këto vende, që krijojnë një situatë të ndërlikuar.

ISIS, që e quan veten një shtet islamik, ka treguar shumë herë tashmë qëllimet e tij barbare, duke postuar video me prerje kokash dhe duke kërcënuar vazhdimisht. Shteti Islamik ka arritur të vendosë kontroll efektiv mbi një pjesë të konsiderueshme të territorit sirian dhe veçanërisht atij irakien. Organizata e ISIS ka gjithashtu qëllime të gjera ndërkombëtare. Ai ndihmohet në arritjen e qëllimeve të tij nga burimet e shumta financiare që janë më të bollshme se të cilësdo organizate tjetër terroriste që historia ka njohur, nga përdorimi efektiv i medias alternative dhe rrjeteve sociale. (Nguyen, 2014, 52). Mbështetet në një vetorganizim mbi baza ideologjike të konsoliduara, në disiplinë ushtarake taktike dhe strategjike. Këto janë arsyet kryesore që e bëjnë ISIS sot një nga kërcënimet me prezente për rajonin, por edhe për mbarë globin.

Duke u nxitur nga situata e krijuar nga veprimet e ISIS dhe rrezikshmëria që organizata paraqet, si dhe për shkak të mendimit të gjithë pranuar se ISIS paraqet një kërcënim të përbashkët që duhet luftuar me mjete të përbashkëta, partnerët perëndimorë (SHBA, Britani e Madhe, Gjermani, Francë, Itali e të tjerë), kanë shprehur vullnetin për t'iu kundërvënë asaj me masa konkrete. Masat përfshijnë ndryshimet në legjislacionin e brendshëm penal të shteteve, gjurmimin dhe penalizimin e financuesve të organizatës, krijimin e partneriteteve të përshtatshme për të luftuar këtë kërcënim të përbashkët dhe për të fuqizuar kurdët, duke shkuar deri te mundësia e ndërhyrjes ushtarake, e cila ka qenë fillimisht sporadike dhe nga ajri.

Gjithë rrjedha e ngjarjeve ka ngritur çështje të vështira rreth shkallës në të cilën SHBA dhe aleatet e saj po mbështesin në mënyrë aktive në Siri një rregjim që është përgjegjës për krime barbare të panumurta kundër popullsisë së tij. Ky është një problem i veçantë që lidhet me përpjekjet për të zbatuar "Përgjegjësinë për të Mbrojtur", duke qënë se ky aksion që drejtohet kundër fuqisë së ISIS, në një farë mënyre mbështet rregjimin sirian. (Bellamy, 2014, 9) Pra, është e qartë që aksioni amerikan mund të shoqërohet me rreziqe potenciale në kuptimin që për shkak të mbështetjes amerikane që po merr në këtë luftë kundër ISIS, si dhe për shkak të faktit se po lejohet angazhimi i forcave të shumta siriane, rregjimi sirian do të jetë i lirë të angazhojë burime më të mëdha në fushatën e tij kundër Ushtrisë së Lirë Siriane.

Pavarësisht kësaj, realiteti i vështirë i kërcënimit që paraqet ISIS për civilët, interesat e qeverisë siriane, interesat e koalicionit të udhëhequr nga SHBA dhe nevoja e mbrojtjes së popullsisë nga genocidi dhe barbarizmat e tjera masive janë përkohësisht të bashkërenduara.

Nga ana tjetër, shfaqja e Kalifatit - një shteti islamik dhe veprimet kriminale që shoqëruan lindjen e këtij shteti, ngritën të tjera çështje të rëndësishme në të drejtën ndërkombëtare, siç janë: koncepti i shtetit, njohja e shtetit, përgjegjësia për të mbrojtur dhe e drejta e përdorimit të forcës. (Coleman, 2014, 5)

Një objektiv shumë i rëndësishëm për ISIS është pasja e një "shteti". Dihet tashmë që *Abu Bakr al-Baghdadi,* njoftoi krijimin e shtetit islamik, të një kalifati. Ky njoftim ngriti çështje të rëndësishme lidhur me atë se si është formuar ky shtet. Çfarë nënkupton në të vërtetë njohja e shtetit? A vendos ajo për ekzistencën e shtetit, apo është më tepër një proces diplomatik? Apo një kërkesë e zakonshme për të siguruar respektimin e vlerave dhe normave të të drejtave njerëzore, apo një proces që siguron se shtete e reja do të ekzistojnë në harmoni me komunitetin ndërkombëtar?

Teorikisht një kalifat përfaqëson një shtet sovran të të gjithë besimit musliman, që drejtohet nga një kalif mbi bazën e ligjit islamik, të quajtur ndryshe "sheriati". Çfarë nënkupton kjo për kushtet e sotme? A mund të përshtatet kalifati brenda strukturës ekzistuese politiko-ligjore të komunitetit të sotëm ndërkombëtar? A mundet që një shtet që imponon një rregjim joligjor që injoron të drejtat e njeriut, ta konsiderojë veten "ligjor"?

Një tjetër pikëpyetje e rëndësishme në kushtet kur ISIS po vazhdon të kryejë krime lufte dhe me qëllim po kërcënon dhe vret civilë, po përze grupet minoritare dhe po rekruton ushtarë fëmijë në luftën e tij për një kalifat në rajon është ajo në se duhet që të kërkojmë një mbështetje ligjore për zbatimin e "Përgjegjësisë për të Mbrojtur" në Irak. (Ferguson, 2014, 20). Megjithëse disa përfaqësues të "Përgjegjësisë për të Mbrojtur", besojnë se është shumë herët të zbatohet parimi i fundit,

ai i ndërhyrjes ushtarake, nuk është shpejt të diskutohet parimi si një i tërë, veçanërisht aspekti i tij i parandalimit. (Hulse, 2014, 4)

Komuniteti ndërkombëtar ka një mundësi të merret me çështjen e Irakut, përpara se ai të bëhet një tjetër Siri. Përgjegjësia për të Mbrojtur është më shumë se ndërhyrje ushtarake. Ajo përfshin parandalimin, ndërtimin e paqes dhe diplomacinë. Krijuesit e "Përgjegjësisë për të Mbrojtur" pretendojnë se ekziston një rrezik ekstrem në qoftë se doktrina keqpërdoret, për faktin se dëmtohet aftësia e komunitetit ndërkombëtar për të zbatuar çfarëdollojë ndërhyrje të ligjshme. Një keqpërdorim flagrant nuk përbën rrezik vetëm për sovranitetin e shtetit, por edhe për të ardhmen legjitime të parimit.

Ligjshmëria e aksionit ndërkombëtar

Ndërsa beteja për enklavën e vogël kurde në Kobane po shkonte drejt fazës së saj finale dhe koalicioni i udhëhequr nga SHBA po fillonte fushatën ajrore kundër të ashtuquajturit shtet islamik në Siri, pikëpyetje të rëndësishme u ngrihen rreth ligjshmërisë së ndërhyrjes dhe rreth asaj se çfarë nënkupton Përgjegjësia për të Mbrojtur.

Kur ushtria amerikane goditi një pozicion të ISIS afër Bagdatit vetëm pak ditë pas një aksioni të prerjes së kokave nga militantët islamikë, një pohim nga komanda qendrore e SHBA e përshkroi aksionin si "goditja e parë e ndërmarrë si pjesë e përpjekjeve të tyre të gjera përtej mbrojtjes së popullit të tyre dhe misioneve humanitare për të goditur ISIS".

Komente të shumta janë bërë mbi ligjshmërinë e sulmeve ajrore në Siri. Disa pretendojnë se janë sulme të paligjshme, për shkak se nuk janë autorizuar nga Këshilli i Sigurimit i Kombeve të Bashkuara dhe sepse nuk janë akte vetëmbrojtëse duke qenë se ISIS nuk paraqet kërcënim për SHBA.

Faktikisht kur terroristët marrin kontrollin e një territori kaq të gjerë për t'i dhënë vetes së tyre dhe ekstremistëve të tjerë një bazë për aktet e tyre terroriste, atëherë preken interesat e përgjithshme të sigurisë.Destabilizimi i një rajoni të gjerë ndikon mbi të gjitha shtetet aq më tepër që gjysma e aktivistëve të organizatës vijnë nga vendet europiane dhe muxhahedinë të tjerë, të cilët mund të kthehen në burim terrorizmi dhe në vendet e origjinës.

Po të nisemi nga qëllimi i vetëmbrojtjes i sanksionuar në Kartën e Kombeve të Bashkuara, dihet se neni 51 i Kartës garanton të drejtën e brendshme të shtetit për vetëmbrojtje individuale ose kolektive. Kjo nënkupton që qeveria e Irakut ka të drejtë të përdorë forcën për të mbrojtur veten nga sulmet e ISIS, por edhe shtetet e tjera kanë të drejtë të asistojnë. Iraku faktikisht ka ndërmarrë masa për të luftuar ISIS brenda territorit të tij. Mungesa e një kërcënimi direkt ndaj SHBA ose ndaj aleatëve të saj nuk e bën të pavlefshme vetëmbrojtjen në formën e ndërhyrjes, sepse veprimet kundër ISIS në Irak dhe Siri janë kryesisht një përgjigje mbrojtëse ndaj agresionit të armatosur të kësaj organizate. (Bellamy, 2014, 12)

Iraku si një shtet sovran ka të drejtë të kërkojë asistencë nga shtetet e tjera. (Nguyen, 2014, 55). Ndërhyrja nga ana e shteteve të tjera nuk cënon integritetin territorial të Irakut ose pavarësinë politike aq më tepër që lideri i rajonit kurdistan të Irakut ka kërkuar që të intensifikohen goditjet ajrore të SHBA, duke thënë se ata do të mirëpresin luftues të huaj.

Po ti referohemi Sirisë, aktualisht asaj i mungon aftësia për të shpërbërë ISIS. Përdorimi i forcës në territorin sirian, pa pëlqimin e qeverisë siriane, në pamje të parë do të cënonte integritetin e saj territorial dhe do të shkelte nenin 2(4) të Kartës së Kombeve të Bashkuar mbi rregullat e përdorimit të forcës sipas OKB-së . Është e qartë që duhet të kërkohet pëlqimi nga qeveria siriane përpara se të ndërmerren aksione në territorin e saj, megjithëse duke qenë se Siria nuk ka aftësi të luftojë vetëm kundër ISIS, çdo refuzim nga ana e saj do të ishte i paarsyeshëm dhe nevoja për aksion ndërkombëtar e pashmangshme. (Nguyen, 2014, 57). Faktikisht nga pohimet e qeverisë siriane dhe nga veprimet e saj rezulton që misioni kundër ISIS gëzon pëlqimin e kësaj qeverie. Qeveria siriane jo vetëm që ka ofruar pëlqimin zyrtarisht, por ajo gjithashtu ka bashkëpunuar me drejtuesit e SHBA, duke vënë në dispozicion mbrojtjen e saj ajrore në zonat përkatëse ku po kryhen operacionet. (Bellamy, 2014, 12)

Kur politikëbërësit diskutojnë mbi opsionet e tyre të zgjidhjes së konfliktit, është thelbësore që ato të arsyetojnë mbi faktin në se po zbatojnë rregullat e duhura ligjore ndërkombëtare mbi bazën e të cilave po orientohet përdorimi i forcës në aksionin ushtarak kundër ISIS në Irak dhe në Siri. (Nguyen, 2014, 44).

Neni 51 i Kartës së Kombeve të Bashkuara parashikon: "Asgjë në Kartë nuk mund të pengojë të drejtën e vetëmbrojtjes individuale ose kolektive kur ndodh një sulm".[1] Por, dihet gjithashtu se për të zbatuar të drejtën e vetëmbrojtjes duhet të ekzistojë një sulm aktual ose i afërt kundër një shteti si dhe kundërpërgjigja e armatosur duhet të jetë e domosdoshme dhe proporcionale me sulmin.

Pyetja e parë që mund të ngrihet në këtë rast është, nëse kemi të bëjmë me një sulm që siç theksuam më lart duhet të jetë sulm në vazhdim ose në rrezik potencial.

Duke u nisur nga hipoteza e provuar tashmë se ISIS ka kryer sulme, gjithsesi duhet që të ekzistojë nevoja ose domosdoshmëria për Irakun dhe aleatët e tij që të kenë të drejtë të përdorin forcën. Në rastin aktual, domosdoshmëria e kundërpërgjigjes buron nga fakti se një sulm po ndodh. Për më tepër një përpjekje për të zgjidhur çështjen në mënyrë paqësore do t'i jepte mundësi ISIS të konsolidonte përpjekjet e saj dhe të përgatiste sulme të tjera.

Lidhur me kushtin tjetër sipas të cilit çdo përgjigje mbrojtëse duhet të jetë proporcionale sulmet ajrore kundër bazave, aseteve dhe personelit të ISIS brenda territorit sirian dhe atij irakien nuk duhet të jenë jashtë proporcioneve të sulmeve të ISIS. (Nguyen, 2014, 44). Objektivi i aksionit duhet të jetë i arsyeshëm dhe aksioni vetë nuk duhet të shkojë përtej asaj çfarë është e nevojshme për të arritur objektivin me qëllimin e arsyeshëm të zvogëlimit të aftësive të ISIS.

Konkluzione

Ekziston një debat rreth efikasitetit të përdorimit të forcës ushtarake në mbrojtje të të drejtave të individëve në shtetet e tjera, debat që buron kryesisht nga një tension që ekziston ndërmjet sovranitetit të shtetit dhe të drejtave individuale.

Komuniteti ndërkombëtar po ecën drejt nocionit që qeveritë nuk kanë vetëm detyrën negative të respektimit të të drejtave njerëzore, por gjithashtu një detyrë pozitive për të ruajtur këto të drejta, për të siguruar jetën dhe për të mbrojtur njerëzit nga shkeljet e mundshme të të drejtave të tyre prej të tjerëve.

Doktrina e Përgjegjësisë për të Mbrojtur e cila parashikon se në rastet kur shteti nuk është në gjendje, ose nuk ka vullnet të mbrojë të drejtat njerëzore të shtetasve të tij, atëhere lind përgjegjësia e komunitetit ndërkombëtar të ndërhyjë për të mbrojtur ata që po cënohen.

ISIS si një prej grupimeve terroriste më radikale dhe më ekstremiste të kohëve të fundit, përbën një rrezik gjithnjë e më të pranishëm, si në rrafshin rajonal, ashtu dhe në atë global.

Keqpërdorimi i doktrinës së "Përgjegjësisë për të Mbrojtur" paraqet një rrezik ekstrem, për faktin se dëmtohet aftësia e komunitetit ndërkombëtar për të zbatuar çfarëdolloj ndërhyrje të ligjshme. Një keqpërdorim flagrant nuk përbën rrezik vetëm për sovranitetin e shtetit, por edhe për të ardhmen legjitime të doktrinës.

Pavarësisht se Iraku ka të drejtë të vetëmbrohet kundër sulmeve të kryera nga ISIS, kërkesat strikte të domosdoshmërisë dhe proporcionalitetit i venë limite qëllimit të zbatimit të përgjigjes. Iraku ka gjithashtu të drejtë të kërkojë asistencë nga aleatët si SHBA, duke e transformuar aksionin në vetëmbrojtje kolektive.

Pavarësisht nevojës dhe rëndësisë së madhe që paraqet justifikimi ligjor preçiz i aksionit amerikan, me skenat kaotike në Kobane është shumë e vështirë të ngresh pikëpyetje rreth goditjeve ajrore të udhëhequra nga SHBA dhe të drejtës së zbatimit në këtë rast të Përgjegjë sisë për të Mbrojtur si dhe përmbushjes së qëllimit të saj. Ndërhyrja ushtarake e udhëhequr nga SHBA ka justifikim ligjor të mjaftueshëm dhe ka dhënë e po jep një kontribut direkt në mbrojtjen e popullsisë në Siri nga genocidi dhe barbarizmat masive.

Procesi që i paraprin dërgimit të forcave nga vende të ndryshme të botës për t'iu bashkuar organizatës famëkeqe është një proces që duhet gjurmuar, identifikuar dhe penalizuar nga legjislacionet e brendshme të shteteve si dhe të merren masa shtesë për t'u mbrojtur nga penetrimi i elementëve ekstremistë dhe propagandave ekstremiste që kanë mundësi të influencojnë tek njerëzit.

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[1] Charter of the United Nations, Article 51, *www.icj-cij.org/documents/index.php*

Fati i shumë njerëzve varet në mënyrën se si komuniteti ndërkombëtar do reagojë dhe do zgjidhë çështjen e kërcënimit që vjen nga ISIS, por koha për zgjedhje perfekte është akoma e largët. Nëse e drejta ndërkombëtare do të vazhdojë të ketë kredibilitet në shekullin e 21-të, ajo duhet të jetë në gjendje të përballet në mënyrë dinjitoze me sfidat që paraqiten nga ISIS.

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Krahasimi si Një Element i Rëndesishëm Referues në Një Tekst Koheziv në Gjuhët Angleze dhe Shqipe

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Research paper

Abstrakt

Punimi trajton nje nga aspektet mjaft të rendesishme të kohezionit te tekstit- krahasimin si nje element referues. Referenca në gjuhesi është një nga mënyrat e realizimit të kohezionit të tekstit.Ajo ka të beje me adresimin tek një referent gjuhësor i caktuar që ndodhet në një kontekst të caktuar . Me anë të krahasimit realizohet lidhja që ekziston midis dy elementeve të tekstit: presupozuesi dhe i presupozuari. Krahasimi është një formë reference që do të thotë se një gje nuk mund të jetë "si" por duhet të jetë "si dicka". Elementi i krahasuar mund të gjendet në tekst ose jashtë tij. Referenca krahasore midis fjalivë të tekstit është kohezive.Punimi jep konsiderata të përgjithshme të gjuhëtarëve të ndryshëm mbi tekstin dhe elementet kohezive gramatikore të tij ne pergjithesi dhe rolin e references krahasore ne gjihen angleze dhe shqipe ne veçanti. Mbështetur tek pranëvenia dhe krahasimi i referencës krahasuese në të dyja gjuhët punimi jep disa përfundime mbi tiparet,llojet dhe dendurinë e përdorimit të referencës krahasuese në tipe të ndryshme tekstesh.

Fjalë kyçe: reference krahasuese, element koheziv, anafore , katafore, regjister, varesi.

1 Konsiderata të përgjithshme të gjuhëtarëve të ndryshëm mbi tekstin dhe elementet kohezive gramatikore të tekstit

Gjuhësia e tekstit lindi për t'u dhënë zgjidhje disa çështjeve të cilat nuk kishin marrë përgjigje nga drejtimet e mëparshme në lidhje me mbifrazën ose tekstin. Ndihmesat më të mëdha në gjuhësinë e tekstit i takojnë gjuhësisë europiane. Kështu koncepti mbi tekstin si proces i Hjemslevit (Hjemslev) në studimin e tij "Prolegomena to a theory of Language" (1960) përbën një nga teoritë themelore të krijimit të gjuhësisë së tekstit. Ai zëvendësoi termat sosyrianë *Langue/Parole* me *sistem* (gjuhë)/*proces*[1](ligjërim)/*tekst*. Sipas tij, gjuha mund të përkufizohet vetëm duke u nisur nga proceset, domethënë tekstet. Çdo gjuhë natyrore është edhe sistem edhe proces.[2] Beogrande në librin e tij "Introduction to text linguistics" (1991) do të përkufizonte se tekstet janë veprime, jo objekte "teksti është një akt që realizon komunikimin ndërnjerëzor".[3] Ndërsa përkufizimi i dhënë nga Jean-Michel Adam sqaron se: "Teksti është një strukturë hierarkike që përmban një numër sekuencash eliptike ose të plota të të njëjtit lloj ose të llojeve të ndryshme."[4]

Një vend tepër të rëndësishëm ka zënë teksti në studimet gjenerative, ku shihet si një njësi gjuhësore funksionale që realizon ligjërimin, dhe ku preken problemet e organizimit të brendshëm të tij. Kështu Halliday dhe Hasan në librin e tyre "Cohesion in English" (1976) e përkufizojnë tekstin si: "Vargje fjalësh ose fjalish të ngjitura në një të tërë të vetme".[5] Më tej ata vazhdojnë: "Si realizim i gjuhës, teksti është njësia themelore e procesit semantik. Ai duhet përcaktuar si veprim, si pjesë e sjelljes njerëzore, që mund të përkojë me forma të sjelljes jogjuhësore, si: një shtrëngim dore, një buzëqeshje apo

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[1] Hjemslev, L., *Prolegomena to a theory of Language*, 1960, f. 29

[2] Sistem (greq. vj. "systema" tërësi, bashkësi) kupton një bashkesi elementesh të lidhura dhe të ndërvarura në mënyrë të ndërsjelltë midis tyre, që funksionojnë si një e tërë e vetme. Proces - përdorimi i sistemit të gjuhës në situatë konkrete.

[3] Beogrande, R., *Introductiontotextlinguistics*, Longman, London, NewYork, 1981, f.132

[4] Dibra, K. Varfi N., *Gjuhësi teksti*, SHBLU, Tiranë, 2005, f.31

[5] Halliday, M. A. K. Hasan, R. *Cohesion in English,* Longman, 1976, f. 1

një përqafim".[1] Sipas gjuhëtarit të mirënjohur Beogrande teksti duhet të përmbushë kriteret e tekstualitetit. Kur i mungon qoftë edhe një kriter, atëherë ai nuk ka më vlerë komunikuese. Teksti është një nevojë e komunikimit.[2]

Në gjuhësinë shqipe mjaft dukuri kanë gjetur trajtim në kuadrin e frazës, por studimet në fushën tekstore janë ende në hapat e para. Një studim mjaft kontribues që jep një tablo të qartë mbi tekstin në gjuhën tonë është libri i autoreve shqiptare K. Dibra dhe N. Varfi "Gjuhësi teksti" (2005). Në këtë punim, duke ecur në vazhdën e shumë punimeve të gjuhësisë moderne, ato theksojnë se komunikimi do të realizohej nëpërmjet teksteve dhe jo fjalive, dhe kështu lind nevoja e sintaksës së tekstit, e cila duhet të shkojë përtej përshkrimit të thjeshtë të fjalive dhe të zbulojë dhe të shpjegojë ndërvarësitë gramatikore themelore ndërmjet fjalive.[3] Në një studim të mëvonshëm të Tefë Topallit, autorit të librit "Gjuhësi teksti", (2011) teksti shihet si akt i komunikimit, si makroakt (ku përfshihet veprimi dhe thënia).[4] Ndërsa Memushaj R. në librin e tij "Hyrje në gjuhësi" (2006) thekson se çdo tekst paraqitet nga njëra anë, si njësi e strukturuar gjuhësisht dhe, nga ana tjetër, si një njësi kuptimore.[5] Tomorr Plangarica në librin e tij "Në tekst për tekstin" (2002) shkruan për tekstin: "Në lidhje me tekstin dhe problematikën që ai ngërthen, u ngulit tashmë pohimi shkencor se njerëzit komunikojnë me tekste dhe jo me fjali, që njësia më e madhe gjuhësore në komunikim është teksti dhe jo fjalia".[6]

 Një përkufizim të qëlluar për tekstin ka dhënë Sh. Rrokaj, i cili shprehet: "Teksti është një njësi mbifrazore, në të cilën frazat përbërëse kanë lidhje varësie dhe kushtëzimi të ndërsjellët. Ai është një vazhdimësi thëniesh të njëpasnjëshme që realizojnë gjuhësisht një mendim të plotë në përputhje me një ngjarje të caktuar".[7] Mehmet Çeliku, duke qenë një hulumtues i pasionuar i gjuhës shqipe, vazhdimisht i hapur ndaj arritjeve të fundit të gjuhësisë bashkëkohore, në botimin e tij të fundit "Sintaksë e gjuhës shqipe" (2012) thekson se njohja e tekstit si njësi e veçantë gjuhësore mbështetet në studimin e lidhjeve kuptimore e strukturore të përbërësve sintaksorë, e kryesisht të lidhjeve kuptimore në pozicion fqinjësie ose në distancë, të fjalive e të periudhave. Teksti mund të pranohej si njësi e katërt e sintaksës. Fragmentet e tekstit janë më shumë të lidhura semantikisht e gramatikisht dhe më pak fonetikisht. Për këtë autor tekst i mirëfilltë është ai ku në bazë të lidhjes midis A + B qëndron kuptimi dhe fragmenti B shton apo sqaron diçka për kuptimin e A.[8]

Të gjithë këndvështrimet që paraqitëm më lart na lejojnë të nxjerrim si përfundim se teksti është njësia bazë e ligjërimit. Si i tillë, funksioni i tij nuk kufizohet vetëm me vendosjen e marrëdhënieve midis fjalive apo fragmenteve, por merret edhe me organizimin e brendshëm dhe kuptimin e fjalive në një tërësi koherente dhe kohezive. Teksti nuk duhet lidhur me thënien apo me 'thënien e përbërë', sepse thënia, siç u tha që në fillim, lidhet me fjalinë si akt konkret i të folurit dhe nuk është njësi mbisintaksore, por sintaksore.

2. Konsiderata të përgjithshme të gjuhëtarëve të ndryshëm mbi kohezionin e tekstit

Në studimin e elementeve kohezive kanë sjellë ndihmesa të rëndësishme si gjuhëtarë të gramatikës tradicionale, të gramatikës gjenerative, ashtu edhe autorë modernë. Por aktualisht modeli më i njohur dhe më i detajuar i kohezionit është i përvijuar nga M. A. K. Halliday dhe Ruqaiya Hasan në "Cohesion in English" (1976). Ky punim e bëri kohezionin një koncept të rëndësishëm në shumë fusha dhe ka provokuar gjithmonë diskutim. Libri i tyre shënon themelimin e teorisë së kohezionit. Sipas tyre, koncepti i kohezionit është semantik, ai është marrëdhënie kuptimore që ekziston brenda tekstit dhe e përcakton atë si tekst.[9]

Dy degë morën zhvillim nga kohezioni i modelit të Hasan (1985). Njëra është me autor Martin, i cili në tekstin e tij "System and Structure" (1992) prezanton burimet e formimit të tekstit në anglisht së bashku me procedurat praktike të analizës së tekstit, duke i lidhur ato me kontekstet e përdorimit. Ai rindërton kohezionin e Halliday dhe Hasan nga perspektiva e

[1] Hasan, R., *Text in the systemic-functional model,* Longman, London, 1978, f.23

[2] Beogrande, R. Dressler, W., *Introduction to text linguistics,* 1984, f.*28*

[3] Dibra, K. Varfi, N., *Gjuhësi teksti*, SHBLU, Tiranë, 2005, f.8

[4] Topalli, T., *Gjuhësi teksti* Shkodër, 2011, f.22

[5] Memushaj R., *Hyrje në gjuhësi,* Botimet Toena, Tiranë, 2006, f. 25

[6] Plangarica, T., *Në tekst, për tekstin,* Sejko, Elbasan, 2002, f.32

[7] Rrokaj, Sh., *Për një tipologji lidhëzore të tekstit në gjuhën shqipe*. K.A, USHT, Tiranë, 2011, f. 4

[8] Çeliku, M (2012*) Sintaksë e gjuhës shqipe* (Përbërësit sintaksorë), ILAR, Tiranë, f. 44

[9] Halliday, M. A. K., Hasan, R., *Cohesion in English,* Longman, 1976, f.4

semantikës së diskursit (ligjërimit) dhe formon një sistem të integruar të kohezionit. Ndërsa Michael Hoey me teorinë e kohezionit leksikor të parashtruar në "Patterns of Lexis in Text" (1991) insiston në rëndësinë e kopjimit leksikor dhe beson se pjesa më e madhe e koherencës dhe e kohezionit të një teksti krijohet nga lidhjet leksikore të fjalëve të veçanta me njëra-tjetrën. Ai thotë "Studimi i pjesës më të madhe të kohezionit ka të bëjë me studimin e leksikut dhe studimi i kohezionit të një teksti lidhet në mënyrë të konsiderueshme me studimin e modeleve të leksikut në tekst.[1]

Gjuhëtarë të tjerë të çmuar që kanë mbështetur dhe kanë dhënë ndihmesën e tyre në zhvillimin e gjuhësisë së tekstit janë edhe mjaft autorë të rinj, si: Ross, Jason Merchant, K. Johnson, R. Kayne etj. Këta autorë paraqesin të dhëna mbi fenomene të ndryshme kohezive sipas parimeve të caktuara të ekonomisë së gjuhës, duke analizuar aspekte të tjera semantike dhe pragmatike që përfshin ky fenomen.

Megjithëse në gjuhësinë botërore ka studime e shumë botime për kohezionin, në gjuhën shqipe janë shumë të pakta studimet e mirëfillta mbi gjuhësinë e tekstit ku përfshihet edhe kohezioni. Janë përmendur si dukuri gjuhësore nga autorë shqiptarë si: Stefan Prifti mbi elipsën, Mehmet Çeliku mbi fjalitë e paplota, Justin Rrota, Anila Çepani mbi anaforën, Jolanda Kostari mbi disa çështje të koherencës anaforike trajtuar në kuadrin e gjuhësisë së tekstit, Tomorr Plangarica mbi tekstin dhe qasjet ndaj tij, duke u përqendruar në tekstet artistike, Shezai Rrokaj mbi lidhëzorët e tekstit në gjuhën shqipe. Jashtë kufijve të vendit tonë, studiuesit shqiptarë Hasan Muja (Kosovë) dhe Arbër Çeliku (Maqedoni), në vitet 2004 dhe 2005, publikuan përkatësisht trajtesat "Gjuhësia e tekstit" dhe "Koherenca gjuhësore". Ndihmesa të tjera me studime të pjesshme për tekstin në gjuhësinë shqiptare kanë sjellë edhe gjuhëtarë të tjerë, si akademikët Rexhep Ismajli, me përmbledhjen studimore "Shumësia e tekstit" (1980), ku jepen mjaft koncepte teorike të gjuhësisë tekstore, dhe Jani Thomai, me librin "Teksti dhe gjuha" (1992), në të cilin përshkruhet në hollësi metoda e analizës së tekstit.[2] Vëmendje të veçantë i kanë kushtuar kohezionit K. Dibra dhe N. Varfi në librin e tyre "Gjuhësi teksti" (2006) dhe Tefë Topalli në librin me të njëjtin titull botuar në 2011. Vepra "Gjuhësi teksti" e Dibrës dhe Varfit i kushton një rëndësi të veçantë kohezionit dhe koherencës, të cilët përbëjnë kriteret bazë të tekstualitetit, duke realizuar lidhjen reciproke të elementeve të tekstit për të dhënë kuptimin e tij.[3] Ndërsa libri i Tefë Topallit me objekt studimi tekstin si kategori ligjërimore, pasqyron jo vetëm arritjet dhe përvojën e kolegëve pararendës por edhe mjaft prurje nga më të rejat prej autorëve dhe literaturës bashkëkohore mbi gjuhësinë tekstuale.

3 Krahasimi si nje element i rendesishem referues ne nje tekst koheziv ne gjuhet angleze dhe shqipe

Në çdo gjuhë gjenden elemente të cilat nuk kanë kuptim më vete, por i referohen diçkaje tjetër brenda tekstit për t'u interpretuar.

(1) **Doctor Foster** went to **Gloucester i**n a shower of rain.

*(**Doktor Foster** shkoi në **Glocester** në një rrebesh shiu.)*

He stepped in puddle right up to his middle.

(Hodhi hapin në një pellg deri në gjysmë.)

*And never went **there** again.*

*(Dhe kurrë nuk shkoi më **atje**.)*(Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 31)

(2) *Drita e fllakadaneve* sa vente bëhej më e rëndë, sikur mpiksej. Dalëngadalë **ajo** po merrte një ngjyrë të kuqe të mbyllur, si magmë vullkani porsa dalë nga një thellësi misterioze.

(I. Kadare, *Prilli i thyer:* 15)

Në fjalinë (1) *He* i referohet *Doctor Foster***,** *there* i referohet *Gloucester.* Në (2) *ajo* i referohet *Drita e fllakadaneve***.** Përdorimi i *he, she* dhe *there* lejon të mënjanohen përsëritjet e panevojshme të fjalëve të njëjta në tekst.

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[1] Hoey, M., *Patterns of Lexis in Text*, OUP, Oxford, 1991, f. 10

[2] Rrokaj, SH., *Për një tipologji të lidhëzorëve të tekstit në gjuhën shqipe,* K. A. USHT, Tiranë, 2011, f. 5

[3] Dibra, K. Varfi N., *Gjuhësi teksti*, SHBLU, Tiranë, 2005, f. 36

Tradicionalisht referenca përdoret në semantikë për lidhjet që ekzistojnë ndërmjet një fjale dhe atë ç'ka ajo nënkupton në botën reale. Referenca në gjuhësi është një nga mënyrat e realizimit të kohezionit të tekstit. Ajo ka të bëjë me adresimin e një fjalëze, zakonisht një përemër, tek një referent gjuhësor i caktuar që ndodhet në një kontekst të caktuar, me qëllim që të kuptohet përmbajtja e saj. Me fjalë të tjera, referenca është rimarrje. Kjo rimarrje është sintaksore dhe semantike. Rimarrja sintaksore qëndron në rimarrjen e një elementi paraprijës me një përemër. Rimarrja semantike është rimarrja e një elementi paraprijës me sinonimi, hiponimi dhe kolokacion. Rimarrja e elementeve konceptuale sipas Van Dijk shërben për të mbështetur koherencën e tekstit.[1] Sipas Halliday dhe Hasan, në librin e tyre "Cohesion in English" referenca ka të bëjë me atë informacion i cili kërkon rigjetje të kuptimit, identitetin e një gjëje ose gjërave të veçanta. Ajo është lidhja që ekziston midis dy elementeve të tekstit presupozuesi dhe i presupozuari.[2]

(3) *The automatic doors open, and I step onto the bus. I show my travel card to **the driver** and **he** nods.*

*(Dyert automatike hapen dhe unë hipi në autobus. I tregoj **shoferit** biletën e udhëtimit, ndërsa **ai** tund kokën.)* (Kinsella, S., Can you keep a secret: 185)

(4) ***Gjorgu*** *bëri mënjanë për t'i hapur rrugë varganit. Krushqit, ashtu si **ai,** i mbanin armët me tytat poshtë për të mos iu lagur nga shiu.* (I. Kadare, *Prilli i thyer:* 28)

Referencë kemi atëherë kur lexuesi e krijon idenë se për çfarë është duke u folur, duke krijuar lidhje me kontekstin paraardhës. Lidhja e krijuar shtrihet në vazhdimësinë e tekstit, kur e njëjta gjë hyn në ligjërim për herë të dytë e presupozuar, d.m.th pa u përsëritur e njëjta fjalë. Në lidhjen referuese interpretimi merr njërën nga dy format: ose me anë të rimarrjes të një elementi paraprijës, ose me anë të krahasimit me elementin e nënkuptuar.

(5) *Tell **Mary** I miss **her.***

*(Thuaji **Merit** se kam mall për **të**.)*   (Swan, M. (1982), *Practical English usage,* OUP: 474)

(6) *We are demanding **higher** living standards (than we have now).*

*(Ne kërkojmë standarde jetese **më të larta** (sesa kemi tani))*

(Halliday, M. A. K, Hasan, R. (1976), *Cohesionin English,* Longman: 309)

(7) *Avioni la prapa vetes një zbrazëti të madhe dhe **Gjorgu** pa dashur psherëtiu. **Ai** ndjeu befas uri.* (I. Kadare, *Prilli i thyer:* 35)

(8) *Kishte disa ditë që po udhëtonte. Udhë **të ndryshme**. Bujtina edhe **më të habitshme**.*

(I. Kadare, *Prilli i thyer:* 148)

Sipas David Crystal, referenca është një proces ose rezultat i një njësie gjuhësore, interpretimi i së cilës bëhet nëpërmjet një njësie të shprehur më parë.[3]

Leech, Deuchar, Hoogenraad, ashtu si Quirk dhe Greenbaum, gramatikanë tradicionalë, e trajtojnë referencën në kuadrin e proformave (fjalët zëvendësuese), si mjet të reduktimit.[4] Në librin "Grammar for English Language Teachers" autori Martin Parrot i konsideron përemrat si mjete kondensimi, të cilat zvogëlojnë gjatësinë dhe kompleksitetin e fjalive.[5]

(9) *We borrowed **the tennis rackets** when Bonny and Steve were here. And we used **them** twice, I think.*

*(Ne morëm hua **raketat e tenisit** kur Boni dhe Stivi ishin këtu. Dhe i përdorëm dy herë, mendoj.)*   (Parrot, M. (2000), *Grammar for English Language Teachers*, Cambridge: 231)

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[1] Dijk, T. V.*., Some aspects of text Grammars,* vep. e cituar nga Dibra&Varfi në *Gjuhësi teksti,* shblu, Tiranë, 2005, f. 14

[2] Halliday, M. A. K, Hasan, R., *Cohesion in English,* Longman, 1976, f. 43

[3] Crystal, D., *A dictionary of linguistics and phonetics,* Oxford Blackwell, 1997, f. 19

[4] Leech, G, Deuchar, M. Hoogenraad, R., *English Grammar for today,* M. P, 1982, f. 191

[5] Parrot, M., *Grammar for English Language Teachers*, Cambridge, 2000, f. 231

Në botimet e autorëve shqiptarë, termi gjegjës në gjuhën shqipe i asaj çka shënon fjala referencë në gjuhën angleze është termi anaforë përemërore (Çepani, A.), (Rrokaj, Sh.), proformë (Kodra, Varfi), zëvendësim (Topalli, T.), ndërtim me rimarrje (Çeliku. M).

(10) ***Dita kishte shkuar kot***. ***Kjo*** *e kishte nervozuar së tepërmi.*

(Grup autorësh, (2002) *Gramatika e Gjuhës Shqipe 2,* Tiranë: 219)

(11) ***Mark Bashkia*** *ishte burrë i pashëm, jashtëzakonisht i kujdesshëm për veten* ***e tij që*** *vishej gjithnjë me kostum të zi, këmisha të bardha dhe kishte një koleksion të panumërt kravatash.*   (Topalli, T. (2011*), Gjuhësi Teksti,* Shkodër: 99)

(12) ***Pranvera e hershme*** *është lozonjare.* ***Ajo*** *luan me erën, me shiun, me vesën, me pemët.*

(Dibra, K., Varfi, N., (2005) *Gjuhësi teksti,* shblu, Tiranë: 55)

Por, një aspekt mjaft i rëndësishëm që ka të bëjë me të dyja gjuhët është fakti se referenca realizohet me përemra, ndajfolje dhe forma krahasore. Duke u përpjekur të bëjmë sistemimin e tyre brenda larmisë që ofron gjuha, elementet referues do t'i klasifikonim duke u bazuar në formën gramatikore dhe klasën e fjalës që ato përfaqësojnë. Si rrjedhim, sipas mjetit lidhës gjenerativistët anglezë Halliday dhe Hasan, referencën do ta klasifikonin në *referencë përemërore vetore, referencë dëftore dhe referencë krahasore.* Në gjuhën shqipe nuk kemi klasifikim të tillë të elementeve referues. Referenca përcaktohet si anaforë përemërore nga Anila Çepani, rimarrje sintaksore nga Dibra dhe Varfi, dhe teknikë zëvendësimi nga Tefë Topalli dhe Flora Koleci.

(13) *Ten per cent of* ***insomniacs*** *sleep soundly when* ***they*** *come to a sleep clinic.*

(Dhjetë për qind e ***të pagjumëve*** *flenë rëndë kur* ***(ata)*** *vijnë në një klinikë gjumi.)* (referencë vetore)   (Greenbaum, S. Quirk, R. (1993), *A student`s grammar of English language,* Longman: 249)

(14) *I read* ***his first novel****, and* ***that*** *was boring too.*

(E lexova ***romanin e tij të parë****.* ***Ai*** *ishte i mërzitshëm gjithashtu.)* (referencë dëftore)

(po aty)

(15) *My heart starts to beat* ***more quickly****. What am I going to do?*

(Zemra fillon të më rrahë ***më shpejt****)* (referencë krahasore)   (Kinsella, S., Can you keep a secret: 202)

(16) *Pamja kishte ndërruar, qielli ishte bërë* ***më i gjerë****, por pikërisht kjo gjerësi e kishte bërë* ***më shtypëse*** *qendrën e tij.* (I. Kadare, *Prilli i thyer*: 73)

(17) ***Dita i kishte shkuar kot***. ***Kjo*** *e kishte nervozuar së tepërmi.* (përemër anaforik)

(Çepani, A. (2007*), Vëzhgime rreth anaforave në gjuhën shqipe*, SF, Nr. 3-4:104)

(18) *Trysnia është e lartë dhe* ***Shevçenko*** *është gati për sfidën. Megjithatë,* ***qendërsulmuesi ukrainas*** *nuk duket se e ndjen deri në fund atmosferën e lojës.* (emër anaforik)   (po aty)

  (19) *Djaloshi* ***lëvizi kokën mënjanë****, siç* ***bëri*** *plaku.* (folje anaforike)   (po aty)

(20) ***Ju e keni ndërprerë herët karrierën****; të paktën gjenerata ime mendon* ***kështu.*** (ndajfolje anaforike**)** (po aty)

Nga shembujt e mësipërm duket qartë se anglishtja dhe shqipja përdorin në përgjithësi të njëjtat forma gramatikore dhe klasa fjalësh si elemente koheziv referuese.

Referenca krahasuese është referencë indirekte nëpërmjet ngjashmërisë. Elementi referues interpretohet, jo duke u identifikuar me elementin e presupozuar, por duke u krahasuar me të, me fjalë të tjera, elementi i presupozuar luan rolin e pikës së referimit. Referenca krahasuese mund të jetë anaforike ose kataforike. Krahasimi merr kuptim koheziv kur krijon

lidhjen kuptimore të elementeve në tekst. Në këtë lloj reference elementi i presupozuar merr rolin e pikës së referimit.[1] Ai shërben si standard, të cilit i referohet elementi tjetër për nga ngjashmëria. Në këtë mënyrë krahasimi bëhet burim interpretimi për elementin referues dhe, kur elementi i presupozuar gjendet gjithashtu në tekst, ekziston kohezion midis tyre. Për shembull *more* presupozon *oysters* në.

(21) *You see, he was a little sorry for the poor **oysters.** He ate **more** than the Carpentier, though-said Tweedledee.*

*(E shihni, atij i erdhi keq për **midhjet** e gjora. Megjithatë, hëngri **më shume** se Marangozi -tha Tiudli.)* (Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 313)

Gjuhëtarët gjenerativistë Halliday dhe Hasan në librin e tyre "Cohesion in English" kanë bërë një analizë të detajuar teorike të referencës krahasore. Një gjë të tillë nuk e hasim në studimet e autorëve shqiptarë, prandaj jemi mbështetur në idetë e tyre në përfshirjen e kategorisë së shkallës së mbiemrave dhe ndajfoljeve në elementet kohezive referenciale. Nga kjo pikëpamje ne biem dakord që ndërtimet me krahasim janë burim i kohezionit të tekstit. Edhe referenca krahasore, si ajo dëftore, gjen përdorim të njëjtë në të dyja gjuhët në studim.

(22) *I am using every ounce of concetration in willing the taxi to go **faster.***

  *(Po përdor çdo pikë përqendrimi për të nxitur taksinë të shkojë **më shpejt**.)*

 (Kinsella, S., Can you keep a secret: 204)

(23) *Ajo dukej e vrarë pak në mollëza, me një zbehtësi të lehtë në fytyrë që e bënte ashtu si disa ditë më parë, **më të dëshirueshme.***   (I. Kadare, *Prilli i thyer*: 145)

Krahasimi është një formë reference si referenca vetore dhe dëftore, që do të thotë se një gjë nuk mund të jetë "si", por duhet të jetë si diçka. Elementi i krahasuar mund të gjendet në tekst ose jashtë tij. Kur referenti është në tekst ai mund të jetë mbrapa referuesit ose përpara tij dhe referenca mund të jetë strukturore (brenda fjalisë) ose jo-strukturore (midis fjalive të tekstit) domethënë është kohezive.

(24) *A: - It's **the same** cat as the one we saw yesterday.* (likeness)

*(Është **e njëjta** mace që pamë dje.)* (identike) *(një mace)*

(Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 78)

(25) *It`s a **similar** cat to the one we saw yesterday.* (similarity)

(Është si macja që pamë dje.) (**e ngjashme**) *(dy mace)*   (po aty)

(26) *- It`s a **different** cat from the one we saw yesterday.* (difference)

*(Është **ndryshe** nga macja që pamë dje.)* (ndryshe) *(dy mace)*   (po aty)

(27) *Ai qëndroi një copë herë ashtu, kur nisi prapë të mendonte, truri e ktheu prapë tek **e njëjta** pikë.* (identitet, një pikë) (I. Kadare, *Prilli i thyer*: 156)

Po sipas autorëve të lartpërmendur krahasimi është *i përgjithshëm dhe specifik*. Krahasimi është i përgjithshëm kur dy gjera mund të jenë të njëjta, të ngjashme ose të ndryshme pa marrë parasysh ndonjë tipar të veçantë të tyre. Krahasimi i përgjithshëm shprehet nëpërmjet një klase të veçantë të mbiemrave dhe ndajfoljeve. P.sh: *the **identical** two cards. - dy karta **identike.*** Mbiemrat funksionojnë në përbërësin sintaksor emëror ose si deiktikë (*the identical two cards - të njëjta me të parat*), ose si epitete (*two identical cards - të njëjta me njëra-tjetrën*).

Në shembujt e mësipërm, në secilin rast, referenti është *the one we saw yesterday, e njëjta pikë që ishte më parë*. Krahasimi është kataforik, i diktuar nga struktura e fjalisë, por marrëdhëniet kohezive nuk janë strukturore. Në shembullin e mëposhtëm krahasimi është anaforik.

(28) ***Jennings** is here to see you. – I was expecting someone **different**. (From Jennings)*

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[1] Halliday, M. A. K, Hasan, R., *Cohesion in English,* Longman, 1976, f. 313

*(**Jenings** është këtu për të takuar ty. - Unë po prisja dike **tjetër.** (ndryshe nga Jenings)*

(Kinsella, S., Can you keep a secret: 178)

(29) *Vërtet, ndoshta ishte marrë vesh gabim arsyeja e ardhjes. Disa thoshin se kishte ardhur vërtet për një rast **tjetër**, tepër të ngatërruar.* (ndryshe nga rasti i parë)   (I. Kadare, *Prilli i thyer*: 39)

Me *krahasim specifik* kuptojmë krahasim të sasisë dhe cilësisë të elementeve. Me fjalë të tjera, shprehet një krahasueshmëri midis tipareve sasiore dhe cilësore.[1] Për këtë përdoren mbiemra dhe ndajfolje të thjeshta në formën krahasore, si: *better cards. (letra më të mira).* Ashtu si në llojet e tjera të referencës, krahasohet një element me një elementet paraprijës, por edhe me një element që vjen pas. Gjithashtu elementi krahasues kuptohet nga rrethana e ligjërimit.

(30) *Take some **more** tea.*

*(Merr **edhe më** çaj.)*   (Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 81)

(31) *There are **twice as many** people there as the last time.*

 *(Ndodhen **dy herë më shum**ë njerëz se herën e fundit.)*   (po aty: 82)

(32) – *Po a s'pranohet sot që e drejta shtetërore është **më e përparuar** se ajo kanunore?*

(I. Kadare, *Prilli i thyer*: 70)

(33) - *We are demanding **higher** living standards. (than we have now)*

 *(Ne kërkojmë standarde jetese **më të larta.)** (sesa kemi tani)*

(Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 81)

(34) - *Would you like the water **cooler?*** (exophoric)

 *(E doni ujin **më të ftoht**ë?)* (jashtë kontekstit)

(Halliday, M. A. K, Hasan, R. (1976), *Cohesion in English,* Longman: 83)

(35) *Iu desh dy-tri herë të vështronte përjashta që vrulli i gëzimit t'i binte. Pamja kishte ndërruar, qielli ishte bërë **më i gjerë**.* (I. Kadare, *Prilli i thyer*: 73)

Krahasimi i sasisë shprehet me elementet numërore të strukturës së përbërësit emëror, si: **a)-** me anë të një sasiori krahasues, p.sh: *more (**më shumë**),* në: ***more** mistakes (**më shumë** gabime)* **b)** - me anë të një ndajfoljeje krahasuese që nënplotëson një sasior, p.sh. ***as many** mistakes. (**aq shum**ë gabime).*

(36) *There have to be some **more** booby traps.*

 *(**Më** duket se ka dhe ca kurthe **të tjera**.)*   (Kinsella, S., Can you keep a secret: 168)

(37) *Kështu fliste Besiani, ndërsa ajo me bisht të syrit vështronte përreth, duke u matur dy-tri herë t'i thoshte: të madhërishme vërtet janë këto gjëra, por a nuk mund të kishte pakëz **më shumë** pastërti.* (I. Kadare, *Prilli i thyer*: 85)

Ndërsa krahasimi i cilësisë shprehet me një epitet në grupin emëror, ose me anë të një mbiemri krahasues, si: *easier, more difficult*, në: *easier* tasks, *more difficult* tasks, ose me anë të një ndajfoljeje krahasuese, që nënplotëson një mbiemër: *so (kaq)* në: *so difficult a task (një detyrë kaq e vështirë).*

(38) *I can`t find spots, which aren`t just the obvious venues to go. I mean not that Jack`s restaurant wasn`t amazing. But how much **cooler** will this be?*

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[1] Halliday, M. A. K, Hasan, R., *Cohesion in English,* Longman, 1976, f. 77

*(Unë mund të gjej vende ku nuk para vihesh re. Nuk dua të them se restoranti i Xhekut nuk ishte fantastik. Po sa **më i bukur** do të jetë ky?)*   (Kinsella, S., Can you keep a secret: 201)

(39) *Asnjë shenjë jete nuk dukej në heshtimin e rreptë të atyre kullave. Dielli i shpëlarë që binte pjerrtazi mbi gurët e mureve, e bënte edhe **më të thellë** shkretimin.* (I. Kadare, *Prilli i thyer*: 161)

(40) *I have never seen Jemima look quite **so appalled.***

*(Nuk e kam parë kurr Jeminen të duket **kaq e tmerruar.**)* (Kinsella, S., Can you keep a secret: 165)

(41) *Duhan i mirë ky i Shkodrës – ia bëri i ati, sikur fliste me vete. Pastaj shtoi me zë **më të lartë.*** **(**Grup autorësh, (2002) *Gramatika e Gjuhës Shqipe 1,* Tiranë: 173)

(42) *– Atëherë, ja ku ta them Dianë, megjithëse ndodhemi në zonën e vdekjes, të jesh e sigurt se kurrë ndonjëherë në jetën tende s`ke qenë **kaq e mbrojtur** sesa sonte, jo vetëm nga fatkeqësitë, por nga fyerja më e vogël.* (I. Kadare, *Prilli i thyer*: 81)

Krahasimi i cilësisë shprehet ose: a) - me një ndajfolje në shkallën krahasore, si në: *Cambridge rowed* **faster.**, (Kembrixh voziti *më shpejt.*), ose: b) - me një ndajfolje në shkallën krahasore që plotëson kuptimin e po të një ndajfoljeje, si në: *She sang **as sweetly.**[1]*(Ajo këndoi *aq ëmbël.)*

(43) *The rain is beating down even **harder**, thundering on the roof of the shelter and creeping into my-Jemima`s – silver sandals.*

*(Shiu po bie **më i rrëmbyer**, duke gjëmuar mbi strehën e stacionit dhe zvarrë-zvarrë vjen te sandalet e mia - Të Jemines – ngjyrë argjendi.)*   (Kinsella, S., Can you keep a secret: 184)

(44) *Ai e uli zërin ashtu si më parë, dhe zëri i rifitoi jehonën **më shpejt** se ç`priste ajo.*

(I. Kadare, *Prilli i thyer*: 75)

(45) *I feel like crying with disappointment. I just don`t understand it. It was going **so well**. We were getting on **so fantastically**.*

*(Me duket se më vjen për të qarë nga hidhërimi. S'e kuptoj dot se ç`ndodhi. Çdo gjë po shkonte **si s`ka më mirë**. Ne po kalonim **për mrekulli**.*   (Kinsella, S., Can you keep a secret: 179)

(46) *Dhe Brenda asaj karroce – flutur - sarkofag ishte vështrimi i femrës me flokë të gështenjtë që e kishte përpirë Gjorgun **aq ëmbëlsisht** dhe **aq tronditshëm**, sa askush tjetër në këtë botë.*   (I. Kadare, *Prilli i thyer*: 151)

"So" dhe "**such", "aq** dhe **kaq"** përdoren në krahasimin theksues, kur referenti është i qartë nëpërmjet formave të tjera të komunikimit, siç janë gjestet.

(47) *S'ka ditë që të mos shkojnë zhuke nga tre e katër, na, **kaq** të mëdhenj, dhe preu krahun në dorën tjetër në atë vend ku iu duk se mund të arrinte bishti i qefullit.*

(Grup autorësh, (2002) *Gramatika e Gjuhës Shqipe 1,* Tiranë: 175)

Nëse krahasimi nuk është i plotë, ai humbet lidhjen me elementin nënkuptues. Forma krahasuese atëherë kupton *too/very + adjective. (shumë + mbiemër).*

(48) *Natyrisht që mendoj të shkruaj diçka për këto – E ke të vështirë? – po, - tha shkrimtari – s'është **kaq e lehtë.** – Ma shpjegoni më mirë – tha vajza, kjo është një gjë **kaq interesante**.*

(Grup autoresh, (2002) *Gramatika e Gjuhës Shqipe 1,* Tiranë: 175)

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[1] Halliday, M. A. K, Hasan, R. *Cohesion in English,* Longman, 1976, f. 81

Shkalla sipërore nuk ndiqet nga emri, të cilin ajo saktëson. Në këtë rast ajo vet tregon: *më e larta* do të thotë *më e lartë se çdo gjë tjetër*. Kështu shkalla krahasore nuk ka funksion referues, por shërben si caktuesor.[1]

(49) *Ndërsa po përkulej për të fshirë diçka me leckë mbi tryezën e tyre, kuptohej menjëherë që bujtinari po u jepte të dhëna për të porsa mbërriturit nga Tirana. Njëri prej tyre, ai **më i shkurtri** bënte sikur nuk dëgjonte ose nuk dëgjonte vërtet.* (I. Kadare, *Prilli i thyer*: 91)

Në gjuhën angleze, si edhe në versionet e gjuhës standarde dhe jo standarde shqipe, referenti i krahasimit nuk përmendet kur është i njohur nga bashkëbiseduesit. Në shembullin e mëposhtëm forma *më i vështiri* është një formë e shkallës krahasore e sipërisë absolute. Elementi i dytë i krahasimit përfshin të gjithë pjesën tjetër të grupit. Në të dyja gjuhët shkalla sipërore *më i vështiri, the hardest* nuk janë referues, sepse janë vetë tregues dhe për këtë arsye ato shërbejnë si plotës përcaktues.

(50) *Na mbetet edhe një **turne**. Po. - Nëpër male. Ai është **më i vështiri.***

*(There is one **tour** left. Yes - in the mountains. That is **the hardest**.)*

(Grup autorësh, (2002) *Gramatika e Gjuhës Shqipe 2,* Tiranë: 178)

Konkluzion

Mbështetur tek pranëvenia dhe krahasimi i referencës krahasuese në të dyja gjuhët konkludojmë se gjuha angleze dhe gjuha shqipe shfaqin ngjashmëri të dukshme në përdorimin e mjeteve kohezive tekstformues. Referenca në gjuhesi është një nga mënyrat e realizimit të kohezionit të tekstit.Ajo ka të beje me adresimin tek një referent gjuhësor i caktuar që ndodhet në një kontekst të caktuar . Me anë të krahasimit realizohet lidhja që ekziston midis dy elementeve të tekstit: presupozuesi dhe i presupozuari. Krahasimi është një formë reference që do të thotë se një gje nuk mund të jetë "si" por duhet të jetë "si dicka". Elementi i krahasuar mund të gjendet në tekst ose jashtë tij. Referenca krahasore midis fjalivë të tekstit është kohezive.

Referenca përbën grupin më të madh të mjeteve kohezive gramatikore që ka varësi më të madhe ndaj llojit të regjistrit gjuhësor: një regjistër formal përdor më shumë mjete kohezive leksikore në vend të elementeve preferencial, ndërsa një regjistër i hapur jo-formal përdor gjerësisht referencën. Regjistri gjuhësor formal kërkon saktësi të të shprehurit dhe shmangie të ambiguitetit, gjë që mund të ndodhë me elementet preferenciale, sepse atyre mund t'i përcaktosh antisidentin (fjalën paraprijëse) e gabuar. Lloji mbizotërues i kohezionit referencial janë përemrat vetorë, ndërsa tekstet shkencore për shkak të natyrës së tyre krahasuese, përdorin më shumë referencën krahasore.

Problemi më i madh që shkaktojnë elementet kohezive të tekstit për atë që mëson një gjuhë të huaj është vështirësia në të kuptuar, sidomos në dëgjim pasi në ligjërimin e folur dhe atë të shkruar nxënësi mund t'i shmangë ato dhe mund ta përdorë përsëritjen më shumë se sa është e domosdoshme. Kjo mund të çojë në formalitet të tepruar, por jo në keqkuptim. Prandaj që në etapat e para të mësimit të gjuhës së huaj është e domosdoshme të drejtohet vëmendja në rastet ku dalin në shesh këta elemente për t'i ndërgjegjësuar nxënësit se njohja e mirë e elementeve kohezive të një teksti, veçoritë karakteristike dhe të përbashkëtat e tyre çon në të mësuarit më efektiv të gjuhës angleze dhe përdorimin e saktë të saj.

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"A Sad Smile" : Immigration to Turkey in Stories of Fahri Kaya ("Acı Bir Gülümseme": Fahri Kaya'nın Hikâyelerinde Türkiye'ye Göç)

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Abstract

As a result of political changes after Ottoman's farewell from the Balkans, most of the people living in this territory had to immigrate to Anatolia due to some reasons. In the Balkans where political structures changed rapidly, Turks who were dominant at this area once upon a time, became minority and they had socio-cultural problems long time. Turkish minority, who lives in Macedonia which had independence after dissolution of Yugoslavia, is one of them. Turkish minority who had the right to use his native Turkish language in Yugoslavia in 1940s, needs qualified manpower who will carry out education and press activities. The leading intellectuals like Fahri Kaya, Ilhami Emin and Necati Zekeriya struggled to fulfill this duty. Fahri Kaya worked as a volunteer in too many cultural organization like Uskup Radyosu, Birlik Gazetesi and Sesler Dergisi and in addition to these organizations, he also became a member of Macedonian Presidency. He published some texts like course book, anthology, alphabet and his poesy and stories are among his prominent features.In our bulletin, approach of Fahri kaya, who handle instensely the emigration from the Balkans to Turkey in his story book "Ikindi Gunesi", to emigration subject will be discussed. Determination and evaluation of difficulties and dilemmas experienced by the Balkan Turks, who take part in these stories, have to make a choice between "go" and "stay", and decide to immigrate to Turkey, will help us to understand the immigration tragedy experienced by the Balkan Turks.

Keywords: Turkish Literature, Macedonia Turks, Story, Fahri Kaya

Çıkayım gideyim Urumeline aman aman

Çıkayım, gezeyim bir uçtan bir uca aman aman

Bize ayrılık Mehmedim Mevladan oldu aman aman

(Gün Bugün, sh.237)

Özet

Osmanlı'nın Balkanlar'a vedası ile yaşanan siyasi değişimler neticesinde, bu coğrafyada yaşayan halkın büyük bir kısmı çeşitli nedenlerle Anadolu'ya göç etmek zorunda kalmıştır. Siyasi yapıların süratle değiştiği Balkanlar'da bir zamanlar hakim unsur olan Türkler zamanla azınlık durumuna düşmüş, sosyo-kültürel bakımdan uzun süre sıkıntılar yaşamışlardır. Yugoslavya'nın dağılmasıyla bağımsızlığına kavuşan Makedonya'da yaşayan Türk azınlık bunlardan biridir. 1940'lı yıllarda Yugoslavya'da ana dili Türkçeyi kullanma hakkını kazanan Türk azınlığın eğitim-öğretim, basın-yayın faaliyetlerini karşılayacak yetişmiş insan gücüne ihtiyacı vardır. Fahri Kaya, İlhami Emin, Necati Zekeriya gibi önde gelen aydınlar bu görevi yerine getirmek için mücadele etmişlerdir. Üsküp Radyosu, Birlik Gazetesi, Sesler Dergisi gibi pek çok kültür kurumunda gönüllü olarak çalışan Fahri Kaya, bu görevlerinin yanı sıra Makedonya Cumhurbaşkanlığı üyeliği de yapmıştır. Ders kitabı, antoloji, alfabe gibi metinler yayınlayan Fahri Kaya'nın şairliği ve hikâyeciliği öne çıkan özelliklerindendir. Bildirimizde Balkanlar'dan Türkiye'ye göçü "İkindi Güneşi" adlı hikâye kitabında yoğun biçimde işleyen Fahri Kaya'nın "göç" olgusuna yaklaşımı üzerinde durulacaktır. Bu hikâyelerde yer alan, gitmekle kalmak arasında tercih yapmak zorunda olan, Türkiye'ye göç etmeye karar veren kahramanların yaşadığı ikilem ve karşılaştıkları zorlukların tespiti ve değerlendirilmesi; Balkan Türklerinin yaşadığı göç trajedisini anlamamıza yardım edecektir.

Anahtar kelimeler: Türk Edebiyatı, Makedonya Türkleri, Hikâye, Fahri Kaya

Giriş

Balkanlar'dan Anadolu'ya göç, Osmanlı Devleti'nin bu bölgedeki hakimiyetini kaybetmesi ile eş zamanlı olarak gerçekleşen, gün geçtikçe yoğunluğu artan, yeni siyasi sınırların oluşmasıyla etnik anlamda büyük problemlere yol açan, günümüzde az da olsa devam eden bir nüfus hareketidir. İkinci Dünya savaşı sonrasında "Tito Yugoslavyası"na bağlı olan Makedonya'da bulunan Türk nüfusun her geçen gün eridiğini Makedonya Devleti'nin resmi kurumlarının verdiği bilgiler de teyit etmektedir.[1] Makedonya'da Türk nüfusun azalması karşısında burada yaşayan Türk aydınlar endişe duymakta ve devam eden göçü durdurmak amacıyla çeşitli önerilerde bulunmaktadırlar. Makedonya'dan göçün bir türlü engellenemediğini, göçün engellenebilmesinin bir yolunun, Türkiye'nin buradaki Türk azınlığa "çifte vatandaşlık hakkı" vermesi olduğunu İlhami Emin yazısında şöyle ifade ediyor: *"Makedonya'da Türk nüfusu gün geçtikçe azalıyor. 1912'den beri tümümüzü sarsan göçler sonucu, çok sayıda aydın kişimiz Türkiye'nin gelişmesine katkı sunmaya ve kendi evlatlarına ana ülkede daha düzenli bir hayat ve gelecek kurmaya gitti.*

Giden gitti, kalan (az) kaldı. Nedense, genellikle, daha yoksullarımızla birlikte, biz de atalarımızın kanıyla dolu eski topraklarımızda kaldık.

Ve azınlık olmanın acısını çektik ve hala çekiyoruz.

Makedonya'da, dolayısıyla tüm Balkanlar'da, anavatana göç etmeyen (veya edemeyen) biz Türkler, 1912-2002 arası dönemde genel olarak, dört farklı toplumsal düzende (Krallık, Çarlık, Sosyalizm ve Kapitalizm) farklı muamele gördük ve görüyoruz. Milli ve dini haklarımız pek tanınmamış, çoğunlukla ezilmiş ve ezilmektedir. Farklı yabancı rejimlerin tüm eritme çabalarına rağmen, milli varlığımızı korumuş ve korumakta direniyoruz. Çoğunlukla çeşitli uluslar arasında hayli hırpalanmış durumdayız ve bugün, dünden çok hırpalanıyoruz."[2]

Makedonya Türklerinin önde gelen isimlerinden olan Fahri Kaya, Türk kültürünün bu topraklarda uzun yıllar yaşayacağı konusunda İlhami Emin'e kıyasla daha iyimserdir. Fahri Kaya'ya göre kültürü yaşatacak olanlar, bu topraklarda yaşayan Türkler ve onların çocukları olacaktır.[3] Ancak bu bölgelerde Türk varlığının sürdürülmesi için Makedonya ve Türkiye'nin gerekli tedbirleri alması, kültürel faaliyetlere destek vermesi şarttır.

Bildirimizde, Osmanlı'nın Rumeli'ye vedası sonrasında yoğunlaşan, genellikle "gönüllülükten" çok, "zorunluluk" nedeniyle gerçekleşen bu göçlerin siyasi, toplumsal sonuçlarından ziyade, göç olgusunun Fahri Kaya'nın hikâyelerine yansıması üzerinde duracağız.

Makedonya Türklerinin Edebiyatında Modern Hikâyecilik

Türk edebiyatı bu topraklardaki varlığını, Makedonya Osmanlı idaresinden çıktıktan sonra, İkinci Dünya Savaşı yıllarına kadar olan süreçte, sözlü kültür ürünleri üzerinden devam ettirmiştir. Bu dönemde bir arayış içerisinde olan Türk aydınının Osmanlı dönemindeki rahatlıkla edebiyat çalışmalarını sürdürmesi düşünülemez. Yaklaşık kırk yıllık kültürel bocalama süresi sonunda Türk azınlığa ana dilinde eğitim hakkının da verilmesiyle Makedonya'da Türk edebiyatının yazılı ürünlerinin yeniden verilmeye başlandığı görülür. Bu canlanma neticesinde edebiyatın farklı türlerinde eserler verilir.

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[1] 1953'ten 2002'ye kadar Makedonya'dan Türkiye'ye göçlerin sayısı ve Türk nüfusunun bu süreçte azaldığını (1953'te Makedonya'da yaşayan Türklerin toplam nüfusa oranı % 15, 6 iken, 2002'ye gelindiğinde bu oran % 3,85'e düşmüştür.) Nüfus oranlarındaki değişimi ayrıntılı incelemek için bkz.Abdülmecit Nureddin, Dünden Bugüne Makedonya Türkleri, Hikmet İlmi Araştırma Dergisi, Gostivar, Sayı 11, Mayıs 2008, sh.176. Üsküp'te Osmanlı'nın son döneminde nüfus,kültür, eğitim vs. gibi konularda daha fazla bilgi için bkz. Salih Asım Bey, Üsküp Tarihi ve Civarı, Üsküp, 1932.Ayrıca bkz.Abdülmecit Nureddin, Balkanlar'dan Türkiye'ye Göç ve Etkileri, Çağla Yayınları, Ankara, 2011.

[2] Rıfat Emin Sipahi, İlhami Emin'in Hatıraları-Balkanlar ve Türkler, Mitos Yayınları, İstanbul, 2011, sh.263. Makedonya Türkleri'nin siyasi, sosyal, kültürel durumu ile ilgili olarak ayrıca bkz. Avni Engüllü, Dermeyan, Matüsiteb Yayınları, Üsküp, 2009.

[3] Şennur Süleyman, Fahri Kaya-Makedonya'da Türk Edebiyatı-Eleştiriler Denemeler, Manastır, 2008, sh.61.

Edebiyat alanındaki hareketlilik, eserlerinin basılması yazarlara büyük moral vermiştir.[1] İkinci Dünya savaşının hemen öncesinde Makedonya'da hikâye türünde eser veren ilk isim Mustafa Karahasan'dır. Karahasan ilk hikâyelerini Türk Arnavut ve Boşnak aydınlarının oluşturduğu "Yardım Cemiyeti"nin Duvar Gazetelerinde yayınlamıştır. Edebî bir tür olarak hikâyenin gelişimi şiire göre daha geç dönemdedir. Hikâyelerin ilk örnekleri çocuklara yönelik olmakla birlikte modern hikâye türü zamanla gelişmesine devam etmiştir.[2] Mustafa Karahasan'dan sonra yetişen hikâye yazarları arasında Süreyya Yusuf, Şükrü Ramo gibi isimleri görürüz. Bu yazarların ilk hikâyeleri Birlik, Sesler, Çevren gibi gazete ve dergilerde yer almıştır. Fahri Kaya'nın tespitine göre ilk hikâye kitabı Mustafa Karahasan'ın çocuklar için yazdığı Küçük Erler'dir(1950). Daha sonra sırasıyla Mahmut Kıratlı'nın Küçük Hikâyeler(1954), Necati Zekeriya'nın Bizim Sokağın Çocukları, Hüseyin Süleyman'ın Çocuklar adlı hikâye kitapları basılır.[3] Makedonya Türklerinin hikâyeciliğine modern bir yapı kazandıranlar ise Hasan Mercan, Alaattin Tahir, Enver Baki, Avni Engüllü, İskender Muzbeg gibi isimlerdir. Bu isimler sayesinde Balkanlar'ın bu bölgesinde gelişen Türk hikâyeciliği *"yükseliş dönemi"*ne girmiştir.[4]

Fahri Kaya'nın tespitine göre bu hikâyelerde birçok farklı konu ele alınsa da *"savaş, halk kurtuluş savaşı"* gibi konular özellikle Mustafa Karahasan ve Şükrü Ramo'da otobiyografik kaynaklı olarak öne çıkmıştır: "*Hikâyecilerimizin doğrudan doğruya ya da gıyaben ele alamadıkları herhangi bir konu yok denilebilir. Ama gene de hikâyemizde savaş, Halk Kurtuluş Savaşı konuları ağır basmaktadır. Savaş konularını, sadece yaşlı yazarlarımız değil, İkinci Dünya savaşı yaralarının sarılmaya başlandığı yıllarda doğanlar, daha doğrusu savaşı unutmaya başladığımız yıllarda yazmaya başlayanlar bile ele almıştır. Daha yaşlı yazarlarımız, özel olarak Halk Kurtuluş Savaşına katılanlar bu konuyu, çoğunlukla başlarından geçen ya da tanık oldukları kimi olayları anlatarak ele almaktadırlar. Mustafa Karahasan il Şükrü Ramo'nun hikâyelerinde savaş konu olarak çoğunlukla otobiyografiktir.*"[5] Hikâye yazarları bu konuların yanı sıra çocukluk anılarını da eserlerinde işlerler. Fahri Kaya'nın ifadesiyle bu hikâyelerde görebileceğimiz belli başlı konular şunlardır: "*Hikâyelerimizde, yazınların tümünde bitmeyen ve tükenmeyen bir konu olarak sevgi var, çalışkan ve dürüst insanların portreleri var. Yörükler, Doğu Makedonya ile Kosova köylüleri var, el zanaatları ya da küçük ticaretle uğraşanlar var. Hikâye kitaplarında yazarlarımızın evrenselliğini de görmek zor değil. Hikâyemizde yıllardır zaman zaman da olsa bir konu daha göze çarpmaktadır. Uzun yıllar sakıncalı bir konu olarak bilinen göçü yazınımızda, Sesler dergisinin ilk sayılarından birinde yayınladığı bir hikâyede Süreyya Yusuf deşmiştir. Bundan sonra bu konu iki kenarı keskin bir bıçak olarak ele alınmaktadır. Hep ikilem içinde işlenir ve yansıtılmıştır.*"[6]

Abdülkadir Hayber "Makedonya ve Kosova Türkleri"nin ürettiği edebî metinleri birlikte değerlendirdiği eserinde bu coğrafyada yeniden doğan edebiyatın kaynağında var olan sözlü edebiyat geleneğinin Türklerin Balkanlar'a geçişiyle birlikte *"kesintiye uğramadan"* devam ettiğini belirtir.[7] Bunun yanında "Makedonya ve Kosova Türkleri", yazılı edebiyatları kesintiye uğradığı süreçte "ana ülke" Türkiye'de gelişen edebiyatı takip etmeye çalışmışlardır. Bu süreçte okudukları arasında Namık Kemal, Yahya Kemal ve Milli Edebiyat döneminin sanatkarları vardır.[8] Yazılı Türk edebiyatının yeniden canlandığı bu topraklarda *"bir avuç aydın"* Türkçeyi yaşatmak amacıyla büyük gayret sarf ederler. Bu yazarların ilk eserleri daha çok eğitim öğretim ihtiyacını karşılamak amacıyla kaleme alınırken zamanla konu ve estetik anlayış bakımdan yetkinleşmeye başlamıştır. Hayber kapsamlı incelemesinde konulardaki bu gelişimi şöyle ifade eder: "*Şükrü Ramo, Necati Zekeriya ve Mustafa Karahasan vb. ilk isimlere çok geçmeden yenilerinin eklenmesi, giderek başlangıçtaki dar çerçevenin kırılmasında etkili oldu. Toplumla ilgili kalıplaşmış konulara ferdi konular eklendi. Ferdi konular içerisinde kendini ilk hissettireni aşk oldu. Hatta aşk, daha sonra en çok üzerinde durulan konulardan biri oldu.Aşkı, geçmiş devirlere dönüş takip etti. Özellikle ilk isimleri takip edenler, önce kendilerini aramaya başladılar çevrelerinde gördükleri eski devirden kalma eşyalarda bir değer ve özellik gördüler. Eski-yeni veya geçmiş-hâl muhasebesine başladılar. Bunun en güzel örneğini "Gülkılıç"la İlhami Emin verdi. İlhami Emin, gül ve kılıcın bütünleşmesiyle belirli bir devrede yer alan ve kendini saydıran insanı, sonradan bir boşluk ve bunalım içerisinde gördü. Bu bunalım, gül ve kılıç arasındaki dengenin bozulmasıyla başladı.*

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[1] Fahri Kaya, Makedonya Türklerinden İz Bırakanlar, Divan Yayıncılık, Üsküp/Makedonya, 2008, sh.236.

[2] Fahri Kaya, Seçme Yazılar, Birlik Yayınları, Üsküp, 1994, sh.28.

[3] Fahri Kaya, a.g.e., sh.29.

[4] Fahri Kaya, a.g.e., sh.30.

[5] Fahri Kaya, a.g.e., sh.32.

[6] Fahri Kaya, a.g.e., sh.34.

[7] Abdülkadir Hayber, Makedonya ve Kosova Türklerinin Edebiyatı, Milli Eğitim Bakanlığı Yayınları, İstanbul, 2001, sh.18.

[8] Abdülkadir Hayber, a.g.e., sh.21.

Böylece geçmişin güzel ve iyi olan her şeyi biter, yerini yeninin kötülükleri alır...İlhami Emin'in ilk şiirlerinden itibaren önemle üzerinde durduğu bu konular, yer yer etkisini gösterdi. Ancak, bütünüyle başlangıçtaki güdümlü konulardan kopuş olmadı."[1]

Göç: "İki Ucu Keskin Bıçak"

Fahri Kaya'nın yukarıda alıntıladığımız ifadesinde olduğu gibi "göç", *"iki ucu keskin bıçak"* gibidir bu topraklarda ve uzunca bir süre aydınlar arasında görmezden gelinmeye çalışılan, en azından *"oto sansür"*e tabi tutulan bir konudur. Bir zamanlar yönettiği halklar arasında azınlık hâline gelen milletin *"gitmekle kalmak"* arasındaki büyük kararsızlığı göçün asıl trajedisidir. Ancak dikkatli bakıldığında Türk aydınının göç gerçekliğini *"yazmakla yazmamak"* arasında yaşadığı tereddüt de hissedilir. Sanatkâr açısından göç konusunu hikâyelerin ana unsuru yapmak, hem altı yüz yıldır sahip olduğu değerlere zarar verir hem de göçün hızını artırarak buradaki kültürün varlığını tehdit edebilir.

Göç konusunda Fahri Kaya'nın Süreyya Yusuf'la konuşması bize bu konuda daha net bir fikir verebilir. Süreyya Yusuf Sesler dergisinin ilk sayılarından birinde basılmak üzere "Baba Gözyaşı" adlı bir hikâyesini önerir. O dönemde Sesler dergisinin yazı işlerinde hikâye kısmından sorumlu olan Fahri Kaya'dır. Kaya, Süreyya Yusuf'a bu hikâyenin *"zülfü yare dokun"*abileceğini söyler. Ona göre Süreyya Yusuf, hikâyede *"Halk Kurtuluş Savaşı"* neticesinde bulunduğu ülkede *"birlik, eşitlik ve mutluluk"* içinde yaşayan devrimci bir Türk'ü, bu savaştan *"yirmi yıl sonra"* tereddüde ve bunalıma sürüklemekle *"zülfü yare dokun"*ur. Fahri Kaya'nın tereddüdü, bu hikâyede anlatılanların göç olgusunu yeniden gündeme getirmesidir.[2] Eğer göç tekrar gündeme gelirse *"okuyucuların göç etme isteği"* de artabilir. Süreyya Yusuf'un bu konuda gerçekçi davranmak istediğini görüyoruz. Çünkü göç olgusu, Makedonya Türklerinin kafasında 1912'den beri zaten yaşamakta, bu konu "gerçek hayatta" konuşulmaktadır. Yazı kurulunda tartışılan hikâye ancak bir yıl sonra 1968'de Sesler dergisinin Mart sayısında yayınlanabilmiştir. 1960'lı yıllarda göç olgusuna bu denli tereddütlü bakan Fahri Kaya yirmi yıl sonra da bu görüşünün arkasında olduğunu söyler.[3] Onun bir aydın olarak üzerine düşen görev Makedonya'da yaşayan Türk varlığının her şartta devam ettirilmesidir. Eğer göç devam ederse bu topraklarda Türkçe'yle birlikte Türklük de yaşama hakkını elde edemez.[4]

Kanaatimize göre Türk azınlığın göç konusunda yaşadığı bu büyük ikilemi duyan ve eserlerinde vurgulayan önde gelen hikâyecilerden biri Fahri Kaya'dır. Makedonya Türklerinin varlık mücadelesinde önemli bir yeri olan Fahri Kaya 1930'da bugün Makedonya Cumhuriyeti'ne bağlı Kumanova şehrinde doğmuştur. Osmanlı sonrasında Balkan topraklarında kalan Türk toplumunun yetiştirdiği bir aydın olan Fahri Kaya dil, kültür, edebiyat alanında birçok eser vermiştir. Gazetecilik, öğretmenlik ve bu mesleklerin yanı sıra uzun yıllar politikacılık yapan Fahri Kaya, Makedonya Türklerinin edebiyatının gelişmesinde önemli bir yeri olan "Sesler" edebiyat dergisini çıkarır. Bununla birlikte Türk azınlığın sesi olan Birlik gazetesinin bir dönem yöneticiliğini yapar. Bu gibi faaliyetlerin yanı sıra Fahri Kaya çocuklara yönelik şiir, hikâye kitapları yayınlamıştır.[5] Yetişkinler için de hikâye yazan Fahri Kaya'nın hikâyeciliğini anlamamız açısından İkindi Güneşi adlı hikâye kitabı önemli bir eserdir. Bu hikâyelerin "estetik" yetkinliğinden çok Balkanlar'da yaşayan Türk insanının maruz kaldığı "göç" gerçeği karşısındaki duygu hâlleri, bu duygu hâllerinin edebî metinlere yansıması dikkatimizi çekmiştir.[6]

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[1] Abdülkadir Hayber, a.g.e., sh.27.

[2] Abdülkadir Hayber'in Süreyya Yusuf'un hikâyelerinde göç olgusunun işlenişine yönelik düşüncesi şöyledir: "*Süreyya Yusuf'un üzerinde durduğu önemli konulardan biri de göçtür. Göç, tek kelime ile felâkettir. Fakat bunun birçok sebepleri vardır. Bayram Saatçi'de olduğu gibi, kendi işinde gücünde olan, çalışkanlığı ve dürüstlüğüyle tanınan bir saatçinin çevredeki işi gücü olmayan kimseler tarafından yıldırılması, göçün görünen bir sebebidir. Cahillikten kaynaklanan buna benzer davranışlar ile günlük hayatta çok karşılaşılmaktadır. Bunun arkasında görünmeyen hakiki sebepler vardır. Göçün sosyal, siyasi ve kültürel sebepleri vardır. Fakat bunların dayandıkları temel nokta,saatçının çevresidir. Kimler ya da nelerdir bu çevredekiler? Yazar bunu açık olarak söylememekte. Birtakım değer yargıları bakımından çevresiyle çatışan kimseler, zamanla kendilerini göçe mecbur hissetmişlerdir. Fakat göç her zaman beklenilen mutluluğu getirmeyebilir.*"Abdülkadir Hayber, Makedonya ve Kosova Türklerinin Edebiyatı, İstanbul, 2001, sh.118.

[3] Fahri Kaya, Süreyya Yusuf ya da Bir Portre Denemesi, a.g.e., sh.70-71.

[4] Bu konuda daha geniş bilgi için bkz.Fahri Kaya, Gün Bugün, Yeni Balkan Yayınevi, Üsküp/Makedonya, 2011.

[5] Makedonya'da Türk Edebiyatı-Bir Tutam Hikâye, Seçki ve Giriş: Fahri Kaya, Manastır, 2008, sh.239-240. Fahri Kaya'nın çocuklar için yazdığı hikâye kitaplarının isimleri: Güle Güle (1978) ve Küçük Hanım (1996)'dır. Bu konuda daha geniş bilgi için bkz. Abdülkadir Hayber, Makedonya ve Kosova Türklerinin Edebiyatı, İstanbul, 2001, sh.202.

[6] Bu konuda Fahri Kaya'nın ifadesini aynen almayı uygun görüyoruz: "*Sonunda bu hikâyelerin, on dördüncü yüzyıldan beri buralarda yaşayan Türklerden kalan bizlerin hikâyesi olduğunu söyleyelim. Hikâyeler, alınyazımızı, yaşamımızı tüm yönleriyle yansıtan yazılardır.*

İkindi Güneşi ve Göç

İkindi Güneşi[1] adlı eserinde Fahri Kaya'nın göç olgusu karşısında endişesinin izlerini görebiliriz. Bu eserde Türkiye'ye göç özendirilmekten ziyade içten içe durdurulmaya çalışılmaktadır. Göç olgusunun farklı yönleriyle ele alındığı eserde, "Asıl Güçlükler Sonradan Başladı" adlı hikâyesinde örneklendiği gibi, "iç göç" ile "dış göç" arasındaki büyük uçurum anlatılır. Yazar, Malatya'dan İstanbul'a "taşınan" bir kahramanı ile Üsküp'ten İstanbul'a "göçen" bir kahramanının diyaloguyla aktarıyor okuyucuya bu farklılığı. Malatyalı genç çocukluğunun geçtiği Malatya'yı bir türlü unutamadığını söylediğinde Üsküp'ten İstanbul'a göçen kahraman şöyle söyler:

"Dur. Ağır ol. Senin İstanbul'a gelişinle bizim gelişimiz arasında dağlar kadar fark var kardeş. Sen bir yerden başka bir yere taşındın. Yurt değiştirdin ama memleket değiştirmedin. Sen, senin Malatya'na istediğin zaman gidebilirsin. Oralarda doğum evin de olabilir, çocukluk mahallelerinde, zedelenmemiş anıların da yaşıyor. Zaman zaman gidip bunları tazeler, özlemini giderebilirsin…Biz bunlardan yoksunuz…Bilmem anlatabiliyor muyum?"(İkindi Güneşi, sh.34)Taşınanın geçmişi bir gün yeniden canlanmaya hazırmış gibi bekler zihninde, gidişinin dönüşü vardır; ama her ne kadar ana ülkeye göç eden bir "soydaş" olsa da göç edenin geri dönüşü zordur. Tabii ki onun da hatıralarında kalan çok şey vardır yaşadığı topraklarla ilgili ama bu kalanlar da bir gün silinmeye yüz tutar.

Yazarın nazarında göç etmek, "yüzyıllar önce çıkılan yolculuğun geri dönüşü" olarak görülür hikâyelerde. "Beyaz Mendil Kara Toprak" hikâyesinde vakaya göre, İkinci Dünya Savaşı bitmiş, insanlar yeni yeni rahatlamaya başlamışken birden bir göç lafı dolaşmaya başlar ortalıkta. Göç sözü Makedonya'da birden bire tam da insanların arasında *"savaş yıllarındaki çektiklerini, tedirginlik ve sıkıntılarını unutup oldukça huzurlu günler yaşamaya başladıkları yıllarda şehirde mahallede"*(İkindi Güneşi, sh.105) dillenmeye başlamıştır. Bu durum yukarıda da değindiğimiz gibi Fahri Kaya'nın bir Türk aydını olarak hiç de hoşuna gitmez. Çünkü kazanılmış bir zafer vardır ortada. Halkın kazandığı bir zafer. Bu halkı oluşturan unsurlar arasında Türkler de vardır. O hâlde, Türklerin, yaşadıkları toprakları bırakıp göç etmeleri zaferi sahiplenmemeleri anlamına gelir. Göçün yönü nereye olursa olsun, isterse "ana ülke"ye de olsa insan için "sıkıntıların kaynağı" olabilir.

"Lamba Yanık Kaldı" adlı hikâyede yazar göç olgusunun Türk halkı üzerindeki etkisini tasvire çalışır. Bu hikâyede topraklarından kopup gidecek kişi Haşim Ağa'dır. Ayrılmadan önceki gece köylülerle oturur ve sohbet eder. O gece, konuşacak pek sözleri kalmasa da içlerindeki büyük hüzünle birlikte, helalleşmişler, vedalaşmışlardır. Haşim Ağa'dan sonra diğer köylüler de birer birer gidecektir, göç etmeyi düşünmeseler de yalnız kaldıkları için gitmeye mecbur kalacaklardır. Nalbant Ali, Hasan Hoca ve öbürleri de. Göç edecek olan kişinin iki ayrı sıkıntısı vardır: Birisi "dedeleri"nin yurdunu terk etmiş olmaktan dolayı onlara ihanet edeceklerini düşünmeleri, diğeri ise gidilecek yerin de "gurbet" olması.(İkindi Güneşi, sh.24)

Fahri Kaya'nın birçok hikâyesinde gidilen/göç edilen yerin "gurbet" olduğu vurgulanır. "Asıl güçlükler sonradan başlar" yazara göre. Gidiyoruz diyerek "tası tarağı toplayıp" İstanbul'a göç edenlerden bir kahraman, yaşanan bu zorlukları dile getirir hikâyede. Bir gün ağabeyiyle birlikte komşusunu ziyarete giden kahraman, komşusunun hanımının "soğuk" yüzüyle karşılaşır. Kadın, "bu soğukluğu yetmezmiş" gibi bir de onlara, "neden buraya geldikleri", "buraları cennet mi sandıkları", "nasıl geçinecekleri" gibi konularda sorular sorduğunda gurbetin ne kadar zor olduğunu bir kez daha düşünür kahraman.(İkindi Güneşi, sh.34) Fahri Kaya toprağını bırakıp gelenlerin yaptıkları hatayı anlamalarını ve yaşadıkları trajediyi konu eder burada.

Göç edilen ülkede her şey güllük gülistanlık değildir. Göç eden geldiği yere kendisinin bile cevaplayamadığı birtakım soruları da beraberinde getirdiğinden, işin içinden çıkması zordur. Bu, sadece onun iç dünyasında yaşadığı karmaşa değildir. Beklentileri ile, karşılaştıkları arasındaki zıtlıklar, onu büyük bir hayal kırıklığına uğratır. Yeni gelinen ülkenin vatandaşlığını almak için gözden çıkarılması "uygun görülen" çömlek ile bırakılıp gelinen ülkenin vatandaşlığından çıkmak için verilmek zorunda kalınan "saat" arasında ne fark vardır?

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*Bunlar varlığımızı tanıklamaktadır. Hikâyelerimiz estetik ve sanat açısından, yarınların getireceği yeni zevk, anlayış ve kavramlar karşısında belki önemli bir yer almaz, ama zamanın amansız fırtınası, belgesel yazılar olarak bunları silemez."*Fahri Kaya, Hikâyemizin Hikâyesi, Seçme Yazılar, Birlik Yayınları, Üsküp, 1994, sh.34.
[1] Fahri Kaya, İkindi Güneşi, Birlik Yayınları, Üsküp, 1998.

Ömer Efendi'dir bu kez göçün sıkıntısını yaşayan. Uzun ve yorucu bir süreçten sonra "nihayet" geldiği İstanbul'da karşılaştığı problemler, yorgunluğunu bir kat daha artırmıştır onun. Herkesin birkaç ay içinde aldığı "vatandaşlık" belgesini, aylar geçmesine rağmen hâlâ alamamış, bu nedenle bir türlü düzenini kuramamıştır. Vatandaşlık işlemlerini takip etmek için gidip geldiği devlet dairesinde çalışan bir memura, işlerini hızlandırabileceği beklentisiyle, memleketinden getirdiği bir çömleği hediye etmeyi düşünür. Memur için garip bir hediyedir bu, sıradandır, hediye olabilecek bir özelliği yoktur. Ömer Efendi'ye "Bu çömleğin özelliği ne dayı?" diye sorar. Bu çömleğin kıymeti Ömer Efendi'ye göre büyüktür. Öncelikle çömlek, sadece topraktan yapılmış bir nesne değildir, toprağının içinde Kanuni'den Yiğit Paşa'ya kadar, "*Evladı Fatihan'a kadar birçok insanımızın kanı vardır. Bu çömleğin üzerindeki nakışlarda Rumeli insanının emeği, sabrı, neşesi, üzüntüsü, tarihi vardır.*"(İkindi Güneşi, *sh.52)*Yazar burada göç edenin kültürüyle, Türkiye'de yaşayanların kültürü arasında zamanla ne kadar büyük farklar oluştuğunu düşündürmek ister okura. Rumeli insanının gözünde en kıymetli varlıklardan biri olan toprağın, ana ülkenin, yani soydaşların gözünde hiçbir değeri olmadığı ortaya çıkar. Böylece göç edilen yerlerin gurbet olduğu bir kez daha kanıtlanmış olur.

Fahri Kaya'nın göç etmek zorunda kalan kahramanlarının gizli bir öfkeyi de taşıdıkları görülür. Onlara bu sıkıntıları yaşatan ecdattır. Yaşadıkları ülkeyi terk etmek de, yeni ülkelerine adapte olmaları da çok büyük problemdir onlar için. Vatandaşlık alabilmek için çömlek hediye eden Ömer Efendi, yine de şanslı sayılabilir. Çünkü o hiç olmazsa yeni ülkesine gelmeyi başarabilmiştir. Pulsuz Dilekçe adlı hikâyenin kahramanı Bekir Efendi bu kadar şanslı değildir. O da uzun zamandır Türkiye'ye "göç edebilmek" için uğraşmaktadır. Çektiği sıkıntılar nedeniyle o kadar bunalmıştır ki karısına şöyle söyler: "*Bu işe giriştiğimizden beri derdim azalmıyor, hanım. Bize bu günleri yaşatanlar hayır görmesin… Çok acı günler yaşıyoruz. Kahroldum. Nerde ise çıldıracağım. Altı yüz yıl önce bizleri Anadolu'dan alıp da buralara getirenler günün birinde bu hâle düşeceğimizi hiç düşünmemişler… Kılıçlarını kınına komuş ve boyunlarını eğip çekilip gitmişler… Bizi de alsalardı bari. Bu günleri yaşamamış, görmemiş olacaktır…*"(İkindi Güneşi, sh.88)

Bekir Efendi, göç edebilmek için evini Çorbacı Petko'ya "yalvara yakara" satmış, işlemlerinin birçoğunu hâlletmiş ama "dedelerinden kalma" tarlayı bir türlü elinden çıkaramamıştır. Onun bu topraklardan ayrılabilmesi için tarlayı da satması gerekmektedir. Vatandaşlıktan çıkma işlemlerini yapan görevli Lazo'ya yalvarmasına rağmen bu işin zor olduğu cevabını alır. Bu zorluğu aşmak için Bekir Efendi'nin evindeki duvar saatinin, Lazo'nun evinin duvarını süslemesi yeterlidir. Oysa, Ömer Efendi'nin "çömleği" gibi Bekir Efendi'nin "duvar saati" de ona sıradan bir saatin ötesinde anlamlar ifade eder. Bu saat babasını, annesini onlarla yaşadığı anları toplamıştır üzerine. Bu saat onlardan bir parça taşımaktadır. Küçük küçük anlardan oluşan büyük bir zaman dilimini üzerinde taşır o saat. Bir zamanlar bu saate göre "oruç açılır", bu saate göre "namaz vakitleri" belirlenir. Babasının öldüğü an, çocukluğu, eski eşyaların evden gidişi, yenilerinin gelişi bile bu saatin içinde gizlidir sanki. Bekir Efendi bu saati "Lazo"ya verirse bütün bu görüntüler silinip gidecektir zihninden. Bekir Efendi, asıl saati bir akrabası ile gönderir. Böylece, geçmişini biriktirdiği duvar saatine sahip çıkmış ve hatıralarını yaşatmış olur.(İkindi Güneşi, sh.91) Görüldüğü gibi her iki hikâyede de göç etmek zorunda bırakılan kahraman bedel ödemek zorundadır. Hem yüzyıllardır birlikte yaşadığı, dost bildiği insanlar onun değerlerine saygıyı unutmuş, malına mülküne göz dikmiştir; hem de Türkiye'deki "*kardeşleri*"nde onu anlayacak hassasiyet yoktur.

Bekir Efendi ve Ömer Efendi'nin göçü zordur zor olmasına ama "Salâ" adlı hikâyenin kahramanı Mustafa'nın gidişi/göçü daha da zordur. Çünkü Mustafa gönlünden bağlıdır hem bu topraklara hem de Marika'ya. Onun aşkı sıradan bir aşk değildir. Farklı bir dine mensup olan Marika'ya aşık olması, vuslatı bir kat daha imkansız kılar: "*Aşıktı Mustafa. Mahallelerinde yaşayan Marika'ya aşıktı. Yusuf'un Züleyha'ya aşık olduğu gibi, çılgınca aşıktı. Çok sevdiği Marika'yı bırakıp da buralardan nasıl giderdi. Hayır. Marika'sız yaşayabileceğini düşünemiyordu. Sevgilisini bırakıp da göç etmeyi aklına bir türlü sığdıramıyordu.*"(İkindi Güneşi, sh.58) Sevenin, sevdiğini bırakıp gitmesi demek aslında bir yere "gidememesi" demektir. Mustafa için göç zorunluluktur. O, Marika'yı da götürmek ister ama bunu bir türlü başaramaz.

Hikâye kahramanları için âşık da olsalar, gitmek istemeseler de, dedelerinin toprağında ölmek isteseler de göçe zorunlu oldukları gerçeği değişmez. Bu zorunluluğun gerçek sebepleri üzerinde çok fazla durulmasa da, en azından insanların göçe mecbur bırakıldıkları hikâyelerde hissettirilir. İkindi Güneşi'nde göç ettikten uzun yıllar sonra yaşadığı yerlere geri dönen insanları anlatan hikâyeler de vardır. Bu hikâyelerin kahramanlarının birçoğu "*misafir gibi*" dönerler ülkelerine. Doğu Makedonya'nın "K…" kentinden Hilmi Bey bunlardan biridir. Hilmi Bey, Türkiye'ye göç ettikten sonra işini kurmuş, "*zengin bir iş adamı*" olmuştur. Bir gün tanıdıklarından bir davetiye alır ve otuz yıl önce ayrıldığı "memleketi"ne gittiğinde, bir zamanlar öğretmen olarak görev yaptığı köyü görmek ister. Kahramanın karşılaştığı manzara şöyle tasvir edilir: "*Arabadan indi ve pınarın yanına geldi. Baktı pınar kapanmış, üzerine de çimento dökülmüştü. Yanında oturmak için*

yapılan sıralar yıkılmıştı. Sadece pınarın üzerindeki ahşap çatı kalmıştı. Pınarın karşısında Nalbant Ali Ağa'nın eski kerpiç evinin bulunduğu yerde iki katlı çok güzel bir bina dikilmişti. Altında da bir meyhane vardı. Meyhanenin içi bomboştu…

Gerçekte köyün içi de boştu. Anlaşılan köylüler hala tarlalarından dönmemişlerdi. Köyün içinde biraz yürümek istedi. Sağına soluna baktı. Köyün tanınmaz bir hâli vardı. Herşey yeniydi. Yeni gelenler eski evleri yıkmış, bunların yerine yenilerini yapmıştı. Tozlu çamurlu olan ana sokağı bile asfaltlamışlardı…Dört yıl yaşadığı Sadık Ağa'nın evine doğru yürüdü. Ev bomboştu. İçinde kimse yaşamıyordu. Evin karşısında bulunan samanlık yıkılmış ve bunun yerine yeni bir yapı dikilmişti…Burada öğretmen olarak yaşadığı yılların anıları ard arda canlanıyordu. Daima ülserden ağlaşan Sadık Ağa'yı, onun iyi yürekli, karısını…Komşu kızını kaçırıp evlenen oğlu Zikri'yi…Köyde güzelliğiyle ünlü kızlarını…Bunların sevgilisi "Karabaşı"…Bu ailede geçirdiği uzun kış gecelerini…"(İkindi Güneşi, sh.124)

Hüzünlü geri dönüşlerin başka bir hikâyesinin kahramanı da Ziynet Hanım'dır. Ziynet Hanım çocukluğunun geçtiği şehirde yaşadıklarıyla ilgili pek bir şey bulamaz. Şehri yukarıdan seyretmek için kaleye gider: "Küçükken, zaman zaman Pazar günleri annesi ve babasıyla buraya gelirlerdi. Özel olarak ilkyaz aylarında. Çok kez Kale'den gün batımını seyrederlerdi. Babasının, gün batımının Kale'den seyredilmesinin çok güzel olduğunu söylediğini bellemişti…Küçükken buradan camilerin minarelerini sayardı. Şimdi de aynı şeyi yapmaya çalıştı. Ama bildiği birkaç caminin minaresini göremiyordu.

Sağa doğru bir bakış attı. Uzakta, çok uzaklarda, dağların sırtları, pamuk gibi bembeyaz bulutlarla kucaklaşmıştı. Vaktiyle buraya geldiğinde kendini hep mutlu hissederdi. İstanbul'a gittiğinden sonra defalarca burada yaşadığı mutluluğu büyük bir huzur içinde anımsardı ve her defasında içi rahatlardı. Buraya bir kere daha gelmeyi sabırsızlıkla, heyecanla beklediği bu günde içini huzur yerine bir hüzün kaplamıştı. Gözleri nemlendi."(İkindi Güneşi, sh.110)

Bir başka hikâye kahramanı Sadık Ağa, "otuz yıl sonra" göç ettiği yerleri yeniden görebilenlerdendir. O da doğup büyüdüğü köyü ziyaret etmek niyetindedir. Uzun bir yolculuktan sonra nihayet köyüne gelir. Orada neredeyse her şey değişmiştir: "Bakışlarıyla köyü birkaç kez sağdan sola, soldan sağa taradı. Eski bir ev görmedi. İkiyüz küsur yıllık olduğu söylenen Hamza Bey'in koskoca konağını aradı. Göremedi…Evlerden iz yoktu…köprüden köye doğru asfaltla döşeli yol üzerinde ağır ağır yürüdü. Ayaklarında prangalar varmış gibi zar zor adım atıyordu. Birdenbire içine büyük bir hüzün çöktü."(İkindi Güneşi, sh.85)

Göç edenin yeni ülkesine götürmek istemediği hatıraları vardır. Ama yaşananların da mutlaka kaydedilmesini ister. "Günün Birinde Oraya Uğrarsan" adlı hikâyenin kahramanı Hamdi Ağa bu kişilerdendir. İçindeki büyük sırrı "Anadolu"ya götürmek istemez. Bu sırrı köyün öğretmenine anlatır. Öğretmen onun anlattıklarını dikkatle kaydeder. On beş Türk gencinin ölümünün daha doğrusu suçsuz yere öldürülmesinin hüzünlü hikâyesidir bu. Hamdi Ağa anlattıklarına üzüldüğünü gören öğretmeni, inanan bir insanın samimi tevekkülü ile şöyle teselli eder: "Anlattıklarımdan üzüldün herhâlde… Ama neylersin bu da alınyazımızın bir parçası. Evet, başımızdan geçenlerin ve acılarımızın sadece bir parçası. Ömürlerinin ilkbaharlarını yaşarken boşu boşuna kurban olan bu gençlerin unutulmaması dileğiyle bunu sana anlatmaya geldim. Göçlerle, olayın unutulcağından korktuğum için bunları sana söylemek istedim…Yaz Öğretmenim, yaz da unutulmasın. Kalanlar bilsin. Bundan bir ders alsınlar…"(İkindi Güneşi, sh.20)

İkindi Güneşi'ndeki hikâyelerin geneline baktığımızda yazarın siyasî/ideolojik bir kaygısının olmadığını görürüz. Bu hikâyelerde göç olgusunun insanlar üzerindeki psikolojik etkileri anlatılmaya çalışılmıştır. Yaşanan trajik olaylar nedeniyle, kişilerin hissettikleri neyse aktarılmaya çalışılmıştır. Hayatlarının belirli bir döneminde, gitmek zorunda olmakla yerinde kalmak arasında bir tercih yapmak zorunda kalan/bırakılan Türk insanının ruh hâlini, çelişkilerini, sıkıntılarını görebiliriz bu hikâyelerde. Bunun yanında Türk kadınının göç gibi sıkıntılı durumlarda eşinin yanında durduğunu, aileyi sahiplendiğini vurgulamaya çalışır Fahri Kaya. Toprağın Hikâyesi'nde Bahtışah Hanım, Pullu Dilekçe'de Bahriye Hanım, Lamba Yanık Kaldı'da Hanımşah Hanım bu kahramanlardandır.

Göç edenlerin, yaşadıkları zorluklara rağmen durumu büyük bir tevekkülle kabullenerek, hayatlarının bundan sonrası için neler yapabileceklerini düşündüklerini görürüz. Kahramanların duyduğu kızgınlıkların isyana dönüşmediğini, bu öfkelerin genellikle bugünün trajedisini öngöremeyen atalara yönelik olduğunu, dolayısıyla kahramanların içten içe kendilerine kızdıklarını ifade edebiliriz.

Sonuç

İkindi Güneşi adlı hikâye kitabında ele alınan en önemli unsurlardan biri olan "göç" meselesi, şu açılardan ele alınmış ve okurun dikkatine sunulmuştur:

İkindi Güneşi adlı hikâyelerde ele alınan göç o dönem Yugoslavya'ya bağlı olan Makedonya'dan "ana ülke" olarak adlandırılan Türkiye'ye yöneliktir. Bu hikâyelerde "göç" zorunlu bir nüfus hareketi olarak ifade edilmiş, ancak bu zorunluluğun sebepleri üzerine ayrıntılı bilgiler verilmemiştir.

Göç olgusunun her türü olumsuz olarak değerlendirilmiştir. Siyasi sınırların insanların gönlündeki sınırları belirlemesinin çok da kolay olmadığı gerçeği üzerinde durulmuştur. Göç her ne kadar "ana ülke"ye olsa da, göç edenin beklentilerini karşılaması düşünülemez.

Trajedinin en büyüğünü "gitmek"le "kalmak" arasında tercih yapmaya zorlanan Balkanlar'da yaşayan Türk insanı yaşamıştır. İnsanların yaşadığı bu trajik hâli hem "eski dostlar" hem de "soydaşlar" yeterince anlayamamıştır.

Zorunlu göç insanların hayatında unutulmaz "acı hatıralar" bırakmıştır.

Yazar hikâyelerinde göç olgusunu anlatırken tamamıyla insani duyguları öne çıkarmayı düşünmüştür. Üslubunda suçlayıcılıktan çok insani değerleri öne çıkarmaya özen gösterdiği görülmektedir. Ayrıca İkindi Güneşi'nde yer alan hikâyeler, 1912'den sonra Balkanlar'dan çekilen Osmanlı'dan sonra bu topraklarda kalmak isteyen Türk insanının zihninde devamlı gündemde tuttuğu "göç" algısını yansıtması bakımından kayda değerdir.

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A Cross-Section from the Turkish-Roman Relations Approaching the First World War: The 1914 Tours of Turkish and Romanian Students

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Abstract

There was a remarkable convergence between the Ottoman Empire and Romania right before the First World War. This political convergence in the spring of 1914 was intensively supported with unofficial relations. In fact, the Turkish-Romanian relations followed a considerably colorful path, especially in the months of April and May. This study aims to provide an insight to the cultural aspect of unofficial relations of both parties by analyzing the mutual tours realized by representatives of universities, which occupied a powerful place in the intricate Turkish-Romanian relations right before the war.

Keywords: Darülfünun (Ottoman University), Ottoman Empire, Romania, Turkish-Roman Relations.

Birinci Dünya Savaşı'na Uzanan Süreçte Türk-Romen İlişkilerinden Bir Kesit:

Türk Ve Romen Öğrencilerin 1914 Gezileri

Özet

Osmanlı Devleti ile Romanya arasında Birinci Dünya Savaşı'nın hemen öncesinde ilginç bir yakınlaşma süreci yaşanmıştı. 1914 baharındaki bu siyasal yakınlaşma süreci farklı gayri resmi temaslarla yoğun bir şekilde desteklenmiş; özellikle Nisan ve Mayıs aylarında Türk-Romen ilişkileri oldukça renkli bir çizgi takip etmişti. Bu çalışma hemen savaş öncesindeki Türk-Romen ilişkilerinin karışık yumağı içinde güçlü bir yer işgal eden üniversite temsilcilerinin gerçekleştirdikleri karşılıklı gezileri değerlendirerek tarafların gayrı resmi temaslarının kültürel boyutuna ışık tutmayı amaçlamaktadır.

Anahtar Kelimeler: Darülfünun, Osmanlı Devleti, Romanya, Türk-Romen İlişkileri.

Dünyanın ilk büyük savaşına sürüklendiği süreç içinde Türk-Romen ilişkilerinde ilginç/farklı bir etkileşim süreci yaşanmıştı. Nitekim 1914 baharı, siyasal kaygıların şekillendirdiği resmi temaslara bağlı olarak iki ülke arasında yoğun bir yakınlaşma çabasına sahne olmuştu. Üstelik Birinci Dünya Savaşı'nın hemen öncesindeki genel konjonktür içinde anlam kazanan iki devletin politik yakınlaşma çalışmaları sık sık gayri resmi temaslarla desteklenmişti. Gayri resmi temaslar yelpazesi içinden sürece en güçlü destek o günlerde gerçekleştirilen üniversite gezileri üzerinden gelmişti. Öyle ki, Türk ve Romen üniversite öğrencilerinin karşılıklı gezileriyle tarafların ikili ilişkilerinde oldukça farklı ve samimi bir sayfa aralanmıştı.

Osmanlı ve Romanya devletleri arasındaki öğrenci gezilerinin geçmişi, II. Meşrutiyet'in ilk yıllarına kadar uzanmaktadır[1](**BOA, BEO**, D.N.3789/G.N.284162; D.N.3792/G.N.284378). Bununla birlikte 1914 yılının gezi etabını Romanyalılar başlatacaktı. 13 Nisan 1914 tarihinde hocalarının gözetiminde 62 öğrenciden oluşan bir kafile Romanya vapuru ile İstanbul'a gelmişti. Romanyalı ziyaretçiler rıhtımda Darülfünun temsilcileri tarafından karşılanmışlardı. Bu karşılamada Türk öğrencilerle birlikte Hamdullah Suphi ve bazı muallimlerin yanında General Konsolos Beraylano ile Romanya Konsolosluğu yetkilileri hazır bulunmuşlardı. Romanyalı gruptan Andre Fur ve Türk öğrencilerden Hakkı Bey'in birer konuşma yaptıkları karşılama töreni samimi bir atmosfer içinde geçmişti. Tarafların memnuniyetlerini ortaya koydukları bu karşılıklı konuşmalardan sonra Sirkeci'deki Şahinpaşa Oteli gazinosunda bir tanışma toplantısı düzenlenmişti. *Tasfir-i*

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[1] 1910 yazında, bir önceki yıl gerçekleşen Romanya Darülfünun öğrencilerinin gezisini iade etmek üzere hazırlıklara gidilmişti. Romanya'ya gidecekler belirlenirken Dobrucalı Müslümanların istekleri doğrultusunda Musiki-i Osmani Heyeti'nin geziye katılması için girişimde bulunulmuştu.

Efkar'ın aktarımına göre Romanyalı öğrenciler bu toplantı sırasında Türkiye'ye yönelik ilgilerini belirtmişler ve Türkiye'yi Pierre Loti'nin eserlerinden takip ettiklerini açıklamışlardı. Romanyalı gençler özellikle *Muhtazır Türkiye* (Can Çekişen Türkiye) adlı eseri beğenerek okuduklarını ifade etmişlerdi (**TE**, 14 Nisan 1914, s:4; **T**, 14 Nisan Efrenci 1914, s:3; **İ**, 14 Nisan Efrenci 1914, s:2)[1].

İstanbul'da taraflar arasında bu ilk temaslar yaşanırken Romanya General Konsolosu Beraylano, *Tasfir-i Efkar* muhabirine gezi hakkında açıklamada bulunmuş; Yaş Darülfünunu öğrencilerinin bir ay kadar önce Atina'yı da kapsayan bir gezi planladıklarını fakat Makedonya'da Ulah unsurların maruz kaldıkları mezalime yönelik duyumlardan sonra gezinin Atina ayağından vazgeçildiğini söylemişti. Beraylano, Romanyalıların Türklere dostluk ve sempatisini hatırlatarak, "*… diğer bir misalde talebenin Beyoğlu'ndaki otellerde değil, tamamen İstanbul tarafındaki otellerde kalmak ve yalnız Türk talebeleri ile temasda bulunmak hususundaki arzularıdır*" sözleriyle bu dostluğun göstergesini ortaya koymuştu. Beraylano ile muhabirin söyleşisine Hamdullah Suphi Bey de eşlik etmiş ve İstanbul Darülfünunu öğrencilerinin iki sene önceki Bükreş seyahatlerinde Romanyalıların onlara gösterdiği samimiyet ve ilgiyi anımsatmıştı.

Hamdullah Suphi Bey ile Konsolos Beraylano'nun hazırladıkları program doğrultusunda Romanyalı öğrenciler Şahinpaşa, Meserret, Reşadiye, Viyana otellerine dağıtılmış ve misafirler için Türk öğrencilerden mihmandarlar seçilmişti (**TE**, 14 Nisan 1914, s:4; **T**, 14 Nisan Efrenci 1914, s:3)[2]. Romanya ekibinin bir haftalık gezisi o gün Topkapı Parkı, Ayasofya, Sultanahmet Cami ve meydanı ile başlayacaktı[3].

Romanyalı öğrencilerin İstanbul ziyaretlerini organize etmek için hazırlanan programda, Hamdullah Suphi'nin şehrin eski eserleri üzerine bir konferansı da yer almıştı[4] ki bu konferans 16 Nisan akşamı sunulmuştu[5]. Program çerçevesinde Cuma Selamlığı'na katılan Romanyalı ziyaretçiler[6] daha sonra Tıp Fakültesi'nde törenle karşılanmış ve törenle uğurlanmışlardı[7]. Romanyalı grup, Bursa'ya da bir gezi gerçekleştirmişti. Gezi sırasında misafir gruba % 50 indirim uygulanmış ve her türlü

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[1] Basında, Bükreş Darülfünunu'nun 3 hocasının refakatinde 85 öğrencinin İstanbul'a geleceği haberi yer almıştı. Gelecek misafirlerin karşılama töreninde Darülfünun şubelerinden üçer öğrencinin hazır bulunması öngörülmüştü (**T**, 13 Nisan Efrenci 1914, s:2). *Sabah* gazetesi de öğrenci sayısını 85 olarak vermişti (**S**, 15 Nisan Efrenci 1914, s:3). Sayısal açıdan "*64 kadar talebe*"nin geldiğini aktaran *İkdam*, öğrencilerin Popoviç, Yakoviç ve Doktor Beto İstej'in gözetiminde bulunduğunu yazıyordu. Öte yandan yine *İkdam*, mihmandarların başı olarak "*umumi mihmandar*" ifadesiyle Hamdullah Suphi Bey'i ve Darülfünun Hukuk Şubesi Müdürü Ahmet Selahattin Beyi göstermişti.

[2] *İkdam*, Viyana Oteli yerine İskenderiye Oteli'nin adını vermişti (**İ**, 14 Nisan Efrenci 1914, s:2). Romanyalı gençlerin yönlendirilmesinde Beraylano'nun etkisi vardı. Onun etkisi Türk Darülfünun öğrencilerinin Romanya gezisinde de kendisini gösterecekti (**TE**, 19 Mayıs 1914, s:2).

[3] Gezi programı içinde müzeler, camiler (Fatih, Süleymaniye, Kariye, Rüstempaşa, Mihrimah Sultan, Nur-ı Osmaniye ve Yeni Cami), Binbirdirek, Yedikule, Uzunçarşı (Çarşı-yı Kebir), Nuruosmaniye, Üsküdar'daki Mevlevihane, Hürriyet-i Abide ve Kağıthane vardı.

[4] *Tasfir-i Efkar*'a göre gezi programına Adalar da dahildi. Fakat diğer gazetelerde bu bilgiye rastlanmamaktadır (**TE**, 14 Nisan 1914, s:4). *Tanin* ve *Sabah*'ta Eyüp gezisinden bahsedilirken Adalar gezisinden bahsedilmemişti. Ayrıca Perşembe günü Robert Koleji gezisi, Cuma günü "*Selamlık Resm-i Alisi*"ne katılma ve Romanya'dan gelen takımla Galatasaray'ın maçını izleme gibi detaylara da yer verilmişti (**T**, 15 Nisan Efrenci 1914, s:4; **S**, 15 Nisan Efrenci 1914, s:3). Darülfünun Muallimi Hamdullah Suphi ile Hukuk Şubesi'nden Muallim Muavini Selahattin Beylerin eşlik ettiği Romanyalılar, 14 Nisan'da Müze-i Hümayun, Müze-i Askeriye, Darphane ve Binbirdirek'i gezmişlerdi (**TE**, 15 Nisan Efrenci 1914, s:4). Bu geziden önce -*İkdam*'ın bir kez profesör olarak tanıttığı- Andre Fur ile birlikte Romanyalı bir grup, 14 Nisan günü Enver Paşa'yı ziyaret etmişlerdi. Ayrıca *İkdam*, Sanayi-i Nefise Mektebi'nin gezildiğini belirtmiş ve yine o akşam kendi matbaalarının Fur ile Romanyalı bir grup öğrenci tarafından ziyaret edildiğini yazmıştı. *İkdam* -*Tanin* gibi- 15 Nisan'da Eyüp'ün gezileceğini aktarmıştı (**İ**, 15 Nisan Efrenci 1914, s:3,4). Fakat 15 Nisan'da Süleymaniye, Fatih, Kariye camilerinin gezildiği bilgisini vermişti (**İ**, 16 Nisan Efrenci 1914, s:3). Bu programın yanında Romanyalı öğrenciler Hazine-i Hümayun'u ziyaret etmek istemişlerdi (**BOA, MF.MKT**, D.N.1197/G.N.11).

[5] Konferansta Romanya Konsolosu Beraylano da bulunmuştu. Hamdullah Suphi, Balkan Savaşları sırasında Avrupalıların Türklere kararsız ve haksız davrandıklarını söyledikten sonra Batı'da Türkler hakkında var olan izlenimleri sıralayarak bunların asılsızlığını değerlendirmiş; Ortaçağ Türklerinin güzel sanatlar ve mimarlık alanındaki çalışmalarıyla Türk mimarisinin aşamaları üzerinde durmuştu (**TE**, 18 Nisan 1914, s:3). *Tanin*, Hamdullah Suphi'nin Türkiye-Romanya ilişkileri hakkında bir konuşma yaptığını, bundan sonra Bursa Darülmuallim öğrencilerinin de bulunduğu toplantıda marşlar ve çeşitli müzik eserlerinin okunduğunu yazmaktadır (**T**, 18 Nisan Efrenci 1914, s:2). *Sabah*, Romanyalıların Darülfünun'a gittiklerini ve Andre Fur'un bir konuşma yaptığını yazmıştı (**S**, 17 Nisan Efrenci 1914, s:2). Gazeteci olarak tanıtılan Andre Fur, konuşmasında Plevne Kahramanı Gazi Osman Paşa'yı da kapsayacak şekilde Osmanlı'nın geçmişine övgüde bulunmuştu (**İ**, 17 Nisan Efrenci 1914, s:2; **S**, 17 Nisan Efrenci 1914, s:2). *Sabah*, Andre Fur'un ismini Andre Le Fur olarak yazmıştı.

[6] *Tasfir-i Efkar*, ziyaretçilerin Cuma Selamlığı'na katılmalarını "*… Avusturya, Macar ve Romanya Darülfünun talebeleri güzergah-ı hümayunda bulunarak teşrif-i şahane esnasında resm-i selamı ifa etmişler ve mazhar-ı iltifat olmuşlardır*" cümlesiyle aktarmıştı (**TE**, 18 Nisan 1914, s:2). Benzer açıklamalar *İkdam*'da da vardı (**İ**, 18 Nisan Efrenci 1914, s:3,4).

[7] Grup içinde bulunan Ermeni kökenli bir öğrenci, 16 Nisan'da Kumkapı Ermeni Patrikhanesi'ni ziyaret ederek Zaven Efendi ile görüşmüştü (**İ**, 18 Nisan Efrenci 1914, s:4).

kolaylık sağlanmıştı. Bu arada Bursa'dan padişaha, Türk ve Romen öğrenci başkanlarının imzaladığı Fransızca bir not gönderilmişti. Bu notta taraflar kardeşlik duyguları içinde Sultan'a derin saygılarını sunmuşlardı (**BOA, MF.MKT**, D.N.1197/G.N.6)[1].

20 Nisan günü Osmanlı Darülfünunu'na çay ziyafeti için davet edilen misafirleri, Müdür-i Umumi Salih Zeki Bey samimi bir şekilde karşılamıştı. Ziyafet esnasında Hukuk Fakültesi Müdürü Ahmet Selahattin Bey, iki ülkenin dostluğunu ön planda tutan bir konuşma yapmıştı. Misafir grup adına konuşan Romanya Talebe Cemiyeti Başkanı Andre Fur ise Türkiye'yi gerektiği gibi tanımış olarak ülkelerine döneceklerini söylemiş ve Türk sanatı ile mimarisine övgüde bulunmuştu. Bu toplantıda Türk öğrencilerden Veliyüddin Şefik (Hukuk Fakültesi) ve Suat (Mekteb-i Tıbbiye) Beyler de katılımcılara hitap etmişlerdi (**TE**, 21 Nisan 1914, s:3; **İ**, 21 Nisan Efrenci 1914, s:3).

21 Nisan günü Romanyalı öğrenciler, Beyoğlu'ndaki Londra Birahanesi'nde Darülfünun öğrencileri için kutlama düzenlemişlerdi. Misafirlerin Hamdullah Suphi, Orhan Selahattin Beylerle beraber Osmanlı Darülfünunu'na teşekkür ettikleri bu toplantıya Darülfünun Hukuk Fakültesi Müdürü Ahmet Selahattin Bey ile birlikte birçok Tıp Fakültesi muallimi katılmıştı (**TE**, 22 Nisan 1914, s:4; **T**, 22 Nisan Efrenci 1914, s:4). 145 kişilik toplantıda Orhan Selahattin Bey ile Mekteb-i Hukuk öğrencilerinden biri Romanyalıların teşekkürüne birer konuşma ile karşılık vermişlerdi. Kutlamanın ardından misafir öğrenciler, aynı gün Romanya Vapuru ile İstanbul'dan ayrılmışlardı. Romanyalı misafirlerin ülkelerine dönmelerinden sonra Yaş Darülfünunu adına profesörlerden biri Mayıs ortalarında basın aracılığı ile İstanbul Darülfünun öğrenci ve hocalarına teşekkür edecekti.

Romanyalı öğrencilerin gezisi sürerken tarafların kaynaşmalarını kolaylaştıracak ve ülkelerin dostluğuna katkıda bulunacak adımlar atılmıştı. Bir yandan Türk ve Romen öğrenciler, padişah ile krala birer telgraf yollayarak duygularını ve dostluklarını aktarırken bir yandan da Osmanlı Darülfünun öğrencilerinin birkaç ay içinde -sınavlarının tamamlamasından sonra- iade-i ziyarette bulunmaları kararlaştırılmıştı[2]. Öte yandan bu gezinin gerçekleştiği Nisan ayı, iki ülkenin ilişkileri açısından bakıldığında Romanyalıların İstanbul'a ilgi gösterdikleri bir dönem olmuştu (**İ**, 28 Nisan Efrenci 1914, s:4).

Öğrencilerin İstanbul gezisi sürerken, bir Romen futbol kafilesi şehre ulaşmış ve törenle karşılanmıştı[3]. Öğrenciler gibi Romanyalı futbolcular için de -spor karşılaşmaları dışında- bir şehir gezisi düzenlenmişti. Bu doğrultuda misafirler, Darülmuallimin ve Mekteb-i Sultani Tarih Muallimi İhsan Bey'in rehberliğinde müzelerle Ayasofya ve Sultanahmet camilerini ziyaret etmişlerdi (**TE**, 16 Nisan 1914, s:1,4; **TE**, 17 Nisan 1914, s:1,3; **İ**, 17 Nisan Efrenci 1914, s:2). Yine o günlerde, Anjel Monyer konferans vermek üzere Bükreş'ten İstanbul'a gelmişti (**İ**, 18 Nisan Efrenci 1914, s:5; **İ**, 19 Nisan Efrenci 1914, s:4)[4]. 20 Nisan'da ise 103 Romanyalı turistin şehir ziyareti başlamıştı (**İ**, 21 Nisan Efrenci 1914, s:3). 23 Nisan 1914 günü

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[1] Gazeteler, Bursa gezisinin 17 Nisan'daki Tıp Fakültesi ziyaretinin ardından 18 Nisan'da gerçekleştirildiğini yazmışlardı (**T**, 18 Nisan Efrenci 1914, s:2; **S**, 19 Nisan Efrenci 1914, s:2; **İ**, 19 Nisan Efrenci 1914, s:4). Bursa'da Romanyalı misafirler bölgedeki okulların katıldığı bir törenle karşılanmışlardı. Ardından Maarif Müdürü Hilmi Bey ile Muallimler Yurdu, Türk Ocağı ve İstanbul'dan gelen heyet temsilcileri bir gezi programı başlatmışlar ve Yeşil Camii ile türbesi, Çarşı-yı Kebir, müze ve kaplıcalar gezilmişti. Gezi sırasında Hamdullah Suphi misafirleri mimari ve tarihi açıdan bilgilendirmişti ki gezinin bu aşamasında Fransızca Muallimi Orhan Selahattin Bey de bulunmuştu. Bu gezi sırasında da iki ülke dostluğu açısından oldukça coşkulu, samimi ve duygusal manzaralar sergilenmişti. Romanya ve İstanbul Darülfünunu heyetleri 20 Nisan'da şehirden ayrılmışlardı. Heyet kalabalık bir kitle tarafından uğurlanmıştı (**T**, 21 Nisan Efrenci 1914, s:3).
[2] Andre Fur, Türkiye'deki incelemelerini ve gazetelerde bir dizi olarak basılacağı düşünülen çalışmalarını tamamlamak amacıyla bir hafta daha İstanbul'da kalacaktı. Bu arada *Tasfir-i Efkar*'ın yazı işleri kurulunu da ziyaret edecekti (**TE**, 22 Nisan 1914, s:4; **T**, 22 Nisan Efrenci 1914, s:4; **İ**, 22 Nisan Efrenci 1914, s:4; **S**, 22 Nisan Efrenci 1914, s:2). *İkdam*, teşekkür eden profesörün adını مارت تيهلمسان (Marat Tyelmsan?) olarak vermişti (**İ**, 13 Mayıs Efrenci 1914, s:3; **S**, 13 Mayıs Efrenci 1914, s:3).
[3] Galatasaray futbol takımı birkaç yıl önce, Macaristan dönüşünde Bükreş'te bir futbol müsabakasına çıkmıştı. Buna karşılık olmak üzere Galatasaraylılar, Romanyalı futbolcuları İstanbul'a davet etmişlerdi. Programa göre 15 Nisan'da İstanbul'a gelecek olan Romen takımı ile önce Türk Milli Takımı daha sonra ise Galatasaray futbol takımı karşılaşacaktı (**TE**, 12 Nisan 1914, s:4; **TE**, 14 Nisan 1914, s:4; **İ**, 15 Nisan Efrenci 1914, s:4; **T**, 15 Nisan Efrenci 1914, s:3; **S**, 15 Nisan Efrenci 1914, s:3; **TE**, 16 Nisan 1914, s:1). *İkdam*, Romanya'dan 17 sporcunun geldiğini aktarmıştı (**İ**, 16 Nisan Efrenci 1914, s:3). *Tasfir-i Efkar*, Türk takımı ile oyuncularını değerlendirirken "*Galatasaraylılar da üç sene evvel Macaristan'dan avdet ederken Bükreş'de Romanyalılara, bir sayıya karşı dokuz sayı ile, galebe eylemişlerdi. Mamafih o zamandan beri Romanyalılar arasında birçok tebeddülat olmuşdur*" sözleriyle yapılacak maçın önemini değerlendirmişti (**TE**, 17 Nisan 1914, s:3). Türk Milli Takımı hemen hazırlıklara yönelmiş ve bir de hazırlık maçı yapmıştı (**TE**, 14 Nisan 1914, s:4). Basının geniş yer ayırdığı karşılaşmalardan ilkini Romanya tarafı farkla kazanmıştı (**TE**, 18 Nisan 1914, s:1,3). İkinci maçta ise Galatasaray üstünlük sağlamıştı. İlginçtir; aslında bu karşılaşmalarda, Romanya takımı başlığı altında Avrupalı ve Amerikalı sporculardan oluşan karma bir takımla mücadele edilmişti (**TE**, 20 Nisan 1914, s:1,3; **TE**, 21 Nisan 1914, s:1). 21 Nisan'da İstanbul'dan ayrılacak misafir takım için Heybeliada'ya bir gezi düzenlenmişti (**TE**, 21 Nisan 1914, s:3; **İ**, 21 Nisan Efrenci 1914, s:3).
[4] Şehre geç ulaştığından Anjel Monyer'in (Angel Monier?) konferansı ertelenecekti (**BOA, MF.MKT**, D.N.1197/G.N.15).

İstanbul'da bulunan Romanyalı gezginlerin bir kısmı Sultanahmet, Ayasofya ve Süleymaniye camileriyle şehrin ilgi çeken çeşitli mahallerini dolaşırken, bir kısmı da ülkelerine dönmüşlerdi (İ, 24 Nisan Efrenci 1914, s:4).

İlginçtir aynı dönemde, "Hiçbir memuriyet-i resmiyeyi haiz değilim" diyen eski Romanya Harbiye Nazırı Kuvanda İstanbul'da çeşitli temaslarda bulunmuş ve Enver Paşa ile görüşmüştü (İ, 23 Nisan Efrenci 1914, s:2; İ, 24 Nisan Efrenci 1914, s:2,3; S, 24 Nisan Efrenci 1914, s:1). Kuvanda, 22 Nisan'da Talat Bey'e veda ziyaretinde bulunacaktı (TE, 23 Nisan Efrenci 1914, s:3). Ardından 4 Mayıs'ta Romanya prenslerinden biri, 5 Mayıs'ta ayrılmak üzere İskenderiye'den İstanbul'a gelmişti (İ, 5 Mayıs Efrenci 1914, s:4). O dönemde Türk ve Romen basın organlarının gündeminde ise Dahiliye Nazırı Talat Bey'in Romanya'ya yapacağı gezi vardı. Nitekim Osmanlı Sefiri Safa Bey, Romanya basınına demeç vermiş ve Talat Bey'in gezisinin Romanyalı yetkililerin İstanbul ziyaretlerine karşılık olduğunu; bu gezinin iki ülke ilişkilerini olumlu yönde etkileyeceğini söylemişti[1]. Tasfir-i Efkar ise Talat Bey'in gezisinin önemini vurgulamışsa da Romanya basınından hareket eden Sabah gazetesinin 3 Mayıs ve Tanin'in 9 Mayıs olarak tarihlendirdiği bu seyahat daha sonra ertelenecekti (TE, 24 Nisan 1914, s:3; S, 1 Mayıs Efrenci 1914, s:2; T, 5 Mayıs Efrenci 1914, s:1; T, 6 Mayıs Efrenci 1914, s:1)[2].

Türkiye ile Romanya arasında dostluk atmosferinin oluştuğu bu dönemde Osmanlı Darülfünun öğrencileri, Romanyalı öğrencilere "iade-i ziyarette" bulunmak amacıyla bir gezi organizasyonuna yönelmişlerdi. Celalettin Arif Bey'in (Darülfünun Muallimi-Baro Heyeti Reisi) gözetiminde gerçekleştirilmesi planlanan gezi için Maarif Nezareti'ne başvurulmuş ve Romanya Konsolosluğu ile temasa geçilmişti. Ayrıca Darülfünun'daki sınavlar Haziran başlarında yapılacak şekilde düzenlendiğinden gezinin, 1914 Mayıs ortalarında (Rumi takvimle Mayıs'ın ilk günlerinde) başlaması ve uzun sürmemesi düşünülmüştü (İ, 2 Mayıs Efrenci 1914, s:4)[3]. Mayıs başlarına gelindiğinde, 8 gün sürecek geziye 100 öğrencinin katılacağı ve Yaş, Bükreş, Köstence (Costanta), Sinaia gibi şehirleri kapsayacağı haberleri basına yansımıştı. Üstelik gazete sütunları izlendiğinde, Romanya cephesinde de karşılama hazırlıklarının başladığı anlaşılmaktadır (İ, 3 Mayıs Efrenci 1914, s:3; İ, 5 Mayıs Efrenci 1914, s:4; İ, 13 Mayıs Efrenci 1914, s:3).

Yine Mayıs'ın ilk günlerinde geziyle ilgili düzenlemeler ve program şekillenmişti. Bu kapsamda katılım ücreti olarak öğrenciler 3, muallimler ise 5 lira verecekti. Gezi öğrencilerin Romanya vapuruna binerek Galata Rıhtımı'ndan ayrılmaları ve Köstence'ye ulaşmalarıyla başlayacaktı (İ, 5 Mayıs Efrenci 1914, s:4; S, 5 Mayıs Efrenci 1914, s:2)[4]. Hazırlıklar ise yakalara takılacak özel rozetlere kadar düşünülmüştü (S, 15 Mayıs Efrenci 1914, s:3)[5]. Hazırlıkların son evresinde geziye

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[1] Gazeteler, Harbiye Nazırı Enver Paşa'nın da Bükreş'i ziyaret edeceğini haber yapmışlardı (İ, 24 Nisan Efrenci 1914, s:3; S, 24 Nisan Efrenci 1914, s:2; S, 28 Nisan Efrenci 1914, s:2; İ, 28 Nisan Efrenci 1914, s:4; T, 28 Nisan Efrenci 1914, s:2; T, 29 Nisan Efrenci 1914, s:1; S, 29 Nisan Efrenci 1914, s:2; İ, 29 Nisan Efrenci 1914, s:4; TE, 29 Nisan 1914, s:4).

[2] Seyahatin ertelenme gerekçesi olarak, Romanya Kralı Carol'un Tuna civarında gezide bulunması gösterilmişti (T, 10 Mayıs Efrenci 1914, s:1; İ, 10 Mayıs Efrenci 1914, s:2). I. Dünya Savaşı arifesinde Osmanlı Devleti'nin Rusya'yla olan ilişkilerini geliştirmek amacıyla Dahiliye Nazırı Talat Bey başkanlığındaki bir heyet, Livadia'da bulunan Rus Çarını ziyaret etmişti. Bundan dolayı Talat Bey'in önceden planlanmış Romanya gezisi ertelenmiş ve Türk heyeti 9 Mayıs'ta İstanbul'dan ayrılmıştı. Bu gezi hakkında bakınız: (Özel, 1998, s.246). Bu arada basında, Kral Carol'un gezisi nedeniyle Talat Bey'in, Livadia'dan Bükreş'e doğrudan gitmekten vazgeçtiği de değerlendirilmişti (S, 10 Mayıs Efrenci 1914, s:2). 20 Mayıs'ta Tanin, Bükreş kaynaklı bir habere yer vermişti. Bu haberde Talat Bey'in 23 Mayıs'ta şehre gideceği ve yine bu gezinin Romanyalı yetkililerin gezisine karşılık olduğu belirtilmişti (T, 20 Mayıs Efrenci 1914, s:1).

[3] 1 Mayıs tarihli ve Bükreş kaynaklı haberlere göre 100 kadar Darülfünun öğrencisinin gezi isteği Hariciye Nezareti'ne bildirilmişti. Haberi aktaran Sabah'a göre "Osmanlı talebesi Mayısın onunda icra edilecek resm-i geçidde hazır bulunmak arzusunu izhar eylemişler"di (S, 3 Mayıs Efrenci 1914, s:2). Tanin, Darülfünun'da sınavların 15 Mayıs'tan sonra yapılacağını yazmıştı (T, 13 Nisan Efrenci 1914, s:2).

[4] Nitekim 11 Mayıs tarihli Tasfir-i Efkar'da "Evvelce Darülfünunlularımızın Mayısın birinde buradan hareketle Romanya'da, on beş, on altı gün kadar seyahatde bulunmaları tasavvur edilmiş ise de geçen nüshalarımızdan birinde izah eylediğimiz vechle Romanyalılar tarafından (10) Mayısda icrası mukarrer olan bazı merasim, bazı güna mahaziri dai bulunduğundan tasavvur-ı vakiden sarf-ı nazar olunarak seyahatin tehirine temayül edilmişdi. Ahiren, Osmanlı talebesinin 8 Mayısda Romanya'dan müfarekatına karar verildiği cihetle seyahatin tehirinden sarf-ı nazar olunmuş" şeklinde bir açıklama yer almıştı. Geziyi düzenleyen komisyon gazeteye gönderdiği yazıda, yolculuk ücretini ödeyen öğrencilerin, 14 Mayıs (1 Mayıs 1330) tarihli toplantıda gezi programını öğreneceklerini ve o gün bando (mızıka) eşliğinde toplu olarak rıhtıma gidileceğini belirtmişti (TE, 11 Mayıs 1914, s:3). 12 Mayıs tarihli Tanin, İkdam ve Sabah gibi yayın organları ise Romanya'dan 10 Mayıs'tan (23 Mayıs 1914) önce dönülme sebebini Romanyalıların "merasim-i milliyelerine" değil Darülfünun sınavlarının Haziran başında yapılmasına bağlayarak düzeltmeye gitmişlerdi (T, 12 Mayıs Efrenci 1914, s:3; İ, 12 Mayıs Efrenci 1914, s:3; S, 12 Mayıs Efrenci 1914, s:3). Tasfir-i Efkar'da dahil olmak üzere gazetelerin hepsi bu değerlendirmeleri yaparken Rumi tarihleri kullanmışlardı. Bu arada belirtmek gerekir ki İsmet Giritli, Romanya'nın Osmanlı İmparatorluğu'ndan mutlak bağımsızlığını elde ettiği günü 9 Mayıs 1877 kaydetmektedir (Giritli, 1979-1981, s:235). Enver Ziya Karal ise 22 Mayıs 1877 tarihini vermektedir (Karal, 1988, s:47,65,76,580).

[5] Gezinin hazırlık komisyonu, Polis Müdür-i Umumisi Bedri ile Kalem-i Mahsus Müdürü Şevki Beylere gösterdikleri kolaylıktan dolayı teşekkür etmişti (İ, 14 Mayıs Efrenci 1914, s:2). Bu arada Dahiliye Nazırı Talat ve Maliye Nazırı Cemal Beyler tarafından gezi için Gülcemal vapurunun tahsisi sağlanmıştı (TE, 19 Mayıs 1914, s:2). Gezi komitesinden birkaç kişi 14 Mayıs sabahı Talat Bey'e gitmişlerdi. Maliye

katılacaklar, 13 Mayıs günü bir toplantıya davet edilmişlerdi (**S**, 13 Mayıs Efrenci 1914, s:3)[1]. Bu arada 10 Mayıs 1914 tarihli *Tanin*'de "*Darülfünun-ı Osmani İstanbul Hukuk Fakültesi Müdüriyeti*" tarafından gezi hakkında bir ilan verilmişti. İlanda 21 Mayıs'ta İstanbul'a dönmek şartıyla geziye katılmak isteyenlerin "*Pazar günü vakt-i zuhrdan Pazartesi günü akşamına kadar Mekteb-i Hukuk Müdüriyeti'ne*" başvurabilecekleri belirtilmişti[2].

Bütün bu hazırlıklar tamamlandığında Romanya Darülfünunu temsilcilerinin İstanbul gezisini iade edecek olan Osmanlı Darülfünunu'ndan 80 kadar öğrenci 14 Mayıs'ta son bir toplantı daha yapmışlar ve ardından bando eşliğinde Galata Rıhtımı'na inmişlerdi. Gezi grubu, öğrenci arkadaşları tarafından uğurlanmışlardı. Onları yolcu edenler arasında Mekteb-i Hukuk Müdürü Selahattin, Darülfünun ve Darülmuallim müderrislerinden Hamdullah Suphi Beylerle beraber Konsolos Beraylano da bulunuyordu ki *Tasfir-i Efkar*'ın özel muhabiri Hüsnü Bey'in aktarımlarına göre kendisi gençler arasındaki yakınlaşmada Türk dostu bir diplomat olarak etkin faktörlerdendi.

Gülcemal vapurundaki seyahat şarkı ve şiirler eşliğinde sürmüştü. Bu arada muallim heyeti[3] "*Adab-ı Milliye'ye tamamiyle riayet; merasim ve ziyafetler esnasında fesler başda muhafaza olunacak*" ve "*İçtimalarda nizam ve intizamı muhafaza etmek*" gibi gezi boyunca uyulacak kuralları belirlemişlerdi. Ayrıca gezi programına yönelik kararlar da almışlardı. Deniz yolculuğunun ardından 15 Mayıs sabahı muallimlerle öğrencilerden oluşan heyet Köstence'ye ulaşmış; burada coşkulu ve kalabalık bir kitle tarafından törenle karşılanmıştı. Karşılayanlar arasında Yaş Darülfünunu muallimlerinden Popoviç ve öğrencilerle birlikte Köstence Belediye Başkanı Androsko [*Tanin* ve *Sabah*'ta Andronesko] ile mahalli memurlar vardı. Romanyalı yetkililerin törendeki karşılama nutuklarına, Celalettin Arif Bey yaptığı bir konuşma ile teşekkür etmişti. Romen ve Türk öğrenciler de karşılıklı konuşmalar yapmışlardı[4]. Belediyenin düzenlediği gösterişli bir ziyafetin ardından misafir grup Yaş'a yönelmişti[5]. Yaş'a doğru yola çıkılmasından sonra Romanya Maarif Nazırı ile Köstence Mutasarrıfı'na telgraf çekerek kendilerine gösterilen ilgiden dolayı teşekkürlerini iletmişlerdi.

Türk misafirler, Yaş'ta askeri bandonun da yer aldığı bir törenle karşılanmışlar ve 16 Mayıs'ta yağmurlu bir havada gerçekleşen bu törenden sonra yine bando eşliğinde caddelerdeki halkın alkışları arasında Yaş Darülfünunu'na gitmişlerdi (**TE**, 17 Mayıs 1914, s:4; **S**, 17 Mayıs Efrenci 1914, s:1). Türklerin gezisi şehirde etkisini göstermiş; Türk-Romen dayanışması/dostluğu temasıyla süslenmiş şehirde balo ve çeşitli gösteri organizasyonlarına gidilmişti (**TE**, 17 Mayıs 1914, s:4; **T**, 17 Mayıs Efrenci 1914, s:1; **TE**, 18 Mayıs 1914, s:4; **S**, 21 Mayıs Efrenci 1914, s:3)[6]. *Tasfir-i Efkar*'ın muhabiri Hüsnü Bey şehirde okulların üç gün tatil edildiğini yazmış ve "*… heyet-i mahsusanın Romanya'da fevkalade denilecek derecede hüsn-i kabule mazhar olduğu*"nu aktarmıştı ki bunlar Türk-Romen dostluğunun geliştirilmesine çalışıldığını gösteriyordu.

Nazırı Cemal Bey'i de ziyaret etmişler fakat kendisine ulaşamadıklarından Müşavir Muavini Faruk Bey'e uğrayarak teşekkür etmişlerdi. Ayrıca Gülcemal vapurunun tahsisi nedeniyle Seyr-i Sefain İdaresi'ne de aynı nezaket gösterilmişti (**S**, 15 Mayıs Efrenci 1914, s:3).

[1] İlk aşamada geziye Tıp Fakültesi'nden 30, Hukuk Mektebi'nden 29 ve diğer şubelerden 11 olmak üzere toplam 80 öğrenci ile 10 muallimin katılması öngörülmüştü. Geziyi düzenleyen heyet (Seyahat Heyet-i Tertibiyesi), reis Celalettin Arif (Baro Reisi-Darülfünun-ı Osmani Hukuk Şubesi Hukuk-ı Esasiye Muallimi), Seyyit Haşim (reis-i sani), Mustafa Muzaffer (Katib-i Umumi-Tıp öğrencisi), Cahit (Katib-i Umumi-Hukuk öğrencisi), Arif Hikmet (Temsilci-Hukuk öğrencisi), Muavin Namık (Temsilci-Hukuk öğrencisi), Necip (Veznedar-Hukuk öğrencisi), Sami (İdare memuru-Hukuk öğrencisi), Rıfat İsmail (Danışman üye-Tıp öğrencisi), Mehmet Bahaeddin (Danışman üye-Hukuk öğrencisi) Beylerden oluşuyordu (**S**, 14 Mayıs Efrenci 1914, s:2). Yola çıkılmasının ertesi günü *Sabah*, yukarıdaki fakülte adları ile öğrenci sayısını tekrarlamıştı (**S**, 15 Mayıs Efrenci 1914, s:3). İlerleyen günlerde ise öğrenci sayısı aynı gazetede 85 olarak belirtilmişti (**S**, 21 Mayıs Efrenci 1914, s:3). İorga'nın Osmanlı Tarihi adlı eseri hakkında tanıtım yazısı kaleme alan Zeki Arıkan, öğrenci sayısını 75 kişi olarak vermektedir (Arıkan, 2005, s:101).

[2] İlanda 8 Mayıs 1330 tarihi kullanılmıştı (**T**, 10 Mayıs Efrenci 1914, s:4).

[3] Bu heyette yer alan Şura-yı Devlet üyelerinden Seyyit Haşim, Bükreş'ten Paris'e geçecekti.

[4] Türkçe karşılama konuşması yapan öğrencinin adı *Tasfir-i Efkar*'da Taskukuli (?), *Tanin*'de Taskor-kuli (?) olarak verilmişti. Romen öğrencinin konuşmasına Türk öğrencilerden Haydar Bey karşılık vermişti

[5] Geziye *Tasfir-i Efkar* gazetesinin özel muhabiri Hüsnü Şermi katılmıştı. Muhabirin anlatımıyla 82 olan katılım sayısı -zaten gazete ilk aşamada 80 civarında bir sayı vermişti- son anda 100'e ulaşmıştı. Yine muhabire göre telgraflaşmalarda, Türk tarafı 8 gün kalınacağını belirttiğinde Romanyalılar daha fazla kalınması ısrarını göstermişlerdi (**TE**, 15 Mayıs 1914, s:3; **TE**, 16 Mayıs 1914, s:4; **TE**, 17 Mayıs 1914, s:2; **T**, 17 Mayıs Efrenci 1914, s:1; **S**, 17 Mayıs Efrenci 1914, s:1; **TE**, 19 Mayıs 1914, s:2; **S**, 21 Mayıs Efrenci 1914, s:3). 17 Mayıs baskısında *Tanin*, 80 öğrencinin geziye katıldığını belirtirken, *İkdam* 83 sayısını vermişti (**İ**, 14 Mayıs Efrenci 1914, s:2). Hüsnü Bey, gezi sırasında oradaki Türk eserleri hakkında gazetesine resimler göndermişti. Bunlar gazetede basılmıştı (**TE**, 20 Mayıs 1914, s:1).

[6] Yaş Darülfünunu'nda konferanslar düzenlenmişti (**TE**, 17 Mayıs 1914, s:4). Hem burada hem de Mekteb-i Harbiye'de Türk heyeti için resmikabul organizasyonuna gidilmişti. Misafirler Yaş Hastanesi'ni de gezmişlerdi (**S**, 18 Mayıs Efrenci 1914, s:1).

17 Mayıs günü şehir gezilmiş ve Milli Tiyatro'da Türk misafirler şerefine özel bir gösteri yapılmıştı. Bu gösteride Marş-ı Sultani ile Romanya Marşı çalınmıştı. O akşam Yaş Belediyesi misafirler şerefine ziyafet düzenlemişti. Ziyafette tarafların temsilcileri davetlilere hitap etmişlerdi (**TE**, 18 Mayıs 1914, s:4; **S**, 19 Mayıs Efrenci 1914, s:1; **TE**, 20 Mayıs 1914, s:1,4; **İ**, 23 Mayıs Efrenci 1914, s:1)[1]. Ertesi gün Yaş Darülfünun muallimlerince benzer bir organizasyon gerçekleştirilmişti. 19 Mayıs'ta ise Türk misafirler artık Bükreş programını uyguluyorlardı. Burada da Bükreş Darülfünun öğrencileri ile görevli memurlar tarafından parlak, coşkulu bir şekilde karşılanmışlar ve Yaş'taki görüntülerin benzerleri yaşanmıştı. O gün Türk ziyaretçiler şehri dolaşmışlar ve bir geziden dönen Romanya Kralı için istasyonda düzenlenen karşılama törenine katılmışlardı. Burada hararetli bir şekilde tezahüratta bulunan Türk Darülfünunlulara Kral Carol sempati/ilgi göstermişti (**T**, 18 Mayıs Efrenci 1914, s:1; **TE**, 20 Mayıs 1914, s:4; **S**, 20 Mayıs Efrenci 1914, s:1; **S**, 21 Mayıs Efrenci 1914, s:1; **TE**, 21 Mayıs 1914, s:2). Bükreş'teki karşılama sırasında Nicolae İorga önce belediye adına bir konuşma yapmış, daha sonra Bükreş Darülfünunu adına misafirlere "*hoşgeldiniz*" demişti (Arıkan, 2005, s:102). Gazetelerde Kral Carol ile Kraliçe Elizabeth'in Celalettin Arif Bey ile bir süre sohbet ettikleri kaydedilmişti (**T**, 21 Mayıs Efrenci 1914, s:5; **İ**, 21 Mayıs Efrenci 1914, s:4). Nitekim Kral, Celalettin Arif Bey'e geziden memnun olup olmadığını sormuştu (**İ**, 23 Mayıs Efrenci 1914, s:1). Türk öğrenciler, 20 Mayıs'ta çeşitli (akademi, tıp fakültesi, hastane ve müzelerde) incelemelerde bulunmuşlar ve aynı gün Tomas Yuvansko'nun(?) Kolza (ya da Kulza?) Hastanesi'ndeki ameliyatına girmişlerdi. Gezi grubu, Türk Sefareti'ni ziyaret ettikten sonra o akşam belediyenin düzenlediği ziyafette ağırlanmıştı (**TE**, 22 Mayıs 1914, s:2; **İ**, 23 Mayıs Efrenci 1914, s:1,2; **S**, 22 Mayıs Efrenci 1914, s:1). Türk ziyaretçilerin Bükreş programı içinde dikkat çeken bir etkinlik, Türk tarihi hakkında beş ciltlik eseri bulunan Profesör İorga'nın konferansı idi[2].

İstanbul Darülfünun temsilcilerinin son aktivitelerinden biri kendilerini misafir edenler şerefine bir organizasyon hazırlatmak olmuştu. Türk misafirler, Romanya'dan ayrılmadan önce Hotel Kontinental'de Romanyalı profesörler şerefine devlet yetkililerinin de katıldığı bir ziyafet düzenletmişlerdi. Bu son etkinliklerle gezi programını tamamlayan grup, kendilerine tahsis edilen Gülcemal vapuru ile 22 Mayıs'ta İstanbul'a dönmüşlerdi (**TE**, 23 Mayıs 1914, s:4; **T**, 23 Mayıs Efrenci 1914, s:1)[3]. Böylece oldukça yoğun geçtiği anlaşılan Türk Darülfünun öğrencilerinin Romanya gezisi tamamlanmıştı.

İstanbul Darülfünun temsilcilerinin bu gezisi yağmurlu havalara tesadüf etmiş ve Romanyalılar tarafından bereketle ilişkilendirilmişti (**TE**, 27 Mayıs 1914, s:2). Aslında, Türk gezi grubunun Romanya şehirlerinde tahminlerin üstünde kalabalık/coşkulu kitleler tarafından karşılanması, onlara gösterilen ilginin basında dikkat çekmesi ve fazlasıyla haber olmasından dolayı bu yorum şaşırtıcı değildi[4]. Fakat öğrenci gezilerinin tamamlanması her iki ülke kamuoyunun gündemini

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[1] *Tanin*'de yayınlanan 16 Mayıs tarihli telgrafta kurumların, kiliselerin ve tarihi eserlerin gezildiği, aynı gece Yaş'ta Milli Tiyatro'da misafirlerin şerefine gösteri yapıldığı belirtilmişti (**T**, 19 Mayıs Efrenci 1914, s:2). Ziyafete Belediye Başkanı George Mirzesko (?) ile Yaş Darülfünunu'ndan öğretim üyeleri ile öğrenciler katılmışlardı. Belediye Başkanı'nın konuşmasına Celalettin Arif Bey karşılık vermişti. Ziyafet sırasında Aleksandr Yesko'nun (?) (Romen Darülfünunu Talebe Cemiyetleri Heyet-i Müttehidesi Reis-i Sanisi) teklifi ile Hamdullah Suphi'ye bir telgrafın gönderilmesi kararı alınmıştı. Bu telgrafta, kendisine, geziye katılamadığı için duyulan üzüntü bildirilecekti. Ziyafette Profesör Popoviç'ten başka Grigori De Belg (?), Adonis Popof, Sokyas ve Burhanettin adlarındaki öğrenciler söz almışlardı. 18 Mayıs günü Türk muallimler, Romanyalı profesör ve diğer yetkililer için ziyafet düzenlemişlerdi. Burada Celalettin Arif, Seyyit Haşim, Derviş Asaf Paşa (Darülfünun-ı Osmani Tıp Fakültesi Seririyat-ı Nisaiye Muallimi), Belediye Başkanı Mirzesko, Perets (muallim), Koja (muallim) gibi isimler Türk-Romen dostluğu teması içinde konuşmalar yapmışlardı. Daha sonra Ekolnormal Darülmuallimi ziyaret edilmişti (**S**, 23 Mayıs Efrenci 1914, s:1).

[2] *İkdam*'da eser altı cilt olarak tanıtılmıştı (**İ**, 23 Mayıs Efrenci 1914, s:1). 19 Mayıs tarihli, Türk-Romen ilişkileri hakkındaki konferans sonrasında Celalettin Arif ve Haşim Beyler söz almışlardı. Bu konferans daha sonra küçük bir kitapçık olarak basılmıştı (Arıkan, 2005, s:100,102,105).

[3] Türk grubu yolcu edenler arasında Nicolae İorga da vardı (**İ**, 23 Mayıs Efrenci 1914, s:1). *Tanin*, belediyenin verdiği ziyafetin de Kontinental'de düzenlendiğini belirtmişti (**T**, 23 Mayıs Efrenci 1914, s:1). *Sabah*, Türk grubun düzenlettiği ziyafetin tam tersine Türklerin şerefine verildiğini yazmıştı (**S**, 22 Mayıs Efrenci 1914, s:1). Türk gezi grubu, 21 Mayıs'ta Köstence'ye kadar kendilerine eşlik eden profesörlerle (Popoviç ile Matematikçi Vilkoviç) öğrenciler için trende "*bir daha ziyafet keşide etmişler*"di (**S**, 23 Mayıs Efrenci 1914, s:1).

[4] *İkdam* özellikle bu yaklaşıma vurgu yapmıştı. Zaten gazetenin muhabiri 3 gün kalınan Yaş'ta bardaktan boşanırcasına yağan yağmura rağmen görkemli bir karşılama yapıldığını bildirmişti (**İ**, 20 Mayıs Efrenci 1914, s:1; **İ**, 23 Mayıs Efrenci 1914, s:1,2). Köstence'de Otel Regal'de misafirlere ziyafet verildiğini yazan *İkdam*, yediden yetmiş yediye herkesin karşılamaya katıldığını aktarmıştı (**İ**, 23 Mayıs Efrenci 1914, s:1). *Sabah* ise Mustafa Muzaffer'in, Köstence'de "*fevkalade parlak*" bir şekilde karşılandıklarını yazan 15 Mayıs tarihli telgrafını yayınlamıştı (**S**, 16 Mayıs Efrenci 1914, s:1). Gazete Türk grubun Prenses Marie [Marivar yazılmış] tarafından nezaketle selamlandığına da yer vermişti (**S**, 21 Mayıs Efrenci 1914, s:3). *Tanin*'in yayınladığı bir telgrafta (16 Mayıs) Romanya'da Türk öğrencilere gösterilen ilginin altı çizilmişti (**T**, 19 Mayıs Efrenci 1914, s:2). *Tanin* tarafından kamuoyuna aktarılan 19 Mayıs tarihli telgrafta ise misafirlerin Yaş'tan son derece gösterişli bir şekilde uğurlandıkları ve yine aynı derecede gösterişli bir şekilde Bükreş'te karşılandıkları yazılmış, bütün şehrin süslendiği belirtilmişti (**T**, 20 Mayıs Efrenci 1914, s:4). *Tasfir-i Efkar*, Türklere gösterilen ilgiyi Adonis Popof örneği üzerinden tanımlamıştı.

pek değiştirmeyecekti. Çünkü Darülfünun grubunun İstanbul'a dönmesinden bir gün sonra Talat Bey (ve bir Türk delegasyonu) 23 Mayıs'ta Romanya'ya gitmek üzere İstanbul'dan ayrılmıştı (**İ**, 23 Mayıs Efrenci 1914, s:2; **S**, 23 Mayıs Efrenci 1914, s:1; **T**, 24 Mayıs Efrenci 1914, s:1; **S**, 24 Mayıs Efrenci 1914, s:1)[1].

24 Mayıs'tan itibaren ise Romanya kaynaklı haberlerde artık Talat Bey'in gezisi hakkında çeşitli bilgiler aktarılıyor, Talat Bey ve heyetinin Romanya'da kral, başbakan ve bakanlarla temasları üzerinde duruluyordu. Nitekim Talat Bey, Dahiliye Nezareti Kalem-i Mahsus Müdürü Hasan Fehmi ve Emniyet-i Umumiye Müdürü İsmail Canbulat Beylerle Köstence üzerinden Bükreş'e ulaştıklarında Romanyalı yetkililerce karşılanmışlardı. Türk basını ise yakından ilgilendiği ve hakkında yorumlara yöneldiği bu yolculukla kamuoyunun gündemine devletler düzeyindeki Türk-Romen ilişkilerini taşımıştı[2]. Romanya diplomasi çevreleri de bu geziyi Türk-Romen ilişkilerinin geliştirilmesi açısından ele almıştı (**TE**, 28 Mayıs 1914, s:3)[3].

İki ülke arasındaki bu yakınlaşma sürecinin paralelinde, Talat Bey'in İstanbul'a döndüğü günlerde (29 Mayıs 1914), ilk kez 1911 yılında ortaya çıkan Türkiye-Romanya Ticaret Muahedesi'nin görüşmelerine yeniden başlanılacağı haberleri gazete sütunlarına taşınmıştı (**İ**, 28 Mayıs Efrenci 1914, s:2; **İ**, 30 Mayıs Efrenci 1914, s:1,2,3; **TE**, 30 Mayıs 1914, s:1,2; **T**, 30 Mayıs Efrenci 1914, s:1,2). Haziran başlarında ise gazete sütunlarını işgal eden konulardan biri Romanya Veliahtı'nın İstanbul'a geliş tarihi olacaktı[4]. Ancak Haziran ortalarına gelindiğinde, bu gezinin ertelendiği haberleri gazetelere yansıyacaktı (**S**, 14 Haziran Efrenci 1914, s:3).

Taraflar arasında 1914 baharında gerçekleşen resmi ya da gayrı resmi düzeydeki birçok temas, I. Dünya Savaşı'nın hemen öncesinde Romanya ile Osmanlı Devleti arasında hızlı ve yoğun bir yakınlaşma süreci yaşandığını göstermektedir. Üstelik iki ülkenin yakınlaşma sürecini karakterize eden böyle gelişmeler içinde gayr-ı resmi temaslar oldukça önemli bir yer tutmaktaydı. Bu bağlamda, tarafları yan yana getiren ve iki taraf kamuoyunun algısını etkileyen güçlü bir diyalog kuşkusuz üniversite düzeyinde yaşanan karşılıklı gezilerle ortaya çıkmıştı. Zaten o günlerin ürünü olan çeşitli yorumlar, bu gezileri iki ülke dostluğunun birer göstergesi niteliğinde ele almışlardı. Basında sık sık görülen, neredeyse propaganda düzeyine ulaşan coşkulu karşılama ve dostluk haberleri de bu açıdan önemli bir işleve sahipti. Özetle; bu öğrenci gezileri, gayri resmi temasları şekillendirdiği ölçüde tarafların yakınlaşmasına etki eden temel faktörler arasında yer almışlardı.

Tüm bunların yanında Darülfünun'un savaş öncesindeki son yurtdışı aktivitelerinden biri olan 1914 Romanya gezisi, öğrencilerin bu komşu ülkeyi tanımalarını sağlamıştı. Ayrıca bu etkinlik, öğrencilerin dış dünyaya yönelik algılamalarını

Popof, Türklerin ziyareti sırasında yaptığı bir konuşmada Balkan Savaşları acısını hatırlatmış ve Türklerin bu acısını paylaşarak "*İntikam! İntikam!*" diye bağırmıştı. Zaten bu tavrıyla gazetelere manşet olmuş ve resmi basılmıştı (**TE**, 27 Mayıs 1914, s:1). Popof, Türklere Köstence'de verilen ziyafet sırasında da bir konuşma yapmıştı (**S**, 21 Mayıs Efrenci 1914, s:3).

[1] Talat Beyin İstanbul'dan ayrılmasından bir hafta kadar önce bu gezi ve programı şekillenmişti (**İ**, 18 Mayıs Efrenci 1914, s:3). Nitekim *Sabah* hemen gezi öncesinde ana hatları çizilmiş kısa bir program yayınlamıştı. Bu programda Romanya Dışişleri Bakanı'nın ziyafeti, Kral Carol'un Talat Bey'i kabulü ve bazı ziyaretler yer alıyordu (**S**, 22 Mayıs Efrenci 1914, s:2). Romanya basınına göre, oradaki siyasi çevreler bu geziye ciddi önem veriyorlardı (**İ**, 11 Mayıs Efrenci 1914, s:2). Dolayısıyla ilerleyen günlerde gazetelerde Talat Bey'in Livadia gezisini de kapsayacak çeşitli yorumlar yapılacaktı (**İ**, 19 Mayıs Efrenci 1914, s:3). Bu arada bazı basın organları, bu gezinin resmi bir niteliği olmadığını ileri sürmüştü (**İ**, 20 Mayıs Efrenci 1914, s:2).

[2] **TE**, 25 Mayıs 1914, s:4; **T**, 25 Mayıs Efrenci 1914, s:4; **S**, 25 Mayıs Efrenci 1914, s:1,3; **İ**, 26 Mayıs Efrenci 1914, s:3; **TE**, 26 Mayıs 1914, s:1,5; **S**, 26 Mayıs Efrenci 1914, s:2,3; **İ**, 27 Mayıs Efrenci 1914, s:3; **TE**, 27 Mayıs 1914, s:2,4; **T**, 27 Mayıs Efrenci 1914, s:1,4; **T**, 28 Mayıs Efrenci 1914, s:1,2; **İ**, 28 Mayıs Efrenci 1914, s:2; **TE**, 28 Mayıs 1914, s:4; **İ**, 29 Mayıs Efrenci 1914, s:3,5; **T**, 29 Mayıs Efrenci 1914, s:1,2,4. *Tasfir-i Efkar*, bu geziyle özel olarak ilgilenmişti. Özellikle 29 Mayıs baskısının birinci sayfasının tümünü, ikinci ve üçüncü sayfalarının ise yaklaşık yarısını bu konuya ayırmıştı (**TE**, 29 Mayıs 1914, s:1,2). Talat Bey yola çıkmadan bir gün önce Darülfünun öğrencilerinin Romanya'dan döndüklerini hatırlatan *İkdam* da gezi ile yakından ilgilenmişti (**İ**, 24 Mayıs Efrenci 1914, s:1,2). *Sabah* gazetesinin ise geziyi yakından takip etmesinde kuşkusuz Enis Tahsin önemli pay sahibiydi (**S**, 27 Mayıs Efrenci 1914, s:1,2,3; **S**, 28 Mayıs Efrenci 1914, s:1,2,3; **S**, 29 Mayıs Efrenci 1914, s:1,2,3; **S**, 30 Mayıs Efrenci 1914, s:1,3; **S**, 31 Mayıs Efrenci 1914, s:1). Bu geziyle ilgilenen Paris basını ise gezideki temasları, Osmanlı-Yunan anlaşmazlığını ortadan kaldırma çabaları ile ilişkilendirmişti (**İ**, 31 Mayıs Efrenci 1914, s:1; **TE**, 31 Mayıs 1914, s:1).

[3] Basında iki ülkenin yakınlaşması, Adalar sorunu gibi detayları kapsayacak şekilde Türk-Yunan münasebetleriyle ilişkilendirilmişti (**S**, 6 Mayıs Efrenci 1914, s:1; **S**, 14 Mayıs Efrenci 1914, s:1; **İ**, 2 Haziran Efrenci 1914, s:1). Romanya'da siyasi çevreler, daha gerçekleşmeden önce bu geziyi, Türk-Yunan sorunları, Türk-Bulgar ilişkileri ve Balkanların durumu gibi konular bağlamında ele almışlardı (**TE**, 19 Mayıs 1914, s:2).

[4] **S**, 4 Haziran Efrenci 1914, s:3; **S**, 5 Haziran Efrenci 1914, s:2; **T**, 5 Haziran Efrenci 1914, s:1; **S**, 6 Haziran Efrenci 1914, s:2; **İ**, 6 Haziran Efrenci 1914, s:2; **İ**, 7 Haziran Efrenci 1914, s:2; **T**, 7 Haziran Efrenci 1914, s:1.

etkilemesi ve kısmen de olsa batıya doğru sınır ötesiyle iletişim/etkileşim kurmalarını sağlaması bakımından dikkate değer bir yere sahipti.

İki ülke arasında üniversite temsilcilerinin karşılıklı gezileriyle pekiştirilen bu yakınlaşma süreci, I. Dünya Savaşı yıllarında kesintiye uğrayacaktı. Romanya, savaşta İngiltere cephesinde yer aldığından 30 Ağustos 1916'da Osmanlı Devleti ile ilişkisini kesmiş ve bu kesinti; 1914 baharındakine benzer manzaraların 1924 baharında ortaya çıkmasına kadar sürmüştü[1].

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[1] Cumhuriyet'in ilk yıllarında Darülfünun'un öğrenci düzeyindeki temaslarından biri, bu çalışmada konu alınan geziye benzer şekilde yine Romanya ile gerçekleştirilmişti. Söz konusu gezi, Birinci Dünya Savaşı öncesinde son gezilerinden birini Romanya'ya düzenleyen Darülfünun'un Cumhuriyet devrindeki ilk temaslarından biriydi (Malkoç, 2011; Malkoç, 2012, s:81).

Civil Society Development and its Impact on the Democratization Process in Kosovo

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Abstract

The process of establishing a sustainable and active civil society that effectively and responsibly participates within a democratic system of governance is crucial for transitional countries. After years of conflict and political uncertainty, Kosovo's independent status poses great challenges, including healing ethnic and political conflicts while rebuilding the nation's economy and infrastructure. The fragile society of Kosovo faces many challenges, the development of civil society is just one of them. Unfortunately Kosovo's civil society is not yet an effective and influential partner of government public decision-making. Civil society in Kosovo went through two developmental phases: the so called 'civil resistance' against Milosevic's regime in the 1990s, and the post-war period under international administration and building of democratic governance. In Independent Kosovo, problems of political and economic nature concerning the building of new institutions require the support of public discussion. The role of NGO's whose focus is political activism that tends to expand the practices of citizenship is reduced, and true public debate and coverage of all sides of important issues – elements crucial to a functioning democracy – are hampered if not prevented. Hence, the process of democratization of Kosovar society is negatively impacted. This article will explore the process of civil society development in Kosovo, from its days of origin, through the complicated political situations of the 1990s, and its increasingly active role in contributions toward the current democratization process.

Keywords: NGO sector development, EU integration, state-building, political activism, democratization

1. Introduction

During the 90s in Kosovo a number of civil society organizations were established. This was the beginning of the development of an early form of civil society. Albanian political parties founded in a later stage were direct continuation of these associations. With the disintegration of the former Yugoslavia, these political parties developed into a national Albanian movement. The so-called "civil resistance movement" organized parallel institutions of Kosovo as a public reaction to Serbia's isolation of Albanians from public life. The basic aim of Albanians was to fulfill their social needs of culture, education and common public life through civil society. The period under Serbian occupation led to the creation of a more or less active civil society.

After the war under the UNMIK administration the solidarity and voluntary engagement of the people of Kosovo for public causes has weakened. A huge number of small Non Governmental Organizations (NGOs) and local Media were formed solely for the purpose of soliciting grant money. As we shall see later in this study, Kosovar civil society was heavily impacted by the 1989 – 1999 repression of Serbian regime and the radical change of circumstances under UNMIK administration that followed the war in 1999.While Independent Kosovo is at the beginning of EU Integration process, progress towards acceptance into the EU involves annual progress reports that among other public aspects of society, assesses the status of civil society. Kosovo civil society and media has been continually assessed as weak. Now is the time for NGO representatives to establish more effective networking and integrative approach in order to play their important role for the democratization process in Kosovo.

On the other side despite the government's positive vision of civil society, there is a lack of institutionalized cooperation between the Government and civil society representatives. The government should help civil society in many aspects, and capacity building is one of them. The government needs to be more receptive of civil society criticisms and create circumstances that will allow civil society representatives to perform their role as watchdog with enthusiasm.

This study explores the process of civil society development in Kosovo, from its days of origin, through the complicated political situations of the 1990s, and its increasingly active role in contributions toward the current democratization process. My study begins with the discussion of the various meanings of civil society and various existing discourses of civil society and continues by describing the historical roots of civil society development in Kosovo before the war of 1999. The second part of the study includes the period under communist Yugoslavia and years of repression under Milosevic's regime and the process of establishing and developing NGO sector as part of civil society after the war, under the United Nations Mission in Kosovo (UNMIK) administration and in Independent Kosovo. The reason why NGO sector development will be in particular elaborated is that it represents the part of Kosovo's civil society that international agencies have mostly focused on through donor funding that particularly targeted NGOs. After the war in Kosovo the term NGO has become so popular and almost interchangeable with the term civil society. As a result, NGOs became very relevant for the political agendas of both international and national authorities. Finally in conclusions I try to compare and analyse the role of civil society before and after the war by indicating challenges that civil society, namely NGOs must overcome in order to meaningfully contribute to the current democratization process in Kosovo and the risks that they can pose when they decide not to become force for democracy.

1.1 Civil Society from historical to contemporary perspectives

1.1.1 Origins and history of civil society

There is no commonly agreed definition of civil society. Civil society elements are diverse and complex. Some of the literature considers whether it is this very fuzziness that explains the present popularity of civil society in that "it can be all things to all people" (Glasius, 2004,). However, it is important to clarify its historical roots before we see how the concept came to be understood in different contexts. Although it now relates to societies of different civilizations, civil society roots lie mainly in the West. Romans spoke for the first time of "societas civilis", a term introduced by Cicero. Socrates supported the idea that conflicts within society should be resolved through public debates, and Plato saw the ideal state as a society in which people dedicate themselves to the common good, while Aristotle saw the 'polis' as an 'association', that enabled citizens to share in the virtuous task of ruling and being ruled (O'Brien, 1999). Nevertheless, neither Greece nor Rome distinguished between state and society.

The medieval idea of differentiating between state and society was lost in the work of Hobbes, who in religion found only potential for conflicts. He wrote that if a society is to be held together at all, it must be through the power of the sovereign. But Locke, in 'Two Treatises of Government' (1963) provided a distinctively modern form of differentiation by combining the concept with that of voluntary association. Adam Ferguson developed the concept of civil society as a moral sphere in which human interactions can be protected from the state (O'Brien, 1999). On the other hand Tocqueville presented civil society as a network of non-political social organizations that strengthen democracy (Tocqueville 1969,). Hegel understood the distinction between market and state. In Hegel's analysis of society, the economy is a part of civil society, which is identified with market relations. Marx argued that civil society was strongly shaped by class antagonism and Rousseau thought that of the society where state should be absorbed into civil society. On the other hand Gramsci developed a concept of civil society that differentiated it both from the economy and the state, although he had a difficult time expressing the independent role of civil society without it being an instrument of state politics (Gramsci, 1971).

If we exclude the classical period, civil society meant every aspect of society that was not functionally and institutionally included within the State. The seventeenth and eighteenth century separation of state and society was a step of great significance. This later allowed theorists to conceive society as a social space in which the individual, alone or with others, could view the acts of society in order to oppose an oppressive state.

1.2 Definition and concept of civil society: Theoretical and normative dimensions

Many scholars think that because of its ambiguous nature the definition of the civil society concept sometimes is meaningless. Civil society belongs to a group of sociological and political theory concepts such as freedom, justice, equality and democracy that are also not clearly demarcated. At least two specific dimensions of the civil society concept are

distinguishable: the theoretical and the normative role. In the context of theoretical role the concept of civil society analyzes dimensions of social life and social values, with citizens and civil organizations as key actors.

The normative role serves to motivate and mobilize citizens and other social actors for the establishment and development of various contents and forms of civil activities. The normative function is mostly manifested during periods of transition from less to more democratic societies. Both dimensions of the civil society concept have played significant roles, especially in countries where the position of civil society has traditionally played a marginal role.

Discussing the concept of civil society is quite fashionable today. Civil society is a popular term with politicians, academics and international agencies. We frequently hear politicians talk about the needs of the state and the market for a civil society. Civil society should provide an intermediate layer of governance between the citizens and the state that is capable of resolving problems without public coercion. (Edwards, 2004) The idea of civil society within the context of modern history offers perspectives on state-society relations. Within these perspectives, the state should be differentiated from civil society as a binding or organizing principal of political order. In this analysis, individuals and different organizations are part of the political order to the extent that they seek to participate in those processes. The concept of civil society has been defended in various ways by a variety of political and social theorists. Today's content of civil society does not result with a commonly accepted definition of the term, but focuses on whether the term should be a normative or non-normative tool of social science, and whether economic, religious and family relations should be considered as part of it. Walzer has defined civil society as the space of (politically) un-coerced human association and also the set of relational networks-formed for the sake of family, faith, interest and ideology. Civil society is also seen as a sphere of social interaction between economy and state (Cohen and Arato, 1992).

Most of definitions try to describe civil society as part of the society, but not directly part of the state, consisting of different organizations, which operate in the interest of the common good. One of the significant functional goals of civil society is to act as a force maintaining liberal freedom. This key function is a set of diverse non-governmental institutions, which are strong enough to counterbalance the state. Civil society is: 'a society in which polity and economy are distinct, where polity is instrumental but can and does check extremes of individual interest, but where the state is in turn checked by institutions with an economic base; it relies on economic growth which, by requiring cognitive growth, makes ideological monopoly impossible' (Gellner, 1994). While these are but a few of the formulations of civil society (some of them exclude familiar, religious, and economic realms) most of them share the most common definition of the term: the 'separateness of civil society and the state.'

1.2.1 The idea of civil society: From normative to functional definition

The core idea of civil society embodies an ethical ideal of the social order, one that harmonizes the conflicting demands of individual interests and social good (Seligman, 1995). In this context, its existence as independent from the state is a very important aspect. As we saw from the historical perspectives, the concept of civil society was defined differently by a range of German, French and Scottish Enlightenment figures, but common to all attempts was the articulation of the civil society's main problem: the relation between the private and public, the individual and social, and between individual desire and public concerns. In this context, civil society could be seen as autonomous sphere and independent from the state, but regulated by the state (Shills, 1991). This idea of civil society is not the focus of power balances between the state and civil society, but their inter-independence.

Civil society should be considered as the location of independent thought. As a result, a functional definition of civil society could replace the predominant normative definition: 'that civil society should not be defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust are established in social life' (Shills, 1991).

1.2.2   Civil society and democracy

Citizen participation in processes of public decision-making is an essential part of the democracy. Through its social and political activism, civil society gives voice to groups of citizens that don't feel represented in democracy. Civil society can be viewed as a solution to many challenges in contemporary democracies. Amongst other potentials, civil society organizations have expert knowledge in many areas of concern, and so are able to serve governments as counselors. (Habermas,1989). Participating in the system can be a good experience for citizens, allowing for a positive identification with their political system. This is how civil society can help strengthen some of the weaknesses in democracy and lower citizen dissatisfaction. This doesn't necessary mean that civil society organizations have identical interests and are always homogeneous. In essence there are many organizations within civil society that are undemocratic in their platform. Through the employment of disruptive, violent, illegal or socially irresponsible strategies, civil society organizations accustom their members to behavioral patterns, which are diametrically opposed to those necessary for the smooth functioning of democratic regimes. Non-democratic goals and strategies of some civil society organizations may generate openly non-democratic views and forms of conduct at worst (Forbrig, 2002). These aspects can directly threaten the maintenance of democratic regimes. It would therefore be misleading to conclude that all civil society organizations are interested in making democracy a reality.

1.2.3 Democratic functions of civil society

Civil society in the context of communist regimes had a different meaning compared to the meaning of civil society in the context of contemporary democracies. Because of the limited freedom of expression in communist regimes, civil society existed in someone's living room, in churches or in cafes (Brinton, 1990). Under the communist regimes independent civil society usually took on the form of small groups of citizen activism. Both representatives of independent and of the broad civil society contributed with different means and forms to overthrow communist regimes and follow transition toward democracy (Skovajska, 2008). As outlined above, at its best civil society can make a positive contribution to democracy, but at its worst may undermine democratic regimes. Some major functions through which civil society contributes to strengthening democracy are identified as: 'The Lockean Function (Control of State Power), The Hegelian Function (Interest Mediation), The Pluralist Function (Social Integration), The Non-Profit Function (Service Provision) and The Tocquevillean Function (Political Socialization) (Forbrig, 2002).

Although it is possible to identify some major functions through which civil society contributes to strengthening democracy, this doesn't necessarily mean that we do have a precise definition agreed from all authors for the concept of civil society. Many authors give different meanings to the notion of civil society. Not everyone means the same thing when they discuss it. Consequently, it is difficult to formulate a precise research question which contains a concept which itself is not precise.

In general, civil society is seen more as a multifaceted concept, although it is noticeable that the differentiation between the state and civil society is mostly discussed. Within this context, my research remains within the concept that defines civil society as autonomous sphere and independent from the state, but regulated by a legal framework from the state. This is the concept of civil society that is not defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust is established between the state institutions and civil society thus contributing to the democratization processes.

Having in consideration that the relationship between civil society and Kosovo institutions went through two very different stages of development, the general research question that guides my study is: What are the differences between the roles and contributions of civil society in Kosovo before and after the war of 1998-1999? In order to answer to my research question I will focus in two different circumstances, the pre war situation under the Milosevic's regime and the post-war period under international administration and building of democratic governance.

2. Civil Society in Balkans: In transition from communism to post communism

Active civil society fosters democracy in a number of ways: by dispersing power and thereby keeping a check on the state and by developing social capital. Very few countries, if any, that had no tradition of developing civil society during the communist period, emerged with a strong civil society after the communist period (Miszlevitz, 1999). Any countries that had a relatively well-developed tradition of civil society before (or during) communism ended with weak civil societies by the

end of communist rule. 'Their competitive advantage was, however, to have the blueprints of civil society still present in their institutional memory, this was a legacy on which they could base their efforts to reconstruct their democracies.' (Hann, 1992).

Civil society in post communist Europe is poorly developed. Because of the underdeveloped civil society in Eastern Europe and South Eastern Europe some authors refer to this as 'illusory civil society'. This is because the number of individual participants in civil society is low compared to the impressive number of NGOs. Another concern about these organizations is that most are one man shows, with little political or social influence (Whitehead, 2004). Politicization of civil society leaders in post communist countries is also evident, as some move into high political or the state administrative sphere after a very short period working with the civil society.

In order to achieve a better understanding of the complexities of civil society in post communist countries, it is important to address some of the key relationships between civil society and the state, which affects the democratization process in these countries. As discussed earlier, the relationship between the state and civil society is the subject of among different authors, philosophers, scholars and academicians, beginning from the Enlightenment period until modern times. While overthrowing communist regimes leading South-East European dissidents have chosen the 'anti-system' model because of the communist dictatorships (Mudde, 2003). However, while leading civil society organizations against communist regimes, some dissidents became state leaders in the transition (Vaclav Havel, Lech Walesa), some authors believed that this is the ultimate victory for democracy, while others argue that unification of civil society and the state in post-communist countries is the structural destruction of civil society. Because of the 'anti-system' model and approach during communist rule, civil society was believed to be 'anti-state & anti-institutional' irrespectively of the state of regime. This remained the belief following the fall of communism (Mudde, 2003).

The idea of civil society groups as state resistance and alternatives to political parties finds its best expression in many post-communist European countries, whereas in Western Europe civil society is a sphere of social autonomy or voluntary cultural and social organizations. Although civil society organizations led the opposition to communist states they should not necessarily be seen as adversaries of the state. To some degree it is possible for civil society to join state efforts in establishing and consolidating new democracies. Therefore, it is possible to elaborate the current perspectives of civil society development in post-communist countries, only by searching for the origins and effects of civil initiatives before and after the fall of communism.

Eastern and Southeastern European countries shared certain features, including party-state control over the most important institutions and other sectors of public life: supervision over organized social activities, widespread police control, suppression of independent activities outside of state control (including the private economic sector) and the outlawing of any activities deemed challenging to the ruling party. However, not in all of these countries the situation was the same if we compare state control over civil society. Best illustration for this is 'Solidarity', a social movement during the 1980s' in Poland that was using the methods of civil resistance to advance the causes of workers. After nine years of existence they finally managed to outmaneuver the communist leadership. There were growing and very well organized dissident groups in Czechoslovakia and East Germany, while Hungary had a substantially developed private sector. Social activism organized around these movements produced alternative or independent cultural elites.

On the other side, since the fall of communism in the 90s, the Western Balkans had been undergoing fundamental and multiple transformations. At the early phases of the transition there are numerous constraints on the development of civil societies in Western Balkans, such as: the legacies of communism, impact of nationalism, and the manipulation of ethnic politics. It is obvious that the question of nationalism and ethnicity impacted negatively on the development of a civic-based democracy in the Balkan region. Kosovo is no exception here.

2.1 Legacies of communism and nationalism

The legacies of communist rule on civil society have proven to be negative. In most of the South East European countries, communism reinforced collectivist models of individual and social obligations to the state rather than individual liberties. With little tradition of mediation and resolving group conflicts, including religious and ethnic conflicts, it missed an essential process for the development of a fully functional and active civil society. Civil society elements during communism and the post-communist transitional period were the embodiments of this culture. On the other hand, the negative nationalism that

characterized the Balkans during the 1990s promoted authoritarianism, which fostered an intolerant political culture, and justified government controls over the mass media and other public and private institutions with the pretext of defending endangered national interests. 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. Manifestations for a myth known as Kosovo battle fought in 1389, marked the beginning of the collapse of ex-Yugoslavia. With the fall of the most of the communist regimes in Central and South Eastern Europe the concept of civil society discourse entered Kosovo in the beginning of the 1990's. This concept was not seeking one objective as most of South Eastern European countries did (to turn down communism and start the democratization process) but to start the state building process in conjunction with democratization and transition process (if possible at all in those circumstances). Civil society activism in Kosovo began as a reaction to Milosevic's regime and his hegemonic program inspired by a nationalistic myth. Before we examine forms of civil resistance against Milosevic's regime and how Albanians used civic activism as a form of national emancipation in 1990s, it is worth considering civil society in Yugoslavia with Kosovo as a part of it.

2.1.1 Yugoslav Civil Society from socialism to pluralism

The disintegration of Yugoslavia actually started with the abrogation of autonomy of Kosovo. The first civil initiatives in Kosovo took place after 1989. The institutional vacuum created in 1989-1990 after a very rapid disintegration of the Kosovo communist party and abrogation of autonomy created space for new initiatives, particularly from new generations struggling for more pluralism. But under Milosevic's repression, pluralism was impossible. Starting from 1991-1992 Albanians were interested in lobbying for independence. During the socialist Yugoslav rule civil society discussions in terms of their spectrum and intensity were fewer and weaker in Kosovo compared to other Yugoslav Republics. In the other republics: Serbia, Bosnia and Herzegovina, Croatia, Montenegro and Macedonia debates for civil society were predominantly theoretical and lacked energy of the new social movements. Slovenia brought fresh civil and democratic ideas such as the de-politisation of public sphere and introduction of multiparty pluralism, which were rejected by strong republics like Serbia. Slovenia was left with no other political alternative than the Yugoslav one, and this is how, both theoretically and practically, they continued to use the concept of civil society as a form of national emancipation.

 By the end of the 1980s, other Yugoslav republics had designed their national programs. These were nationalist programs without civil society, whereas the Slovenian program included 'nationalism plus civil society'. In Serbia and Croatia, it appeared that the only alternative to communism was nationalism. 'There were, however, efforts in most Yugoslav republics to develop a non-nationalistic, democratic and pluralist system. One of them is the formation of the Association for a Yugoslav Democratic (UJDI) initiative, which aspired to be equivalent to East German New Forum.' (Ingrao,2009). In Kosovo the UJDI failed to attract members of different nationalities, thus obtaining the membership of only few Serbs and hundreds of Albanians.

Another influential center for Albanians in 1980s was the Writers Association, which throughout Yugoslavia supported intellectual freedom (Clark, 2000). The Kosovo Writers Association defended alleged 'Albanian separatists' who were facing prison from the system. In the years to come the president of the Association, Ibrahim Rugova, became one of the main voices of Kosovo for the international and domestic press as a head of the political movement: the Democratic League of Kosovo (LDK), which was founded in December 1989 (Clark, 2000).

3. Civil Society in Kosovo before the war of 1998- 1999

3.1 Kosovo civil resistance movement in 1990's

During 1990 LDK together with other civil society organizations established a united front against Serbia's regime by providing guidance for the civil and peaceful resistance against the regime in Belgrade. In many observations of Western journalists and politicians at the beginning of 1990s criteria for 'civil society' in Kosovo was never agreed (Kipred, 2005). For some of them LDK was identified as a civil society organization; for others who recognized LDKs political character and activism as a national political movement.

Between 1989-1990 civil society gained further substance with the foundation of a variety of other civil non-state organizations and political parties, such as the Social Democratic Party, Youth Parliament of Kosovo, and Green Party. All of them together were identified as 'Kosova alternative" (Clark, 2000). In the same period came the formation of different independent organizations, such as the Council for the Defense of Human Rights and Freedoms (CDHRF) (1989) and the Union of Independent Trade Unions (UITU) (1990).

Apart from non-violence protests solidarity among Kosovo Albanians was a very important element of the national and civil resistance in the 1990s. In this context, the Albanian movement directed its attention to the violence within their community: the blood feud. The most common customary law among the Albanians was the The Code of Leke Dukagjini (from here "The Code"). "The Code" included an elaborate legal rule that tried to regulate the blood feud. The initiative for reconciliation of blood feuds amongst Albanians became a widespread social movement that promoted a very positive social change in the society. Other forms of civil resistance were developed in the beginning of 1990s (Ingrao, 2009). 'Thousands of people would put candles in their windows or balconies, which marked the beginning of the curfew, a symbolic expression that despite the state of emergency Kosovo Albanians still held the key to the situation. At the beginning of 1991 an hour long silent demonstration took place in Prishtina, with the posters declaring 'Stop the violence'. ' (Clark, 2000).

The intuitive non-violence movement taken up by Kosovo Albanians from 1989-1992 and absorbed into their identity and culture was a durable foundation for civil resistance. Not just civil resistance, but solidarity among the population, was one of the overarching principles. The 'Mother Teresa Association' was another very important NGO, becoming the backbone of the Kosovo Albanian parallel healthcare system after thousands of Albanian personnel were dismissed from their positions in public hospitals. "Mother Theresa' provided medical services and distributed food all over Kosovo to all categories of the civil Albanian population. The organization was funded by private donations from inside Kosovo, and later out of solidarity contribution of 3 percent of wages by the Albanian Diaspora (Khdr, 2008). This money was collected from financial councils that were established by LDK in the early 1990s. It is important to note that 'Mother Teresa' conducted a no-cash policy because of the risk from raids by the Serbian police (Clark, 2000). On the other side, all state media in Kosovo in the 1990s was at the service of policies of Milosevic's repression and genocide. 'Under these circumstances, during 1990-93, a "parallel society" in Kosovo developed with the efforts of Albanian professionals, teachers, and activists to maintain the functioning of society, and to exhibit a political will, which used the ensuing institutional basis to claim statehood for Kosovo' (Kipred, 2005). 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). 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. Civil society in Kosovo emerged and took its form within the context of non-violent civil resistance led from LDK and Mr.Rugova. 'The non-violence 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). While in much of the communist bloc, peaceful transition from totalitarian and one-party rule to plural and democratic regimes, buttressed by civil society contributions, was made possible, Kosovo's civil society experienced a different kind of development (Khdr, 2008). The distinction between civil and political society was blurred. The reason was very close cooperation and sometimes the uniform actions between political parties and civil society that were imposed from the deteriorating political and economic conditions in Kosovo. One can say that pre-war civil society

organizations were strongly politicized and nationally oriented as they embodied the goals of the Albanian Kosovar nationalist struggle by means of peaceful resistance under the civil society umbrella (Sterland, 2006).

3.1.1 Kosovo Civil Society after the war of 1998- 1999

After the withdrawal of Serbian forces in 1999 the political circumstances in Kosovo changed radically. Kosovo entered a unique historical period to be followed by controversies with UNMIK, protection of minority rights and its status issue. Kosovo turned into experiment for different formulas of peace building and reconciliation. After the war of 1999 the majority of international donors and agencies interested in civil society development have focused their funds mostly on NGO sector. NGO sector role was so relevant to UNMIK political agenda after the war, but not less important to Kosovo institutions and political parties of Kosovo after UNMIK became irrelevant. Under UN administration and protection by NATO troops, Kosovo society was impacted by the mass arrival of international non-governmental organizations (INGOs), most of them with the objective to provide humanitarian aid, reconstruction and reconciliation. The INGO 'boom' in the aftermath of the conflict impacted the massive expansion of the local NGO sector.

Radical socio-political change in post war Kosovo is not the only reason for the quick development and new strength of the NGO sector. The legacy of the 1990s also explains that despite operations under Serbian repression and pressures to maintain one singular course within the national civil resistance, independent organizations experienced some kind of pluralism during the 1990's.Therefore, pluralism was not totally inexperienced, or better to say, unknown (Clark, 2000). As a result, at least some of the independent organizations that existed before the war in 1999 onwards had to go through slight reconfiguration and continue to expand within a new context. While civil society in the 1990s was associated with civil resistance, after 1999 under the new circumstances of constructing a new political system, civil society underwent a necessary transformation. This process of transformation was rapid as it shifted radically the focus of civil society organizations from the politics of resistance to the politics of reconstruction and peace building (Kipred, 2005).

Compared to pre-war circumstances, NGO sector after the war experienced a UN-sponsored language of peace building, reconstruction, reconciliation and multi-ethnicity. In order to please UNMIK and lots of international donors all types of associations and NGO's mentioned above were chasing donors whose funds they embezzled by organizing largely meaningless trainings, conferences, and roundtables on how to reconcile Serbs and Albanians just couple of months and years after bloody war was finished (Khdr, 2008). Most of the NGO's will become politically relevant only when UNMIK and other international donors needed them to implement similar short-term projects. Consequently the rise of thousands of local NGOs was accompanied by a feeling of public skepticism and a fear that they are not driven by authentic needs but apply for similar projects to please foreign donors.

In 2002, after the new Kosovo institutions were established the relationship between these NGOs and state institutions needed further reconfiguration. At this point NGOs formed after the war removed from UNMIK structures and no longer had any direct influence in policymaking. This phase of development of NGO sector as part of civil society has proven to be quite challenging, especially for that part of NGOs that emerged after the war (Brand, 2003). On the other hand, several major associations that existed before the war registered as NGOs. These organizations together with others that have succeeded from the disbanded Kosovo Liberation Army (KLA) were connected to major political parties and had better access to the government resources when their respective parties would come in power.

Another serious problem that started between the years 2003 and 2004 was the decrease of international donations. This started to affect the financial sustainability of most NGOs. At this point from 2003 to 2005, not only as a result of the proliferation of NGOs but also because of the antagonistic relationships between major NGOs, the Civil Society of Kosovo gradually began to lose its pre war homogeneity.

The antagonistic relationships within the NGO sector were mostly a consequence of a variety of historical reasons and competition born out of competition for foreign and domestic funding. After the formation of Kosovar institutions, powerful NGOs started to take political sides and represented interests based on organizational histories and inter-NGO linkages, rather than based on the forms of their activities (Atrc, 2008). Consequently, NGO sector became divided between different types of groups, from large-scale network organizations that have pre-dated the war to NGOs that emerged after the war (Kipred, 2005). As a result of this division a good number of NGOs failed to build their own identity as part of civil society, instead they formed particular 'cliques' within Kosovar institutions and political parties, or within the international community

in Kosovo. Such cliques are usually connected to major sources of donor money like the international organizations coming both from U.S. and EU and later to the Kosovo Government and sometimes with political parties (Kipred, 2005). This antagonism impacted fair competition, because animosities and intolerance usually stretched into a highly personal level, thus preventing NGO networks from having a more unified voice towards the Government.

Similar animosities reflected the important interaction of some NGOs with the Kosovo institutions, as cooperation would often be sporadic and too dependent on individuals. The government(s) felt quite comfortable, as this fragmentation existed and as long as Kosovar media gave only limited space for NGOs to organize true public debate and coverage of all sides of important issues. Consequently, the political system these days remains partly open for cooperation with NGO sector and their input in the policy process and political influence is greatly constrained.

4. Summary and Conclusions: Looking Forward

4.1 Birth or Rebirth of Kosovo's Civil Society

During the breakdowns of the communist regimes there is no doubt that civil society played an important and historic role. Civil society's contribution was also significant in the process of democratic consolidation that followed the breakdown of the communism in East Central European countries. The East Central European movements of 1989 sent reverberations throughout the continent, including the former Yugoslavia, and by default in Kosovo (The Independent International Commission on Kosovo, 2000). As outlined earlier civil society in Kosovo went through two developmental phases: civil resistance and solidarity before the war of 1998/1999, and the post-war period and building of democratic governance after the war. Consequently, these days NGO sector in some of its nuances is still divided among NGO's that pre dated 1999 and those that were formed after the 1999. Relationship between these two groups of NGOs is still antagonized.

In a given setting in order overcome these antagonisms, become a force for democracy and be able to contribute to the democratization process by deliberating public problems, most of the NGOs should first start to address their internal problems such is the legal framework, prepare a strategy to strengthen their participation in the European integration process, reach out to their target groups, address their financial sustainability problems and improve cooperation with the Government. NGO's should be persistent on drafting legislation that will better facilitate their activities in the future.

NGOs are among the most important actors in the complex constellation of stakeholders in the EU Integration process. As the integration process develops in the future, Western Balkan countries will continue working to secure and/or improve present positions with regard to their European agendas. This ultimate goal continues to be challenging and it will call for an action from multiple society layers, whereas NGOs as an important part of civil society can contribute to the quality of and public support for pre-accession related reforms. NGOs could play an indispensable role in sustaining democratic development and good governance, especially against the background of historical complexities and challenges of transition in Kosovo. NGO sector can become one of the main partners in Kosovo's EU integration process, but their capacities for participating in policy- and decision-making need to be improved (Progress Report, 2008). The leadership of both Kosovo institutions and NGO sector in cooperation with international actors involved in Kosovo should prepare a strategy in order to strengthen the role and participation of NGOs in the European integration process.

There are several instruments that NGOs can use to participate in the process. Kosovo needs to develop a sustainable triangle between the government, the EU and civil society relations. NGOs need also to reach out more often to their target groups in order to create stronger networks between them. It is important to shun the individualistic and narrow interests when it comes to networking, and see the benefits of NGO joint action, which is ultimately a more powerful force compared to their individual capacities. They need to reach out more to their target groups and apply a more focused approach in their mission, rather than opportunistically shifting towards donor priorities.

Another serious problem that remains to be addressed from NGOs is that of financial sustainability. NGOs should not depend solely on international donors. Government funding, private donations and other funding options would help to ensure institutional and financial sustainability. Last but not least cooperation between the Government and NGO sector should be based on acceptance of shared responsibilities for relevant matters, recognition of shared values, and in sharing financial and human resources. In order to do this not just NGO's but government institutions should also reconsider being the exclusive provider of public services and identify activities the NGO sector could perform. NGOs should work to build

their capacity and professionalism and duly inform the public about their activities, as well as improve cooperation between NGOs. The Kosovar government should also be aware that it cannot address all the needs of a transforming society alone, which is why they need NGO efforts to complement them. This could possibly reduce current antagonism within the NGO sector that does enormous harm to the political efficacy of the civil society by taking different forms in practice.

At the time of democratic transitions in South Eastern Europe, different models existed in the West regarding the cooperation between the civil society and the state. Those are mostly models of a close relationship and cooperation between civil society and the state institutions, both in Western European countries and in United States. Leading dissidents and other groups in South Eastern Europe, including Balkans, have chosen the model of complete 'opposition' or 'anti-institutional' behavior. This model was not supported only because of the particular context of the dictatorship regimes, but because civil society was believed to be inherently 'anti- institutional' irrespective of the nature of the regime. While in South East European countries this behavior marked the period after the fall of communism, in Kosovo similar relationship between NGO's and state institutions took place after 1999 (Atrc, 2008). It means that some NGO's even after 1999 in many situations continued to practice that same aggressive negativity towards the Kosovo state institutions as they did during the 1990s under the circumstances of apartheid against the Serbian regime. It is understandable that this frustration comes as a result of highly centralized political party structures in the Government(s) which supports only particular NGOs and prevents other NGOs from having greater access to the policy making process, but this could also be a justification only for a number of NGOs that do not have well formulated policy goals so they could contribute to the policymaking process.

Regardless of this situation many of these NGOs are needed for the democratization process, especially NGOs with strong constituencies and those interested in impacting state policies. However, some of these NGOs need to change their approach and this would mean not only to offer alternatives for the problems they identify, but look for ways to actively participate in the policymaking process.

What remains ahead for NGO sector as a very important part of civil society is try to articulate a new vision for Kosovo's future (Kipred, 2005). This would be possible also with a more integrative approach from the political parties, and by drafting legislation that will enable NGOs to participate in the decision making process, using EU mechanisms and instruments to contribute to the democratization processes and by improving communication between media and NGO sector. NGOs should be more independent from state but more active on behalf of citizens towards the state. 'This doesn't mean that they should take the role of the state or of other actors in the society, but they should improve the interplay of citizens with the state and achieve better effectiveness and responsiveness of its institutions.' (Spurk,2008). In order to establish a collective identity within Kosovo's new polity, NGOs, apart from sensitive historical elements and meaningful civic ideologies, need to articulate the civic engagement and activism. While articulating the overall values of active citizenship, political engagement, plurality and solidarity, NGO sector will complement the so-called 'bigger picture' by becoming a central factor for the development of a sustainable democratic community.

It is also important to define their agendas and build constituencies. Thus, a better cooperation between the Government and NGOs could be established. First step towards a meaningful cooperation between the government and NGO sector is to define the rights and responsibilities through a legal framework, which would formalize the cooperation between each of the sectors. It is the duty of the Government to create a favorable climate in order for NGOs to become more functional. Because the Government is dominated by rigid party structures it is not expected that they will be the first ones to start this reform. If communication between Government and civil society representatives brings no results, NGO representatives could use EU Integration as a process in order to address this concern within the European Partnership instrument. The EC has a huge bargaining power within the EU Integration process, and they address issues regularly with national authorities, and follow up whether the government has implemented their recommendations and report accordingly in the progress report.

As outlined earlier various authors conceptualized the relation between civil society and the state in different ways. 'Historical examples of this interpretation include Locke's thesis that civil society offers protection from the potential abuses of state power. Similarly, Montesquieu argued for a balance between state and civil society. Likewise, deTocqueville advocated self-government and civic participation as a means for counteracting power abuses by the state and/or other social majorities.' (Fischer 2006). Civic performance in its essence implies good behavior of a citizen and his or her acting for a "good cause" that is in favor of the interests of the entire community. The civic performance does not necessarily imply "anti-state", "anti-social-order" or anti-institutional actions, although, most frequently, it may seem to belong to the "anti"

type of behavior. It seems that under new circumstances NGO sector is having problems to understand its new role. Their role as part of civil society is not to change the system (this was pre 1999 goal), they should be contributing to the development of the system regardless of the fact that this might sound complex if we take into consideration constants clashes between major NGO groups with the Government.

NGOs interested in impacting state policies should look for the instruments and mechanisms that will help reshape and improve their cooperation with the Government structures. In order for this to happen a contribution from both NGO sector and of the state is needed. Only when this happens will the new generations of Kosovo NGOs see the state as their protector, and political leaders will see civil society representatives as their supporters rather then a threat to themselves, only then, will a truly vibrant civil society be able to develop in Kosovo. However, this is not an easy mission. It is important to be recognized that participation of more citizen groups and civil society organizations in governance could potentially produce conflicts of interests between them. This is likely to happen in transitional societies like Kosovo. To avoid similar situations state institutions should enforce consistently legal and judiciary system reforms in order to settle disputes between all possible parties involved in the future public decision-making.

The Republic of Kosovo, in its seventh year as an independent state, faced significant challenges in addressing international and domestic events. Kosovo made global headlines when the International Court of Justice declared that Kosovo's unilateral declaration of independence did not violate international law. The country's image in the international arena was seriously tarnished when a member of the Parliamentary Assembly of the Council of Europe, Dick Marty, came out with a report on alleged criminal activities of the Kosovo Liberation Army during and after the war. The dialogue between Kosovo and Serbia may improve regional stability and cooperation, but as EU does not have a unified position on Kosovo independence, it may face similar problems also when its concerns the dialogue. In the meantime, the Kosovo Government will continue to struggle for a stable coalition, and their main challenge will be to rally the political potential in order to fight organized crime and corruption. There is a question whether they will manage to implement fully their executive mandate, specifically in the northern municipalities, in order to build a state with a functional rule of law.

These circumstances are the opportunity for NGO sector as part of civil society to play a role in determining the parameters and the quality of governance and social policy during the process of peace & state building. As it can be seen, civil society groups were a factor under the circumstances of apartheid and can be potentially a force for peace and democratization process. 'Civil society actors can strive for democratic values and reconciliation. But in many countries undergoing transitions from violence to peace, civil society per se does not necessarily contain an emancipatory potential. This is further undermined when the civil society itself must be democratized.' (Fischer,2006). In today's world 'Civil Society' has become a widely used term, essentially it is "the big idea on everyone's lips" (Edwards 2004). Instead of aiming the job 'everyone wishes to perform', Kosovo's NGO sector as important part of civil society should go through the process of internal democratization before its serious engagement in the very important processes of state building and EU integration. This could be the so-called process of 'rebirth' of the civil society in Kosovo.

Democracy is a process and it will take some time for Kosovo NGO's to develop their political activism. Citizens in democracy have both rights and duties and this is the fundament for the democratic governance as they are given the opportunity to actively shape their individual interests within the public sphere. To understand socio-political changes in the 'New-Born' Kosovo, civil society needs to be taken into account in order to give answers to many ethical questions regarding the political and institutional practices in independent Kosovo. Effective civil society requires effective state institutions. Government structures will have to allow greater presence of NGOs in policy-making process.

The above initiatives followed with an action plan from all sides are relevant to foster and enable a better environment for the NGO sector development, which could in a later stage produce a healthier STATE-NGO relationship. With similar actions taken from all possible stakeholders NGO's could potentially overcome the current fragmentation and antagonisms. This would be a new atmosphere with no need for the so-called 'anti institutional' model of behavior for many NGOs, because there will be less space for the Government to play favoritisms among different NGOs and associations, and because fair and open competition will be guaranteed by law. Operating in such circumstances many NGO representatives would gradually realize that civil society's pre 1990 role was different from todays. Today, their roles and contributions are different as they can seriously contribute to develop the system, not necessarily by using the 'anti-system' approach. It is civil society's role to make state institutions more accountable and effective in order to strengthen citizen's respect for the state and encourage their positive engagement. The fact the civil society is independent doesn't mean that it should be in tension with the state institutions and permanently criticize and oppose them.

This is a fantasy of a creative, fluid and free civil society. This is the concept of civil society that is not defined negatively as opposition to the state, but positively, in the context of the ideas and practices through which cooperation and trust is established between the state institutions and civil society thus contributing to the democratization processes and potentially becoming a 'postmodern' panacea for the Kosovo society.

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Social Media and its Impact on Decision Making for Trip

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Abstract

Social networks are not a new phenomenon of the human community. Social communication tools represent a revolution in terms of the possibility of publicity for enterprises. In this way mechanisms of social networks have not only changed the instruments, but also the communication. Social media is not focused exclusively on the development platform of promotion and communication, but also in the implementation of services to create new business opportunities and career. Professional groups present in networks are often closed and specifically dedicated towards specific groups in order to achieve defined objectives and set by direction of the company that benefit from these platforms. Social communications tools represent a revolution in terms of publicity opportunities for enterprises. Social media is becoming the key marketing tool for organizations who manage tourist destinations, in this way having a major impact on tourism markets. The role which social media is playing in various aspects of life is becoming increasingly every day, especially in areas such as social interaction and cultural and educational aspects of our lives. Social media are becoming important tools in marketing management for companies of tourist destinations, having a major impact on tourism markets. The arrival of new technologies such as social media have made it possible to change the way consumers seek information on their buying decisions. Ease of use, flexibility and interactivity offered by these social sites makes it easy for customers to get information that after all generate sales. These interactive web pages that have the status of social communities encourage consumers to interact with the community, strengthening prospects of customers. This will be resulted in customers who visit the community more often to get the desired information (Poon, A. 1993). With advices or knowledge that they get from the community they build the perception of destination and are used for making decisions by consumers. The purpose of this paper is to highlight the use of social media and the impact of social media in the decision making to travel by consumers choosing Albanian.

Key words: social media, internet, decision making, tourism, consumers

1. Social media and consumers attitudes

To consider social media as a marketing communication tool must understand every aspect of them. Kaplan and Haenlein (2010) define social media as a grouping on the Internet based on the applications that have built ideological and technological foundations of Web and allow the creation and exchange of content created by user (Sinclair and Vogus 2011). However, there are some basic characteristics necessary for a website to be called the site into a social network. Pages should contain user profiles, content, a way that allows users to have contact with each other to communicate, to post comments on sites to each other and to join in virtual groups based on common interests (Gross and Acquisti, 2005; Ellison, Steinfield & Lampe, 2007; Lenhart & Madden, 2007).

So, social media is the environment in which social networks have taken place and have changed the way that consumers gather the information you need to make decisions. It is vital for retailers to be aware of the factors that influence the attitudes and motivations of consumers because consumers are changing the concept that for the markets (Heinonen

2011). As a result, current research, show which aspects of social media websites are affecting consumer attitudes and motives.

One of the most visible phenomena of new media is that it has grown and has established new forms of social interaction. People spend more than a quarter of the time on the Internet including communication activities (eg, emails and social networks), a time equal to the total time spent for fun (Hill & Morgan, 2011). Consumer behavior studies show that individuals give greater consideration to the information shared on the Internet, spend more time on websites that offer of third parties assessments (Huang et al. 2009) and other studies show that this information can directly affect the buying decision (Awad et al 2006; Weiss et al, 2008). Actually, many of the benefits reported for the use of new media are increasing reputation and the predictability that dealing directly with aspects of its social interaction (Kollock 1999; Arthur et al 2006).

As noted by Steuer (1992) quoted by Ronald P. Hill and Nora Moran (2011) differently from watching TV or listening to the radio, new media interactivity allows customers not simply remain passive receiver of the message but to become active . Interactive is one of the definitions of characteristics of new media technology, providing greater access to information, as well as supporting the growth of user control and engagement with social media content (Fiore et al. 2005). Interactivity depends on the context. In a context of social networks on the Internet, interactive refers to a user therefore concentrated connection with computers, messages or other users focusing on experimental aspect of networking.

People have communicated through writing, photos and videos about years and years and just social media on the Internet provides a medium to continue this trade. Safko & Brake (2009) even argue that it is possible about any one to have participated in social media without admitting it p.sh reading: a blog, the messages of another member of a community or watching a video on Youtube.

In social media anyone can create and distribute free content that can be viewed by millions of people (Zarella 2010). Consequently Safko & Brake (2009) explain that the difference of social media is that basically all have the ability to influence, for example, a citizen becoming a witness of an event and its publication on the Internet or marketing of a product by the recommending to others. In the new world of social media and the rapid growth of many different channels of social media, it is almost impossible to not have people talking about the company or their product. On this basis it is necessary to understand social media by each business in the modern world. Social networking sites are intended to unite people together and provide a place where conversations can be made between people and there is no limited space and time (Safko & Brake, 2009). Social networks are based on human interaction making online conversations. In social networks people relate to their colleagues helping each other, transfer and receive information.

Facebook is the largest social network in the world that connects us to people you know (Pearlman & Abram, 2010). Facebook is a social utility that helps you communicate with your friends, family and friends (Mashable 2011). Facebook is free and open to everyone from students to professionals, teenagers to grandparents, ordinary people and celebrities even though it was originally designed only to Harvard students in the United States (Pearlman & Abram, 2010). According to Vander Veer (2010) Facebook combines the best blogging, forums and online groups, distributing pictures and much more. Diversity of Facebook provides opportunities for various businesses and service popularity makes it one of the most important tools for social media marketing purposes. The company develops technologies that facilitate the sharing of information through its digital mapping and social relationship of people (Mashable 2011).

2. The use of social media and its potential impact on travel decisions

Some researchers reviewed at how consumers use social media when planning a trip, where most of them came to the conclusion that different types of social media are playing an important role in planning the trip, but not as the only source and not at each stage of the travel planning process (Gretzel & Yoo 2008; Cox et al, 2009; O'Connor, 2008).

Gretzel & Yoo (2008) examined the use and impact of online travel websites (TripAdvisor), where their findings indicate changes in the use of these reviews in various stages of travel planning and travel aspects. They argue that the critics are already used in the idea stage, and not only in critical phases that determine the election.

Cox et al. (2009) found in his research that the different sites of social media are considered useful but in different levels, eg, photos and locations posted by real travelers were argued as the most useful, followed with little difference from the reviews travel and lastly social networking sites, as only 25% of respondents considered them useful. Thus, 51% of online buyers who participated in the survey stated that social media helped them to limit their choices, 23% argued that social

media played a role in the confirmation of their choice, while 15% used it to determine the final choice. However, the impact of social media after the purchase is important among those who have used social media during the travel planning process.

According to the results of a study published by the European Commission on developments in the tourism market in Europe, in terms of resources that are used by tourists to decide where to spend their holidays for 2011, with respondents from 27 European Union countries, shows that 52% of respondents claim that the recommendations of friends, colleagues or relatives are very important when they make decisions about where to spend the holidays, while 4 in 10 people or 40% of respondents claim that the websites are very important in the decision to perform holiday. While regarding the study done through interviews in this paper show that 97% of respondents definitely influenced by the negative comments of their friends in the choice of destination and 3% of them will never influenced. According to the European Commission report "Attitudes of Europeans Towards Tourism", which takes into account the 27 European Union countries in 2011, 53% of those who did vacation, used the internet to carry out bookings, so it is a significant percentage compared with the rest of the respondents.

The study was based only on those people who spent at least 4 days holiday and who constituted 60% of total respondents. Only 23% of respondents said they planned their vacations addressing tourism travel agencies, followed by 22% of respondents who stated that they booked their vacation through someone who knew. Similarly, 1 in 5 people or 18% of respondents performed bookings via telephone, while less than 9% of respondents stated that bookings performed on-site, as well as through transportation companies with only 4%. Also, the study showed that the higher the education level of the respondents, the more likely was that he / she to had booked holidays through the Internet. At the same time, employees and self-employed, about 63% more likely to organize their holidays through the internet, than the unemployed or laborers, who usually plan vacations by asking friends or relatives.

3. Data analysis

Results for the age of the respondents (graph 1), show that the highest percentage among them, is comprised of 18 to 25 years old with 36%, and a significant part of the age category 26 to 30 years old with a rate of 27%.
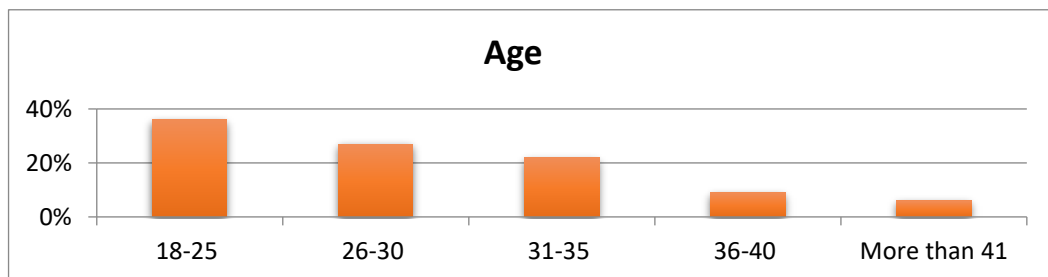

Graph 1. Age

Category with the smallest proportion is over 41 years old age with 6% and that for the fact that this age is less active in their involvement in social networks. The ratio between men and women is 63% female and 37% male (graph 2).
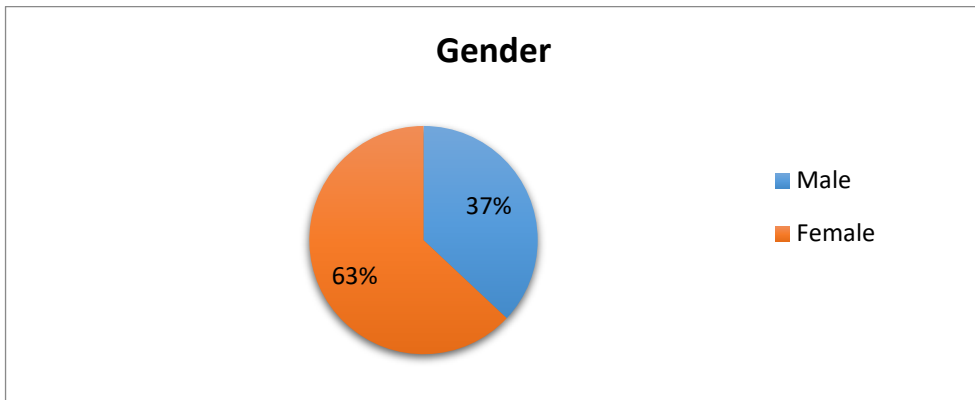
Gender

Graph 2.Gender

40% of respondents, traveling on average once a year; 21% travel on average twice a year; 17% travel three times a year and 22% of them travel more than three times a year (graph 3).

On average how many time do you travel in one year?
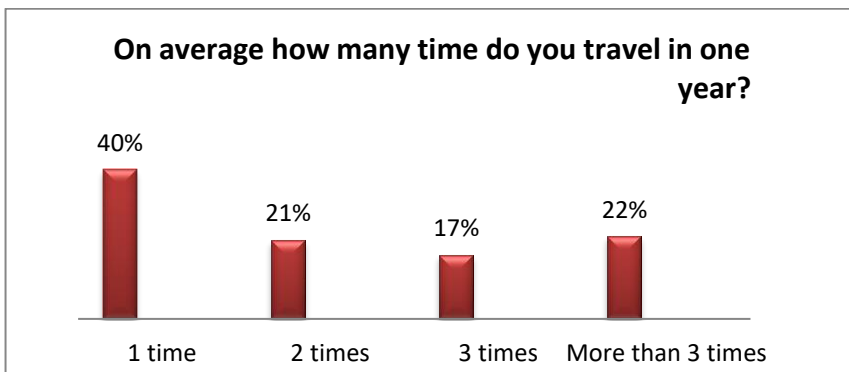
Graph 3. The frequency of travel within the country or abroad

According to data obtained, 91% of respondents would seek information on social networks when deciding to make a trip and 9% would not use social networks to be informed (graph 4).
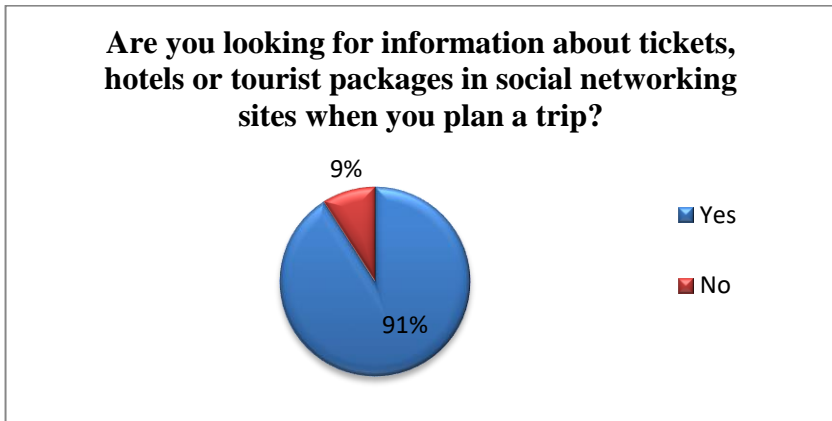
Graph 4. Search for travel information on social networking sites

In terms of trust that respondents in information obtained through social networks, 21% of respondents think that this information is not reliable at all, 33% of them consider this little reliable information, 37% of respondents think that the information is reliable and a small percentage of 9% consider this information very reliable (graph 5).
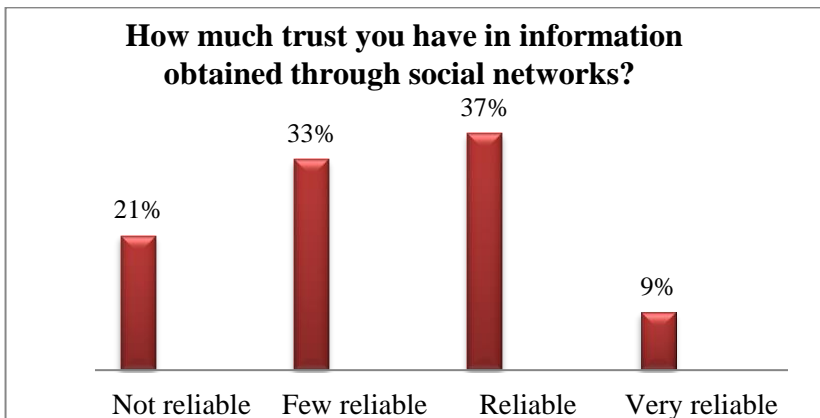
Graph 5. Trust on information obtained through social networks?

From the data provided in graph 6, it appears that individuals, in relation to travel, have more confidence in conversations they have with friends and less confidence they have in comments in social media.

Table 6. Reliability of sources of information

	Not reliable	Few reliable	Neutral	Reliable	Very reliable

Site of internet	11%	23%	30%	24%	12%
Comments in the social media	10%	28%	31%	22%	9%
Conversation between friends	0%	2%	17%	38%	46%
Travel agencies	7%	15%	26%	39%	13%

97% of respondents definitely are influenced by the negative comments of their friends in the choice of destination and 3% of them will not be affected never (graph 7).
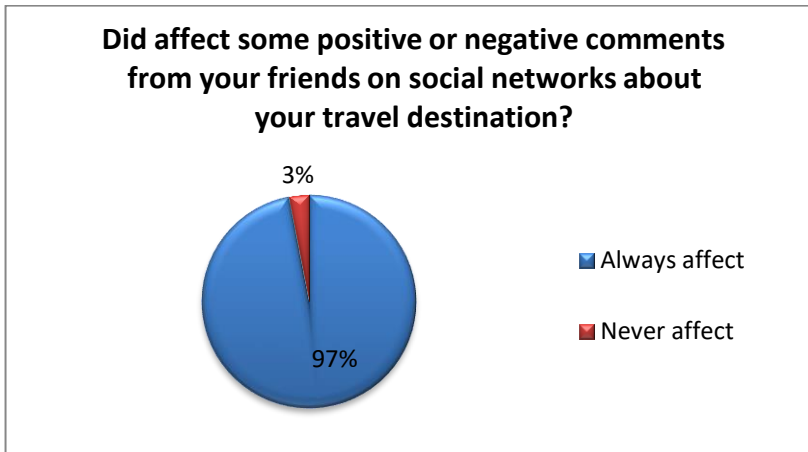

Graph 7. The influence of friends' comments in social networks

From the above graph, 9% of respondents always click on social networking sites, 23% click often, 43% sometimes, 21% rarely and 6% do not ever click on these package tours (graph 8).
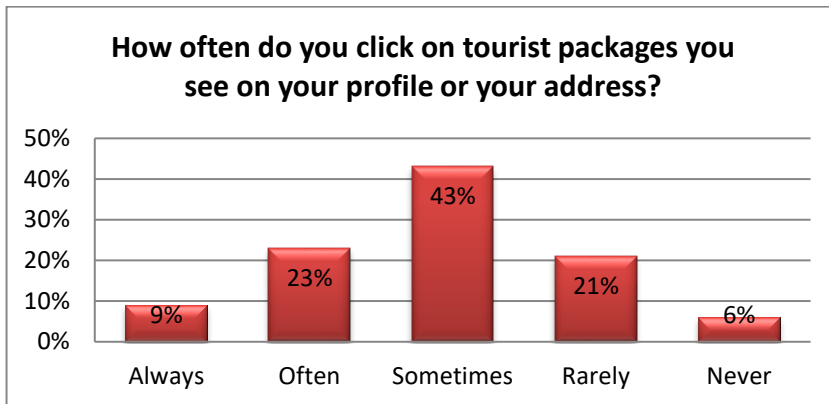
Graph 8. Frequency of clicking on tourist packages

Based on data collected, only 41% of respondents have taken a trip, because published tourist package has been attracted, but most of them- 59% is not affected by this reason and undertake trips for other reasons (graph 9)
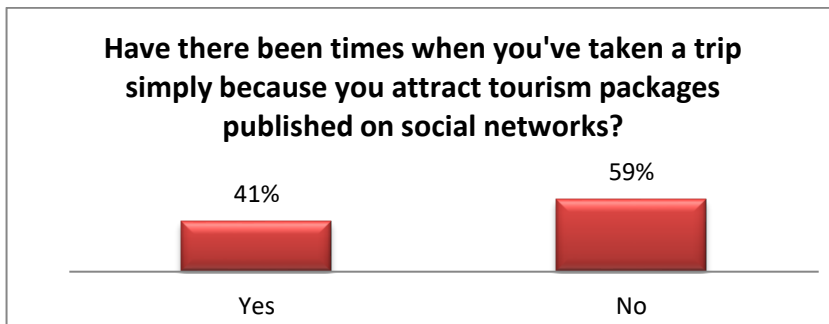
Graph 9. Have taken a trip simply because of attracted tourism packages published on social websites.

By the interviewees 41% have taken more than twice journey simply because they are attracted tourist packages published on social networking websites, 27% twice and only one time have experienced 32% of respondents (graph 10).
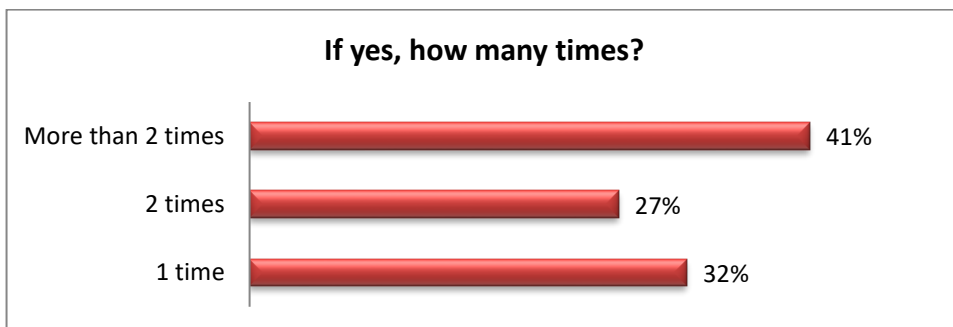
Graph 10. If yes, how many times?

4. Conclusions

Social media brings a series of promotional advantages and it is because social media enables the combination of a variety of elements such as text, video, audio and photos. This combination brings a great advantage in integrated marketing communications. Social media is a new trend but fast growing and therefore it must be managed well.

Social networks such as Facebook, Youtube & Webpage have gained popularity and trends are showing that consumers more educated and young people have started to be every day more connected with them, thus being part of their everyday life.

Social networks are a good tool to promote because they recognize high use, are reliable, there is interest for the information they provide and have a high monetary cost.

Social media in some way converts customers, ie users of social media, as advertising and promotion channels. Customers can create positive or negative pressure for the company, its products and services, depending on how the company is presented to them. So the image or the perceived quality of consumers, affects opinion or message that they will transmit to others in social media.

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Social Media in Travel, Tourism and Hospitality: Theory, Practice and Cases edited by Marianna Sigala, Evangelos Christou, Ulrike Gretzel

Youcheng Wang, Quaehee Yu, Daniel R. Fesenmaier: Defining the virtual tourist community: implications for tourism marketing

School Dropout and Socialization

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Abstract

*This research aims to contextualize, understand and deeply analyze school phenomenon and its effects in life and children socializing. The research aims to find out how children understand school dropout, how they interpret situations and which their perspectives for school and socializing are. Based on initial analyses for actual researches for school dropout in other places, it is noticed that most researches have been correlative and long-tongued; some of them have been assertive programs to prevent school dropout. These researches experiences are new for Albania. At the same time, it has been analyzed Albanian researches that are done by foreign and local organizations and it has been noticed that these researches do not go deep to the correlative factors, causes and long term influence of school dropout. On the other hand, at actual researches, it is studied only present factors for school dropout phenomenon, but it is not studied long terms factors for example: influence on socializing, kind of job, employment. All in all, this research is based on a holistic perspective of the phenomenon. The **Research methodology used in the study is** a qualitative research and it is based on these methods of collecting information: case study; interview; focus group; analysis of documents and materials in the field. There have been five crucial elements in research realizing procedure: Specifying research subjects; determining the sample; choosing instruments; creating the implementation plan; interpreting research findings; To gather information for school dropout and its dimensions, it has been identified pupils' group and interest group located in Elbasan district.*

Keywords: School Dropout, Socialization

Research methodology

It is a qualitative research and it is based on these methods of collecting information:
1. case study
2. interview
3. focus group
4. analysis of documents and materials in the field

There have been five crucial elements in research realizing procedure:
1. specifying research subjects
2. determining the sample
3. choosing instruments
4. creating the implementation plan
5. interpreting research findings

To gather information for school dropout and its dimensions, it has been identified pupils' group and interest group located in Elbasan district.

Today's social structure requires more flexibility and courage. The traditional models of life have always required that the individual planed his life by himself. The legal and social conditions are imprinted in the normal traditional biography. As a

result, there are cases when people who do not want to follow these previously given models, might fall in the "trap" of the social settings and be shaped by their outside influence[1].

During the development process, the youth earn the ability for self-determination, but with the growth of responsibility for themselves there is an increase in the risk of failing in : school, job search, education, private life, etc. This risk of failure is carried equally by the adults and the youth. However, it is more difficult for the young people because they do not have well-established models yet. During this difficult stage of their life the youth have to make numerous decisions, which are crucial for their course of life.

Behavior and social attitude are crucial at this stage of life. The socialization theory provides a good explanation of this development overview. To make the point more transparent, and to treat the problem of school drop-out and how it effects the course of life of these young people, we have used this theory, which has contributed immensely in this field.

Exclusion of the school dropouts from the normal course of life

Youth, who cannot finish school are seen as people "without potential" for the work market. These individuals are distanced from the normal life course because cannot fulfill life's requirements. They are characterized and attributed with "uncertainty", while the others who fulfill today's requirements, are attributed with "perspective".

In modern days, failure is interpreted as disuse of possibilities, while the inequality of the conditions is ignored. It is through a widely used evaluation, seemingly objective, that the successful individuals are distinguished by the unsuccsesful making it acceptable for a group to be privileged and the other discriminated.

A deviation from the normal means deviation from the structures of knowledge and formal regulations defined by the educational institutions, as a result of social behaviors stereotyping. During the transition from school to work, the dropouts have fewer possibilities to be accepted later in a regular education. The lack of school completion is seen as a sign of incapability in the dropouts. This causes their stigmatization, and as a result, they are excluded from the social integration. Due to this, they have to try harder to approach the normal course of life. But, due to the continuous unemployment and exclusion from the job market, the normal course of life for many young people remains unachievable[2].

The collective definition of the stages of life is based on educational standards and the normative expectations of behavior. If these standards are not accomplished, then there is a rise of uncertainty and lack of biographical perspective.

To avoid failures and the obstacles that arise from them, it is imperative to develop action competencies and personality strength, which are provided in the socialization framework.

1. The theory of socialization

Socialization is the process of formation and development of personality in a mutual dependence with the social and material environment. The individual is continuously developed under the influence of the social factors and during social interaction. "The personality of an individual cannot develop outside the society, but in a concrete, living environment, which has historically evolved.[3]"

The theory of socialization tries to explain how a young person, through a productive interaction of the physical and psychological conditions, and the surrounding environment, is transformed in an individual capable to act in a social manner.

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[1] Hurrelmann, K. (2003). Der entstrukturierte Lebenslauf. p.119

[2] Solga, H.(2003) Ein Leben ohne Schulabschluss. p.547

[3] ibid, p.82

## 1.1 The effect of social environments in the process of socialization

As an external reality, our social structure shapes to a great extend the social and material conditions of our life. All the members of society are in contact with the social organizations and the economic, political, religious, and cultural institutions. This confrontation influences the development of the individual's personality. Year after year there is a higher participation of the population in the public and organized environments of socialization, like: kindergartens, schools, education institutions and high schools.

The most important educational institution (as well as the socializing institution) is, and will always be, the family. Even though its values have changed in time, considering its intensity and duration, it is the most important institution of education.

1.2 A structural model of the socialization conditions

The institutions of educations are intertwined with the other social institutions. It is difficult to evaluate the importance of an institution of education. They are an integral part of each other, complement each other and function together. In the structural model presented below are included all the social institutions, which are very important for the process of socializing.

Fig. no 1. The model of the socializing conditions structure[1]

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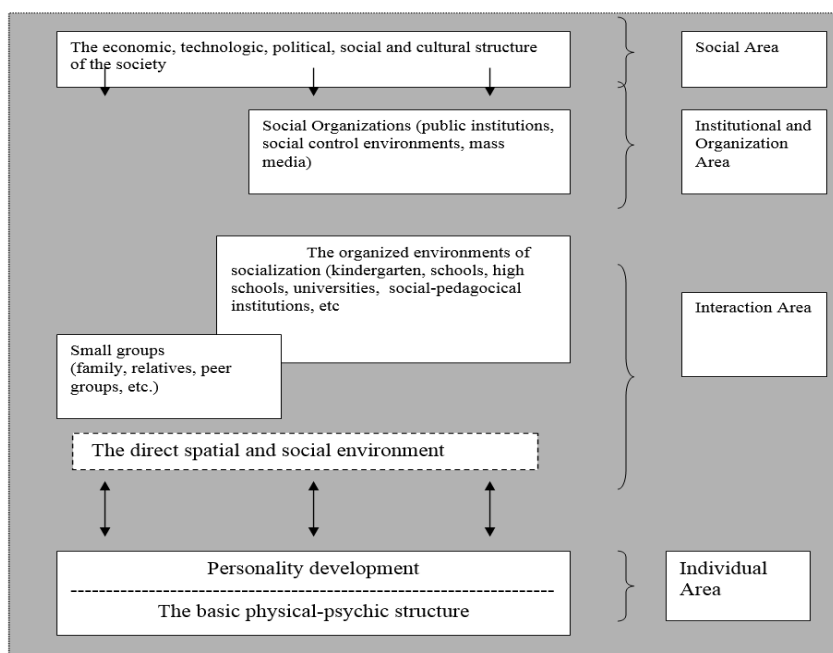
[1] Cited by Hurrelmann, K. (1993) Einfuhrung in die Sozialisationstheorie. p. 105

This model reflects how the socialization works. Here are presented all the components and the layers that are important for socialization. On the top is the social layer with its political and cultural values, and with the economic and technological structures

In the layer of organization and institution are the social organizations, and the organized institutions of socialization, like: kindergartens, schools, etc.

The institution of family appears in the small groups and during the social course. Inside these organizations and institutions there is an interaction which influences directly the individual layer through the development of personality, based on the basic physical-psychic structure.
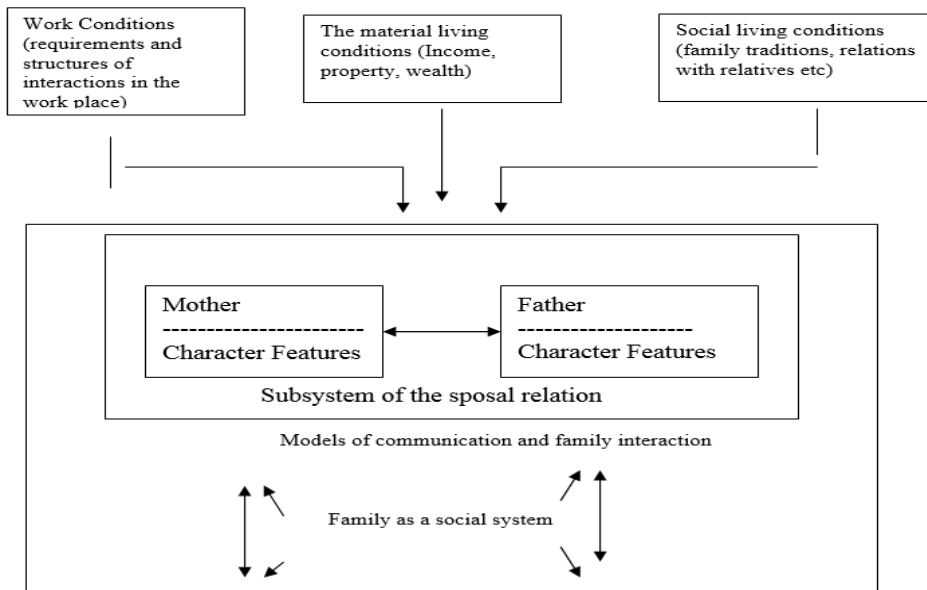

1.3 Family – as a socializing environment

Family socialization influences the quality and intensity of the experiences in the social field. The parents are the mediators of information, by structuring, evaluating, and ranking it. They influence the youth's choice of profession, by advising and directing them toward a certain profession.

What are the connections between the material living situation of a family, family socialization and the formation of the child's personality? How do they influence the positioning of the young individuals of the family in the social structure? Let see below the answers to these questions.

Everything we said above could be summarized in a structural model, which presents the conditions for the family socialization.

Fig. no.3 The structural model of the family socialization conditions[1]

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[1] cited by Grüneisen/ Hoff, 1978, p. 14.
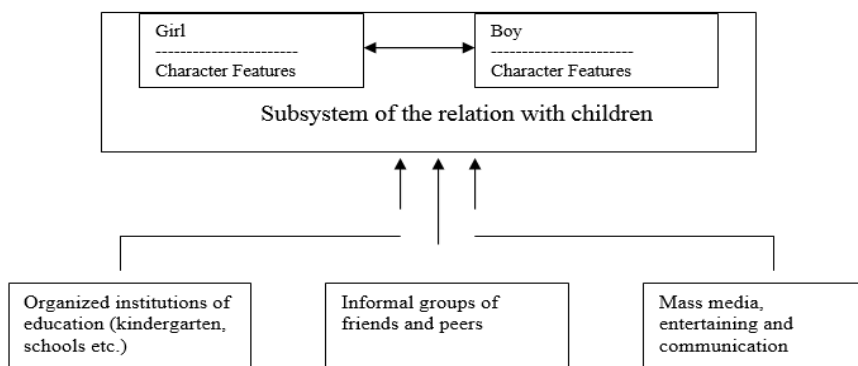
The six external quadrants symbolize the family environment: on top are presented the structural and social conditions, and below the other important elements of socialization.

1.4 School as a socializing environment

School has a dominant position in regards to education and qualification, and to the evaluation according to the formal criteria that define the later professional direction and the social positioning since the early years.

The decision regarding the position to be taken later in life is made since a young age, because, contrary to what happened before, the social status of the family does not define the positioning of the individual in the society anymore; that is defined by the qualification and education institutions. They are created in the society not only for education but for the selecting process later in life.

Even though the social status is not principal for the social positioning, the family has a direct influence in it: through its degree of support and motivation, through the dominating structures and linguistic models, every family directs the ability to achieve results in the institutions of education.

In present days, school has a high value as a socializing environment. In the industrialization period school had little influence in the professional and social qualification.

These functions are completely indorsed from school today, as organizations built especially for this scope. Schools have multi functions. They mediate knowledge and create social and intellectual competences for the students. They serve to the social integration by mediating norms and values and by directing youth in new living and working conditions. As a result, schools have a selecting function. They legitimize the social positioning in the later professional life through the evaluation of the individual achievements. Schools prepare young people for the high competition that awaits them in the society.

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Children and Theory of Mind; Comparison between Children's Ability to Understand Trying Actions and Pretend Actions in a Behavior Model Analysis

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Abstract

Children who have just reached 2 years old do engage in activities with symbolic elements. Developmental psychologist argue that this is a cognitive developmental feature connected to mind processes development. Some of them discuss about using indented/pretended activities as fact of child' understanding. The research involved 20 children 18 to 25 months old and 25 children 25-36 months old. Children were applied the behavioral protocol of imaginary and intentional behavior. Children's reactions to these actions is observed, measured and assessed using behavioral protocol activities. The purpose of this study is to explore the ability of children 20 to 36 months to understand the intentional actions against symbolic/pretended actions. This study is theoretically based on cognitive development theories in early childhood, focusing on the use of symbolic functions that enable children involvement in the play. Certain elements of the study were stimulated by new theories on the cognitive functioning of representative schemes, ToM and comprehension skills during early childhood. The results of the study show a tendency of children to understand the purpose of the two behavioral structures answered in accordance with the typology behavior: after the demonstration of intentional models children react intentionally and after the demonstration of pretend actions children reacted with imaginative / symbolic actions. The results over the ability to distinguish intention from pretend is then discussed in the Theory of Mind perspective.

Keywords: Theory of Mind (ToM), cognitive structures, pretend play, early childhood development, intentional models, pretend models.

Introduction

The "behave if" play is such a common activity for children who pass in the second year of life that it is not impossible to be noticed by adults. Their commitment to this form of play is made possible by a set of features associated with motor development, physical, social and emotional. Ability to act, distinguish, claime are necessarily influenced by the level of development of cognitive features of this age.

The term "theory of mind" is used to refer to the development of concepts of mental activity in children. However, theory of mind is more than just a collection of concepts. The theory includes a coherent framework to organize the facts and to make predictions. Theory of mind (Bjorklund, 2005,p.255) includes recognition of different categories in mind as dreams, memories, imagination, and other beliefs that have a frame of causal explanation about the actions of other people.

One aspect of theory of mind in early childhood is related to knowledge of child development; aspects of thinking and implementation of actions and other issues related to cognition as metacognition and representation (Flavell, Green, & Flavell, 1998; Schwanenflugel, Henderson, & Fabricius, 1998 cit. by Bjorklund, 2005 p.256).

Generally there are two groups of researchers discussing about the theory of mind (Wellman et.al, 200, p. 659). Members of the first group argue that children 3 years old (and probably younger) have the same basic abilities as older children but the demands of tasks, issues and complex information processing limitations prevent them from displaying these abilities in many situations.

Members of the second group suggest that there is a real conceptual change during the preschool years and there are age-related differences in the performance of actions "false belief". So, they are the result of "real change in the concept of children on the individual" (Wellmanet. al., 2001 p. 671)

Cognitive development is part of the holistic development of the individual. Basically it is believed that cognitive development processes are a potential combination of genetic and environmental stimuli. There are two different approaches to cognitive development during the last decade: The first is the increasing emphasis on the biological basis of

development and the second position is the increasing emphasis on the social construct of cognition; perspective that the way children learn to think is run by the culture.

Socialcultural psychologists believe that the way we develop, especially the way we think is the primary function of the social and cultural environment in which we grow. This view emphasizes the fact that people think in different ways about the fact that all we have in common the fact we're human being. The universal point of view on cognitive development of Jean Piaget emphasize the cognitive features, the aspects of development that characterize the development in every child. In this attitudes' discussion the conclusion is that cognitive skills are defined by innate traits but the environment determines the development potential of these features.

Thus, according Piaget, the cognitive development passes through several stages. At the age of 2-7 years old children are in the stage of operational thinking. During this stage, children learn symbols that represent objects, play with dolls,develop imagination, imitate the actions of adults (Orhan, 2005, p. 61). The main principle is related to the child, not as a human being that simply imitate itself (J. Piaget, 1976, p. 14). Studies in recent years on child development support the idea of association between cognitive development and symbolic game during early childhood. Based on the classical theory of Piaget, on cognitive development in early childhood children begin using symbolic functions. Thus, according to Harris and Kavanaugh, (2006 cit. Rakoczy ,Tomasello, p.558), after the implementation of some experiments proved that around the age of 2 years children begin to understand and follow the pretend actions by presenting them in a pretend scenario. As related to cognitive ability, Liliard (1998, p.20) has noticed that pretend play involves negotiation between parties with different views, the representation of objects in two ways (real and pretend), role play, all actions that suggest that children who engage in these activities mental representation skills. In the study of Rakoczy & Tomasello, (2006 p.557-564) children 22 months made similar general patterns reaction, although in a much easier way: Generally these children responded significantly to both types of models, revealed by the fact that each type of conclusive answers was performed significantly more often in the same conditions compared with the opposite conditions.

The concept of theory of mind is developed based on the theory explaining the development of the mind. The theory presented by Simon Baron-Cohen (1995 cit by Bjorklund, 2005, p. 255) relates to the interaction of four separate modules from each other that include reading the mind and development during infancy and early childhood. The earlier module is intentional investigator (ID) that interprets moving objects based on aim or purpose. The second module is of the direction of the eyes (EDD) has three functions related to each other: the presence of visibility investigating to determine the presence of viewing or viewing as a stimulus to determine whether visually refers to the individual or another and interferes thought that when the eye sees something, then that individual is seeing that. These two modules zhvillohen from birth until the 9th month of life. Module tretëëështë divided attention mechanism (SAM) which includes three modes of interaction and representation (achievement of deduction) Simon Baron-Cohen (1995 cit by Bjorklund, 2005, p. 257). This module takes place in the month of 9 to 18 of life. And the last module of the Theory of Mind (Tomm) qëështë substantially similar to real-desire reasoning and takes place between the ages of 18-48 months.

Rakoczy, Tomasello and Striano (2004, f.388-399) have challenged the theory of behavior as in the claim that children under four years of age do not understand the claim as a form of targeted action. They pretend that younger children already understand the claim as a form of action with specific purpose demeanor as different from other forms of behavior as though they do not understand the epistemic structure of claim, although difficult to accomplish tasks complex.

In a set of experiments conducted by Rakoczy and Tomasello, (2006, p. 557-564) children 36 months showed very clearly that they understand the claim and effort in such models: models attempt after they performed actions to realize real trying often commented (eg, "I can not do this ") but after models claim they did not care about the real consequences of their actions (p.sh if there tis water in the holder). Children 26 months showed the same patterns, most models attempt to realize real action or behavior, attempts have and rarely showed by the pretneder. Following models claim they generally performed feedback and trying that claim could lead to the conclusion that the effort may be impossible action at this age. One more important case is that after trying models in children 26 months more answers fail to meet the criteria to be trying and pretending.

In a third study Racoczy et.al (2009, p.61-69) similar patterns were presented to children 3 years old but not in a conditional imitation game. For encroached upon the practical conditions of the situation are determined to encourage more productive and decisive response by introducing additional objects as working tools and toys that can be used in operations and true claimant. So in this study and 3 years old children performed significantly more correct than incorrect answers after any

kind of model.

These findings were also added to the credibility of the data field of the development of claim: Harris and Kavanaugh (1993) for example found consistently that around the age of 2 years children start to become proficient in understanding and pursuing the pretendurs scenarios undetected. An additional explanation could be that children may understand what an adult might have done in this model but failed to show sufficient signals in their reactions to achieve the behavior rating scale claimant.

In their theory Nichols. S & Stich.S (2000) claimed representations are kept in a separate mental work, a Possible World Box, that is part of the architecture of the human mind. Representations in the Possible World Box is likely to have the same content as beliefs. Mental representations have the same "code" representation as beliefs and representations in Possible World Box processed from the same update mechanisms and setting (conclusion) that operate on real beliefs. This model also sets a scenario processor included in the decoration of the facts that were there. The authors assert that the behavior seen in pretend play is motivated not by a "desire claim" but from a real desire to act in a way that fits the description built by the Possible World Box. The authors defend the idea that this structure can accommodate the central features of the actions shown in the pretend examples and that alternative structures or can not accommodate or fail to address some pretend features.

Thus, the pretend episodes typically begin with an initial condition or set of conditions which are basic principles on that will be pretend. Pretended behavior is initiated by the pretender in a initiator condition (if he / she who initiates) and must indicate which is the initial condition and decide on the succession if the is other condition or pretender that initiates the pretend action. If the pretender decides to countinue, the his / her cognitive system should begin to generate thoughts and actions appropriate to the authenticity of the pretended condition.

Then the determination often plays an important role in meeting the details of what happens during the pretend action. Starting from the initial conditions and then the perceptions, existing knowledge, the memory of what happened in the episode and no doubt from many other sources the pretender is able to chart definitions on what is happening in the claim.

Beyond determining processing in children and adults process and claim scenarios in ways that are not definitive. In some circumstances it is a matter of filling in history by the scenario. Perhaps the most visible evidence on the claim is that the claimant makes the actions that are appropriate for the claim.

Episodes can last claim in different time periods. When an episode is finished claimant typically not claiming implementing activities and events that have occurred in the context of the claim and are a limited effect on the mental state post claimant. One obvious way in which they appear nIn limited form is when claimants do not believe that the alleged events are happening in reality. Moreover, as Leslie (1987) noted, even the youngest children do not believe that bananas are mobile. And as more adults. For even more during the course of themselves claim, the claimant believes it really is typically distinct from what he believes in the case of claiming episodes context. The belief system of contenders is not completely isolated from the content of the claim. After an episode people typically claim individuals typically have accurate beliefs about what happens in the episode pretender; they remember the case of claim.

1. Methodology

1.1 Research question

The research question of the study is : Does children 18 to 36 months have the ability to distinguish actions as intentional or symbolic?

2.1 Participants. The sample consisted of 20 children 18 -24 months old and 25 children 25-36 months old; The children selected attend public day care and education institutions (crèches in Tirana city). The Groups of children were selected at random at 3 day care centers. The selection criteria were age and gender. The selection ratio of the age and gender aimed to respect gender and age ratios in the general population of children that frequent the day centers in Tirana. The selection of institutions have all been conducted based on criteria of homogeneity of social factors.

2.2 Application

There was applied a model based on the protocol used by Hannes Rakoczy and Michael Tomasello (2006) by a trained specialist. Activities and games used in this procedure were selected from the education program that is implemented in public kindergartens based on group age. There were presented two models of action: if it was eating / trying to eat; pour pretending / trying to pour. Each child was presented two action models of trying and two action models of pretending by the same theme. The order of operations and the definition of objects of the same subject to trying and pretending actions change from case to case. The order of topics within the same sequence was the same. In the beginning the tester specialist and child played freely, the tester did some simple actions, two pretending actions with an object whatever, two pretend actions and asks the child to do the same action. Then realized the first testing session, which consists of two models of actions. The procedure followed by the second session of the trying and pretend the extra phase and the second testing session. During the application protocol a specialist based on coding conducted the behavior classification.

2.3 Procedures and preparatory actions

Simple actions preparatory of pretend and trying (1) dig a whole (with a new object, (2) behave if makes a call (with the same object) (3) trying to make music with piano children (by pressing a button that does not work) 2. The first trying and pretending section with additional action: (1) behave if someone is brushing the teeth, (2) behave if it is making a shower (3) attempting to open a container (using pliers), (4) trying to open a second container (then using pliers), (5) act if it is drinking and as it is opening a bottle of fruit juice, (6) cutting some dough with pliers, (7) behave if it is cooking something.3. session of the first test (for half of the children the pretending behavior, the other half the trying behavior) 4. The second trying and pretend session with additional action, (1) behave if someone combs the hair, (2) trying to open a box, (3) behave it is washing something, (4) tries to write (with a pen that has a lid) .5. The second testing session (for half of the children the pretending behavior, the other half the trying behavior).

Each coding behavior was classified into one of five categories: "inferential pretend" when the child performs an action in accordance with the thematic contender, that goes beyond what the tester performs; "simple pretend" when the child performs what seems like a clear contender. Conversely, responses were coded as "inferential trying" when the child discovers from an action / word recognition that the goal was to implement a successful action or as "simple trying" when the child perform something that looks like a clear example of a trying behavior. Finally, the category "unclear" answers that do not meet the above categories.

2.4 Validity and ethical principles

The using standard procedures has minimize subjectivity in applying the protocol from the testers and in data interpretation. The procedure is carried out by a tester/specialist who is instructed to use the same standards applicable to each behavioral sequence of each child. The tester is supervised. The behavioral coding is performed by an appraiser who is instructed and trained to follow the same behavior as indicators of ability. To increase the validity of coding is used a double check procedure. The institutional permission and the informed consent is obtained in advance by the institutions and parents. During the study the ethical and moral principles have been respected. Confidentiality was respected during the work with children.

Results

At the end of the study showed that from 20 children 18- 25 months during the intentional stimulation behavior model 4 of them follow "inferencial pretending", 3 show "simple pretend", 5 showed "inferential intention", 7 show "simple intention" and the behavior of one child was classified "not clear". While during pretending stimulation model behavior 6 children show "inferencial pretending", 5 children showed "simple pretending", 3 showed "inferential intention", 4 show "simple intention/trying" and the behavior of two children was classified "not clear ". While the behavior of 25 children 25-36 months showed that from during the intentional stimulation behavior model 3 of them follow "inferencial pretending", 4 show "simple pretend", 6 showed "inferential intention", 7 show "simple intention" and the behavior of 5 children was classified "not clear". While during pretending stimulation model behavior 7 children show "inferencial pretending", 3 children showed

"simple pretending", 3 showed "inferential intention", 3 show "simple intention/trying" and the behavior of 5 children was classified "not clear ".

Discussion

Thus studies in the theory of mind provide complete data than 3 years old children understand the target pretend structure as a specific form of action and game different from other forms of behavior though. In contradiction to the theory of "if behavior", these data indicate that children at smaller age have at least the ability to understand the hidden elements of the pretended or intentional actions. The data for children 2 years old are really unclear. In imitative character studies fail to show children the more correct than incorrect responses after pretend models. This may be a consequence of the conceptual problem that children can not understand the true structure of the pretend actions in target.

Another explanation may be the result of unclear instructions or negative ones. One possibility could be that the problems in the implementation of the guidelines problems occur due to improper submission after pretending models; although they perceive action model presuming they see that the object can be used to perform the action in reality and were unable to overcome the tendencies of "superiority", etc. Another source could be that children misunderstand practical elements of the situation, so they understand the actions modeled as claims and deliberately misinterpret the model as pedagogical aspect.

This option becomes more plausible by the fact that after pretending models many children 2 years old give many answers that do not meet either criteria or attempt to claim.

According to the research issues examined in the present study, specific results show that children 20 to 36 months have the ability to distinguish intentional actions symbolic ones. Children 25-36 months have more ability to distinguish intentional actions with symbolic ones under the stimulus of the respective models; children 20-25 months understand the aim' actions and follow the presented models but find it difficult to improvise beyond the model to introduce and express in words the quality of the acts performed. In a detailed comparison between reactions compatible and not compatible after the presentation of each model, the children presented more compatible responses than non-compatible ones after the presentation of the model. So, the symbolic play influence the cognitive development and the cognitive skills according to the development stage influence the pretend play performance in early childhood. While on the findings in this study show that children 3 years of age but probably sooner have the ability to distinguish the actions purposiveness of the self and others; Well they have a theory of mind.

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Teachers' Opinions on Teaching and Assessing Methods Inthe Life Science Curriculum in the Context of Values

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Abstract

This research aims to investigate teachers' opinions about teaching and assessing methods that predicted in Life Sciences Course Curriculum (LSCC) in accordance of value education. Survey model was used in this research to achieve this aim. The study population consisted of 155 classroom teachers who serve in city center of Bingöl province, Turkey. An assessment instrument consisting of two chapters and developed by the researcher was used to collect data. The first chapter includes personal information about participants and the second chapter includes items that try to determine recommended teaching and assessing methods in LSSC. Arithmetic means and standard deviation were used for data analysis. It was found that teachers rated teaching and assessing methods proper. It is wished that this study will be useful for teachers, curriculum development specialists and decision makers in education system.

Keywords: Teaching values, assessing values, classroom teachers, life science course

Introduction

The broad term 'values education' encompasses, and in practice is often seen as having a particular emphasis on, education in civic and moral values. This term is very closely related to spiritual, moral, social and cultural development; character education, education in virtues and the development of attitudes and personal qualities. Different educational concepts deal with values in education. Important concepts are value education, moral development, critical thinking and critical pedagogy (Halstead & Taylor, 2000; Schuitema, Dam & Veugelers, 2000). All these concepts have their own philosophical and political background and their own educational practices (Schuitema, Dam & Veugelers, 2000).

Value education seeks to strengthen the transfer of values in education by means of the curriculum and the moral climate in the school. Critical thinking aims to develop a reflection on values and a value development by means of analyzing and comparing opinions. Moral development concentrates on the stages of cognitive development for learning values and the skills to reflect on values (Schuitema, Dam & Veugelers, 2000).

To value education, moral development can add the skills of thinking and reflecting on values. It can show students that values are constructs, that people can make choices, and that in making choices they reason and think about what to do and what to believe. To critical thinking, the moral development perspective can add the dimension that values influence thinking; that values direct signification processes. Critical thinking is basically oriented towards the means (logical thinking), not towards the goal (the values). Moral development can make critical thinking more goal-oriented. Both 'critical thinking' and 'moral development' consist of notions that relate to students' learning activities with the main characteristic that a student should develop his/her own values. Because both movements promote a value-neutral position for the teacher in pedagogical action, there is, in these theoretical positions, not enough focus on the values teachers themselves find important for their students; on the way teachers express these values and, for interaction, on the value level between teacher and student (Schuitema, Dam & Veugelers, 2000).

Curriculum and Values Education

It is primarily a conception of values education as pedagogy, with effective teaching and learning being enhanced by the positive human relationship and explicit values-oriented transactions that are forged within quality values-laden programs. These programs both help to establish the ambience within which the interactions of teachers, students and knowledge are

negotiated as well as the vehicle for the interaction. Good value-laden programs could help inject into schools calmness, confidence, mutual respect, empathy, self-management skills and other positive effect, all of which contributed significantly to the quality of teaching and learning (Lovat, Dally, Clement, & Toomey, 2011).

Curriculum-based values education teaches values and develops character through the subject matter content; cooperative learning does this through the instructional process. Cooperative learning, which can be done in pairs or small groups, contributes to character in many ways. It teaches students the value of cooperation; builds community in the classroom and teaches basic life skills such as communicating and working together (Lickona, 1996).

Some curriculum developed and designed on the basis of the explicit focus of values. These curriculum aims to educate in affective domain clearly (Bacanlı, 2009). In some countries (Australia, China, Russia, Malaysia etc.) values education is a mandated part of the curriculum (Lovat, Dally, Clement, & Toomey, 2011). Also in Turkey, values are a mandatory part of the curriculum since 2005. Before 2005, values were a part of hidden curriculum and values teaching was depend on teachers' personal preferences and efforts (Yaşaroğlu, 2013).

Methods of Values Education

Various approaches have developed to teaching values. It can be seen in literature review inculcation, the moral development, analysis, clarification, action learning, emotional – rational approach, character education, (Halstead & Taylor, 2000; Kupchenko & Parsons, 1987; Superka, 1976).

Inculcation: This approach aims to install or internalize certain values in students. Teachers can use modeling, explanation, manipulation, positive and negative reinforcement, games, simulations, role playing, discovery learning and modeling to inculcate values as methods (Superka etc., 1976).

Analyses: This approach's target is to help students develop logical thinking and using scientific inquiry procedures in solving value issues. Additionally, this approach attempts to help students develop their own values in response to value conflicts within society (Kupchenko & Parsons, 1987). It can be used structured rational discussion, testing principles, analyzing analogous cases, debate and research as teaching methods (Superka, 1976).

Moral Development: The moral development approach is based on the theory and research of cognitive developmental psychologists such as Jean Piaget and Lawrence Kohlberg. This approach attempts to stimulate students to develop more complex moral reasoning patterns through successive- and sequential stages. The technique most characteristic of the moral development approach is to present a hypothetical or factual value dilemma story which is then discussed in small groups. Moral dilemma episodes with small group discussion relatively structured and argumentative method can be used in this approach (Superka, 1976).

Clarification: The central focus of this approach is helping students both rational thinking and emotional awareness to examine personal behavior patterns and to clarify and actualize their values. In short, its purpose is helping students become aware of and identify their own values and those of others. Role-playing games, simulations, contrived or real value-laden situations, in-depth self-analysis exercises, sensitivity activities, out-of-class activities and small group discussion can be used in teaching values (Superka, 1976).

Action learning: This approach is related to the efforts of some social studies educators to emphasize community based rather than classroom based activities. It provides specific opportunities for learner to act their values. The action learning perceive human (learner) as interactive. Many of the teaching methods used in the analysis and clarification approaches are also can be applied in action learning approach. However, two techniques unique to the action approach are skill practice in group organization and interpersonal relations and action projects provide opportunities to engage in individual and group action in the school and community (Superka, 1976).

Emotional – rational approach: This approach attempts to help students understand and adopt a lifestyle based on care and consideration for others as well as self. A variety of methods can be used in this approach. Each method should involve small groups. These methods include expressive and communication techniques (speaking, writing prose, poetry and plays, painting, modeling with clay, and photography), discussion, drama, role playing, simulations involving family, school, or community problem, and real life involvement (Kupchenko & Parsons, 1987).

Assessment and Evaluation

Values education develops cognitive, affective, and psychomotor domains. Knowing which is good or bad, simply relevant to the cognitive domain. Teacher's aim is to get students acquire knowledge about goodness or evil, kindness or rudeness, righteousness or false and so on. However, affective domain involves emotions, preferences, sentiments, beliefs, expectations, attitudes, morals, ethic, and values (Bacanlı, 1999). When it comes to psychomotor domain, it is related to behaviors. Based on these domains, it can be understood that values are measurable and numerous assessing methods can be used in values education. As Lovell (1996) expressed, teachers continually measure values in their daily classroom relationship.

Practical evaluation strategies include pre- and post-tests, surveys and questionnaires -interest inventories, attitude scales-, interviews, school records -persons' presentations or reports about their interests and feelings-, observation -students in their natural environment- data as tools (Education, 2005; Tekin, n.d. :210). These strategies can be used as measuring tools in affective domain.

Life Science Course Curriculum and Values Education

Life Science course is taught in 1st, 2nd, and 3rd grades of primary schools in Turkey. It is created on the basis of collective instruction and designed for children to recognize themselves, society, and the world they live in. It is compounded of natural and artistic sciences, contemporary ideas and values. This course has been involved in the curriculum of 1926, 1936, 1948, 1968, 1998, and 2005 with the same name (Ministry of National Education, 2009: 6; Sönmez, 1999). In LSCC, it can be seen that there is no particular chapter for values. Values take part in several titles separately (Ministry of National Education, 2009; Yaşaroğlu, 2013).

Research Purpose

The aim of this study is to describe teachers' opinions about teaching and assessment methods that predicted in LSCC in accordance of value education. In order to measure their opinions, following questions were asked as research problem.

According to classroom teachers;

•   To what extent are the teaching methods suggested in LSCC appropriate for values education?

•   To what extent are the assessing methods suggested in LSCC appropriate for values education?

Method

Survey model was used for this research. Survey method is a quantitative and descriptive method. Survey models are research approaches which aim to describe the past or existing situation as it was/is. In such models, the research event, individual or object is described as it is under its own conditions (Karasar, 2005: 77).

Participants

The research population consisted of 305 primary school teachers who serve at city center of Bingöl province, Turkey. All population was reached and the data collected on the basis on voluntariness. 155 teachers fill out the questionnaire and researcher analyzed 155 instruments.

Data Collection Tools and Data Analyses

All teachers responded to two sets of questionnaires that developed by researcher. Responses were used to obtain data. It was consisting of close-ended questions and developed on the basis of LSCC. Firstly, teaching and assessing methods recommended in LSCC were determined and converted to survey items. Secondly, all items are rated on a 5-point scale with descriptors for scores 1 (absolutely not proper) to 5 (absolutely proper).

The mean and standard deviation were used as descriptive statistics in data analyses. The assessment ranges of the means were measured as; 1-1.80: "absolutely not proper"; 1.81-2.60: "Not proper", 2.61-3.40: "Medium-level proper", 3.41-4.20: "proper", 4.21-5.00: "Absolutely proper".

For reliability of the questionnaire, internal consistency coefficient Cronbach Alpha was measured as α= 0.941.

Results and Discussion

The results are presented according to the teachers' answers. Research problems were showed in Table 1 and Table 2.

Table 1

Teachers' opinions on the Significance Level of teaching methods

Teaching method	Mean	Sd
educational games	3.99	1.13
educational drama	3.96	1.16
creative drama	3.95	1.26
role playing	3.92	1.21
demonstration	3.80	1.11
brainstorming	3.80	1.10
field trip	3.78	1.37
debate	3.74	1.16
problem-based learning	3.74	1.03
six thinking hats	3.69	1.16
socratic method	3.66	1.06
project-based learning method	3.57	1.16
lecture	3.19	1.17
mean	3.75	

Teachers' opinions on teaching methods were evaluated in the context of values education. Table 1 indicates that teachers perceive teaching methods "proper" for evaluating values. Teachers perceive all methods "appropriate" for values education. In analyzing teaching methods singly, it can be seen that teachers perceive educational games, educational drama and creative drama as highly scored three methods; lecture, project-based learning and socratic methods as lowest scored methods in values education. According to the teacher's opinions, there is no "absolutely proper" method. It can be understood that the methods that required students' active participation in values education like educational games, educational drama, and creative drama were measured as proper. The lecture method was measured as medium-level proper for values education. In addition, the methods that recommended in LSCC are consistent with approaches in values education.

Table 2

Teachers' opinions on the Significance Level of assessing methods

Teaching method	Mean	Sd
observing	3.90	1.03
self-assessment	3.68	1.09
performance evaluation	3.65	1.19
matched items	3.65	1.09
portfolio evaluation	3.55	1.20
peer assessment	3.54	1.18
check list	3.54	1.12
oral presentation	3.54	1.13
multiple choice items	3.50	1.23
mind map	3.48	1.20
rubric evaluation	3.43	1.10
short answer items	3.41	1.20
long answer items	3.08	1.24
Mean	3.53	

Table 2 shows that teachers tended to rate assessing process as appropriate in terms of values education with 3.53 score. In analyzing assessment methods one by one, it can be seen that teachers perceive observing, self-assessment and performance evaluation as highly scored methods; rubric evaluation, long answer and short answer items as lowest scored methods in values education. Teachers accept all methods as appropriate except long answer items. They valued "long terms items" as medium-level proper with regard to values education. Considering that values are related to three domain (cognitive, affective, and psychomotor), all assessment methods can be used in values education according to the characteristics of subject. It can be understood from Table 2 that teachers evaluated process-based evaluation methods with high scores.

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The Opposition Imperfect/Aorist among the Forms of the Past Tense in Albanian Language

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Abstract

In Albanian language more rich in grammatical forms, is the past tense (Demiraj Sh., 1985), with its subdivisions. The so-called absolute time of the past, express pre-timing in relation to the time of speech and hence oppose each other in aspectual area (Gramatika e gjuhës shqipe 1, 2002). Albanian grammar authors do not share the same opinion as regards opposition Imperfect/Aoristic forms of the past tense, because often it is unified with him traverse of Slavic aspect, Imperfect aspect/ Perfect aspect, putting the principle of this Traverse feature of an action in process / action completed. Emphasizing in the opposition Imperfect/Aorist the termination and non-termination of the action as the fundamental meaning of the aspectual nature, and by using the same aspectological terminology (perfect aspect, imperfect aspect), they somehow draw a line between the content of this opposition and the content of the opposition of the perfect/imperfect aspect in Slavic languages. In this paper we will try through a potential semantic analysis of two simple forms of the past, to bring arguments whether this opposition is the same with that of the Slavic languages in the perfect/past aspect, or not, and whether that is all inclusive or partial, how these tense forms of the past are rendered in Slavic languages where the aspect the aspect constitutes a grammatical category, especially in the Russian language, etc.

Keywords: past simple, present perfect, imperfect, perfect, aorist, aspectual opposition, aspectual, etc.

Introduction

It has recently become a tradition in the Albanian language to distinguish three major tenses within the past form of verbs. Thus in the past tense of the Albanian language we can easily recognize past simple form, past perfect and past participle. However, the main question regarding the past forms in the Albanian language is the existence of perfect or imperfect action in the past?

We can talk about finished or unfinished actions, repeated or actions that happened during a certain period of the time, or that happened only once. But they all include the meaning of past. For instance, the verb *'I was writing- shkruaja'* expresses an action that happened before the moment of speech or before another action happened in the past. But, in other circumstances it may express the idea of an repeated action in the past, for example; the meaning of an extention action that happens frequently in the past, or a meaning that is usually repeated, for example; *'everyday he used to write 2 pages for his novel'*, or *'I was writing a line when she came'*, etc.

Thus, all these nuances of meaning can rarely be considered as a grammatical aspect rather than a semantic one which is actually more connected to the aspect of the action. During the latest studies in the linguistic field, there is a tendency among many scholars to become more focused in the functional model of language. According to this model, the core of the linguistic analysis shifts from the grammatical aspect to the functional aspect of the language.

In such an approach the main object of the study are not only the morphological categories such as; time and manner whenever we talk about the verb, but other broader semantic categories such as (category of aspect, temporality, modality, etc.). (Mathesius V., 1961; Якобсон Р., 1965; Вахек И., 1967; Звягинцев, В., 1977, Бондарко, А.В. 1987)

In his major study work 'The history of grammar in the Albanian language', professor Sh. Demiraj, accomplishes to highlight the importance of the meaning of aspect among the contravention between e kryer e thjeshtë/e pakryer, known as the past simple and past perfect. (Demiraj, Sh.,1985).

According to the author the simple perfect tense, (e kryer e thjeshte) aims to highlight the moment that the action has finished in the past'. While in the past perfect (e kryer), expresses an action which was happening in a period of time in the past. (Demiraj, Sh., 1985)

According to the contravention between these two forms of the past in the Albanian language, the same authors express the idea that 'they are both kind of difficult to be understood and for this reason they are automatically difficult even to be explained'. Both these past tenses express an action that happened in the past before the moment of speech, but if the past simple is totally isolated action from the moment of speech, the past perfect tense is in a kind of ay 'obliged' to do not disconnect with the moment of speech, since it expresses consequences.

Whenever we talk about the meaning of 'on going action' we should keep in mind that it is also considered to be the main meaning of the 'past progressive'. (Grammar of the Albanian Language 1, 2002). As a matter of fact the main meaning of the 'ongoing action' and the way that it is used, is achieved in different contexts. It also has no connections even with the real meaning of past tense.

The only semantic feature which makes it possible for past progressive to be considered as a past tense is the feature of 'in advance actions'. This is also the main difference that distinguishes past progressive from the present and the future.

On the other hand, Prof. Ali Dhrimo, within the past form of the past simple distinguishes a certain contravention of aspect between the imperfect mode (vrapoja – run) and the perfect one (po vrapoja – I was running) (Dhrimo, A., 1996). The semantic content of imperfect forms is due to the feature of 'in advance actions', which determines the relationship between the action and the moment of speech. The other features of this past tense are variable.

While manteining the semantic aspect of grammar of the past forms, past tenses are also used to express the idea that the action totally belong to the past, so it has no relation with the future or present. In terms of past time action (process) is separated from the moment of speech and any fragment therefor does not melt at this moment.

`While trying to understand the meaning of past simple in the Albanian language we can come across even other lexical indicators which make it easier to understand the tense. For example; then, during that time, once etc. – *'In those times all the shops in the bazaar closed at seven o'clock'*. (Migjeni, Vepra)

Disconnecting the action from the moment of speech can be clearly noticed in other examples such as *"I really liked being a teacher'*. But if we try to add adverbs of time we make a special connection with the moment of speech. For instance, if we say '*Before, I really liked to be a teacher'* it means that now, or in the moment of speech the author doesn't like to be a teacher anymore.

Past progressive is usually used to express the idea of a permanent action in the past that even though in has no connection to the moment of speech we know that that the action always happened in the past but that happened before another action or while another action took place. For example; *'While he was smoking he couldn't stop but looking at the scattered papers on the table.' (I.Kadare).*

However, the structure of past can be distinguished from two main forms, the synthetic form of past (I run) and the analytic form of past (I was running). Just like the other structures of analytic forms in the present, they express a concrete action that happened in the past and that it was quite concrete during that time. So, in this context the analytic past is kind of parallel with the actual present. The both present the action while it is happening. For example; *'When the phone rang we were going out".*

This kind of action is usually related with adverbs of manner such 'slowly, step by step, during this time, in such a way, etc'. For example; He was walking quietly without being disturbed from the rain'. But, to express an 'ongoing action' sometimes we also come across the particle 'po' which in the Albanian language indicates the meaning of 'ing' form. For example *'Ai kishte 30 minuta që më priste (që po më priste), kur mbërrita unë.- When I came he had 30 minutes waiting for me.'*

And that is because before being a progressive past, the past forms are mainly past tenses. (Pinari (Kallari) A. (2014). While using the synthetic form of past such as (vrapoja - I used to run), the past simple usually expresses an action that is repeated in the past, or that is always true in the past. These actions can be considered to be variants of past tenses. When we talk about simple past we know that there is no other action before or after the moment of speech but when we talk about the past perfect or past progressive we have to incorporate the 'ongoing action' in order to make the difference for the action that happens during or before the moment of speech.

Just like when use the present tense, repeating the action has the same effect but different context of absurd in both tenses. Lexical indicators that help us to determine the complexity between the action and another action happening at the same time, e use different adverbs of frequency, such as , every day, time after time, sometimes etc. "Every time he had lunch he drunk a glass of red wine".

Thus, according to all the analysis done so far, we can conclude that the past perfect of the verb is characterized by the temporal semantic feature of time. (so the action takes place before the moment of speech). This action does not change despite the context or the way that is used. However some other past tenses can totally change the meaning whenever we talk about different contexts. Usually these changes can be distinguished by the lexical indicators, the context that we are talking about etc. the past tenses can express their forms in different manners. Sometimes they talk about 'ongoing actions', sometimes about an action that happened in a certain period of time before the moment of speech and sometimes for past actions happening at the same time that another action took place. All these semantic modifications that are part of the verb transformation express the way that the action shifts through a period of time during the past.

Since the idea is that the past actions are totally isolated form the present, there is a contravention between past perfect tenses and past progressive tenses, which one way or another, still gets in touch with the present.

Many scholars of Albanian language system, have agreed that after all pas perfect form is nothing but a present tense that belongs to the past actions. (Agalliu F., 1968/2; Hysa E., 1975/3, Demiraj Sh., 1977/3).

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The past simple and present perfect in the Albanian language are characterized by the semantic feature of time. So, the action that is expressed usually happens before the moment of speech.

'He woke up, turned off the light and went to the children's bedroom.' (N. Tozaj, Përmbysja);

When we talk about the past simple in the Albanian language such as the 'woke up, turned off the light, etc' we should bare in mind that these kind of forms do not express the process that is happening but a finished action in the past. While when we talk about present perfect, there is a special kind of dynamic structure. For example; there is a difference between 'I wrote the article and I was writing the article. In the first case the action not only is finished but it also express the idea that now the article is reading while in the second case we do not know for sure if the article is ready.

The aspect of premature actions and the location aspect completes the so-called idea of the present perfect in the albanian language. Present perfect is mainly used in order to express the idea that there is an action that follows the other action. For example;

'The doctor bent on the coffin, moved aside a bunch of hair and looked at the wound in the chest. (I. Kadare, Përbindëshi)

But, the simple present perfect can also be used to express repeated actions in the past, even though the meaning of repetition belongs not only to the verb but also to the context or the other indicators. For example;

'The news was transmitted many times on the TV.

'Many times I felt myself excessive in the midst of such professionals."

However there are also other cases when the simple present perfect can describe the idea of generally true actions that happened in the past and that they still have the same meaning even now. For example;

'He found what he looked for.'

'The fundamental meaning of present perfect is the aim to express an action that happened in a certain period of the past. Thus, the main difference between this past tense form the simple past lays in the characteristic aspect." (Grammar of the Albanian Language 1, 2002).

For instance, according to this definition it is clearly obvious that the present perfect is characterized by two major factors; the aspectual semantics of this form and by the place that it belongs to in the period of time.

However scholars still believe that even this kind of formulation still makes it difficukt for us to understand two important moments.

a)   wether the meaning of this finished action traverses the whole period of time in the past

b)   wether the meaning of the finished action is a meaningful aspect or a temporal-aspect

Linguistics effects have already proved that not all the forms of the past talk about a finished action. This is mainly a feature of 'objective' verbs so those kind of verbs that include the description of an action that falls into an object.

For example;

'The kind broke the glass.'

'The strong wind blew out the tree.'

In both case the verbs express actions that happened in the past and that can no longer be repeated not only in the future but also in the past. This is because we can not say 'The kid broke the glass but actually continued to break it even after what he did. In this case the action is finished and there is no turn in back.

The contravention between past simple and present perfect can be illustrated by the idea of the unfinished action and the ongoing action. However this kind of contravention still remains not all inclusive.

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If we make a comparison between the Albanian language and the other languages, especially Slavic languages we can mention that unlike other languages in the Albanian one the grammatical category of aspect can be expressed even by other means such as prefixes and suffixes.

This means that the aspectual meaning is not necessary needed to be grammatically expressed in the status of a pure oppositions form of the verb.

As we mentioned even before the past simple and the present forms in the Albanian language can only be distinguished by the meaning of premature actions. That is the main difference that makes these two forms differ from each-other. For example; there is a huge difference between say ***'He came back home' and 'He was turning back home'.***

The present perfect in the Albanian language stands for one of the past aspects in the Russian language known as the aoristic meaning, but not with the grammatical aspect of the verbs in the present perfect. The same thing happens even with past perfect form of the verb which coincides with the aspect of past when they are used in the imperfect meaning.

Regarding the field of semantic-functional aspect in the Albanian language we can talk about different oppositions with aspectual values, such as the oppositions among past simple and past perfect, which means the imperfect form of the verb and aorist aspect which constitutes the morphological nucleus of the aspectual semantics in Russian and other Slavic languages.

The aim is to make a clearly division between the fundamental meaning of the grammatical for from other meanings of different contexts. It is obvious that different meanings or nuances derived from the interaction of grammatical form, the context or a particular lexical class should be taken into account, but that does not mean that they should be subjoined to the grammatical form.

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Modernization of tax structure in Kosovo

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Abstract

An advantage in stabile economic balance in different countries is undoubtedly the form of fiscal system. Transformation towards modernization of the tax administration can undoubtedly bring favor the development of the economy with special emphasis on small business and middle. Fundamental changes that must occur in the tax structure redistribution of the tax burden and broaden the tax base. However leaders in this area requires special attention because this hypothesis is quite challenging because of the possible consequences. The main directions should have the right tax policy orientation; change in structure between direct and indirect taxes and tax structure right from the central or local level decentralization of tax power. Efficient functioning of the tax administration services and providing suitable conditions for fulfillment by taxpayers is the challenge of the tax system in Kosovo. One of the prerequisites of the efficiency of the tax system, in addition to organizational activities is the provision of modern information system, on which the tax administration of Kosovo should be on the cutting edge. This will simultaneously be the topic of discussion in my next paper for the Conference

Keywords: system, tax, change, economy, modernization.

Introduction

Public revenues and state departments with particular emphasis on budgets in different countries continuously face the difficulties of taxes collection, however in majority of the cases quite harsh methods have been applied for tax compliance towards taxpayers. This problem is acute in my country the Republic of Kosovo. Although in our practice so far have been used different types of taxes and methodologies as well as of the tax collection - public revenues, followed by difficulties, problems and none-willingness of taxpayers for tax payment.

Moreover, besides central, regional, municipal and local government authority, many institutions have their rules and regulations to pursue their objectives aiming their budget accomplishment whereby raising further obstacles for businesses and other tax payers, especially for newly established companies.

In the context of tax payment difficulties, the willingness to pay in one hand and the state budget accomplishment according to their needs, which are increasingly in different directions, the necessary conditions for taxpayers to enable settlement of tax obligations in line with the applicable laws, gives us the grounded element for a professional advancement study level of the tax system.

In the following of this scientific work we have tried to research and treat scientifically the problems of the tax system and policies, on the development and functioning in various countries with special emphasis on the Republic of Kosovo by comparison with countries in the region and global range. Development of the finance is a very important and irreplaceable factor that advances the economic processes, in which it also confirms the state economical and financial potential, citizens and business potential, as well as financing of the economic, social and state activities. Whereas management policies, techniques, terms and harmonization with financing needs and demands of citizens and the state, it determines their effect.

It is well-known that the last decade tax reforms in the countries under transition from former planned economies to market economies, it appears as a notable laboratory in the drafting of tax policy and tax practices. This is particularly evident for those countries (such as Hungary, the Czech Republic, Poland, Slovenia and the Baltic states) that moved rapidly at the beginning of the transition for presentation of the comprehensive tax reform, based on a common objective for their entry into the EU. At the beginning of transition, these countries had a challenge to establish the new fiscal institutions and the market oriented towards new tax systems. (Luigi Bernardi, Mark WSChandler and Luca Gandullia, Tax Systems and Tax Reforms in New EU Members, page 1).

Kosovo started later on this reform process as a result of status that use to have until after the war when it had started the transition associated with the support of the counties sustaining its new status. One of the most important changes it was the fiscal reform. (Angel Pere, Albana Hashorva, Tax System in Western Balkan Countries - Between Simplicity and Efficacy, page 81)

In all countries on the transition, now members of the EU, the tax reform process was significantly influenced by their histories. Instead of coping of the Western-style taxation systems, they followed an evolutionary approach that had associated them in drafting of the tax systems (Luigi Bernardi, Mark WSChandler and Luca Gandullia, Tax Systems and Tax Reforms in New EU Members, 3).

Kosovo since after the war it had an interim period under the United Nations Mission Administration known as UNMIK and due to that could not avoid the direct impact of preferences and practices of the countries from where the mission's representatives were coming from, whereby ignoring the fact that Kosovo it had a tax tradition and experience.

Problem and Objectives of the Study

There are no-real and certainly no-perfect conditions for taxpayers and businesses for an optimal level of the accomplishment on common interests between the two parties of the interest such as governments and taxpayers. There are no-unique rules for the treatment of taxpayers in the establishment of public revenue - taxes whereby not denied the recent efforts of the European Union to standardize the methods of Value Added Tax by the Sixth European Convention.

On the other hand, the new system requires new rules to play with the purpose for establishing of an equal environment for all governments that should provide the sufficient participants with equal criteria. Majority of countries still do not have sufficient rules to protect their fiscal environment or their countries or their financial interests against the illegal activities. In areas such as taxation, on the other hand, the legacy of the system it leads to the assignment of very high levels of taxes and contributions, and the possibility of complications as well as rules that are continually changing.

The purpose of my study is: Being persistently theoretical and pragmatic researcher of the field of taxation and in conformity with this permanently dealing with economic phenomenon of the taxation, compliance, collection, implications, it makes me along with the desire my intentions for future studies, and the research of a new tax and fiscal system, with new methodology of the action, which initially I would call it equivalent tax that implies replacing of the profit tax, which later with in depth-studies I will try to define to perfection. This new reformatting of the tax system that implies also application of new and modern methods in terms of meeting the maximal conditions for businesses and tax administrators, always aiming for practical application in my country and beyond, will be a challenge for me and next generations to come, with insistence to be a new methodology of gathering the interest of taxpayers and governments, for a satisfactory fulfillment of the mutual interests.

The influence of fiscal policy on state budgets and as well on economic development with special emphasis on business but also in other economic factors up to the level of GDP have always urged the researchers in the academic field as well as institutionally. Efforts have been made to understand what has been the impact of fiscal policy in terms of economic development whereby numerous analyses took place. To come to the accomplishment of the large budgetary revenue in one hand and economic growth on the other hand, Kosovo and the Balkan countries should have stimulating conditions for the economy as countries on the approach to EU at the same time should have the ability for satisfactory fulfillment of their budgets.

The needs for economic growth as well as higher public revenues, has challenged many researchers, has developed theories and raised many issues concerning perfection of fiscal policies, their management and expenditures.

Developments in Kosovo Tax System

The state has numerous duties, as well as powers and daily responsibilities, those duties and responsibilities are based in the Constitution, the legal system, rules and regulations, various administrative guidelines and other provisions in

accordance with defined and regulated legal and political system. *Public revenues can be defined as income in cash (monetary means) during one year, which are in the service of the state, the social communities for fulfillment (coverage) of the social needs (Komoni, Sabaudin, 1983, 468.)*

The Republic of Kosovo is relatively a small country and located in Southeastern Europe. Kosovo it has a population of about 1.8 million inhabitants with 50.55 percent male and 49.5 percent female, with 163.2 inhabitants per square kilometer and average of 5.9 family members.

Kosovo it continues to face the challenges in economic and social aspects with high unemployment around 40%, which it makes about 2/3 of the active population (15-64) or about 1.2 million people. Unemployment is higher among female 40%, while 28.1% male. Public and capital investments which in recent years 2010/2013 had a significant participation on the budget, there are indications to decline in favor of the welfare of citizens and raising the level of the economy and reduce unemployment

However, although since the beginning of the financial economic crisis in 2007, Kosovo's economy grew by an average 4.7% price increase over this period (on average) 3.8% has influenced the benefits of such growth economy not fully transmitted in real incomes of the population. Kosovo Budget has different growth trends:

The system of public financial management and tax system are not at the right level, so this system should be stable and in ensuring an adequate level of fiscal discipline. Recently results in fiscal discipline in the review as a result of the measures according to Stand-By Arrangement with the IMF.

However, budget management of risks and challenges still follow as:

• Failure to use sufficient information routinely under medium-term expenditure framework

• Deviation from planned levels of the expenditures

• Inadequate supervision of budget expenditures by public enterprises

European Union - EU 27 members, is a high tax area, with the overall average tax ratio of 38.4% of GDP (weighted average) in 2010. This is more than 50% higher than in the US (24.8% of GDP). During the period 2000-2010 the total tax ratio decreased by 2.0 points. (These figures are based on tax Trends report in the European Union, edition of 2012, published by Eurostat. Series Eurostat "statistics explained" gives slightly higher rate due to using a different methodology. The overall tax ratio is calculated by Eurostat on the basis of a denominator (GDP values) that includes calculation of production by the informal sector. This explains why low ratio of total tax may occur due to low tax rates but also due to high tax evasion)

Within the EU changes in global tax levels between Member States are too high. In Denmark (47.6%), Sweden (45.8%) and Belgium (43.9%) global tax burden is 60 to 75% higher than in Lithuania (27.1%), Romania (27.2%), Latvia (27.3%) and Bulgaria (27.4%). All new Member States of EU have a global tax ratio which is below the EU average. These major changes largely depend on social policy selections:

The needs of state of Kosovo and the level of tax administration also require numerous efforts towards the enhancement of performance in compliance with European standards and regulations.

As in all modern states, also in Kosovo, different types of taxes, fees, contributions and other fiscal instruments compose the tax system regulated by well system laws.

Tax instruments operate on the basis of tax rates that are in line with the rules, regulations and laws that have been approved.

The tax system began to operate from the beginning of 2000. The value added tax replaced the sales tax and a presumptive tax and the tax on hotel services. In September 2001, began to apply the property tax, while in 2002 the profit tax and income tax. Kosovo has made changes, respectively the reforms in the tax system which are enhanced. So far the biggest reforms to the system were made in 2005 while continued in 2008.

Tax systems are based on three pillars: according to the type also tax distinguish: - Direct taxation which includes personal income tax, corporate income tax and other income and capital taxes (inheritance tax and gift's taxes); - Indirect Tax , including VAT, excise taxes, taxes on consumption, taxes on products (goods) and production;

In the Republic of Kosovo currently are functioning these taxes: personal income tax, corporation tax and value added tax. In the Republic of Kosovo collection of budget funds have been realized from the two institutions which are authorized to administer the funds, Customs and Tax Administration of Kosovo (TAK), while local taxes have been collected by municipalities (throughout cities)

Tax system is organized and managed by the Tax Administration of Kosovo established in 2000 with the growth and development according to the needs of the Kosovo budget and adjusting and approximating towards the path to the European Union.

The trend of tax revenues has been very encouraging in the first decade showing stagnation in the last five years.

Type of tax	Revenues according to years		
	2011	2012	2013
Presumptive Tax	875,347	409,839	70,831
Profit tax	1,805,885	117,480	163,273
Value added tax	122,327,310	131,394,869	149,184,989
Wage tax withheld at source	56,075,975	60,752,691	61,962,028
Individual business tax	23,689,318	26,202,558	28,309,705
Interest, rents, property rights etc	1,385,580	1,648,728	1,650,280
Corporation tax	54,963,748	63,372,768	64,110,827
Total	261,123,163	283,898,932	305,451,932

Besides taxes, the tax administration is the collecting agent of pension scheme in Kosovo under intergovernmental agreements and legal act.. The trend is presented in the graphic below.
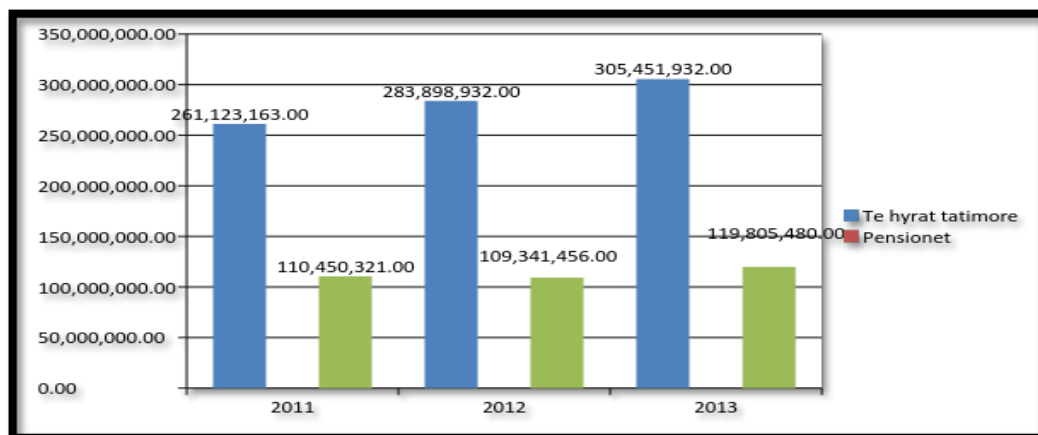
Taxpayer Information System is developed manually through workshops / seminars conducted across various cities with regional basis. Another option is provided through the distribution of tax brochures and leaflets and advertisement television campaigns on changes in legislation. The declaration of taxes from taxpayers is made through written forms of tax statements (declarations) in the front-offices across seven regions throughout Kosovo.

In recent years has entered into force also the module of electronic declaration for one type of the tax, tax withheld for personal income and a portion of VAT. This was a good action towards the beginning of the modernization of the tax system services towards offering better conditions for taxpayers. When it comes to the functioning of the tax administration itself it is well equipped with means of communication and data processing as well as with computers and respective servers. Also current administration possesses the Integrated Data Processing System under the license from Canada. A significant part of taxpayers have difficulties in declaring of their taxes because they are not equipped with respective computer means and tools, etc., to adapt themselves to the modern system of declarations.

Focalization system began in 2010 but it has faced the some difficulties in the selection of appropriate fiscal operators as well as the resistance of taxpayers to establish and place fiscal cash box devices, whereby businesses justified themselves on the grounds of the high cost for establishing these fiscal devices.

Conclusions

On the basis of the information gathered show that the tax administration in Kosovo has the duty to collect the revenues that enable the funding of public expenditure needs such as security, health education to social programs. This system of tax collection has made efforts in creating an environment in a way that you add the fulfillment of tax obligations by business and other tax groups. However, Kosovo is not creating a desirable tax system.

Among the priorities of this administration was to facilitate the process of fulfilling the administrative process easier, providing the guidelines etc. Tax administration has so far enabled to furnish taxpayers with brochures, leaflets and appropriate forms of taxes we physically last three years we electronically for some types of taxes.

The level of tax fulfillment compared with tax potential is still far from being realized, until when we compare ourselves with countries in the region and the EU, Kosovo, my country is far from optimal performance in the creation of the budget even though we have a good adaptation of legislation.

The level of technological adaptation has started but is being developed at low rates. Taxpayers are not yet equipped with fiscal and the same does not have sufficient conditions for computer and technology provide sufficient. The tax administration has already begun the application of the system on-line declarations.

Recommendations:

Government and subordinate tax system should be more committed to the creation of appropriate conditions for taxpayers to meet their tax obligations, not only to assess their real tax base, equal treatment of taxpayers, but also in providing techni- conditions technological moderate. This means providing on-line services for the declaration and payment of taxes from taxpayers office at any time within the legal limits specified. The tax system should provide information to ensure taxpayers for their statements, broaden the tax base and increase revenues from taxes

Basic recommendations for the development, establishment and modernization of the tax system in the Republic of Kosovo and elsewhere in the region would be:

- Increase communication with the public and the taxpayer

- Develop technical capacities with contemporary level of technology

- Provide basic data of taxpayers.

- Increasing state taxpayer reports the level of reciprocity of interest.

- Provision of services on-line declarations

- Removal of disclosure forms, modification and reporting of acquisitions

- Provide ongoing explanations for taxpayers, including public rulings, individual, different answers, through physical copies, or e-mail, through the media, etc. •

- Provision of services to taxpayers, through the Call Center;

- Provide direct line to warn the public about cases of tax evasion and other bad occurrences.

Tax Administration as an agency authorized to collect taxes in addition to the regular work, routine and special inspections should provide guidance, explanations and individual public through the regular line electronic, through the media. Provide training and other activities for taxpayers.

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